



## Action Minutes

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City Council

July 5, 2005

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### **..Title**

Ann Arbor City Council Minutes Regular Session - July 5, 2005

### **..Body**

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:13 p.m. in the City Hall Council Chamber.

Council stood for a moment of silence.

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

### **ROLL CALL OF COUNCIL**

PRESENT : Councilmembers Kim Groome, Robert M. Johnson, Joan Lowenstein, Jean Carlberg, Leigh Greden, Margie Teall, Marcia Higgins, Christopher Easthope, Mayor John Hieftje, 9.

ABSENT : Councilmembers Michael R. Reid, Wendy A. Woods, 2.

### **INTRODUCTIONS**

#### **HURON RIVER DAY**

Mayor Hieftje read a proclamation honoring Huron River Day.

### **PUBLIC COMMENTARY - RESERVED TIME**

#### **LAUREL FEDERBUSH - RESOLUTION ON PALESTINE**

Laurel Federbush addressed Council regarding the human rights resolution and asked that City Councilmembers attend a movie "Janine, Janine" on July 6, 2005 at the Michigan Union.

#### **MARCIA FEDERBUSH - RESOLUTION ON PALESTINE AND VIDEO TAPE INVITATION**

Marcia Federbush addressed Council regarding issues in Palestine.

### **PUBLIC HEARINGS**

#### **GLEN ANN PLACE ZONING (ORDINANCE NO. 20-05)**

A public hearing was conducted on the proposed amendment to Chapter 55, Glen Ann Place property, located at 201, 213, 215 and 217 Glen Avenue and 1025 Ann Street. Notice of public hearing was published June 5, 2005.

John Fensick, the general manager of Jimmie Johns, stated he is a business manager in the Glen Ann area and is in support of the proposed rezoning.

Bob Norman spoke in support of the proposed rezoning.

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

GLEN ANN PLACE SITE PLAN AND DEVELOPMENT AGREEMENT

A public hearing was conducted on the proposed Glen Ann Place Site Plan and Development Agreement, 0.54 acre, located at 201, 213, 215 and 217 Glen Avenue and 1025 Ann Street. Notice of public hearing was published June 26, 2005.

Jim Mogensen, 3780 Greenbrier, expressed concerns with the proposed development agreement.

The petitioner stated he and the entire development team were available to answer any questions of Council.

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

MILLER ZONING (ORDINANCE NO. 25-05)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of, 0.7 acre from TWP (Township District) to R1B (Single-Family Dwelling District), Miller property, located at 2600 Geddes Avenue. Notice of public hearing was published June 5, 2005.

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

MAPLE COURT PLANNED PROJECT SITE PLAN AND DEVELOPMENT AGREEMENT

A public hearing was conducted on the proposed Maple Court Planned Project Site Plan and Development Agreement, 1.5 acres, located 1577 North Maple Road. Notice of public hearing was published June 26, 2005.

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

TEXT AMENDMENT TO ATTACHMENT A (GUIDELINES FOR THE PROTECTION AND MITIGATION OF NATURAL FEATURES, OF THE LAND DEVELOPMENT REGULATIONS, SECTION 1:5(5), REGARDING STEEP SLOPES

A public hearing was conducted on the proposed text amendment to Guidelines for the Protection and Mitigation of Natural Features of the Land Development Regulations, Section 1:5 (5) regarding Steep Slopes. Notice of public hearing was published June 26, 2005.

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

**APPROVAL OF AGENDA**AGENDA APPROVED WITH CHANGES

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

**ORDINANCES SECOND READING**

**Move:** An Ordinance to Amend to Chapter 55, Rezoning of 0.54 acre from PUD (Planned Unit Development), C1 (Local Business District) and P (Parking District) to PUD, Glen Ann Place, 201, 213, 215 and 217 Glen Avenue and 1025 Ann Street (Planning Commission Recommendation: Approval - Motion to Approve Passed - 6 Yeas and 3 Nays) (Planning and Development Services - Jayne Miller, Community Services Administrator) (Ordinance No. 20-05) ***(Postponed from the 6/20/05 Regular Session) (Consider at the beginning of the Agenda before approval of Council minutes and together with item Glen Ann Place Site Plan & Development Agreement.)***

**MOTIONS AND RESOLUTIONS**

Move: Glen Ann Place Site Plan and Development Agreement, 0.54 acre, 201, 213, 215 and 217 Glen Avenue and 1025 Ann Street **(Consider at the beginning of the Agenda before approval of Council minutes.)**

Revise &

Move: Resolution to Approve a Grant Contract with the Michigan Department of Transportation (\$853,000.00) and to Approve a Construction Contract with Cadillac Asphalt, LLC, (\$691,316.31) for the Rehabilitation of the Northwest Hangar Area Pavement at the Ann Arbor Municipal Airport (Public Services - Sue F. McCormick, Area Administrator) **(Revised 6/29/05) (Consider at the beginning of the Agenda before approval of Council minutes.)**

Move: Resolution to Approve Transfer and Appropriation of Funds from Fiscal Year 2004/05 to Fiscal Year 2005/06 (\$74,471.20 Water and \$74,471.20 Sewer) and for Approval of Software license purchase from Azteca Systems for Cityworks infrastructure maintenance management software and ESRI for ArcGIS-Arcview (\$148,942.40) **(8 Votes Required)** (Public Services - Sue F. McCormick, Area Administrator) **(Consider at the beginning of the Agenda before approval of Council minutes.)**

Move: Resolution to Approve a Contract between the City of Ann Arbor and the Ann Arbor Public Schools and Appropriate 2004 State Homeland Security Grant Funds for the Purchase of Support Equipment for Continuation of Critical Infrastructure Operations (\$100,000.00) **(8 Votes Required)** (Safety Services, Emergency Management Division - Police Chief Daniel J. Oates, Area Administrator) **(Consider at the beginning of the Agenda before approval of Council minutes.)**

Move: Resolution to Approve the Purchase of Development Rights (PDR) on the Bloomer Farm at 3100 West Northfield Church Road in Webster Township with Matching Funds Through the Federal Farm and Ranch Lands Protection Program (FRPP), the Appropriation of \$1,964,866.67 from the Open Space and Parkland Preservation Millage Fund, Acceptance of a Non-Cash Charitable Donation in the Amount of Ten Percent of the Appraised Value of the Development Rights, and Approval of a Farmland Development Rights Grant of Easement Agreement **(8 Votes Required)** (Community Services - Jayne Miller, Area Administrator) **(Consider at the beginning of the Agenda before Approval of Council minutes.)**

