



Legislation Details (With Text)

**File #:** 07-0576      **Version:** 1      **Name:** 2002-07-15 City Council Minutes  
**Type:** Minutes      **Status:** Filed  
**File created:** 7/15/2002      **In control:** City Council  
**On agenda:** 7/15/2002      **Final action:** 7/15/2002  
**Enactment date:**      **Enactment #:**

**Title:** ANN ARBOR CITY COUNCIL MINUTES REGULAR SESSION - JULY 15, 2002

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
7/15/2002	1	City Council	Approved	Pass

**ANN ARBOR CITY COUNCIL MINUTES REGULAR SESSION - JULY 15, 2002**

The regular session of the Ann Arbor City Council was called to order at 7:39 p.m. in the City Hall Council Chamber by Mayor John Hieftje.

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 Jean Robinson, Robert M. Johnson, Joseph Upton, Michael R. Reid, Jean Carlberg, Heidi Cowing Herrell, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 11.

**ABSENT :** Councilmember Stephen C. Hartwell, 1.

**INTRODUCTIONS**

**REIMBURSEMENT FOR BUYING AN ALTERNATIVE FUEL VEHICLE**

Mel Barclay received a reimbursement check from The Clean Cities Program, for purchasing a vehicle fueled solely by natural gas. The Clean Cities program is a locally based government/industry partnership, coordinated by the United States Department of Energy to expand the use of alternatives to gasoline and diesel fuels.

**PUBLIC COMMENTARY - RESERVED TIME**

**BLAINE COLEMAN - DIVEST FROM ISRAEL**

Blaine Coleman, P.O. Box 7034, thanked Council for putting the resolution to divest from Israel in front of the Human Rights Commission.

2 Council - July 15, 2002

**ELAINE RUMMAN - PALESTINIAN ISRAELI CONFLICT**

Elaine Rumman, 1310 Pomona, addressed Council regarding the Palestinian Israeli conflict. Ms. Rumman asked that Council reach the federal authorities to say that Ann Arbor tax money not be used to harm innocent people in Israel.

**MERRILL CROCKETT - COMMUNITY DEVELOPMENT**

Merrill Crockett, 11131 Scio Church Road, expressed concern about the future of the Community Development programs and the Department. Ms. Crockett suggested that Council examine the potential benefit of the reductions on the General Fund, since almost

100% of the Community Development staff is federally funded and that money cannot go to pay for other things.

**STEVE LOWE - FIRE DEPARTMENT ISSUES**

Steve Lowe, 3262 W. North Territorial, president of the Ann Arbor Fire Fighters Union Local 693, expressed concern about the organizational take over of Fire Chief. Mr. Lowe asked that Council meet with him to discuss this matter in depth.

**CARL HEIN - FIRE DEPARTMENT ISSUES**

Carl Hein, 11093 Homeshore, chief steward for the Ann Arbor Fire Fighters Union Local 693, expressed concern about recent comments in the Ann Arbor news regarding the Fire Department.

**JON KREUCHER - CABLE TELEVISION ORDINANCE**

Jon Kreucher, representing Comcast, thanked Council for consideration of items on the agenda regarding Comcast Cable. Mr. Kreucher was also available to answer questions of Council.

**PUBLIC HEARINGS**

**THE CARROT WAY DEVELOPMENTS ZONING (ORDINANCE NO. 24-02)**

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 10.29 acre from TWP (Township District) to PUD (Planned Unit Development Council - July 15, 2002 3

District), The Carrot Way Developments property, 1731 Dhu Varren Road. Notice of public hearing was published July 1, 2002.

Forty-one residents from Foxfire, Leslie Park Circle and members of Avalon Housing spoke in support of the Carrot Way Development proposal.

Fifteen residents from Foxfire, Leslie Circle and the surrounding neighborhood spoke in opposition of the Carrot Way Development proposal.

(Speaker sign-up sheet on file in the City Clerk's Office)

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

**2002 LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM**

A public hearing was conducted on the proposed 2002 Local Law Enforcement Block Grant Program. Notice of public hearing was published July 14, 2002.

There being no one present to speak, the Mayor declared the hearing closed.

The Mayor declared a recess at 10:54 p.m.

The Mayor again called the meeting to order at 11:08 p.m.

**APPROVAL OF AGENDA**

**AGENDA APPROVED WITH CHANGES**

Councilmember Carlberg moved that the agenda be approved with the following changes:

**CONSENT AGENDA**

Delete: Resolution to Award Contract to P. K. Contracting for Annual Payment Markings - Bid No. 3538 (\$136,500.00) (Public Services - William R. Wheeler, Director)

4 Council - July 15, 2002

Revised: Resolution to Approve Contract with Saladino Construction for Annual Concrete Repairs - Bid No. 3539 (\$120,000.00) (Public Services - William R. Wheeler, Director)

Add: Resolution to Approve the Transfer of a Class C Liquor Licensed Business Located at 114-118 East Washington Street, d.b.a. Arbor Brewing Company (City Clerk - Yvonne Carl, Interim City Clerk)

Add: Resolution authorizing Libertarian Party Caucus (City Clerk - Yvonne Carl, Interim City Clerk)

**MOTIONS AND RESOLUTIONS**

Delete: Resolution to Approve Ann Arbor/Ypsilanti Smart Zone Business Accelerator Grant Application (Administrator - Roger Fraser, City Administrator)

Add: Resolution to Grant a Hardship Exemption from the Living Wage Ordinance to the Ann Arbor Summer Festival Until June 2005 (Human Resources - Dave Ferber, Director)

Add: Resolution Authorizing a New Administrative Structure for the City of Ann Arbor (Mayor Hieftje, Councilmember Higgins)

Add: Resolution to Accept Board of Insurance Administration Minutes of July 9 and 10, 2002 and to Authorize Payments (Human Resources - Dave Ferber, Director)

Add: Resolution to Approve Acceptance of a Core Cities Grant for the Michigan Information Technology Center (Administrator - Roger Fraser, City Administrator)

Add: Resolution to Approve Acceptance of Ann Arbor/Ypsilanti Smart Zone Business Accelerator Grant (Administrator - Roger Fraser, City Administrator)

Add: Resolution Designating the Local Development Finance Authority District Boundaries (Attorney - Abigail Elias, City Attorney)  
Council - July 15, 2002 5

Add: Resolution to Appoint Local Development Finance Authority Board (Councilmember Carlberg and Higgins)

Add: Resolution Appointing the City Administrator as Fire Chief (Administrator - Roger Frasesr, City Administrator)

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

Add: Communication from Cathy Robinson, executive director of Hope Clinic regarding the Food Gatherers Proposal - Planning

Add: Communication from Gopal and Indu Prasad regarding the Carrot Way Rezoning - Planning

Add: Communication from Timothy & Monica Faley regarding the Carrot Way Rezoning - Planning

Add: Communication from Jinming Zhang regarding the Carrot Way Rezoning - Planning

Add: Communication from Chung-Hsing Kuo regarding the Carrot Way Rezoning - Planning

On a voice vote the Mayor declared the motion carried.

