



## Action Minutes

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City Council

July 19, 2004

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### **..Title**

ANN ARBOR CITY COUNCIL MINUTES REGULAR SESSION - JULY 19, 2004

### **..Body**

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:08 p.m. in the City Hall Council Chamber.

Council stood for a moment of silence.

Mayor Hieftje 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, Jean Carlberg, Leigh Greden, Margie Teall,  
Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 11.

ABSENT : 0.

### **INTRODUCTIONS**

None.

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

#### MARY IVERS - FIRE PREVENTION "COUCH" ORDINANCE

Mary Ivers, 920 E. Ann, spoke in support of the proposed amendment to the Fire Prevention Ordinance.

#### DOWNTOWN RESIDENTIAL TASKFORCE REPORT RESOLUTION

The following people spoke in support of the proposed Downtown Residential Taskforce Report Resolution:

Robert Descola, 304½ S. State Street  
Jim Kern, 318 S. Thayer

#### BRANDT COULTAS - ORDINANCE TO REVISE AFFORDABLE HOUSING STANDARDS

Brandt Coultas, 425 S. Main, addressed Council regarding the proposed ordinance to revise Affordable Housing standards and the Downtown Residential Taskforce Report Resolution.

#### CHARLES REAM - MEDICAL MARIJUANA LANGUAGE

Charles Ream, 4500 W. Liberty Road, addressed Council regarding the Medical Marijuana Language Resolution.

#### JASON MIRONOV - FIRE PREVENTION "COUCH" ORDINANCE

Jason Mironov, addressed Council regarding the proposed Fire Prevention Ordinance and asked that the ordinance be postponed to a later date for further review.

#### SUE DEMARS - CHAPTER 40 TREES AND OTHER VEGETATION

Sue Demars, 2893 Parkwood Ave., expressed concern with Chapter 40 (Trees and Other Vegetation ) of the City Code and how violation/tickets are issued regarding the chapter.

#### KERMIT SCHLANSKER - SUSTAINABILITY

Kermit Schlansker, 2960 Marshall, addressed Council regarding sustainability and how we are running out of oil and natural gas.

#### SHIRLEY ZEMPEL - HUMAN RIGHTS RESOLUTION TO STOP MILITARY AID TO ISRAEL

Shirley Zempel, 434 S. Fourth, addressed Council regarding the Human Rights Commission resolution to stop military aid to Israel.

#### MARY KORAL - FINES FOR NON-SPECIES FLOWERS

Mary Koral, 1643 Broadway St., addressed Council regarding fines she received for having non-species flowers in her garden.

### **PUBLIC HEARINGS**

#### MAYER SCHAIRER RESIDENCE SITE PLAN

A public hearing was conducted on the proposed Mayer Schairer residence Site Plan, 0.11 acre, located at 110-112 South Main Street. Notice of public hearing was published July 11, 2004.

Mickey Walsh, architect with Kraemer Design Group, representing the petitioner explained the proposed site plan to Council.

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

#### SOLID WASTE

A public hearing was conducted on the proposed amendment to Chapter 26 - Solid Waste, Sections 2:1, 2:2, 2:5, 2:8 and 2:12 of Title II of the Code of the City of Ann Arbor; 1) To define usage requirements for City-Mandated Refuse curbcarts and 2) To eliminate grass clippings from curbside Collection Programs. Notice of public hearing was published July 11, 2004.

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

### **APPROVAL OF AGENDA**

#### AGENDA APPROVED WITH CHANGES

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

#### **PUBLIC HEARINGS (3 MINUTES PER SPEAKER)**

Delete : U.S. Department of Justice - Justice Assistance Program for Local Law Enforcement Block Grant Award to the Ann Arbor Police Department **(See D-5) (Deleted 7/13/04)**

## CONSENT AGENDA

Move : Resolution to Authorize a Sole Source Purchase Order to Carrier & Gable, Inc., for the Purchase of Traffic Signal Materials (\$260,000.00) (Public Services - Sue F. McCormick, Area Administrator) **(Move to end of Consent Agenda)**

Move : Resolution to Increase Recycle Ann Arbor FY 2003-2004 Purchase Order for Recycling Collection Services (\$59,400.00) (Public Services - Sue F. McCormick, Area Administrator) **(Move to end of Consent Agenda)**

Move : Resolution to Approve Mayer Schairer Residence Site Plan, 0.11 Acre, 110-112 South Main Street (Planning Commission Recommendation: Approval - 6 Yeas and 0 Nays) (Community Services - Jayne Miller, Area Administrator) **(Move to end of Motions and Resolutions)**

Move : Resolution to Approve the Revisions to the National Functional Classification (NFC) by the Washtenaw Area Transportation Study (WATS) (Public Services - Sue F. McCormick, Area Administrator) **(Move to end of Consent Agenda)**

## MOTIONS AND RESOLUTIONS

Revise: Resolution to Approve Language for Ballot Question for Amendment to  
& Move : Charter Section 16.2 (Restrictions of Marijuana) Proposed by Initiatory Petition (Attorney - Stephen K. Postema, City Attorney) **(Postponed from the 7/6/04 Regular Session ) (Revised 7/19/04) (To be heard after Closed Session)**

### Added After Newspaper Deadline:

Add : Resolution to Approve Amendment No. 2 to the Agreement with the Michigan Department of Transportation for the Northeast Area Comprehensive Transportation Plan Project (Community Services - Jayne Miller, Area Administrator) **(Added 7/15/04)**

Add : Resolution to Approve the Collective Bargaining Agreement Between the City of Ann Arbor and Local 693 of the International Association of Firefighters (July 1, 2002 - June 30, 2004) (Administration - Roger W. Fraser, City Administrator) **(Added 7/16/04)**

Add: Resolution to Rescind in Part and Amend in Part Resolution No. R-528-12-03 to Approve the Terms of Ownership, Operation and Maintenance for Water and Sewer Lines Within the Traver Lakes Subdivision No. 1 Between the City of Ann Arbor and Traver Lakes Community Maintenance Association (Attorney - Stephen K. Postema, City Attorney) **(Added 7/16/04)**

Add : Resolution Recognizing the Ann Arbor Rotary Endowment As a Civic Non-Profit Organization Operating in the Ann Arbor Community for the Purpose of Obtaining a Charitable Gaming License (Mayor Hieftje) **(Added 7/16/04)**

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

## APPROVAL OF COUNCIL MINUTES

### MINUTES OF JULY 6, 2004 APPROVED

Council Member Greden moved, seconded by Council Member Teall that the regular session minutes of July 6, 2004 be

approved as presented.