**Added After Newspaper Deadline:**

Add and

Move: Resolution to Review Certain Adopted CTN Fees **(8 Votes Required)** (Councilmember Chris Easthope) **(Added 7/5/05) (Consider at the beginning of the Agenda before Approval of Council minutes.)**

**CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS**

Add: Communication from Washtenaw County Department of Planning & Environment regarding the Residential Solid Waste Assessment and Profile Report - cc Administration

Add: Communication from the State of Michigan regarding Notice of Hearing for the Customers of the Detroit Edison Company Case No. U-14528 related to the adoption by the Detroit Edison Company and Commission Staff of a uniform pole attachment tariff for educational telecommunications facility on July 12, 2005 - File

Add: Communication from Washtenaw County Office of County Treasurer regarding a list of Properties Foreclosed scheduled for Auction July 19, 2005 - File

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

R-281-7-05 APPROVED

(RESOLUTION TO APPROVE THE PURCHASE OF DEVELOPMENT RIGHTS  
(PDR) ON THE BLOOMER FARM AT 3100 WEST NORTHFIELD CHURCH ROAD

IN WEBSTER TOWNSHIP WITH MATCHING FUNDS THROUGH  
THE FEDERAL FARM AND RANCH LANDS PROTECTION PROGRAM (FRPP),  
THE APPROPRIATION OF \$1,964,866.67 FROM THE OPEN SPACE AND PARKLAND PRESERVATION MILLAGE  
FUND, ACCEPTANCE OF  
A NON-CASH CHARITABLE DONATION IN THE AMOUNT OF TEN PERCENT  
OF THE APPRAISED VALUE OF THE DEVELOPMENT RIGHTS,  
AND APPROVAL OF A FARMLAND DEVELOPMENT RIGHTS GRANT  
OF EASEMENT AGREEMENT)

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

On roll call, the vote was as follows:

Yeas, Councilmembers Carlberg, Greden, Teall, Easthope, Groome, Johnson, Lowenstein, Mayor Hieftje, 8;

Nays, Councilmember Higgins, 1.

The Mayor declared the motion carried and satisfying the eight-vote requirement.

(Note: This vote was later reconsidered. See Page 6 for final vote and resolution.)

#### **RECESS FOR CLOSED SESSION**

Councilmember Groome moved, seconded by Councilmember Johnson, that the regular session of Council be recessed for a closed session to discuss attorney client privileged communication.

On roll call, the vote was as follows:

Yeas, Councilmembers Groome, Johnson, 2;

Nays, Councilmembers Carlberg, Greden, Teall, Higgins, Easthope, Lowenstein, Mayor Hieftje, 7.

The Mayor declared the motion failed.

The Mayor declared a recess at 7:40 p.m. and reconvened the meeting at 7:48 p.m.

Councilmember Higgins moved, seconded by Councilmember Greden, to reconsider R-281-7-05. On a voice vote, the Mayor declared the motion carried.

#### **R-281-7-05 RECONSIDERED AND APPROVED**

RESOLUTION TO APPROVE THE PURCHASE OF DEVELOPMENT RIGHTS  
(PDR) ON THE BLOOMER FARM AT 3100 WEST NORTHFIELD CHURCH ROAD  
IN WEBSTER TOWNSHIP WITH MATCHING FUNDS THROUGH  
THE FEDERAL FARM AND RANCH LANDS PROTECTION PROGRAM (FRPP),  
THE APPROPRIATION OF \$1,964,866.67 FROM THE OPEN SPACE AND PARKLAND PRESERVATION MILLAGE  
FUND, ACCEPTANCE OF  
A NON-CASH CHARITABLE DONATION IN THE AMOUNT OF TEN PERCENT  
OF THE APPRAISED VALUE OF THE DEVELOPMENT RIGHTS,  
AND APPROVAL OF A FARMLAND DEVELOPMENT RIGHTS GRANT  
OF EASEMENT AGREEMENT

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

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

Whereas, FRPP has matching grant funds available for Purchase of Development Rights on eligible agricultural land;

Whereas, The farmland has been evaluated and recommended by the Greenbelt staff and the Greenbelt Advisory Commission;

Whereas, Fair Market Value of the developmentrights as determined by the City as required by Section 1:320 of the Ann Arbor City Code and approved by the FRPP is \$2,110,000.00;

Whereas, The owner of the parcel is willing to sell the property to the City of Ann Arbor for the purchase price of \$1,899,000.00, which includes a ten percent non-cash charitable donation (owner contribution) valued at \$211,000.00; and

Whereas, There are sufficient funds in the FY04-05 approved Open Space and Parkland Preservation Millage budget (Fund 0024) to cover the purchase price, estimated closing costs, including the environmental study and a boundary survey, if required, and the monitoring endowment;

RESOLVED, That City Council approve purchase of development rights for the property owned by the Thomas Y. Bloomer Trust and the Rosanne C. Bloomer Trust, and more particularly described as:

The East ½ of the West ½ of Section 25, Town 1 South, Range 5 East, Webster Township, Washtenaw County, Michigan; minus approximately 7.605 acres as shown on the attached map.

subject to (1) execution by all necessary parties of an approved Natural Resources Conservation Service (NRCS) ConservationEasement (2) owner conduction all agricultural operations on the protected property in a manner consistent with a conservation plan approved by the NRCS Conservation District;

RESOLVED, That City Council formally accept the voluntary non-cash charitable donation of ten percent of the appraised value of the development rights made by the property owner;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the real estate and sale agreement for the Purchase of DevelopmentRights Program and the Farmland DevelopmentRights Grant of Easement for the Thomas Y. and Rosanne C. Bloomer property as described after approval by the City Attorney as to form;

RESOLVED, The Financial and Administrative Services Area Administrator/CFO be authorized and directed to execute all necessary documents to attest to the City's acceptance of the voluntary non-cash charitable donation made by the property owner after approval as to form by the City Attorney;

RESOLVED, That costs of purchase of the developmentrights, inclusive of all incidental, closing and endowment costs, estimated at \$1,964,866.67, be appropriated from the Open Space and Parkland Preservation Millage budget (Fund 0024) without regard to fiscal year to cover the incidental, closing, and endowment costs with \$182,332.00 to be reimbursed to the Park Rehabilitation and Development Millage by the Federal Farm And Ranch Land Protection Program upon completion of the acquisition.