#### **APPROVAL OF COUNCIL MINUTES**

##### MINUTES OF JUNE 27, AND JULY 1, 2002 APPROVED

Councilmember Robinson moved that the working session minutes of June 27, 2002 and the regular session minutes of July 1, 2002 be approved as presented.

On a voice vote the Mayor declared the motion carried.

6 Council - July 15, 2002

#### **CONSENT AGENDA**

##### CONSENT AGENDA ITEMS APPROVED

Councilmember Easthope moved that the following Consent Agenda items be approved as presented:

R-304-7-02 APPROVED

RESOLUTION TO AWARD A CONSTRUCTION CONTRACT  
TO THOMPSON-McCULLY COMPANY AND  
ESTABLISH A PROJECT BUDGET  
FOR THE NIXON ROAD IMPROVEMENTS PROJECT

BID NO. 3559

Whereas, The Nixon Road Improvement project is included in the City Capital Improvements Plan;

Whereas, City Council approved Special Assessment Resolution No. 4 for this project on March 18, 2002;

Whereas, Competitive bids were received by the Purchasing Division on June 25, 2002 and Thompson-McCully Company of Whitmore Lake, Michigan, was the lowest responsible bidder at \$793,080.10;

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; and

Whereas, Thompson-McCully Company received Human Rights approval on May 15, 2002 and complies with the living wage ordinance;

RESOLVED, That a contract in the amount of \$793,080.10 be awarded to Thompson-McCully Company for the construction of the Nixon Road Improvements Project (Bid No. 3559);

Council - July 15, 2002 7

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 following project budget be adopted and funds appropriated for the life of the project, to be available until expended without regard to fiscal year:

Section I - Revenue

\$ 204,912.00 Property Share Assessable, Special Assessment Bonds

\$ 103,000.00 Property Share Assessable, Cash Paid by Barclay Park Condominium to the design consultant

\$ 205,000.00 City Share Future Recoverable, LTGO

\$ 226,364.00 City Share Future Recoverable, Street Millage

\$ 460,724 00 City Share Non-Recoverable, Street Millage

\$ 1,200,000.00 TOTAL

Section II - Expense

\$ 793,100.00 Construction

\$ 155,300.00 Design Engineering

\$ 119,000.00 Construction Engineering

\$ 27,000.00 Consulting and Testing

\$ 79,000.00 Contingencies approved by the City Administrator

\$ 10,000.00 Bond Expenses

\$ 16,600.00 Miscellaneous Costs

\$ 1,200,000.00 TOTAL; and

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

\*\*\*\*\*

8 Council - July 15, 2002

R-305-7-02 APPROVED

RESOLUTION TO APPROVE CONTRACT WITH SALADINO CONSTRUCTION FOR ANNUAL CONCRETE REPAIRS - BID NO. 3539

Whereas, Sealed bids for annual concrete repairs were received in April 2002, and

Saladino Construction was the lowest responsible bidder;  
Whereas, The Public Services Department recommends approval of a one-year contract with Saladino Construction with the option to extend the contract for an additional two one-year periods under the same terms and conditions;  
Whereas, \$120,000.00 has been appropriated in the FY 2002-03 Public Services Department major and local street budgets, for the scheduled annual concrete repairs throughout the City;  
Whereas, It is anticipated that sufficient funds will be appropriated in the FY 2003-04 and FY 2004-05 Public Services Department major and local street budgets should the City elect to exercise its option and extend the term of the contract; and  
Whereas, Saladino Construction received Human Rights approval on May 31, 2002;  
RESOLVED, That City Council approve a contract, per Bid No. 3539, with Saladino Construction in the amount of \$120,000.00 for one year with the option to extend the contract for an additional two one-year periods for annual concrete repairs on appropriation of the necessary funds in the FY 2003-04 and FY 2004-05 budgets for a total estimated amount for the three years of \$360,000.00;  
RESOLVED, That the Mayor and City Clerk be authorized and directed to execute said contract and any extension thereof 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 authorized to take all necessary administrative actions to implement this resolution.

\*\*\*\*\*

Council - July 15, 2002 9

R-306-7-02 APPROVED

RESOLUTION TO AWARD CONTRACT TO NYLANDER ENGINEERING  
FOR CRACK SEALING/CRACK FILLING - BID NO. 3537

Whereas, Sealed bids for crack sealing/crack filling were received in April 2002, and Nylander Engineering was the lowest responsible bidder;  
Whereas, The Public Services Department recommends approval of a one-year contract with Nylander Engineering with the option to extend the contract for an additional two one-year periods under the same terms and conditions;  
Whereas, Sufficient funds have been appropriated in the FY2002-03 Public Services Department major and local street budgets, for the scheduled crack sealing repairs throughout the City;  
Whereas, It is anticipated that sufficient funds will be appropriated in the FY 2003-04 and FY 2004-05 Public Services Department major and local street budgets should the City elect to exercise its option and extend the term of the contract; and  
Whereas, Nylander Engineering received Human Rights approval on June 10, 2002;  
RESOLVED, That City Council approve a contract, per Bid No. 3537, with Nylander Engineering in the amount of \$68,800.00 for one year with the option to extend the contract for an additional two one-year periods for annual crack sealing repairs on appropriation of the necessary funds in the FY 2003-04 and FY 2004-05 budgets for a total estimated amount for the three years of \$206,400.00;  
RESOLVED, That the Mayor and City Clerk be authorized and directed to execute said contract and any extension thereof 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 authorized to take all necessary administrative actions to implement this resolution.