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

## **CONSENT AGENDA**

### **CONSENT AGENDA ITEMS REMOVED**

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

Resolution to Authorize a Sole Source Purchase Order to Carrier & Gable, Inc., for the Purchase of Traffic Signal Materials (\$260,000.00) (Public Services - Sue F. McCormick, Area Administrator)

Resolution to Increase Recycle Ann Arbor FY 2003-2004 Purchase Order for Recycling Collection Services (\$59,400.00) (Public Services - Sue F. McCormick, Area Administrator)

Resolution to Approve the Revisions to the National Functional Classification (NFC) by the Washtenaw Area Transportation Study (WATS) (Public Services - Sue F. McCormick, Area Administrator)

### **CONSENT AGENDA ITEMS APPROVED**

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

#### **R-325-7-04 APPROVED**

#### **RESOLUTION TO APPROVE THE PURCHASE OF AN ICE HOCKEY DASHER BOARD SYSTEM FOR VETERAN'S MEMORIAL PARK ICE ARENA - BID NO. 3682**

Whereas, The existing ice hockey dasher board system at Veteran's Memorial Park Ice Arena has reached its maximum life expectancy and the deteriorated metal framing compromises the structural integrity of the boards;

Whereas, The ice hockey dasher board system is critical to the Veteran's Memorial Park Ice Arena operation in providing wide range recreational skating opportunities during the eight and one half month open season;

Whereas, Competitive bids were received by the Purchasing on June 30, 2004, and Rink Systems, Inc. was the lowest responsible bidder at \$92,740.00;

Whereas, Rink Systems, Inc. received Human Rights and Living Wage approvals on July 2, 2004; and

Whereas, Funding is available in the 2004-05 Park Maintenance and Restoration Millage budget;

RESOLVED, That City Council approve a purchase order, per Bid No. 3682, for the purchase and installation of an ice hockey dasher board system for Veteran's Memorial Park Ice Area from Rink Systems, Inc. in the amount of \$92,740.00 with a ten percent (10%) contingency for change orders, if required, to be approved by the City Administrator.

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#### **R-305-7-04 APPROVED**

#### **RESOLUTION TO APPROVE A CONSTRUCTION CONTRACT WITH MARGOLIS NURSERY, INC., PER BID NO. 3674 IN THE AMOUNT OF \$64,785.00 TO RENOVATE VIRGINIA AND MIXTWOOD POMONA PARKS**

Whereas, Renovations to Virginia and Mixtwood Pomona Parks are needed to update and replace the playground areas so that they comply with current safety codes and the Americans with Disabilities Act;

Whereas, Bid documents were obtained from 13 firms and the project was advertised in the construction dailies, and Margolis Nursery, Inc. was chosen as the most qualified firm out of the seven firms who submitted proposals;

Whereas, Funding for the project is included in the FY 2004/2005 Park Rehabilitation and Development Millage budget; and

Whereas, Margolis Nursery, Inc. received Human Rights Approval on March 23, 2004;

RESOLVED, That City Council approve a contract between the City and Margolis Nursery, Inc for renovations to Virginia and Mixtwood Pomona Parks in the amount of \$64,785.00;

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

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

RESOLVED, That City Council approve a 10% contingency of \$6479.00 for change orders if required and a project budget totaling \$71,264.00 be established for the life of the project without regard to fiscal year in order to fund this project.

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#### R-306-7-04 APPROVED

#### RESOLUTION TO RESCIND A CONTRACT AWARD TO GREAT LAKES POWER SERVICE AND TO APPROVE A CONTRACT WITH UTILITIES INSTRUMENTATION SERVICE FOR SUPPLYING AND INSTALLING ELECTRICAL ENERGY MONITORING EQUIPMENT AT THE WASTE WATER TREATMENT PLANT, BID NO. 3658

Whereas, On May 17, 2004, Council approved a resolution (R-180-5-04) to award a contract to Great Lakes Power Service (GLPS) for supplying and installing electrical energy monitoring equipment at the City's Wastewater Treatment Plant (WWTP) and to establish a multi-year project budget (\$44,000.00) with funds from the approved FY 04 WWTP Operations and Maintenance budget;

Whereas, Subsequently WWTP and City Attorney staff determined GLPS to be a non-responsible bidder for failure to comply with the bid requirements on labor certification requirements;

Whereas, WWTP staff recommends award of a contract to Utilities Instrumentation Service (UIS), the only qualified respondent to submit a bid for the work specified in Bid No. 3658; and

Whereas, On June 23, 2004, the Human Resources Department approved UIS to perform work for the City;

RESOLVED, That Council rescind its approval of the contract with GLPS, and accept the bid and approve the contract with UIS in the amount of \$43,443.00 to perform the work specified in Bid No. 3658;

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

RESOLVED, That Council approve an increase in the multi-year project budget for the life of the project, without regard to fiscal year, in the amount of \$3,800.00, for a total project budget of \$47,800.00, including \$43,443.00 for the contract with UIS and a contingency of \$4,357.00 to finance change orders to be approved by the City Administrator;

RESOLVED, That the project budget increase in the amount of \$3,800.00 be funded from the approved FY 05 WWTP

## Operations and Maintenance budget for the Sewage Disposal System.

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## R-307-7-04 APPROVED

## RESOLUTION FOR EXPANSION OF SPECIAL ASSESSMENT DISTRICT JENNINGS-NEWPORT HEIGHTS WATER MAIN AND SANITARY SEWER

Whereas, City Council has approved the Jennings Newport Heights Subdivision Water Main and Sanitary Sewer Special Assessment Rolls April 6, 2004 (R-118-4-04) for the purpose of assessing the private property's share of the cost of acquiring and constructing of a water main and sanitary sewer described as follows: The water main improvement includes the installation of approximately 1100 feet of 8-inch water main at Victoria Circle and Alexandra Boulevard. The sanitary sewer improvement includes 2,100 feet of 8-inch main at Victoria Circle, Alexandra Boulevard and at Newport, from Alexandra Boulevard to a point just north of M-14 expressway, File No. 2000058, District Nos. 2000058 & 481;

Whereas, The parcel located on the corner of Newport Rd. and Riverwood Dr., 2039 Newport Rd., was anticipated to have a sanitary sewer connection as part of the utility construction for the Riverwood Subdivision;

Whereas, The sewer lead was identified on the construction plans for Riverwood Subdivision development but was not installed at the time of the construction in 1999;

Whereas, The service to this parcel will be on Newport Rd. and the lead to the parcel will be installed during the construction of the sanitary sewer line along Newport Rd.;

Whereas, The parcel was not included into the Special Assessment Resolution R-118-4-04 for the Jennings Newport Heights Water Main and Sanitary Sewer passed by City Council on April 6, 2004;

Whereas, The property owner was not included in the Public Hearing for Jennings Newport Heights Water Main and Sanitary Sewer held on February 17, 2004;

RESOLVED, That said Sanitary Sewer Special Assessment Roll for land inside the City as prepared by the City Assessor be hereby be expanded to include 2039 Newport Rd. for the additional amount of \$ 16,536.00, in accordance to Chapter 12 and 13 of the City Code, Fixed Charges for sanitary sewer improvements and is the final cost;

RESOLVED, That said Expanded Special Assessment Roll be on file in the office of the City Assessor and shall be made available for public examination;