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

On roll call, the vote was as follows:

Yeas, Councilmembers Carlberg, Greden, Teall, Higgins, Easthope, Groome, Johnson, Lowenstein, Mayor Hieftje, 9;

Nays, 0.

The Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.

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20-05 APPROVED AS AMENDED

## GLEN ANN PLACE ZONING

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

This ordinance would change the zoning of 0.54 acre, located at 201, 213, 215 and 217 Glen Avenue and 1025 Ann Street, from PUD (Planned Unit Development), C1 (Local Business District) and P (Parking District) to PUD. (The complete text of Ordinance 20-05 is on file in the City Clerk's Office.)

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

Councilmember Greden abstained from voting on the ordinance and rezoning of Glen Ann Place.

Councilmember Easthope moved, seconded by Councilmember Carlberg, to amend the Supplemental Regulations as follows:

3) Architectural design compliance procedure - Review solely for the purpose of determining compliance with the required elements as set forth above shall be determined by **CITY COUNCIL** the Planning and Development Services Manager, after consultation with the Plan Reviewer **PLANNING AND DEVELOPMENT SERVICES MANAGER** and Historic District Coordinator or designee, before building permits may be issued. Relief from this determination may be sought from the City Planning Commission after the Planning and Development Services Manager review and before building permits may be issued.

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

## R-282-7-05 APPROVED AS AMENDED

## (GLEN ANN PLACE SITE PLAN AND DEVELOPMENT AGREEMENT)

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Glen Ann Place Site Plan and Development Agreement, 0.54 acre, 201, 213, 215 and 217 Glen Avenue and 1025 Ann Street.

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

Councilmember Easthope moved, seconded by Councilmember Carlberg, to amend the resolution as follows:

Add a new 2<sup>nd</sup> to last RESOLVED clause:

**... RESOLVED, THAT ANY CHANGES TO THE FACADE OR EXTERIOR APPEARANCE OR STRUCTURE OF THE BUILDING ON THE APPROVED SITE PLAN BE SUBJECT TO COUNCIL APPROVAL; AND...**

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

Councilmember Carlberg moved, seconded by Councilmember Lowenstein, to amend the resolution as follows:

...RESOLVED, That City Council approve the Glen Ann Place PUD Site Plan upon the conditions that (1) the Historic District Commission grants approval of the demolition or removal of the two existing houses on site and approval of the proposed building prior to issuance of permits, (2) the five lots are combined prior to issuance of permits, (3) the Development Agreement is signed by all necessary parties, and (4) all terms of the Development Agreement are satisfied, **AND (5) WITH THE ADDITION TO THE DEVELOPMENT AGREEMENT OF STANDARD LANGUAGE ON STORMWATER MANAGEMENT;**...

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

Councilmember Easthope moved, seconded by Councilmember Lowenstein, to amend the Development Agreement as follows:

(C-6) To accept an additional \$50,000 affordable housing contribution to the CITY Affordable Housing Trust Fund **TO ALLOCATE TO THE FUNDING OF THE HISTORIC PRESERVATION COORDINATOR BUDGET IN THE BUDGET YEAR 2006/2007**, if the PROPRIETOR is granted demolition permits for the two houses on the site **FROM THE HISTORIC DISTRICT COMMISSION**.

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

The question being the resolution and ordinance as amended, on roll call, the vote was as follows:

Yeas, Councilmembers Carlberg, Teall, Higgins, Easthope, Johnson, Lowenstein, Mayor Hieftje, 7;

Nays, Councilmember Groome, 1;

Abstention: Councilmember Greden, 1.

The Mayor declared the motion carried.

The resolution as amended reads as follows:

(GLEN ANN PLACE SITE PLAN AND DEVELOPMENT AGREEMENT)

Whereas, Glen Ann Place LLC has requested PUD site plan approval in order to construct a ten-story, mixed-use building at 201, 213, 215 and 217 Glen Avenue and 1025 Ann Street, consisting of three levels of underground parking, one level of retail uses, one level of office uses, and eight levels of residential uses

Whereas, A development agreement has been prepared to address a park contribution, installation of street trees, disconnection of footing drains, and an affordable housing plan;

Whereas, The Ann Arbor City Planning Commission, on April 5, 2005, recommended approval of said request;

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

Whereas, The development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a natural features statement of impact set forth in 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 Development Agreement, substantially in the form of that attached, dated May 23, 2005;

RESOLVED, That City Council approve the Glen Ann Place PUD Site Plan upon the conditions that (1) the Historic District Commission grants approval of the demolition or removal of the two existing houses on site and approval of the proposed building prior to issuance of permits, (2) the five lots are combined prior to issuance of permits, (3) the Development Agreement is signed by all necessary parties, (4) all terms of the Development Agreement are satisfied and (5) with the addition of standard language on Stormwater management;

RESOLVED, That any changes to the facade or exterior appearance or structure of the building on the approved site plan be subject to Council Approval; and

RESOLVED, That the Mayor and the Clerk be authorized and directed to execute the Glen Ann Place Development Agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney.

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## R-283-7-05 APPROVED

RESOLUTION TO APPROVE A GRANT CONTRACT WITH  
THE MICHIGAN DEPARTMENT OF TRANSPORTATION (\$853,000.00)  
AND TO APPROVE A CONSTRUCTION CONTRACT WITH CADILLAC ASPHALT, LLC, (\$691,316.31) FOR THE  
REHABILITATION OF THE NORTHWEST HANGAR AREA PAVEMENT AT THE ANN ARBOR MUNICIPAL AIRPORT

Whereas, It is desirable to rehabilitate the severely deteriorated pavement in the northwest hangar area of the airport;

Whereas, The Michigan Department of Transportation Bureau of Aeronautics (MDOT-BOA) has recommended that this proposed project be constructed;

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

Whereas, The MDOT-BOA has determined that said project is eligible for grant funding with a cost split of 90% (\$767,700.00) state, and 10% (\$85,300.00) city, for a total estimated project cost of \$853,000.00;

Whereas, Funds exist for the City's 10% share (\$85,300.00) in the Airport Fund balance;

Whereas, On May 6, 2005, bids were received by MDOT-BOA for construction of said project, with the bid by Cadillac Asphalt, LLC., in the amount of \$691,316.31, being the lowest, responsible bid; and

Whereas, Cadillac Asphalt received Human Rights/Living Wage approval on June 20, 2005;

RESOLVED, That City Council approve a grant contract (No. 2003-0304) with the Michigan Department of Transportation in the amount of \$853,000.00 for the rehabilitation of the northwest hangar area pavement project at the Ann Arbor Municipal Airport;

RESOLVED, That City Council approve a contract (per MDOT bids for Contract ID 81130-40106) with Cadillac Asphalt, LLC. in the amount of \$691,316.31 for the rehabilitation of the northwest hangar area pavement project at the Ann Arbor Municipal Airport;

RESOLVED, That City Council appropriate \$85,300 .00 from the Airport Fund balance for this project;

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.