\*\*\*\*\*

10 Council - July 15, 2002

R-307-7-02 APPROVED

RESOLUTION TO INCREASE THE AMOUNT OF SERVICE CONTRACT TO ACCU READ SERVICES FOR TEMPORARY WATER METER READING SERVICES FOR FY 2002 (\$20,875.00) AND ISSUE A NEW PURCHASE ORDER FOR FY 2003 EXPENSES

Whereas, It is necessary to read Water Utility meters to generate utility billing;  
Whereas, The Water Utility is soliciting proposals to convert to automated meter reading technology which will eliminate the meter reader classification;  
Whereas, Due to retirements and temporary reassignment temporary assistance is needed to maintain the meter read schedule to accommodate timely customer billing;  
Whereas, ACCU Read Services has provided proposal to meet the Water Utility Department meter reading needs for a period of up to twelve months and a purchase order in the amount of \$22,000.00 was issued to ACCU Read Services on January 23, 2002;  
Whereas, Due to personnel changes, additional funds are needed to pay for ACCU Read Services provided in FY 2002 and the cost of these additional services is approximately \$20,875.00;  
Whereas, ACCU Read Services are needed during FY 2003 from July 1, 2002 through November 21, 2002, with estimated expenses of \$50,000.00; and  
Whereas, On January 22, 2002, ACCU Read Services received Human Rights and Living Wage approval;  
RESOLVED, That Council approve \$20,875.00 for ACCU Read Services for meter reading services provided in FY 2002, with the total amount of FY 2002 purchase order increased to \$42,875.00; and  
RESOLVED, That Council approve \$50,000.00 for meter reading services performed by ACCU Read Services in FY 2003 from July 1, 2002 to November 21, 2002.

\*\*\*\*\*

R-308-7-02 APPROVED

RESOLUTION AUTHORIZING WATER MAIN, SANITARY SEWER AND STORM SEWER IMPROVEMENT CHARGES

TO 2310, 2320 AND 2324 DEXTER AVE.

Council - July 15, 2002 11

Whereas, The City has previously constructed a water main, sanitary sewers and storm sewer improvement described as follows:

Water Main: 8" water main in Dexter \$14.3531/front foot

2310 Dexter 110 front feet x \$14.3531/front foot = \$1,578.84

2320 Dexter 55 front feet x \$14.3531/front foot = \$ 789.42

2324 Dexter 302.5 front feet x \$14.3531/front foot = \$4,341.81

\$6,710.07

Sanitary Sewer: 8" sanitary sewer Job No. 2996, Dist. No. 326 \$38.7964/acre

2310 Dexter 1.12 acres x \$38.7964/acre = \$ 43.45

2320 Dexter 0.52 acres x \$38.7964/acre = \$ 20.17

2324 Dexter 2.21 acres x \$38.7964/acre = \$ 85.74

\$ 149.36

Lateral Sewer : Dist No. 365; \$0.0294015/sq ft.

2310 Dexter 48,840 square feet = \$1,435.97

2320 Dexter 22,743 square feet = \$ 668.68

2324 Dexter 96,359 square feet = \$2,833.10

\$4,937.75

Storm Sewer: 24" storm sewer in Dexter Rd., Job #3580, Dist. No. 54,  
\$0.057421697 square foot  
2310 Dexter 48,840 square feet = \$2,804.48  
2320 Dexter 22,743 square feet = \$1,305.94  
2324 Dexter 96,359 square feet = \$5,533.10  
\$9,643.52

**GRAND TOTAL OF IMPROVEMENT CHARGES \$21,440.70;** and

Whereas, Pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, the fair share of the cost of said improvements is to be levied against certain properties and this fair share has not been previously paid nor contracted for.

RESOLVED,

1. That Council levy an improvement charge against the following newly-annexed property which is specifically benefited by the above improvements:

12 Council - July 15, 2002

Annexation Address: 2310, 2320 and 2324 Dexter Ave.

City Assessor Code: 09-30-227-033, 09-30-227-034 &  
09-30-227-035

Annexation Number : A00-14

Planning File No : 9302W7.1m .2 and .2a

2310 Dexter Road:

PRT OF THE NW 1/4 SEC 30, T2S, R6E, CITY OF ANN ARBOR, DESCRIBED AS:  
COM AT THE SE COR OF SEC 24, T2S, R5E; TH N 00 DEG 05' 41" E 184.40FT;  
TH S 89 DEG 24' 30" E 2.25 FT TO THE CLOSING CORNER AT THE NW COR OF  
SEC 30; TH S 89 DEG 24' 30" E 873.58 FT TO THE POB; TH CONT, S 89 DEG 24'  
30" E 110.92 FT; TH S 13 DEG 17' 54" W 500.27 FT; TH N 68 DEG 21' 58" W 110  
FT; TH N 13 DEG 22' 40" E 459.92 FT TO THE POB; CONT 1.196 ACRES +-,  
SUBJECT TO THE RIGHT OF THE PUBLIC AND ANY GOVERNMENTAL UNIT IN  
ANY PRT THEROF USED, TAKEN OR DEEDED FOR ROW. SUBJECT TO  
EASEMENTS AND RESTRICTIONS OF RECORD.

2320 Dexter Road:

PRT OF THE NW 1/4 SEC 30, T2S, R6E, CITY OF ANN ARBOR, DESCRIBED AS:  
COM AT THE SE COR OF SEC 24, T2S, R5E; TH N 00 DEG 05' 41" E 184.40FT;  
TH S 89 DEG 24' 30" E 2.25 FT TO THE CLOSING CORNER AT THE NW COR OF  
SEC 30; TH S 89 DEG 24' 30" E 817.77 FT TO THE POB; TH CONT, S 89 DEG 24'  
30" E 55.81 FT; TH S 13 DEG 22' 40" W 459.92 FT; TH N 68 DEG 21' 58" W 55 FT;  
TH N 13 DEG 22' 40" E 439.67 FT TO THE POB; CONT .562 ACRES +-, SUBJECT  
TO THE RIGHT OF THE PUBLIC AND ANY GOVERNMENTAL UNIT IN ANY PRT  
THEROF USED, TAKEN OR DEEDED FOR ROW. SUBJECT TO EASEMENTS  
AND RESTRICTIONS OF RECORD.

Council - July 15, 2002 13

2324 Dexter Road:

PRT OF THE NW 1/4 SEC 30, T2S, R6E, CITY OF ANN ARBOR, DESCRIBED AS:  
COM AT THE SE COR OF SEC 24, T2S, R5E; TH N 00 DEG 05' 41" E 184.40FT;  
TH S 89 DEG 24' 30" E 2.25 FT TO THE CLOSING CORNER AT THE NW COR OF  
SEC 30; TH S 89 DEG 24' 30" E 579.77 FT TO THE POB; TH CONT, S 89 DEG 24'  
30" E 238 FT; TH S 13 DEG 22' 40" W 439.67 FT; TH N 68 DEG 21' 58" W 302.25  
FT; TH N24 DEG 24' 54" E 350.07 FT TO THE POB; CONT 2.384 ACRES +-,  
SUBJECT TO THE RIGHT OF THE PUBLIC AND ANY GOVERNMENTAL UNIT IN  
ANY PRT THEROF USED, TAKEN OR DEEDED FOR ROW. SUBJECT TO

EASEMENTS AND RESTRICTIONS OF RECORD. Now situated in the City of Ann Arbor.