RESOLVED, That the City Council meet on August 2, 2004 at 7:00 o'clock p.m. at the Council Chambers in the Guy C. Larcom, Jr. Municipal Building in said city for the purpose of reviewing the expansion of the Special Assessment Roll;

RESOLVED, That the City Clerk give notice of said hearing to review the Expansion of the Special Assessment Roll by having notice thereof published in The Ann Arbor News not less than ten (10) full days prior to the date of hearing, and by mailing notice at least ten (10) days prior to the date of the hearing to the owner at 2039 Newport Rd.; and

RESOLVED, That said notice so published and mailed be in substantially the following form:

NOTICE OF REVIEW OF  
EXPANSION OF SPECIAL ASSESSMENT ROLL

PLEASE TAKE NOTICE That the City Council has caused to be prepared an Expansion of Special Assessment Roll for the purposes of defraying the private property's share of the cost of water main and sewer main described as follows:

Installation of approximately 1100 feet of 8-inch water main at Victoria Circle and Alexandra Boulevard. The sanitary sewer improvement includes 2,100 feet of 8-inch main at Victoria Circle, Alexandra Boulevard and at Newport, from Alexandra Boulevard to a point just north of M-14 expressway, File No. 2000058, District No. 481; and

TAKE FURTHER NOTICE That the property to be included in said Expansion of Special Assessment District is as follows:

**EXPANSION OF SPECIAL ASSESSMENT ROLL  
JENNINGS NEWPORT HEIGHTS WATER MAIN AND SANITARY SE**

**File No. :** **District Nos. 2000058 & 481**

**LAND INSIDE THE CITY**

<b>ASSESS CODE</b>	<b>OWNER</b>	<b>INFRA- STRUCT NEEDS</b>	<b>CURREN COST</b>
09-09-18	Bukuri Al 2039 New Ann Arbor	S	\$16,536

TAKE FURTHER NOTICE That said Expansion of Special Assessment Roll is on file in the Office of the City Assessor and is available for public examination;

TAKE FURTHER NOTICE That the City Council will meet on August 2, 2004, at the Council Chambers in the City Hall at 7:00 o'clock p.m., for the purpose of reviewing said Expansion of Special Assessment Roll. The property owner at 2039 Newport Rd., if aggrieved by the Expansion of the Special Assessment Roll or the Necessity of the improvement may file his/her objections thereto in writing prior to the close of said hearing.

TAKE FURTHER NOTICE That appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. The property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the expansion of the special assessment or may file his or her appearance by letter delivered to clerk prior to the close of said hearing and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed expansion of the special assessment may file a written appeal of the expansion of the special assessment with the State Tax Tribunal within thirty days after confirmation of the expansion of the special assessment roll if that expansion of special assessment was protested at this hearing.

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City Clerk

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

**R-308-7-04 APPROVED AS AMENDED**

**RESOLUTION TO AUTHORIZE A SOLE SOURCE PURCHASE ORDER TO CARRIER & GABLE, INC., FOR THE  
PURCHASE OF TRAFFIC SIGNAL MATERIALS**

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

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

Add Whereas Clause:

...Whereas, The following list of projects are to be included, but are not necessarily limited to them:

1. pedestrian crossing on Plymouth Road (\$30,000.00).
2. traffic signal installation at Plymouth and Traverwood (\$46,000.00).
3. audible pedestrian signal installation at various locations (\$20,000.00).
4. maintenance operations including wear-out and accident damage, and minor support of other City projects (\$89,000.00).
5. radar detection systems for installation at various locations (\$60,000.00)
6. LED (light emitting diode) pedestrian signal upgrades (\$15,000.00) ...

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

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

The resolution as amended reads as follows:

RESOLUTION TO AUTHORIZE A SOLE SOURCE PURCHASE ORDER TO CARRIER & GABLE, INC., FOR THE  
PURCHASE OF TRAFFIC SIGNAL MATERIALS

Whereas, Carrier and Gable, Inc. of Farmington Hills, Michigan, is the supplier of Eagle traffic components used in maintaining City of Ann Arbor traffic signals;

Whereas, Carrier and Gable, Inc., of Farmington Hills, Michigan has received Human Rights approval on April 19, 2004, and complies with the Living Wage Ordinance; and

Whereas, Sufficient funds have been budgeted in the Public Services Area FY 04/05 Major and Local Street funds;

Whereas, The following list of projects are to be included, but are not necessarily limited to them:

1. pedestrian crossing on Plymouth Road (\$30,000.00).
2. traffic signal installation at Plymouth and Traverwood (\$46,000.00).
3. audible pedestrian signal installation at various locations (\$20,000.00).
4. maintenance operations including wear-out and accident damage, and minor support of other City projects (\$89,000.00).
5. radar detection systems for installation at various locations (\$60,000.00)
6. LED (light emitting diode) pedestrian signal upgrades (\$15,000.00);

RESOLVED, That a sole source purchase order to Carrier and Gable, Inc. in the amount of \$260,000.00 for materials and supplies is approved; and

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

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R-309-7-04 APPROVED

RESOLUTION TO INCREASE RECYCLE ANN ARBOR FY 2003-2004  
PURCHASE ORDER FOR RECYCLING COLLECTION SERVICES

Whereas, City Council previously authorized a long-term Performance Based contract with Recycle Ann Arbor for curbside, multi-family, commercial and special event recycling collection services, effective December 1, 2003;

Whereas, The contract authorization did not include any provisions to administratively adjust the 2003/04 purchase order with Recycle Ann Arbor for these services;

Whereas, The purchase order will need an additional \$59,400.00 to fulfill the obligations of the contract for this fiscal year; and

Whereas, Funds are available in the amount of \$59,400.00 from the fiscal year 2003/2004 Solid Waste Operating Budget;



RESOLVED, That Council authorize an increase in the purchase order to Recycle Ann Arbor by \$59,400.00;

RESOLVED, That funds be paid out of the fiscal year 2003/2004 Solid Waste Operating Budget; and

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

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

On a voice vote, the Mayor declared the motion carried with one no-vote made by Council Member Reid.

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#### R-310-7-04 APPROVED

#### RESOLUTION TO APPROVE THE REVISIONS TO THE NATIONAL FUNCTIONAL CLASSIFICATION (NFC) BY THE WASHTENAW AREA TRANSPORTATION STUDY - WATS

Whereas, Every public road in the United States has a National Functional Classification (NFC) designation, which reflects the road's function within the overall highway network;

Whereas, NFC designations have important implications and it is important for each road's classification to accurately reflect how the road functions;

Whereas, The highway network and land-use patterns evolve over time and require periodic update of the NFC designations;

Whereas, The Washtenaw Area Transportation Study is the agency responsible for NFC updates for Washtenaw County;

Whereas, The City of Ann Arbor is a member of Washtenaw Area Transportation Study; and

Whereas, The local agencies' support of WATS' efforts is required to update the NFC designations;

RESOLVED, That this day, July 19, 2004, the City of Ann Arbor recommends approval of the revisions to the National Functional Classification (NFC) under the City of Ann Arbor jurisdiction by Washtenaw Area Transportation Study (WATS).