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

On roll call, the vote was as follows:

Yeas, Councilmembers Groome, Johnson, Lowenstein, Carlberg, Greden, Teall, Higgins, Easthope, Mayor Hieftje, 9;

Nays, 0.

The Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.

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## R-284-7-05 APPROVED

RESOLUTION TO APPROVE TRANSFER AND APPROPRIATION OF FUNDS FROM FISCAL YEAR 2004/05 TO  
FISCAL YEAR 2005/06 (\$74,471.20 WATER AND \$74,471.20 SEWER) AND FOR APPROVAL OF SOFTWARE  
LICENSE PURCHASE FROM AZTECA SYSTEMS FOR CITYWORKS INFRASTRUCTURE MAINTENANCE



## MANAGEMENT SOFTWARE AND ESRI FOR ARCGIS-ARCVIEW

Whereas, The Public Services area has concluded a successful five-month pilot use of Cityworks software;

Whereas, The pilot project demonstrated the ability of Cityworks to be adaptable to various units differing needs;

Whereas, The pilot project demonstrated savings to be realized by minimizing clerical effort, elimination of duplicate work orders and geographical grouping of work;

Whereas, This project was budgeted in the FY 2004/05 Water Supply System and Sewage Disposal System's Operations & Maintenance budget and was uncompleted at fiscal year end;

Whereas, Azteca is the sole source provider of Cityworks software;

Whereas, Azteca has received Human Rights and Living Wage approval on June 21, 2005;

Whereas, ESRI is the sole source provider of Arc GIS-Arcview; and

Whereas, ESRI has received Human Rights Approval August 29, 2004;

RESOLVED, That a purchase order with Azteca in the amount of \$127,808.00 for 16 single seat and 10 concurrent seat licenses of Cityworks;

RESOLVED that a purchase order with ESRI in the amount of \$21,134.40 for 21 single seat licenses of Arc GIS-Arcview be approved;

RESOLVED, That the City Administrator be authorized to signed the purchase orders with Azteca and ESRI;

RESOLVED, that the City Council approves an amendment to the FY06 budgets of the Water Supply System and Sewage Disposal System by authorizing unexpended funds to be carried forward from the FY05 budget in the amount of \$74,471.20 in Water and \$74,471.20 in Sewer and to be appropriated for this project; and

RESOLVED, That funds for the purchase are to be financed from funds available in the approved 2004/2005 budget for Operation and Maintenance Field Services Budgets for Water Supply System, Sewage Disposal System, and Storm Water Systems; and

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

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

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

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## POSTPONED

RESOLUTION TO APPROVE A CONTRACT BETWEEN  
THE CITY OF ANN ARBOR AND THE ANN ARBOR PUBLIC SCHOOLS  
AND APPROPRIATE 2004 STATE HOMELAND SECURITY GRANT FUNDS  
FOR THE PURCHASE OF SUPPORT EQUIPMENT FOR CONTINUATION  
OF CRITICAL INFRASTRUCTURE OPERATIONS

Whereas, City Council accepted, approved, and appropriated the 2004 Homeland Security Grant Program award to the Emergency Management Division (R-394-9-04) to be expended in accordance to City Council approved Homeland Security Local Planning Team (HSLPT) recommendations for the expenditure of grant funds for the purchase of equipment and the planning, organization, training, exercise and management & administration of the City's emergency

response activities;

Whereas, Funding for the specialized equipment is available through the 2004 Homeland Security Grant Program, under the State Homeland Security Program Award for the amount of \$516,521.00; and

Whereas, The procurement of the specialized equipment will enhance public and private agencies capabilities to provide emergency shelter assistance to the citizens of Ann Arbor during an emergency or disaster;

RESOLVED, That City Council approve an agreement with Ann Arbor Public Schools in the amount of \$100,000.00 and appropriate the necessary funds from the 2004 State Homeland Security Grant for the purchase of a fixed generator; and

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the necessary funding agreement with the Ann Arbor Public Schools after approval as to substance by the City Administrator and approval as to form by City Attorney.

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

Councilmember Higgins moved, seconded by Councilmember Easthope, to postpone the resolution until July 18, 2005.

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

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#### R-286-7-05 APPROVED AS AMENDED

#### RESOLUTION TO REVIEW CERTAIN ADOPTED CTN FEES

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

A friendly amendment was offered by City Administrator Roger Fraser, and accepted, to amend the resolution as follows:

**...THAT THE CHANGES ADOPTED FOR THE CTN FEES IN THE FISCAL YEAR 05/06 BUDGET...**

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

The resolution as amended reads as follows:

#### RESOLUTION TO REVIEW CERTAIN ADOPTED CTN FEES

Whereas, Pursuant to Resolution #R184-5-05 City Council adopted fees for selected CTN services for FY 05-06; and

Whereas, City Council would like to give the Cable Commission an opportunity to review these fees and their policy implications;

RESOLVED, That the FY 05-06 adopted CTN fees be sent back to the Cable Commission for their review;

RESOLVED, That the Cable Commission provide a recommendation regarding those fees to City Council no later than the 2nd meeting in September, 2005; and

RESOLVED, That the adopted CTN fees for FY 05-06 be rescinded at this time.

#### APPROVAL OF COUNCIL MINUTES

#### MINUTES OF JUNE 13 AND 20, 2005 APPROVED

Councilmember Greden moved, seconded by Councilmember Teall, that the special session minutes of June 13, 2005 and the regular session minutes of June 20, 2005 be approved with minor changes.