2. That the improvement charge levied be \$21,440.70 and be designated as Utilities Improvement Charge No. 728;

3. That this improvement charge be divided into 15 equal installments; the first to be due on September 1, 2002, and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 5.1% per annum commencing September 1, 2002.

4. That the Water Utilities Department be directed to send a copy of this resolution by first class mail to the owner of the property. This resolution will be recorded in the office of the Register of Deeds of Washtenaw County, Michigan by the Water Utilities Department; and

5. That this levied improvement charge be invoiced to the owners of the property known as Raymond Knight Jr. Family Partnership, 2324 Dexter Ave., Ann Arbor, MI and to be credited in the amounts of \$6,710.07 to Fund 0042-073-3000-7151, \$5,087.11 to Fund 0043-073-3000-7151 and \$9,643.52 to Fund 0069-073-3000-7151.

\*\*\*\*\*

14 Council - July 15, 2002

R-309-7-02 APPROVED

RESOLUTION TO GRANT WATER SERVICE OUTSIDE CITY LIMITS  
TO 3009 GEDDES AVE.

Whereas, On July 2, 2002, the owners of the property at 3009 Geddes Ave.

Requested that the City extend public water service to their property in Township prior to the completion of the annexation process;

Whereas, The owners desires to enter into the standard agreement with the City which provides an equitable method of obtaining City service outside of its corporate boundaries; and

Whereas, On November 8, 2001 the owners petitioned the City for annexation under Planning Department file number 9274B8.1 and 9274B8.2;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreement to allow City water service to the land during the time it is still outside of the Corporate City Limits; that the Water Utilities Department be directed to send a copy of this resolution by first class mail to the above property owners; and shall promptly have this resolution and the agreement recorded in the office of the Register of Deeds of Washtenaw County, Michigan and send a completely executed copy of the agreement to the owners.

\*\*\*\*\*

R-310-7-02 APPROVED

RESOLUTION TO AUTHORIZE CUMULATIVE EXPENDITURES  
WITH CONTRACTORS EXCEEDING \$25,000.00 FOR  
FOOTING DRAIN DISCONNECTION (FDD) FROM JULY 1, 2002  
THROUGH JUNE 30, 2003

Whereas, City Code Section 1:321 allows the City Administrator to approve contracts for services without City Council approval when the total payments to the contractor in a fiscal year do not exceed \$25,000.00;

Whereas, City Code Section 1:312 allows the City Administrator to approve any purchase or contract under \$25,000.00;

Whereas, City Charter Chapter 14, Section 14.2, requires City Council approval of

any contracts with or purchases from a vendor totaling \$25,000.00 or more in a single fiscal year;

Council - July 15, 2002 15

Whereas, Under Section 2:51.1 of Chapter 28 of Title II of the code of the City of Ann Arbor, Program Footing Drain Disconnect From POTW the POTW may reimburse the participating homeowner for corrective work as established in the code; and

Whereas, The following contractors, each of which has received Living Wage and Human Rights approval, have been pre-qualified and are anticipated to be awarded contracts or purchases exceeding \$25,000.00 within this fiscal year in the amounts shown:

**Spending Authorized**

**Contractor Name Limits Through 6-30-03**

Hutzel Plumbing & Heating Co. \$150,000.00

Home Run Services, Inc. \$150,000.00

Perimeter, LLC \$150,000.00

Michigan Trenching Services, Inc. \$230,000.00

Total \$680,000.00 ;

RESOLVED, That City Council approve the anticipated expenses to the above listed vendors/contractors up to the amounts shown for approved Footing Drain Disconnection work;

RESOLVED, That the Utilities Department be authorized to pay invoices to the extent of the spending limits herein authorized for each specified contractor; and

RESOLVED, That these expenses be financed from Funds available in the approved project budget for the Comprehensive City-Wide Footing Drain Disconnection Program.

\*\*\*\*\*

16 Council - July 15, 2002

R-311-7-02 APPROVED

**RESOLUTION TO APPROVE AMENDMENT TO AGREEMENT WITH PEACE NEIGHBORHOOD CENTER FOR REHABILITATION OF THE COMMUNITY CENTER - CDBG FUNDS**

Whereas, Peace Neighborhood Center has operated a neighborhood community center in an aging facility originally built as a church at 1111 North Maple Road;

Whereas, The facility is in need of major renovation and updating in order to continue to provide a variety of programs for lower-income residents;

Whereas, In September 2001 City Council approved an Agreement with Peace Neighborhood Center for \$150,000.00 to assist with renovation of its building (R-370-9-01);

Whereas, Peace Neighborhood Center has raised \$1.7 mil of the \$2.2 mil needed to complete the project and continues to leverage additional resources from foundations and private sources through a major fund raising campaign for this work;

Whereas, The allocation of CDBG funds in the amount of \$50,000.00 for this project was included in the FY 2002-03 Consolidated Strategy and Plan approved by City Council on May 6, 2002 (R-176-5-02); and

Whereas, Human Rights approval was received for the contractor on February 22, 2002;

RESOLVED, That City Council approve the First Amendment to the Agreement with Peace Neighborhood Center for rehabilitation of 1121 North Maple Rd. for an additional of \$50,000.00 of Community Development Block Grant Funds;

RESOLVED, That the Mayor and City Clerk be authorized and directed to sign the amended agreement subject to approval as to form by the City Attorney with funds to be available until expended without regard to fiscal year; and

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

\*\*\*\*\*

R-312-7-02 APPROVED

RESOLUTION TO APPROVE THE TRANSFER OF A CLASS C LIQUOR LICENSED BUSINESS

Council - July 15, 2002 17

LOCATED AT 114-118 EAST WASHINGTON STREET

D.B.A. ARBOR BREWING COMPANY

RESOLVED, That the request of the Arbor Brewing Company, LLC (d.b.a. Arbor Brewing Company) to transfer the ownership a 2002 Class C/Brewpub licensed business, located at 114-118 E. Washington St., from Arbor Brewing Company II, Inc. to Arbor Brewing Company LLC., be approved; and

RESOLVED, That the expanded outdoor service area, located on city sidewalk adjacent to 120 East Washington Street, be approved.

\*\*\*\*\*

R-313-7-02 APPROVED

RESOLUTION AUTHORIZING LIBERTARIAN PARTY CAUCUS

RESOLVED, That the date of August 1, 2002 be hereby approved as the official caucus date of the Libertarian Party for the purpose of determining its candidates for the November 5, 2002 General City Election.

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

**ORDINANCES - SECOND READING**

24-02 APPROVED

THE CARROT WAY DEVELOPMENTS 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 10.29 acres, located at 1731 Dhu Varren Road, from TWP (Township District) to PUD (Planned Unit Development District). (The complete text of Ordinance 24-02 is on file in the City Clerk's Office).