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

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

#### ORDINANCES - SECOND READING

#### 21-04 APPROVED

- SOLID WASTE -  
1) TO DEFINE USAGE REQUIREMENTS FOR CITY-MANDATED REFUSE CURBCARTS; AND 2) TO  
ELIMINATE GRASS CLIPPINGS  
FROM CURBSIDE COLLECTION PROGRAMS

An Ordinance to Amend Sections 2:1, 2:2, 2:5, 2:8 and 2:12 of Chapter 26  
of Title II of the Code of the City of Ann Arbor

(The complete text of Ordinance 21-04 is on file in the City Clerk's Office.)

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

On roll call the vote was as follows:

Yeas, Council Member Easthope, Woods, Johnson, Lowenstein, Carlberg, Greden, Teall, Higgins, Mayor Hieftje, 9;

Nays, Council Members Groome, Reid, 2.

The Mayor declared that the motion carried.

## ORDINANCES - FIRST READING

### 22-04 POSTPONED

#### FIRE PREVENTION

An Ordinance to Amend Section 9:111 and Add New Section 9:119,  
of Chapter 111, of Title IX of the Code of the City of Ann Arbor

(The complete text of Ordinance 22-04 is on file in the City Clerk's Office.)

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

Council Member Greden moved, seconded by Council Member Easthope that the ordinance be postponed until August 16, 2004 for further review.

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

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### 23-04 APPROVED AS AMENDED

#### ZONING - TO REVISE AFFORDABLE HOUSING STANDARDS TO ALLOW MONETARY CONTRIBUTION IN LIEU OF CONSTRUCTION OF AFFORDABLE HOUSING UNITS, AND TO MAKE CHANGES CONSISTENT WITH CITY COUNCIL'S RESOLUTION REGARDING RE-ORGANIZATION

An Ordinance to Amend Chapter 55, Section 5:80, of Title V  
of the Code of the City of Ann Arbor

(The complete text of Ordinance 23-04 is on file in the City Clerk's Office.)

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

The Mayor declared a recess at 8:15 p.m. and reconvened the meeting at 8:34 p.m.

Council Member Groome moved, seconded by Council Member Easthope to amend the ordinance as follows:

New Section 6(e) iii:

... **"THE PETITIONER MAY ONLY REQUEST CITY ADMINISTERED FUNDS (AFFORDABLE HOUSING TRUST FUNDS, FEDERAL HOME OR CDBG FUNDS) UNDER THIS SECTION TO SUBSIDIZE AFFORDABLE HOUSING UNITS FROM 80% AREA MEDIAN INCOME (AMI) DOWN TO A LOWER LEVEL OF AREA MEDIAN INCOME."** ...

The Mayor declared a recess at 8:39 p.m. and reconvened the meeting at 8:44 p.m.

The question being the amendment as presented by Council Member Groome and supported by

Council Member Johnson, on roll call, the vote was as follows:

Yeas, Council Member Easthope, Woods, Groome, Johnson, Lowenstein, 5;

Nays, Council Member Reid, Carlberg, Greden, Teall, Higgins, Mayor Hieftje, 6.

The Mayor declared the motion failed.

Council Member Easthope moved, seconded by Council Member Groome to amend as follows:

New Section 6(e) iii:

... **"THE PETITIONER MAY ONLY REQUEST CITY ADMINISTERED FUNDS (AFFORDABLE HOUSING TRUST FUNDS, FEDERAL HOME OR CDBG FUNDS) UNDER THIS SECTION TO SUBSIDIZE AFFORDABLE HOUSING UNITS FROM 80% AREA MEDIAN INCOME (AMI) DOWN TO A LOWER LEVEL OF AREA MEDIAN INCOME." THIS SECTION MAY BE WAIVED BY A MAJORITY VOTE OF CITY COUNCIL.** ...

On roll call, the vote was as follows:

Yeas, Council Member Easthope, Woods, Groome, Johnson, Lowenstein, 5;

Nays, Council Member Reid, Carlberg, Greden, Teall, Higgins, Mayor Hieftje, 6.

The Mayor declared the motion failed.

Council Member Greden moved, seconded by Council Member Higgins to amend the ordinance as follows:

Section 6(e) i:

[When the requirement results in a fractional unit, the number of required units shall be rounded up to the next whole number.] **WHEN THE REQUIREMENT RESULTS IN A FRACTIONAL UNIT THE FRACTIONAL UNIT SHALL BE CONVERTED INTO AN AFFORDABLE HOUSING CONTRIBUTION IN LIEU OF UNITS USING THE FOLLOWING FORMULA: THE FRACTION SHALL BE MULTIPLIED BY THE FULL UNIT PUD AFFORDABLE HOUSING CONTRIBUTION AS DETERMINED BY THE FORMULA ADOPTED ANNUALLY BY COUNCIL.**

On roll call, the vote was as follows:

Yeas, Council Members Lowenstein, Reid, Carlberg, Greden, Teall, Higgins, Mayor Hieftje, 7;

Nays, Council Members Easthope, Woods, Groome, Johnson, 4.

The Mayor declared the motion carried.

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

Yeas, Council Members Lowenstein, Reid, Carlberg, Greden, Teall, Higgins, Mayor Hieftje, 7;

Nays, Council Members Easthope, Woods, Groome, Johnson, 4.

The Mayor declared the motion carried.

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## 24-04 APPROVED

### LAND DIVISIONS AND TIME LIMITS

An Ordinance to Amend Chapter 57, Sections 5:125 and 5:130  
of Title V of the Code of the City of Ann Arbor

(The complete text of Ordinance 24-04 is on file in the City Clerk's Office.)

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

On roll call, the vote was as follows:

Yeas, Council Members Groome, Johnson, Lowenstein, Reid, Carlberg, Greden, Teall, Higgins, Mayor Hieftje 9;

Nays, Council Members Easthope, Woods, 2.

The Mayor declared the motion carried.

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## 25-04 APPROVED

### ADOPTION, CONTENTS AND INTERPRETATION, SOLID WASTE MANAGEMENT, TREES AND OTHER VEGETATION, STREETS, SIDEWALKS, SOLICITORS AND PEDDLERS, LITTERING AND DISTRIBUTION OF HANDBILLS AND NUISANCES

An Ordinance to Amend Sections 1:13 of Chapter 1 of Title I; 2:14 of Chapter 26 of Title II; 3:17 and 3:19 of Chapter 40 of Title III; 4:14 of Chapter 47 of Title IV; 4:63 of Chapter 49 of Title IV; 5:172 of Chapter 59 of Title V; 5:518 of Chapter 61 of Title V; 7:66 of Chapter 79 of Title VII; 7:105 and 7:106 of Chapter 82 of Title VII; and 9:9 of Chapter 106 of Title IX of The Code of The City of Ann Arbor

(The complete text of Ordinance 25-04 is on file in the City Clerk's Office.)