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

## **CONSENT AGENDA**

### CONSENT AGENDA ITEMS REMOVED

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

Resolution to Approve a Contract with the Waters Consulting Group, Inc. for Recruitment Services for the City of Ann Arbor Fire Chief Position (\$28,850.00) (Administration - Roger Fraser, City Administrator)

### CONSENT AGENDA ITEMS APPROVED

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

#### **R-287-7-05 APPROVED**

#### **RESOLUTION AWARD A CONSTRUCTION CONTRACT TO DOUGLAS N. HIGGINS, INC. (\$944,204.20; BID NO. 3731) FOR THE FACCD WATER MAIN REPLACEMENT PROJECT**

Whereas, The FACCD Water Main Replacement Project includes the following streets: Carhart Avenue from Brockman Blvd. to Crestland Dr., Crestland Drive from Carhart Ave. to Ferdon Rd., Anderson Avenue from Carhart Ave. to Ferdon Rd., Ferdon Rd from Crestland Dr. to Brockman Blvd., Devolson Avenue from Anderson Ave. to Brockman Blvd., Anderson Ct, and Brock Ct.

Whereas, The FACCD Water Main Replacement Project is necessary to resolve local water quality problem, which is related to tuberculation of the inside walls of the existing pipe;

Whereas, One competitive bid was received by the Procurement Unit on May 31, 2005 and Douglas N. Higgins, Inc. of Ann Arbor, Michigan, was the responsible bidder at \$944,204.20;

Whereas, The contractual proposal sets forth the services to be performed by said company, and the payments to be made by the City therefore, all of which are agreeable to the City;

Whereas, It is now necessary to enter into a Contract with said company for said construction project;

Whereas, Douglas N. Higgins, Inc. received Human Rights approval on February 25, 2005 and complies with the Living Wage Ordinance; and

Whereas, The City's adopted 2005/2006 Budget includes the approved project budget in the amount of \$1,995,361.00 to be advanced from the Water Supply System Operating Fund Balance pending the sale of Water Revenue Bonds;

RESOLVED, That the adopted project budget be available for the life of the project, without regard to fiscal year;

RESOLVED, That a contract in the amount of \$944,204.20 be awarded to Douglas N. Higgins, Inc. for the construction of the FACCD Water Main Replacement Project (Bid No. 3731);

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

RESOLVED, That the City Administrator be authorized to make the necessary adjustments to the project expenditure within approved project budget to approve contingencies to the construction contract in order to satisfactorily complete

the project;

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

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

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R-288-7-05 APPROVED

RESOLUTION TO APPROVE PURCHASE OF QUICKLIME FOR WATER AND WASTEWATER TREATMENT FROM CARMEUSE LIME INC., BID NO. 3736

Whereas, The Water Treatment Services Unit uses quicklime to soften drinking water;

Whereas, The Wastewater Treatment Services Unit uses quicklime in its solids management processes;

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

Whereas, Carmeuse Lime Inc. submitted the lowest responsible bid for the supply of quicklime per Bid No. 3736; and

Whereas, Carmeuse Lime Inc. received the Human Rights Approval on June 1, 2005;

RESOLVED, That Council accept Carmeuse Lime Inc.'s bid of \$107.35/ton (plus an additional \$16.92/ton during frost laws) for the Wastewater Treatment Services Unit and \$136.88/ton for the Water Treatment Services Unit in accordance with the terms of Bid No. 3736;

RESOLVED, That the City Administrator be directed to enter into a purchasing agreement in accordance with this resolution at a projected cost of approximately \$920,000.00 for a one-year term ending on June 30, 2006;

RESOLVED, That the agreement may be renewed for up to three one-year periods provided both parties agree to an extension;

RESOLVED, That the City Administrator be authorized and directed to sign a purchase order with Carmeuse Lime Inc. for the purchase of quicklime;

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

RESOLVED, That the purchase of quicklime is to be funded from the approved FY06 Operation and Maintenance Budgets of the Water Supply and Sewage Disposal Systems.

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R-289-7-05 APPROVED

RESOLUTION TO AWARD CONTRACT TO BARRETT PAVING MATERIALS, INC. (\$912,010.75, BID NO. 3722) FOR THE 2005 ANNUAL MAJOR STREET RESURFACING PROJECT

Whereas, Competitive bids were received by Procurement on June 6, 2005 and Barrett Paving Materials, Inc. was the lowest responsible bidder at \$912,010.75;

Whereas, The contractual proposal sets forth the services to be performed by said company, and the payments to be made by the City therefore, all of which are agreeable to the City;

Whereas, It is now necessary to enter into a Contract with said company for said construction project;

Whereas, Barrett Paving Materials, Inc., has received Human Rights approval on April 13, 2005, and its employees will receive compensation in accordance with the Living Wage Ordinance;

Whereas, The City's adopted 2005/2006 Budget includes the approved 2005 Annual Major Street Resurfacing Program in the amount of \$2,700,000.00 funded from the Street Resurfacing Millage;

Whereas, The first \$1,210,000.00 of the \$2,700,000.00 was approved by the City Council for the resurfacing of Eisenhower Parkway;

Whereas, The estimated remaining \$1,490,000.00 of the \$2,700,000.00 in the 2005 Annual Major Street Resurfacing Program is scheduled for the work included in the 2005 Annual Major Street Resurfacing Project; and

Whereas, That the adopted project budget will be available for the life of the project, without regard to fiscal year;

RESOLVED, That City Council award a contract, per Bid No. 3722, with Barrett Paving Materials, Inc., in the amount of \$912,010.75 for the construction of the 2005 Annual Major Street Resurfacing Project;

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

RESOLVED, That the City Administrator be authorized to increase or decrease estimated quantities from the contract if necessary to keep the project cost within the available funds;

RESOLVED, That the City Administrator be authorized to make the necessary adjustments to the project expenditure within the approved project budget to approve contingencies to the construction contract in order to satisfactorily complete the project; and

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

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#### R-290-7-05 APPROVED

#### RESOLUTION TO DELAY FEE INCREASES FOR A2 (REFUSE) CARTS

Whereas, Approximately 85 percent of the households within the City have received A2 Carts;

Whereas, Households that required larger or additional carts within these areas have paid existing rates for the full calendar year 2005;

Whereas, Households in the remainder of the City will receive carts in July;

Whereas, It would be inequitable to charge a higher rate for these remaining households simply because they receive their carts later; and

RESOLVED, That the currently adopted fee increases for the A2 Carts be delayed from July 1, 2005 to January 1, 2006.