Councilmember Woods moved that the ordinance be adopted at second reading.

On roll call the vote was as follows:

Yeas, Councilmembers Johnson, Upton, Reid, Carlberg, Herrell, Higgins, Easthope, 18 Council - July 15, 2002

Woods, Robinson , Mayor Hieftje, 10;

Nays, 0.

The Mayor declared the motion carried.

**ORDINANCES - FIRST READING**

30-02 APPROVED

FERENCZY 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 0.34 acre, located on Ferry and Porter Streets (Lots 31 and 37, Westover Hills Subdivision), from TWP (Township District) to R1D (Single-Family Dwelling District). (The complete text of Ordinance 30-02 is on file in the City Clerk's Office).

Councilmember Carlberg moved that the ordinance be approved at first reading.

On a voice vote the Mayor declared the motion carried.

\*\*\*\*\*

Council - July 15, 2002 19  
31-02 APPROVED  
COMMUNITY ANTENNA TELEVISION SYSTEMS  
An Ordinance to Repeal Chapter 32, Title II  
of the Code of the City of Ann Arbor,  
to Amend the Code of the City of Ann Arbor by  
Adopting a New Chapter which New Chapter shall be  
Designated as Chapter 32 of Title II of the Code  
of the City of Ann Arbor,  
and to Amend Section 1:17 of Chapter 1 of Title I  
of the Code of the City of Ann Arbor  
(The complete text of Ordinance 31-02 is on file in the City Clerk's Office)  
Councilmember Carlberg moved that the ordinance be approved at first reading.  
On a voice vote the Mayor declared the motion carried.

**MOTIONS AND RESOLUTIONS**

POSTPONED  
RESOLUTION TO AMEND POLICIES RELATING TO  
THE TRAFFIC CALMING PROGRAM  
Whereas, The City's traffic calming program has been in operation since December,  
1999;  
Whereas, Several traffic calming projects were undertaken in 2001, of which some  
are now completed;  
Whereas, The administration of past projects has resulted in valuable experience to  
be used in the future projects; and  
Whereas, On May 7, 2001 by Resolution No. R-176-5-01, the City Council  
determined the need for an annual evaluation of the traffic calming program and its further  
enhancement;  
RESOLVED, That Attachment "A" (on file in the City Clerk's Office), Amendment to  
the Traffic Calming Program, be approved.

20 Council - July 15, 2002  
Councilmember Johnson moved that the resolution be adopted.  
Councilmember Johnson moved to postpone the resolution until August 5, 2002 for further  
review.  
On a voice vote the Mayor declared the motion carried.

\*\*\*\*\*

R-314-7-02 APPROVED  
RESOLUTION TO APPROVE DISBURSEMENT OF  
COMMUNITY EVENTS FUND  
Whereas, The Council Community Events Fund Committee met and reviewed  
funding requests from community groups; and  
Whereas, The Ann Arbor City Council wishes to support activities that promote or  
bring the community together to celebrate its richness;  
RESOLVED, That the Ann Arbor City Council approve the following allocations from  
the 2002-2003 Community Events Fund:  
1. \$3,000.00 - Ann Arbor Jaycees Summer Carnival July 3 thru July 6, 2002.  
These dollars will be used to pay city costs associated with the carnival.  
2. \$2,000.00 - Ann Arbor Street Art Fair 2002. In support of the Art is  
Everywhere Workshops.

3. \$3,000.00 - Ann Arbor Blues and Jazz Festival, September 13-15, 2002.  
These dollars will be used to pay city costs associated with the Festival.  
RESOLVED, That the City Administrator initiate the necessary paperwork to  
disburse this funding allocation.

Councilmember Higgins moved that the resolution be adopted.  
On a voice vote the Mayor declared the motion carried.

\*\*\*\*\*

R-315-7-02 APPROVED  
RESOLUTION TO APPROVE REVISED

Council - July 15, 2002 21

MAIN STREET COMMONS DEVELOPMENT AGREEMENT

Whereas, It has been determined that revisions to the Main Street Commons  
Development Agreement, as approved by City Council on March 18, 2002, are necessary  
for construction to proceed; and

Whereas, The proposed revisions have been reviewed and found acceptable by City  
departments;

RESOLVED, That City Council approve the First Amendment to and Restatement of  
Main Street Commons Development Agreement, substantially in the form of that attached,  
dated July 1, 2002.

Councilmember Carlberg moved that the resolution be adopted.  
On a voice vote the Mayor declared the motion carried.

\*\*\*\*\*

R-316-7-02 APPROVED  
RESOLUTION TO ACCEPT AND APPROPRIATE FUNDS FROM THE  
FY 2002 LOCAL LAW ENFORCEMENT BLOCK GRANT TO THE  
ANN ARBOR POLICE DEPARTMENT

Whereas, The Ann Arbor Police Department has been awarded \$87,785.00 from the  
Local Law Enforcement Block Grant Program;

Whereas, It is anticipated that these funds will be utilized for departmental  
equipment purchases along with overtime expenses; and

22 Council - July 15, 2002

Whereas, The required match of \$9,754.00 will be expended from the Police  
Department's General Fund budget;

RESOLVED, That the City Council accept this grant award amount of \$87,785.00 in  
a form acceptable to the City Attorney; and

RESOLVED, That the City Administrator or his designee be authorized to take all  
necessary administrative action to implement these provisions and to appropriate the funds  
for the life of the grant.

Councilmember Easthope moved that the resolution be adopted.  
On a voice vote the Mayor declared the motion carried.

\*\*\*\*\*

R-317-7-02 APPROVED  
RESOLUTION TO APPROVE ACCEPTANCE OF  
US ENVIRONMENTAL PROTECTION AGENCY GRANT  
AND APPROPRIATION OF FUNDS TO CONDUCT

VULNERABILITY ASSESSMENT OF THE DRINKING WATER SYSTEM

Whereas, We are required to conduct a Vulnerability Assessment and update the  
Emergency Response Plan for the City's drinking water system according to the Public  
Health Security and Bioterrorism Preparedness and Response Act;

Whereas, A grant in the amount of \$115,000.00 is available from the US Environmental Protection Agency (USEPA) to public water utilities serving 100,000 or more people to perform vulnerability assessment and update emergency response plan; Whereas, The City applied for the said grant and USEPA has offered a grant in the amount of \$115,000.00 to conduct a vulnerability assessment for the drinking water system; and

Whereas, The City Attorney's Office and the Water Utilities Department have reviewed the grant award;

Council - July 15, 2002 23

RESOLVED, That the City accept the USEPA grant in the amount of \$115,000.00 to conduct the vulnerability assessment of the drinking water system; and