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

On roll call, the vote was as follows:

Yeas, Council Members Easthope, Woods, Lowenstein, Carlberg, Greden, Teall, Mayor Hieftje, 7;

Nays, Council Members Groome, Johnson, Reid, Higgins, 4.

The Mayor declared the motion carried.

## MOTIONS AND RESOLUTIONS

## R-311-7-04 APPROVED AS AMENDED

## (RESOLUTION TO ACCEPT THE DOWNTOWN RESIDENTIAL TASK FORCE REPORT ON RECOMMENDATIONS ADDRESSING BARRIERS TO DOWNTOWN RESIDENTIAL DEVELOPMENT)

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

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

Last Whereas Clause:

...Whereas, City Council is also asked to approve a statement in support of additional downtown residential development and to [ direct] **PROVIDE DIRECTION** the Planning Commission, Downtown Development Authority, and other groups to pursue implementation of Taskforce recommendations; ...

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

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

The resolution as amended reads as follows:

## RESOLUTION TO ACCEPT THE DOWNTOWN RESIDENTIAL TASK FORCE REPORT ON RECOMMENDATIONS ADDRESSING BARRIERS TO DOWNTOWN RESIDENTIAL DEVELOPMENT

Whereas, On October 7, 2003 City Council approved resolution R-433-10-03, "Resolution Establishing a City Taskforce to Foster New Downtown Residential Development" to explore barriers to downtown residential development, and to provide recommendations for addressing these barriers;"

Whereas, The Taskforce held 14 meetings, including a community workshop, and generated a great deal of data in support of their work;

Whereas, The Taskforce has completed its assignment, which was to provide a final report on its findings and recommendations by June 7, 2004;

Whereas, City Council is asked to accept this report, thereby concluding the work of the Taskforce; and

Whereas, City Council is also asked to approve a statement in support of additional downtown residential development and provide direction to the Planning Commission, Downtown Development Authority, and other groups to pursue implementation of Taskforce recommendations;

RESOLVED , That City Council accept the report from the Downtown Residential Taskforce, and extend its gratitude to Taskforce members for their diligence and commitment to completing their assignment; and

RESOLVED , That City Council strongly support the construction of additional downtown residential units in keeping with the goals of the Downtown Plan and the Central Area Plan, in the belief that a stronger residential base is necessary for a dynamic, pedestrian-friendly, economically-viable twenty-four hour downtown.

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## R-312-7-04 APPROVED

## RESOLUTION TO EXPRESS APPRECIATION FOR THE EFFORTS OF THE FRIENDS OF DICKEN WOODS AND TO ACCEPT THEIR DONATION TO SUPPORT THE CITY'S ACQUISITION OF DICKEN WOODS PARK

Whereas, The residents of the neighborhood surrounding Dicken Woods Park were strongly supportive of the use of the property for a City Park;

Whereas, The non-profit organization, "Friends of Dicken Woods", was established by interested residents in the area to support the park system designation of Dicken Woods Park as a neighborhood park; and

Whereas, The Friends of Dicken Wood have pledged a donation to the City in the amount of \$50,000.00 to offset the millage funds expended in the acquisition of Dicken Woods Park on behalf of their neighborhood;

RESOLVED, That City Council expresses its appreciation for the support of the Friends of Dicken Woods for the expansion of the neighborhood park system;

RESOLVED, That City Council agrees to appropriate, when received, the donation from Friends of Dicken Woods to the Land Acquisition Fund;

RESOLVED, That City Council expresses its intent to maintain Dicken Woods Park solely as a neighborhood park and to enhance the park features consistent with its integration into the life of the neighborhood.

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

On roll call, the vote was as follows:

Yeas, Council Members Carlberg, Greden, Teall, Higgins, Easthope, Woods, Groome, Johnson, Lowenstein, Reid, Mayor Hieftje, 11;

Nays, 0.

The Mayor declared the motion carried.

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R-313-7-04 APPROVED

RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF  
ORDINANCE NO. 21-04, AMENDING SECTIONS 2:1, 2:2, 2:5, 2:8 AND 2:12  
OF CHAPTER 26 - SOLID WASTE MANAGEMENT PROVISIONS OF TITLE II  
OF THE CODE OF THE CITY OF ANN ARBOR

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

RESOLVED, That Ordinance No. 21-04 be published by the following summary:

Ordinance No. 21-04 amends the City Code by specifying usage requirements for City refuse carts, including the weight limitations for the carts, that all refuse must be placed within carts, and that unpaid fees can be assessed against the property. Other changes include the elimination of grass clippings from the curbside collection program, and the removal of references to Solid Waste as a Department.

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

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

On a voice vote, the Mayor declared the motion carried with one no-vote by Council Member Groome, thus satisfying the eight-vote requirement.

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R-314-7-04 APPROVED

RESOLUTION TO APPLY FOR, ACCEPT AND APPROPRIATE 2004-2006  
LOCAL LAW ENFORCEMENT BLOCK GRANT FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE - BUREAU OF  
JUSTICE ASSISTANCE TO  
THE CITY OF ANN ARBOR POLICE DEPARTMENT

Whereas, The Ann Arbor Police Department has been notified of its eligibility to apply for and receive a grant award of \$26,849.00 by the US Department of Justice - Bureau of Justice Assistance Local Law Enforcement Block Grant Program;

Whereas, The purpose of this program is to provide units of government with funds to underwrite projects to reduce crime and improve public safety;

Whereas, It is anticipated that these funds and the required match of \$ 2,983.00 will be used to help reduce crime and improve public safety by upgrading the technological capacity of the Police Department's briefing room;

Whereas, The required match of \$2,983.00 will be expended from the Police Department's general fund budget; and

Whereas, United States Department - Bureau of Justice Assistance procedures require electronic submission of application no later than July 23, 2004;

RESOLVED, That City Council approve the City's 2004 Local Law Enforcement Block Grant Program application to the United States Department of Justice - Bureau of Justice Assistance in the amount of \$26,849.00;

RESOLVED, That City Council, if awarded, accept the City's 2004 Local Law Enforcement Block Grant Program award from the United States Department of Justice - Bureau of Justice Assistance in the amount of \$26,849.00;

RESOLVED, That City Council approve the continuation of service of the Washtenaw County Human Services Collaborative Council as an advisory board for this grant program;

RESOLVED, That City Council establish a public hearing for the purpose of receiving public comment on the designate use of grant funds to be held on August 2, 2004 at 7:00 p.m., in City Council Chambers, City Hall, 2<sup>nd</sup> Fl., 100 N. Fifth Ave, Ann Arbor, Michigan;

RESOLVED, That the grant funds, if awarded, be appropriated when received to the Police Department Fund 007, Local Law Enforcement Block Grant Trust Fund, for expenditure without regard to fiscal year for the purpose of acquiring law enforcement equipment such as upgrading the technological capacity of the Police Department's briefing room; and

RESOLVED, That the City Administrator, or his designee, be authorized to take all necessary administrative actions for acceptance of this grant in compliance with United States Bureau of Justice assistance requirements, and satisfy all conditions of the grant and its provisions subject to approval as to form of the grant terms and conditions by the City Attorney.