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#### R-291-7-05 APPROVED

#### RESOLUTION TO APPROVE A CONTRACT WITH WASHTENAW COUNTY EQUALIZATION DEPARTMENT TO PERFORM PERSONAL PROPERTY TAX RETURN AUDITS FOR THE CITY OF ANN ARBOR

Whereas, The City Assessors Office has not performed audits of personal property returns of a significant number for a number of years;

Whereas, Personal property tax return audits are necessary to provide for the fair and equitable application and compliance with state property tax laws;

Whereas, The City Assessors Office has budgeted \$85,000.00 to perform personal property tax audits;

Whereas, Washtenaw County has state grant money, a staff auditor, and a contract auditing firm to perform audits; and

Whereas, Contracting with Washtenaw County will effectively double the amount of audits that can be performed with City money through utilization of State grant money;

RESOLVED, That Council approve the contract with Washtenaw County for an amount not to exceed \$40,000.00 to provide personal property tax audits for the City of Ann Arbor's Assessors Office; and

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

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R-292-7-05 APPROVED

RESOLUTION TO ESTABLISH ANNUAL POPULATION ADJUSTMENT  
FOR PITTSFIELD TOWNSHIP

Whereas, Certain properties located in the Township of Ann Arbor were annexed from said township to the City of Ann Arbor during 2004, by joint resolution of Township and City;

Whereas, The locations of said properties are contained within the following:

<u>Name of Property</u>	<u>Location</u>	<u>Effective Date</u>
Whitacre	451 Brookside Drive	1/14/04
White-Black	3595 Huron River Drive	1/14/04
Arbor Ridge	Pontiac Trail	2/2/04
Valley	2701 Pontiac Trail	2/2/04
Berridge	2021 Pontiac Trail	2/12/04
Lempert	325 Orchard Hills Drive	2/12/04
Stuber	2940 Bluett Drive	6/28/04

Whereas, Michigan law allows for the Township and City, by joint resolution of each governing body, to prorate state funds, monies or grants between the Township and City;

Whereas, It is necessary for the Township of Ann Arbor and City of Ann Arbor to have prorated state revenue sharing funds; and

Whereas, In order for the State of Michigan to prorate such funds, it needs an agreed upon count of persons residing in the area annexed from the Township to the City;

RESOLVED, That the Ann Arbor Township Board and the Ann Arbor City Council find that there were 10 people residing in the annexed areas, and the ratio of population between the annexed areas being 10 persons, and the remainder of the Township as determined by the 2000 Census shall be the basis for determining the proper pro rata share for any state funds, monies or grants hereafter distributable under Michigan law.

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R-293-7-05 APPROVED

RESOLUTION TO ESTABLISH ANNUAL POPULATION ADJUSTMENT  
FOR PITTSFIELD TOWNSHIP

Whereas, Certain properties located in Pittsfield Charter Township were annexed from said township to the City of Ann Arbor during 2004, by joint resolution of Township and City;

Whereas, The locations of said properties are contained within the following:

<u>Name of Property</u>	<u>Location</u>	<u>Effective Date</u>
Smith	2975 Shady Lane	10/8/03 *
Shady Lane (4 Lots)	2905, 2915, 2966 and 2970 Shady Lane	6/28/04
Bamm	2962 Shady Lane	9/15/04
Hensel	Robert Street	9/20/04
Newell	37 Valhalla Drive	9/20/04
Schopbach	2926 Shady Lane	9/20/04
Oaks of Ann Arbor	3589, 3599 and 3621 Stone School Road	9/20/04
Brookside Subdivision (48 Lots)	Baylis Drive, Dwight Street and Stone School Road	11/5/04

\* Did not receive State notification of this 2003 annexation until 2004

Whereas, Michigan law allows for the Township and City, by joint resolution of each governing body, to prorate state funds, monies or grants between the Township and City;

Whereas, It is necessary for Pittsfield Charter Township and the City of Ann Arbor to have prorated state revenuesharing funds; and

Whereas, In order for the State of Michigan to prorate such funds, it needs an agreed upon count of persons residing in the area annexed from the Township to the City;

RESOLVED, That the Pittsfield Charter Township Board of Trustees and the Ann Arbor City Council find that there were 103 people residing in the annexed areas, and the ratio of population between the annexed areas being 103 persons, and the remainder of the Township as determined by the 2000 Census shall be the basis for determining the proper pro rata share for any state funds, monies or grants hereafter distributable under Michigan law.

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R-294-7-05 APPROVED

RESOLUTION TO APPROVE A NEW 12-MONTHS RESORT  
CLASS C LICENSED BUSINESS LOCATED AT 300 S. MAPLE  
FROM MAPLE ROAD RESTAURANT, LLC

RESOLVED, That the request of Maple Road Restaurant, LLC for a new 12-months Resort Class C Licensed Business to be located at 300 S. Maple be approved.

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

R-295-7-05 APPROVED

RESOLUTION TO APPROVE A CONTRACT WITH  
THE WATERS CONSULTING GROUP, INC. FOR  
RECRUITMENT SERVICES FOR THE CITY OF  
ANN ARBOR FIRE CHIEF POSITION

Whereas, The City of Ann Arbor has been without a permanent Fire Chief since Joseph Gorman's resignation in March 2005;

Whereas, The Waters Consulting Group, Inc. has many years of background in the recruitment business and has been a leading force in developing effective diversity-based recruiting methods and meeting the needs of the public sector;

Whereas, Services for this contract will be paid from the Safety Services Area 2006/07 budget; and

Whereas, Human Rights approval and compliance with the Living Wage Ordinance were received on June 22, 2005;

RESOLVED, That the Mayor and Council approve a contract with The Waters Consultant Group, Inc. not to exceed the amount of \$28,850.00 for fiscal year 2006/2007 to perform recruitment services for the City of Ann Arbor Fire Chief position;

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

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

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

On a voice vote, the Mayor declared the motion carried with one no-vote made by Councilmember Groome.

### **ORDINANCES - SECOND READING**

25-05 APPROVED

MILLER ZONING

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

This ordinance would change the zoning of 0.7 acre, located at 2600 Geddes from TWP (Township District) to R1B (Single-Family Dwelling District). (The complete text of Ordinance 25-05 is on file in the City Clerk's Office.)

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

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

### **ORDINANCES - FIRST READING**

28-05 APPROVED

ORGANIZATION OF BOARDS AND COMMISSIONS AND  
INSURANCE FUND

An Ordinance to Amend Section 1:193 of Chapter 8 o  
of Title I and to Amend the Title and Sections 1:261 Through 1:268  
of Chapter 11 of Title I Of the Code of the City of Ann Arbor

(The complete text of Ordinance 28-05 is on file in the City Clerk's Office.)