RESOLVED, That City Council adopt the following budget and appropriate funds for the Water Supply System for the life of the project without regard to fiscal year:

Section I, Revenue

USEPA Grant \$115,000.00

Section II, Expenses

**Regular Time \$ 64,842.00**

Fringe Benefits \$ 44,658.00

Material and Supplies \$ 4,000.00

Training and Conference \$ 1,500.00

TOTAL \$115,000.00

Councilmember Woods moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

\*\*\*\*\*

POSTPONED

RESOLUTION GRANTING A NON-EXCLUSIVE CABLE TELEVISION FRANCHISE TO COMCAST CABLEVISION OF THE SOUTH, INC. TO OWN, CONSTRUCT, RECONSTRUCT, OPERATE AND MAINTAIN A CABLE SYSTEM WITHIN THE CITY OF ANN ARBOR, MICHIGAN

WHEREAS, After negotiations, Comcast Cablevision of the South, Inc. ("Comcast") and the City of Ann Arbor ("City") have agreed, pursuant to applicable law, on the terms of a new franchise agreement;

24 Council - July 15, 2002

WHEREAS, An ordinance which contains extensive amendments to Chapter 32 of the Ann Arbor City Code, and which affects the terms and conditions under which Comcast would provide cable service, was approved by City Council at first reading on this date and will be further considered by City Council at a future session of City Council; and

Whereas, The Cable Commission has recommended the renewal of Comcast's franchise under the terms and conditions specified in the new franchise agreement and the amendments to the City Code cited above;

RESOLVED, That the City Council grant Comcast a franchise to own, construct, reconstruct, operate and maintain a cable system along the public rights-of-way within the City of Ann Arbor for the purpose of providing cable service, subject to the terms and conditions of the Franchise Agreement (on file in the City Clerk's Office) and to the provisions and requirements of Chapter 32 of the City Code, as it may from time to time be amended;

RESOLVED, That the effective date of the Franchise Agreement shall not be before the effective date of the amendments to Chapter 32 of the Ann Arbor City Code now being considered by City Council;

RESOLVED, That the Mayor and City Clerk be authorized to execute the Franchise Agreement between the City and Comcast after approval as to form by the City Attorney; RESOLVED, That the City Administrator be authorized to take the necessary administrative actions to implement this resolution; and RESOLVED, That this grant of a franchise shall be null and void if Comcast does not execute the attached Franchise Agreement within sixty days after the date of this resolution.

Councilmember Higgins moved that the resolution be adopted.

Councilmember Upton moved to postpone the resolution until August 5, 2002 for further review.

On a voice vote the Mayor declared the motion carried.

\*\*\*\*\*

POSTPONED

RESOLUTION TO APPROVE THE 2002 CHANGE OF CONTROL AGREEMENT REGARDING THE CHANGE OF CONTROL OF

Council - July 15, 2002 25

COMCAST CABLEVISION OF THE SOUTH, INC., TO AT&T COMCAST CORPORATION

Whereas, Comcast Cablevision of the South, Inc., currently holds a cable franchise from the City subject to the Cable Television Franchise Agreement Between City of Ann Arbor and Ann Arbor Cablevision, Inc. dated February 7, 1980 ("Cable Television Franchise Agreement"), as assigned and modified by Clarification of Franchise Agreement and Approval of Assignment To Columbia Associates, L.P., dated October 1, 1985, and revised February 22, 1993, as modified by Consent Agreement between the City and Columbia Associates, L.P., dated June 2, 1992, as transferred to Continental Cablevision by Transfer Consent Agreement dated April 3, 1995, as transferred to U.S. West Inc., by Transfer Agreement dated January 23, 1997, with a change of name from Continental Cablevision of Eastern Michigan, Inc., to MediaOne of Eastern Michigan, Inc., on April 28, 1997, as modified by the 1999 Agreement among the City, MediaOne of Eastern Michigan, Inc., MediaOne Group, Inc., Meteor Acquisition, Inc., AT&T Corporation, and MediaOne of Delaware, Inc., as transferred to Comcast Cablevision of the South, Inc., by the 2000 Transfer Agreement dated December 18, 2000 ("2000 Agreement"), and to Ch. 32 of the City of Ann Arbor Code ("Franchise Ordinance"), all of which documents other than the 2000 Agreement, including the Franchise Ordinance, as any of them may lawfully be or may have been amended from time to time, collectively referred to as the "Franchise Documents";

Whereas, Comcast Corporation ("Comcast") is currently the ultimate parent of Grantee;

Whereas, Pursuant to an Agreement and Plan of Merger dated December 19, 2001 (the "Merger Agreement"), control of Comcast Cablevision of the South, Inc., will be transferred to AT&T Comcast (the "Proposed Transaction");

Whereas, Section 2:122 of the Franchise Ordinance provides that the prior approval of the City is required for the Proposed Transaction;

Whereas, On or about March 4, 2002, AT&T Comcast and Grantee filed an FCC Form 394 pursuant to the 1992 Cable Act and FCC regulations, and requested that the City approve the Proposed Transaction (the "Application");

Whereas, The Companies have subsequently provided certain additional information;

Whereas, The City has reviewed the Application and followed all required

procedures to consider and act upon the Application;  
Whereas, The City's cable franchise is currently scheduled to expire on December 26 Council - July 15, 2002  
31, 2002, and the City and Grantee have reached agreement on the terms and conditions under which a renewal franchise may be granted to Grantee, as reflected in the new franchise agreement ("New Franchise Agreement") and City Code amendments that have been placed before the City Council ("New Franchise Documents");  
Whereas, The rights and obligations of the City and the Grantee under the Franchise Documents will expire and be of no continuing force on the effective date of the New Franchise Documents, unless otherwise expressly noted in the New Franchise Agreement;  
Whereas, Grantee has agreed to comply with the obligations of the Franchise Documents (prior to the date the New Franchise Documents are effective) or the New Franchise Documents (on or after the date the New Franchise Documents become effective); and  
Whereas, Relying on the representations made by Grantee or affiliated companies in the Application and in supplemental material provided thereto, the City is willing to grant its consent to the Application, as long as such representations are complete and accurate, and subject to such conditions as may be necessary to protect against harm to the City and to the public, each of which is set forth herein;  
RESOLVED, That the City consent to and approve the 2002 Change of Control Agreement regarding a change of control of the cable television franchise held by Comcast Cablevision of the South, Inc., subject to the terms and conditions specified in the 2002 Change of Control Agreement, and subject to Grantee's execution of the renewal Franchise Agreement adopted by the City Council on August 5, 2002; and  
RESOLVED, That the Mayor and City Clerk be authorized to execute said 2002 Change of Control Agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney.  
Councilmember Higgins moved that the resolution be adopted.  
Councilmember Upton moved to postpone the resolution until August 5, 2002 for further review.  
On a voice vote the Mayor declared the motion carried.