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

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

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R-315-7-04 APPROVED

RESOLUTION APPROVING OPTIONAL REDEMPTION OF THE 1994 HYDROELECTRIC FACILITIES BONDS

Whereas, The City of Ann Arbor (the "City") issued its 1994 General Obligation Unlimited Tax Refunding Bonds (Hydroelectric Facilities), dated as of July 1, 1994, in the aggregate principal amount of \$2,650,000.00 (the "1994 Bonds"), under the provisions of Act 279, Public Acts of Michigan, 1909, as amended, for the purpose of refunding in full the City's 1983 General Obligation Unlimited Tax Bonds (Hydroelectric Facilities);

Whereas, \$840,000.00 in principal amount of the 1994 Bonds is currently outstanding, of which \$210,000.00 matures on

September 1, 2004, and of which the \$630,000.00 balance matures in the years 2005 to 2007 and is subject to optional redemption on September 1, 2004 at a redemption price equal to 101.0% of the principal amount thereof, plus accrued interest; and

Whereas, Based on the interest rates borne by the 1994 Bonds maturing in the years 2005 to 2007, of 5.20% and higher, it is considered advantageous to optionally redeem the 1994 Bonds in full at this time;

RESOLVED, That:

1. The optional redemption of all outstanding 1994 Bonds on September 1, 2004 (the "Redemption Date"), at a redemption price equal to 101.0% of the principal amount thereof, plus accrued interest thereon to the Redemption Date, is hereby approved.
2. The Finance Director be hereby authorized and directed to provide direction to Standard Federal-Corporate and Institutional Trust, A Division of LaSalle Bank National Association, as paying agent and bond registrar for the 1994 Bonds, to issue notice of redemption of all 1994 Bonds to the registered holders thereof not less than 30 days prior to the Redemption Date, and shall take all other actions and execute such certificates, notices and instruments as may be necessary or desirable to implement the redemption of all 1994 Bonds as authorized by this Resolution.
3. 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.

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

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

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R-316-7-04 APPROVED

#### RESOLUTION ACKNOWLEDGING GREEN PARTY CAUCUS REQUEST

Whereas, On July 9, 2004, the City Clerk received a request for City Council approval designating the date of July 21, 2004, as the official caucus date of the Green Party for purposes of determining its candidates for the November 2, 2004 General City Election;

Whereas, Michigan Election law mandates that the local legislative body approve the date of a minor party's caucus at least twenty days prior to the date of the caucus; and

Whereas, The Green Party failed to submit its request early enough for City Council to comply with the statutory requirements for approval of the proposed date for the caucus;

RESOLVED, That City Council acknowledge receipt of an untimely request for approval designating the date of July 21, 2004, as the official caucus date of the Green Party for purposes of determining its candidates for the November 2, 2004 General City Election but takes no official action on the request.

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

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

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R-317-7-04 APPROVED

#### RESOLUTION REQUESTING THAT NO CHANGE BE MADE IN FEDERAL ELECTION LAWS TO ALLOW FOR THE DELAY, IN ANY FORM OR MANNER, OF THE NOVEMBER 2, 2004 ELECTIONS



Whereas, Americans have voted on the first Tuesday following the first Monday in November every four years continuously since 1788 for candidates for the office of the President of the United States of America;

Whereas, Despite being in the grips of a great Civil War between 1860 and 1864, no American elections were delayed, postponed, cancelled, or rescheduled;

Whereas, The United States has fought many major and minor wars without those conflicts effecting Americans ability to vote in local, state, and federal elections;

Whereas, From time to time, regardless of civil strife, elections have proceeded in our various cities;

Whereas, Many parts of the country, from time to time, have been stricken by great natural disasters and elections have proceeded as scheduled; and

Whereas, From time to time, local communities are struck by tragedy both of a personal and community nature without causing a disruption in elections;

RESOLVED , The Ann Arbor City Council petitions the Federal Elections Assistance Commission, the President of the United States of America, Senators Carl Levin and Debbie Stabenow, the President of the Senate, Representative John Dingell, the Speaker of the House of the Representatives, the Governor of the State of Michigan, State Senator Liz Brater and State Representative Chris Kolb to take no action that will allow for the delay, postponement, rescheduling, or cancellation of the Presidential election scheduled for November 2, 2004, or any future election;

RESOLVED , The Ann Arbor City Council speaking for the people of the City of Ann Arbor wishes it to be known that no act of nature or humankind will prevent, hinder, or intimidate them from voting and expressing their will; and

RESOLVED , The Ann Arbor City Council urges other local legislative bodies across the United States to adopt a similar resolution and forward a copy to their state and federal representatives, the governor of their state, the Speaker of the House of Representatives, the President of the Senate, the Federal Elections Assistance Commission and the President of the United States of America.

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

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

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#### R-318-7-04 APPROVED

#### RESOLUTION TO APPROVE AMENDMENT NO. 2 TO THE AGREEMENT WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION FOR THE NORTHEAST AREA COMPREHENSIVE TRANSPORTATION PLAN PROJECT

Whereas, The Federal Highway Administration (FHWA) has allocated High Priority Project funds from the Federal Highway Administration for a study of access options, to be conducted as a key component of the Northeast Area Comprehensive Transportation Plan;

Whereas, City Council approved an agreement with the Michigan Department of Transportation (MDOT) by R-275-7-01 for the Northeast Area Comprehensive Transportation Plan project and approved amendment No. 1 to the agreement by R-402-0-02; and

Whereas, It is necessary to amend the agreement with MDOT to allow for the extension of time and additional grant funding allocation to complete the project;

RESOLVED, That City Council approve amendment No. 2 to the agreement with MDOT to extend the project completion date to January 1, 2005 and to increase the FHWA grant funding for this project to \$508,749.00 to be expended during the term of the grant without regard to fiscal year;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute an amended agreement with the

Michigan Department of Transportation for the Northeast Area Comprehensive Transportation Plan, following 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 the necessary administrative actions to implement this resolution.