Councilmember Greden moved, seconded by Councilmember Carlberg, that the ordinance be approved at first reading.

On a voice vote, the Mayor declared the motion carried, with one no-vote made by Councilmember Groome.



**MOTIONS AND RESOLUTIONS****POSTPONED****RESOLUTION TO APPROVE HIDEAWAY LANE  
AMENDED PLANNED PROJECT SITE PLAN**

Whereas, Kwan & Moore Commercial has requested amended planned project site plan approval in order to revise the wetland disturbance and mitigation for the Hideaway Lane development at 2000 Traver Road;

Whereas, Kwan & Moore Commercial has requested wetland use permit approval to disturb a total of 6,561 square feet of wetland and create a total of 9,884 square feet of mitigation wetland at 2000 Traver Road;

Whereas, The Ann Arbor City Planning Commission, on May 17, 2005, 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 Hideaway Lane Amended Planned Project Site Plan, subject to providing a minimum of 68 percent usable open space; and

RESOLVED, That City Council approve the Hideaway Lane Wetland Use Permit, subject to providing the requested hydrology information.

A communication was received from the City Planning Commission transmitting its recommendation of denial of the proposed Hideaway Lane Amended Planned Project Site Plan and Wetland Use Permit, 4.6 Acres, 2000 Traver Road.

Councilmember Carlberg moved, seconded by Councilmember Johnson, that the resolution be postponed until July 18, 2005 to allow for continued discussions with staff and the developer.

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

Councilmember Lowenstein left the meeting at 8:15 p.m.

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**R-296-7-05 APPROVED****RESOLUTION APPROVING THE REFUNDING OF  
BUILDING AUTHORITY BONDS, SERIES 1999 AND SERIES 2000**

Whereas, the Commission of the City of Ann Arbor Building Authority (the "Authority") has undertaken proceedings to issue its Building Authority Refunding Bonds, Series 2005-A (Limited Tax General Obligation) in the maximum principal amount of \$15,000,000 (the "Refunding Bonds"), to refund its 1999 Building Authority Bonds (Limited Tax General Obligation), dated June 1, 1999, maturing in the years 2010-2019, and Building Authority Bonds, Series 2000 (Limited Tax General Obligation), dated February 1, 2000, maturing in the years 2011-2020 (collectively, the "Prior Bonds to be Refunded");

Whereas, the refunding will result in lower costs to the City of Ann Arbor (the "City") for the use of the facilities financed

by the Prior Bonds and leased to the City pursuant to General Obligation Contracts of Lease;

Whereas, a Refunding Contract between the City and the Authority has been prepared and submitted to Council respecting said refunding; and

Whereas, it is necessary that the City undertake and make certain covenants and representations respecting the Authority's issuance and sale of the Refunding Bonds.

RESOLVED, That:

1. The Refunding Contract between the City and the Authority is hereby approved, and the Mayor and the City Clerk are hereby authorized and directed to execute said contract on behalf of the City in substantially the form submitted.
2. The Council hereby approves of the preparation and circulation of a preliminary and final official statement by the Authority in connection with the Refunding Bonds and authorizes the Chief Financial Officer to execute said official statement on behalf of the City.
3. The City hereby covenants to comply with the continuing disclosure requirements of Securities and Exchange Commission Rule 15c2 12 (the "Rule"), and in connection therewith appoints the Chief Financial Officer as its "Disclosure Representative" in accordance with the Rule.
4. The City shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Authority's Refunding Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended, (the "Code"), and to prevent the Authority's Refunding Bonds from being or becoming "private activity bonds" as that term is used in Section 141 of the Code.
5. The Mayor, City Clerk, City Administrator and Chief Financial Officer are further authorized to execute such certificates and documents on behalf of the City as may be necessary to assist the Authority in effectuating the issuance and sale of its Refunding Bonds as described herein.
6. This Resolution shall take effect immediately upon adoption. All resolutions and parts of resolutions, insofar as the same may be in conflict herewith, are hereby rescinded.

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

On roll call, the vote was as follows:

Yeas, Councilmembers Carlberg, Greden, Teall, Higgins, Easthope, Groome, Johnson, Mayor Hieftje, 8;

Nays, 0.

The Mayor declared the motion carried.

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R-297-7-05 APPROVED

RESOLUTION TO APPROVE MAPLE COURT PLANNED SITE PLAN  
AND DEVELOPMENT AGREEMENT

Whereas, Ismat Hamid has requested site plan approval in order to construct 12 attached dwelling units in two phases at 1577 North Maple Road;

Whereas, Ismat Hamid has also requested planned project modifications from the front and side setback requirements of Chapter 55 (Zoning);

Whereas, A development agreement has been prepared to address public and private utilities, petitioning the County

Drain Commissioner's Office for expansion of the Garden Homes Drainage District, preservation of landmark trees, a park contribution, a street tree planting escrow account, construction and maintenance of an on-site storm water management system, use of lawn care chemicals and fertilizers, a wetland monitoring plan, and footing drain disconnections;

Whereas, The Ann Arbor City Planning Commission, on June 7, 2005, recommended approval of said request;

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

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

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

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that attached, dated June 9, 2005;

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

RESOLVED, That City Council approve the Maple Court Site Plan and planned project modifications from the front and side setback requirements of Chapter 55, upon the conditions that (1) the Development Agreement is signed by all necessary parties, (2) all terms of the Development Agreement are satisfied, (3) a minimum usable open space of 70 percent is maintained, (4) receipt of preliminary approval of the storm water management system is provided by the Washtenaw County Drain Commissioner's Office prior to the issuance of permits, and (5) three footing drain disconnections are completed prior to the issuance of certificates of occupancy; and

RESOLVED, That City Council approve the disturbance of the natural features open space for installation of a wood chip path north of the wetland and installation of a public sidewalk south of the wetland.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Maple Court Planned Site Plan and Development Agreement, 1.5 Acres, 1577 North Maple Road.