\*\*\*\*\*

POSTPONED  
RESOLUTION TO GRANT A HARDSHIP EXEMPTION FROM THE  
LIVING WAGE ORDINANCE TO THE ANN ARBOR  
Council - July 15, 2002 27  
SUMMER FESTIVAL UNTIL JUNE 2005

Whereas, The Ann Arbor City Council adopted the Living Wage Ordinance (Chapter 23) on March 5, 2001;  
Whereas, The Living Wage Ordinance was adopted, in part, to "use City spending to encourage the development of jobs paying wages above the poverty level; and to "raise the income of low-income working people and their families employed by covered employers on City contracts and grants";  
Whereas, The Ordinance provides for "hardship exemptions for certain non-profit employers";  
Whereas, The Ann Arbor Summer Festival has demonstrated its commitment to paying its employees a living wage; and  
Whereas, The Ann Arbor Summer Festival is committed to complying with the living wage within three years;

RESOLVED, That the Ann Arbor City Council approve the hardship exemption request made by the Ann Arbor Summer Festival.  
Councilmember Higgins moved that the resolution be adopted.  
Councilmember Higgins moved to postpone the resolution until August 5, 2002 for further review.

On a voice vote the Mayor declared the motion carried.

\*\*\*\*\*

R-318-7-02 APPROVED  
RESOLUTION AUTHORIZING A NEW ADMINISTRATIVE  
STRUCTURE FOR THE CITY OF ANN ARBOR

Whereas, The Ann Arbor City Council wishes to reduce and control the costs of providing municipal services;  
Whereas, There are significant, unfounded capital needs including a new maintenance facility and remodeling or replacement of City Hall;  
Whereas, This Council anticipates very little growth in the General Fund revenues  
28 Council - July 15, 2002  
from property tax or other sources;  
Whereas, The City Council has directed the City Administrator to define a strategy to address these fiscal and management issues; and  
Whereas, The City Administrator has presented to City Council an organization plan intended to develop and implement strategies to provide long-term improvements in the management and operation of City services;  
RESOLVED, That the organizational plan depicted by the conceptual diagram (on file in the City Clerk's Office) and recommended by the City Administrator be approved for implementation; and  
RESOLVED, That the City Attorney be directed to work with the City Administrator to prepare appropriate policy changes to implement this plan.  
Councilmember Higgins moved that the resolution be adopted.  
On roll call the vote was as follows:  
Yeas, Councilmembers Johnson, Upton, Reid, Carlberg, Herrell, Higgins, Easthope, Woods, Robinson, Mayor Hieftje, 10;  
Nays, 0.  
The Mayor declared the motion carried.

\*\*\*\*\*

R-319-7-02 APPROVED  
RESOLUTION TO ACCEPT BOARD OF  
INSURANCE ADMINISTRATION MINUTES OF JULY 9 AND 10, 2002  
AND TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of July 9 and 10, 2002, be accepted and that the recommended courses of action therein, including payments, be authorized.

MINUTES

July 9, 2002

CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION

Council - July 15, 2002 29

Present: Chris Easthope - Councilperson

Karen Lancaster, Interim Treasurer

James Armstrong - Risk Manager

Abigail Elias - City Attorney

Joseph Upton - Councilperson

**CLAIMS DENIED:**

**CLAIMS APPROVED:**

CC256-00/CC116-98 Howard Andrews

Discussed by William Stapleton, outside counsel

Board approved settlement authority

**CLAIMS TABLED:**

**OTHER AGENDA ITEMS DISCUSSED:**

MINUTES

JULY 10, 2002

CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION

Present: Chris Easthope - Councilperson

Karen Lancaster - Interim Treasurer

James Armstrong - Risk Manager

Marilyn Mack - Claims Specialist

Alvan Knot - Assistant City Attorney

**CLAIMS DENIED:**

**CLAIMS APPROVED:**

CC03-01 Martin Skura

Discussed by Alvan Knot, Asst. City Attorney

Board approved action relative to the recommendation of the Washtenaw

County evaluation panel

30 Council - July 15, 2002

**CLAIMS TABLED:**

**OTHER AGENDA ITEMS DISCUSSED:**

Prepared by:

Marilyn C. Mack, Claims Specialist

7/10/02

Councilmember Easthope moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

\*\*\*\*\*

Council - July 15, 2002 31

R-320-7-02 APPROVED

RESOLUTION TO APPROVE ACCEPTANCE OF A CORE CITIES GRANT

FOR THE MICHIGAN INFORMATION TECHNOLOGY CENTER

Whereas, The City of Ann Arbor has been chosen to receive a \$10,000,000.00 Core Cities grant on behalf of the Michigan Information Technology Center, to be provided by the Michigan Economic Development Corporation; and

Whereas, The City of Ann Arbor will receive these funds as a "pass through agent" to facilitate the establishment of the Michigan Information Technology Center;

RESOLVED, That City Council accept the grant from the MEDC for the Michigan Information Technology Center and authorize the Mayor and City Administrator to execute the agreement (on file in the City Clerk's Office).

Councilmember Upton moved that the resolution be adopted.

Councilmember Herrell moved to postpone the resolution until August 5, 2002 for further review.

On roll call the vote was as follows:

Yeas, Councilmember Herrell, 1;

Nays, Councilmembers Johnson, Upton, Reid, Carlberg, Higgins, Easthope, Woods,

Robinson, Mayor Hieftje, 9.  
The Mayor declared the motion failed.  
The question being the resolution as originally presented, on a voice vote the Mayor declared the motion carried.

\*\*\*\*\*

32 Council - July 15, 2002

R-321-7-02 APPROVED

RESOLUTION TO APPROVE ACCEPTANCE OF ANN ARBOR/YPSILANTI  
SMART ZONE BUSINESS ACCELERATOR GRANT

Whereas, City Council previously approved Resolution No. R-303-7-02 approving an application for the Ann Arbor/Ypsilanti Smart Zone Business Accelerator grant; and Whereas, The Michigan Economic Development Council (MEDC) has approved the City's grant application;

RESOLVED, That the City Council accept the grant from the MEDC for the Ann Arbor/Ypsilanti Smart Zone Business Accelerator and authorizes the Mayor and City Administrator to execute the grant agreement.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

\*\*\*\*\*

R-322-7-02 APPROVED

RESOLUTION DESIGNATING THE LOCAL DEVELOPMENT  
FINANCE AUTHORITY DISTRICT BOUNDARIES

Whereas, The City of Ann Arbor, Michigan (The "City or "Ann Arbor"), is a municipality authorized by the provisions of Act 281, Public Acts of Michigan, 1986, as amended (PA 281) to create the multi-jurisdictional Ann Arbor/Ypsilanti Smart Zone Local Development Finance Authority (the "Authority") with the City of Ypsilanti ("Ypsilanti"); and Whereas, Pursuant to PA 281, the City Council of the City of Ann Arbor (The "City Council") desires to proceed with the establishment of such a district; and

Whereas, Pursuant to PA 281, a public hearing was conducted on February 19, 2002, not less than 60 days prior to the date of this resolution to consider the adoption of this resolution creating the Multi-jurisdictional Ann Arbor/Ypsilanti Smart Zone Local Development Finance Authority and designation of the boundaries of the Authority District in which the Authority will exercise its powers;

RESOLVED, That the property described in Exhibit A (on file in the City Clerk's Office) be designated as the Local Development Finance Authority District.