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

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

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R-319-7-04 APPROVED

RESOLUTION TO APPROVE THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF ANN ARBOR  
AND LOCAL 693 OF  
THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS  
JULY 1, 2002 - JUNE 30, 2004

Whereas, The current agreement between the City of Ann Arbor and Local 693 of the International Association of Firefighters concluded June 30, 2002, although it continued in effect until a new agreement is negotiated and approved by the parties;

Whereas, City Administration and Union representatives have negotiated amendments to the collective bargaining agreement between the parties currently in effect including a 3% per year retroactive wage increase for the two years of the contract;

Whereas, These amendments include various other changes and provisions including but not limited to decreases in the number of officers on staff and the number of firefighters who can be on vacation or code on any day, a restructuring of the promotion process, and the elimination of a minimum staffing provision, which will be incorporated into the July 1, 2002-June 30, 2004, collective bargaining agreement to be effective upon ratification by both parties, the provisions of which, including the amendments, are collectively designed as "Tentative Agreement";

Whereas, The City Administrator and the City Attorney recommend approval of the Tentative Agreement; and

Whereas, The parties have agreed to commence negotiations on a collective bargaining agreement for a period beginning July 1, 2004, within thirty days of the date of approval of these amendments by City Council;

RESOLVED, That City Council approve the amendments to the current agreement negotiated between the City of Ann Arbor and Local 693 of the International Association of Firefighters;

RESOLVED, That City Council authorize and direct the Mayor and City Clerk to execute the collective bargaining 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, including necessary budget transfers within the approved FY04-05 General Fund Budget.

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

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

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R-320-7-04 APPROVED

RESOLUTION TO RESCIND IN PART AND AMEND IN PART RESOLUTION  
NO. R-528-12-03 TO APPROVE THE TERMS OF OWNERSHIP, OPERATION AND MAINTENANCE FOR WATER AND  
SEWER LINES WITHIN THE TRAVER LAKES SUBDIVISION NO. 1 BETWEEN THE CITY OF ANN ARBOR AND  
TRAVER LAKES COMMUNITY MAINTENANCE ASSOCIATION

Whereas, On August 28, 2003, a Stipulation and Order of Settlement was entered by the Washtenaw County Circuit Court regarding the ownership and operation and maintenance responsibility for water and sanitary sewer lines within the Traver Lakes Subdivision No. 1;

Whereas, The Stipulated Order was contingent upon formal acceptance by City Council of the water and sanitary sewer lines as a part of the public water and sewer systems of the City of Ann Arbor;

Whereas, The City Attorney and the Utilities Director recommended the approval of the proposed settlement;

Whereas, Resolution No. R-528-12-03 was approved by City Council on December 15, 2003, to approve the settlement between the City and Traver Lakes Community Association;

Whereas, The second "resolved" clause concerning the preparation of grants of easements was not required as part of the negotiated settlement; and

Whereas, The resolution did not state explicitly that City Council accepted the water and sanitary sewer lines as a part of the public water and sewer systems of the City of Ann Arbor;

RESOLVED, That the second "resolved" clause of Resolution No. R-528-12-03 dated December 15, 2003, be rescinded; and

RESOLVED, That the first "resolved" clause of Resolution No. R-528-12-03 dated December 15, 2003, be amended to read:

RESOLVED, That City Council approves the August 28, 2003 Stipulation and Order of Settlement regarding the ownership, operation and maintenance responsibility for water and sanitary sewer lines within the Traver Lakes Subdivision No. 1 as presented by the City Attorney in closed session and formally accept said water and sanitary sewer lines as a part of the public water and sewer systems of the City of Ann Arbor.

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

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

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#### R-321-7-04 APPROVED

#### RESOLUTION RECOGNIZING THE ANN ARBOR ROTARY ENDOWMENT AS A CIVIC NON-PROFIT ORGANIZATION OPERATING IN THE ANN ARBOR COMMUNITY FOR THE PURPOSE OF OBTAINING A CHARITABLE GAMING LICENSE

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

Whereas, The Ann Arbor Rotary Endowment has requested that it be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license;

Whereas, The Ann Arbor Rotary Endowment is dedicated to building endowment to enrich the quality of life in Washtenaw County by providing support for local charities, numerous scholarship programs and international humanitarian aid; and

Whereas, The Ann Arbor Rotary Endowment is a local civic nonprofit organization as defined by P.A. 382 of 1972, as amended, which should be recognized for its continuing efforts to improve the welfare of the Ann Arbor community;

RESOLVED, That City Council hereby approve recognition of the Ann Arbor Rotary Endowment as a local civic nonprofit

organization operating in the Ann Arbor community for the purposes of its charitable gaming license application and required by P.A. 382 of 1972, as amended; and

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

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

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

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R-322-7-04

RESOLUTION TO APPROVE TEMPORARY OUTDOOR SALES, SERVICE  
AND CONSUMPTION OF ALCOHOLIC BEVERAGES DURING  
THE 2004 ANN ARBOR ART FAIR TO THE PIZZA HOUSE  
ANN ARBOR, INC.

RESOLVED, That the request of the following liquor licensed establishment for temporary authorization for outdoor sales, service and consumption of alcoholic beverages during the 2004 Ann Arbor Art Fair to be held July 21-24, 2004, be approved within the defined areas filed with the Ann Arbor Police Department:

BUSINESS NAME

The Pizza House Ann Arbor, Inc.

ADDRESS

618 Church St.

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

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

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R-323-7-04 APPROVED

RESOLUTION TO APPROVE MAYER SCHAIRER RESIDENCE SITE PLAN

Whereas, Retro Development has requested site plan approval in order to construct a two-story addition above the existing building at 110-112 South Main Street for a single-family residence, as well as a two-story garage/storage addition on the west side of the building;

Whereas, The Ann Arbor City Planning Commission, on June 15, 2004, 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 Mayer Schairer Site Plan upon the condition that six footing drain disconnections are completed before issuance of a certificate of occupancy.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Mayer Schairer Residence Site Plan, 0.11 acre, located at 110-112 South Main Street.

Council Member Carlberg moved, seconded by Council Member Easthope that the resolution be adopted.

### **REPORTS FROM COUNCIL COMMITTEES**

None.

### **COUNCIL PROPOSED BUSINESS**

None.

### **COMMUNICATIONS FROM THE MAYOR**

#### **APPOINTMENTS APPROVED**

Mayor Hieftje recommended the following appointments at the July 6, 2004 regular session of Council:

##### **Downtown Development Authority**

Rene Greff (Re-appointment)  
Arbor Brewing Company  
116 E. Washington St.  
Ann Arbor, MI 48104  
Term: August 1, 2004 - July 31, 2005

Leah Gunn (Re-appointment)  
1308 E. Stadium Blvd.  
Ann Arbor, MI 48104  
Term: August 1, 2004 - July 31, 2005

##### **Historic District Commission**

Henry James Henrichs (Fill vacancy left by Donna Tope)  
415 Arbana Drive  
Ann Arbor, MI 48103  
Term: July 19, 2004 - September 4, 2006

Council Member Carlberg moved, seconded by Council Member Groome 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:

##### **Downtown Development Authority**

David DeVart, Business Owner (Re-appointment)  
1231 Baldwin Avenue  
Ann Arbor, MI 48104  
Term: August 2, 2004 - July 31, 2008

### **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. Easy Street Alternative Designs Study Project Update (Public Services - Sue F. McCormick, Area Administrator)
2. Housing Policy Board Review of Chapter 55 Amendments to PUD Affordable Housing Standards (Item C 2)

**COMMUNICATIONS FROM THE CITY ATTORNEY****REPORT ON COMPLETED ANNEXATIONS**

City Attorney Stephen Postema submitted reports on the following completed annexations:

1. Stuber property, 20.3 acres, 2940 Bluett Drive from Ann Arbor Township;
2. Shady Lane property, 0.63 acre total, 2905, 2915, 2966 and 2970 Shady Lane, From Pittsfield Township.