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

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

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#### R-298-7-05

#### RESOLUTION TO APPROVE TEXT AMENDMENT TO ATTACHMENT A (GUIDELINES FOR THE PROTECTION AND MITIGATION OF NATURAL FEATURES) OF THE LAND DEVELOPMENT REGULATIONS, SECTION 1:5(5), REGARDING STEEP SLOPES

Whereas, Revisions have been proposed to Section 1:5(5) of Attachment A of the Land Development Regulations to enhance the protection of steep slopes and to clarify existing language; and

Whereas, The Ann Arbor City Planning Commission, on June 7, 2005, approved said revisions;

RESOLVED, That City Council approve the text amendment to Section 1:5(5) of Attachment A of the Land Development Regulations.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Text Amendment.

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

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

## REPORTS FROM COUNCIL COMMITTEES

None.

## COUNCIL PROPOSED BUSINESS

### COUNCILMEMBER JOHNSON

Councilmember Johnson nominated Dr. Gilbert Omenn for a 3-year term on the Greenbelt Advisory Commission as a public-at-large member to be considered at the July 18, 2005 regular session. Additional information regarding Dr. Omenn will be placed in Council mailboxes at a later date.

## COMMUNICATIONS FROM THE MAYOR

### APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the June 20, 2005 regular session of Council:

#### Ann Arbor Transportation Authority

Eli Cooper (Replacing Tom Fegan)  
1431 Natalie Lane  
Ann Arbor, MI 48105  
Term: July 5, 2005 - May 1, 2008

#### Commission on Art in Public Places

Larry Cressman, UM Rep (Replacing Bryan Rogers)  
670 Hampstead Lane  
Ann Arbor, MI 48103  
Term: July 5, 2005 - December 31, 2007

#### Downtown Development Authority

Rene Greff (Re-appointment)  
Arbor Brewing Company  
116 E. Washington  
Ann Arbor, MI 48104  
Term: August 1, 2005 - July 31, 2009

#### Housing Board of Appeals

Cindy L Christiansen (replacing Amy Kullenberg)  
C/o Inter-Cooperative Council at the UM  
337 E. William Street  
Ann Arbor, MI 48104  
Term: July 5, 2005 - June 30, 2007

#### Human Rights Commission

Leslie Krauz Stambaugh (Filling a Vacancy)  
1940 Ridge Avenue  
Ann Arbor, MI 48104  
Term: July 5, 2005 - October 31, 2008

Planning Commission

Stephen Kunselman (Re-appointment)  
2885 Butternut  
Ann Arbor, MI 48104  
Term: July 5, 2005 - June 30, 2008

Councilmember Easthope moved, seconded by Councilmember Teall that Council concur with the recommendations of the Mayor.

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

NOMINATIONS PLACED ON TABLE

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

Cable Commission

Roger Sutton (Replacing Al Daily)  
764 Watersedge  
Ann Arbor, MI 48105  
Term: July 18, 2005 - April 5, 2010

Downtown Development Authority

Leah Gunn (Re-appointment)  
1308 E. Stadium Blvd.  
Ann Arbor, MI 48104  
August 1, 2005 - July 31, 2009

COUNCIL SUBCOMMITTEE

Mayor Hieftje appointed a Council Subcommittee to work with city staff and the developer on the redevelopment of the old YMCA Site. The City Administrator, City Attorney, Councilmembers Teall, Carlberg and Easthope were asked to serve on the committee from now through the first year of operation of the new building.

**COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

REPORTS SUBMITTED

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

1. April 2005 Investment Portfolio Report - Finance
2. May 2005 Investment Portfolio Report - Finance
3. Ann Arbor Selected to Participate in Great Lakes Climate Protection Project

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

**COMMUNICATIONS FROM THE CITY ATTORNEY**

None.

### **COMMUNICATIONS FROM COUNCIL**

#### **COUNCILMEMBER EASTHOPE**

Councilmember Easthope requested the City Attorney and City Administrator be aware of land divisions on Fulmer Street near Miller.

#### **COUNCILMEMBER GROOME**

Councilmember Groome requested that meeting minutes from the Housing Policy Board and Community Development Executive Committee be forwarded to the City Clerk for the review of Council.

### **CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS**

The following communications were referred as indicated:

1. Communication from SEMCOG regarding their Bi-Weekly Publication of SEMCOG.
2. Communication from the State of Michigan Department of Labor & Economic Growth regarding Proposed Amendment Plat of Lot 17 Pine Brae Estates.
3. Communication from DTE Energy regarding Notice of Public Hearing for the Customers of the Detroit Edison Company - Case No. Y-14528 (Hearing date July 12, 2005).
4. Communication from Washtenaw County Department of Planning & Environment regarding the Residential Solid Waste Assessment and Profile Report.
5. Communication from the State of Michigan regarding Notice of Hearing for the Customers of the Detroit Edison Company Case No. U-14528 related to the adoption by the Detroit Edison Company and Commission Staff of a uniform pole attachment tariff for educational telecommunications facility on July 12, 2005.
6. Communication from Washtenaw County Office of County Treasurer regarding a list of Properties Foreclosed scheduled for Auction July 19, 2005.

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

The following minutes were received for the file (J):

1. Planning Commission - April 5 and 19, 2005
2. Downtown Development Authority - May 4, 2005
3. Ann Arbor Transportation Authority Board - May 18, 2005
4. Zoning Board of Appeals - October 27 and November 17, 2004
5. Ann Arbor Employees' Retirement System - May 19, 2005
6. Ann Arbor Retiree Health Care Benefit Plan & Trust (VEBA) - May 19, 2005
7. Historic District Commission - May 12, 2005
8. City Market Commission - May 19, 2005

9. Park Advisory Commission - May 17, 2005

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

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

**PUBLIC COMMENTARY - GENERAL**

SAM BRECK - COUNCIL APPOINTMENT TO AATA

Sam Breck, 306 Westwood, stated he called the City Clerk's Office to request Public Commentary - Reserved Time and was omitted from the list. Mr. Breck stated he wanted to speak in opposition to the decision not to reappoint Tom Fegan from the AATA Board.

JIM MOGENSEN - GLEN ANN DEVELOPMENT PLACE AGREEMENT

Jim Mogensen, 3780 Greenbrier Blvd., #354C, expressed concerns regarding the Glen Ann Development Agreement.

STEVEN RANZINI - UNIVERSITY BANK PURCHASE

Steven Ranzini, Chairman of University Bank, informed City Council and the public that University Bank purchased the company that owns the Hoover Mansion in Ann Arbor Hills.

**ADJOURNMENT**

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

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 8:43 p.m.

Jacqueline Beaudry  
Clerk of the Council

Anissa R. King  
Recording Secretary