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

**COMMUNICATIONS FROM COUNCIL****COUNCIL MEMBER GROOME**

Council Member Groome said that she would like to discuss the following items at a future caucus meeting:

- Enforcement of Chapter 40, Trees and Vegetation of the City Code
- Noise Ordinance

She added that the Broadway Village Development Agreement is scheduled to come before Council at the August 2, 2004 regular session.

**COUNCIL MEMBER EASTHOPE**

Council Member Easthope announced that the Detroit Piston's 2004 Trophy would be on display at the Ann Arbor Art Fair on Saturday from 10 a.m. to 2 p.m. near the corner of Washington and Thayer.

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

The following communications were referred as indicated:

1. Communication from The Dept. of Environmental Quality (D.E.Q.) Regarding a Level 2 Wetland Assessment on Property Located in Town 02S, Range 06E (City of Ann Arbor)
2. Communication from the Scio Township Planning Commission for Notification on a Public Meeting on Monday, July 26, 2004 regarding Review of Final PUD for Rezoning of 2815 W. Liberty Road
3. Communication from an Anonymous Ann Arbor Resident Regarding Suggestion for Submitting Comments to City Hall and Opinions on Pedestrians and Construction Zones
4. Communication from Senator Liz Brater of the 18th District Thanking the Acting Clerk for Communication Regarding Senate Bills 1081, 1103, 1147 and House Bill 5762

5. Communication from the Michigan Department of Environmental Quality (M.D.E.Q.) that they Hold a Conservation Easement within the City of Ann Arbor
6. Communication from the Law Office of Paul DeCailly, PLC Requesting an Appeal on the City Administrator Decision regarding his Client Sebastian Escalada's Sidewalk Permit Refusal
7. Communications from Chris Kolb, State Representative for the 53rd District, thanking the Interim City Clerk for copies of the Resolution Opposing Senate Bills 1081, 1103, 1147 and House Bill 5762
8. Communication from the Michigan Municipal League Informing City Council that the League will meet on Mackinaw Island, September 30 through October 2, 2004 for a business Session at the Grand Hotel. MML is requesting a Representative for the City of Ann Arbor - See Angela Dempkowski
9. Communication from the Board of County Road Commissioners regarding Lane Detour on Dixboro Road (Northbound) between Geddes Road and Huron River Drive for the Dixboro Road Bridge Construction
10. Communication from the National League of Cities (NLC) recognizing the City of Ann Arbor in it's inclusion in the "National League of Cities Examples" database - Re: Forest Avenue Parking Structure

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

The following minutes were received for file:

1. Taxicab Board - April 1, 2004 and May 27, 2004
2. Zoning Board of Appeals - March 24 and April 28, 2004
3. Building Board of Appeals - May 12, 2004

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

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

### **PUBLIC COMMENTARY - GENERAL**

#### **JASON MIRONOV - ISRAEL**

Jason Mironov, 541 Elm, thanked Council for listening to statements from the public regarding Israel.

### **RECESS FOR CLOSED SESSION**

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

On roll call, the vote was as follows:

Yeas, Council Members Carlberg, Greden, Teall, Higgins, Easthope, Woods, Groome, Johnson, Lowenstein, Reid, Mayor Hiefertje, 11;

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 9:56 p.m.

Council Member Easthope moved, seconded by Council Member Higgins that the regular session of Council be reconvened.

On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 10:12 p.m.

R-324-7-04 APPROVED

RESOLUTION TO APPROVE LANGUAGE FOR BALLOT QUESTION FOR AMENDMENT TO CHARTER SECTION  
16.2 - RESTRICTIONS OF MARIJUANA PROPOSED BY INITIATORY PETITION

Whereas, On May 7, 2004, an initiatory petition was filed with the City Clerk's Office that proposes an amendment to Section 16.2 of the Ann Arbor City Charter;

Whereas, The City Clerk's Office has determined that there are sufficient valid signatures for the amendment proposed by the initiatory petition to be placed on the ballot for the November 2, 2004, election;

Whereas, Said petition states the following as its summary in 121 words of the proposed charter amendment and does not include ballot language in question form of 100 words or less which is required to place the question on the ballot:

"A Proposed Amendment to the Charter of the City of Ann Arbor, Michigan, Section 16.2, to waive fines and all other costs upon proof that the defendant is recommended by a physician, practitioner or other qualified health professional to use or provide the marijuana or cannabis for medical treatment; to prohibit Ann Arbor police officers, and his or her agents, from complaining, and the city attorney from refereing [sic] any complaint, of the possession, control, use, giving away, sale or cultivation of marijuana or cannabis upon proof of an aforementioned recommendation; to change the fine for third and subsequent offenses from not less than \$100.00 to \$100.00; to establish an affirmative defense; and to prohibit imposition of other punitive or rehabilitative measures."

Whereas, The language of the proposed amendment is set forth in full on the back of the petition;

Whereas, Section 21 of the Home Rule Act requires the City Council to approve language in the event the language in an initiatory petition for a charter amendment does not include proper ballot question language; and

Whereas, Approval of ballot language by the City Council under these circumstances is an obligation imposed by statute and does not constitute an endorsement of the proposed amendment;

RESOLVED, That the Ann Arbor City Council approve the following language to be placed on the ballot, based on said initiatory petition:

AMENDMENT TO SECTION 16.2 OF  
THE ANN ARBOR CITY CHARTER  
PERTAINING TO MARIJUANA OR CANNABIS

Shall Section 16.2 of the Charter be amended to require waiver of fines and costs upon proof that the defendant has a recommendation of a physician, practitioner or other qualified health professional to use or provide marijuana or cannabis for medical treatment; to prohibit Ann Arbor police officers from complaining, and the city attorney from referring any complaint, of the possession, use, giving away, sale or cultivation of marijuana upon proof of such recommendation; to prohibit other punitive or rehabilitative measures; to establish an affirmative defense; and to set the fine for third and subsequent such offenses at \$100.00?

YES

NO

RESOLVED, That based on said initiatory petition, the proposed Charter amendment and foregoing proposed ballot question be published in full not fewer than two times in the Ann Arbor News; and



RESOLVED, That approval of this resolution by the City Council does not constitute an endorsement of the proposed amendment by the City Council.

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

On roll call, the vote was as follows:

Yeas, Council Member Easthope, Groome, Johnson, Lowenstein, Carlberg, Teall, Mayor Hieftje, 7;

Nays, Council Member Reid, Greden, Higgins, Woods, 4.

The Mayor declared the motion carried.

### **ADJOURNMENT**

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

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 10:15 p.m.

Anissa R. King  
Acting Clerk of the Council  
Recording Secretary