Council - July 15, 2002 33

Councilmember Higgins moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

\*\*\*\*\*

R-323-7-02 APPROVED

RESOLUTION TO APPOINT LOCAL DEVELOPMENT FINANCE  
AUTHORITY BOARD

Whereas, The City of Ann Arbor established a Local Development Finance Authority, in conjunction with the City of Ypsilanti, at a joint meeting of both cities on June 27, 2002; and

Whereas, The Local Development Finance Authority shall consist of six (6) members from the City of Ann Arbor and appointed by the City Council, and three (3) members, who were appointed on July 2, 2002 from the City of Ypsilanti;

RESOLVED, That the Ann Arbor City Council approve the following four (4)

appointments to the Local Development Finance Authority Board based on the terms established in the approved Agreement between the City of Ann Arbor and the City of Ypsilanti, County of Washtenaw, Michigan:  
Michael Reid to a term ending June 30, 2003  
Christopher Easthope to a term ending June 30, 2003  
Marilyn (Mickey) Katz-Pek to a term ending June 30, 2004  
Robin Risser to a term ending June 30, 2005; and  
RESOLVED, That the City Clerk forward these names to Susan Lackey of the Washtenaw Development Council and be the organization providing administrative support to this Board.

Councilmember Higgins moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

\*\*\*\*\*

R-324-7-02 APPROVED  
RESOLUTION APPOINTING THE CITY ADMINISTRATOR  
34 Council - July 15, 2002  
AS FIRE CHIEF

Whereas, The position of Fire Chief has been vacant for several months;  
Whereas, The City Administrator has engaged an executive search firm to conduct a national search for a new Fire Chief; and

Whereas, The best interests of the city will be served by the appointment of the City Administrator as Fire Chief pending the successful completion of the national search;

RESOLVED, That City Administrator Roger Fraser shall serve as Chief of the Fire Department until a new Fire Chief is hired and begins employment.

Councilmember Easthope moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Johnson, Upton, Reid, Carlberg, Herrell, Higgins, Easthope, Woods, Robinson, Mayor Hieftje, 10;

Nays, 0.

The Mayor declared the motion carried.

**REPORTS FROM COUNCIL COMMITTEES**

None.

**COUNCIL PROPOSED BUSINESS**

None.

**COMMUNICATIONS FROM THE MAYOR**

**ANNOUNCEMENTS**

· Mayor Hieftje congratulated the Parks Department and everyone in the city who participated in Huron River Day.

Council - July 15, 2002 35

· The Mayor is still holding lunch on Mondays at 12 noon at Liberty Plaza. All are welcome to attend.

**APPOINTMENT APPROVED**

Mayor Hieftje recommended the following appointment at the July 1, 2002 regular session of Council:

Downtown Development Authority  
Ronald K. Dankert (Re-appointment)  
208 E. Washington St.  
Ann Arbor, MI 48104  
Term: August 1, 2002 - July 31, 2006

Councilmember Carlberg moved that Council concur with the recommendation of the Mayor.

On a voice vote the Mayor declared the motion carried.

**NOMINATION PLACED ON TABLE**

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

36 Council - July 15, 2002

Planning Commission

Braxton Blake

2209 Stellar Road

Ann Arbor, Mi 48105

Term: August 5, 2002 - June 30, 2005

**COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

**REPORTS SUBMITTED**

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

1. Memorandum Regarding City Planning Commission/Department Work Program for FY 2002-2003 - Planning Commission
2. Information Regarding Carrot Way Developments PUD - Planning
3. Northeast Area Park Plan Status - Parks and Recreation
4. Impact on Overtime at Wastewater Treatment Plan (WWTP) due to staffing and shift schedule changes - Water Utilities

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

□ City Administrator Roger Fraser reported to Council that a firm by the name of the Mullen Group will help with the analysis of the city's support systems. Mr. Fraser will assess how well the Human Resources Department is functioning, the financial reporting system and what has been done to develop the budget. Mr. Jim Mullen will help with this process.

Council - July 15, 2002 37

**COMMUNICATIONS FROM THE CITY ATTORNEY**

**REPORT ON COMPLETED ANNEXATION**

City Attorney Abigail Elias submitted report on the following completed annexation:

1. Ferenczy property, 0.34 acre, Ferry and Porter Streets (Lots 31 and 37, Westover Hills Subdivision), from Scio Township.

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

**COMMUNICATIONS FROM COUNCIL**

**COUNCILMEMBER JOHNSON**

Councilmember Johnson asked if information can be obtained on why a stop sign was taken out on Dhu Varren Road and now cannot be put back in place.

**COUNCILMEMBER EASTHOPE**

Councilmember Easthope asked for information about applying for various waivers from the city for the Ann Arbor Blues and Jazz Festival. The festival is interested in obtaining waivers for this event.

**COUNCILMEMBER HIGGINS**

Councilmember Higgins requested follow up regarding money collected and held at the Ann Arbor Community Foundation. The Commission on Art in Public Places raised money which is deposited there and the Energy Commission has money there as well. Someone from the city was going to look at whether the city is accountable for that money. She asked that the subject be added back to the administrator's list.

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

The following communications were referred as indicated:

1. Communication from Cathy Robinson, executive Director of Hope Clinic, regarding the Food Gatherers Proposal - Planning
2. Communication from Gopal and Indu Prasad regarding the Carrot Way Rezoning - 38 Council - July 15, 2002  
Planning
3. Communication from Timothy & Monica Faley regarding the Carrot Way Rezoning - Planning
4. Communication from Jinming Zhang regarding the Carrot Way Rezoning - Planning
5. Communication from Chung-Hsing Kuo regarding the Carrot Way Rezoning - Planning

The following minutes were received for file:

1. Downtown Development Authority - May 1, 2002.
2. Ann Arbor Housing Commission - May 15, 2002.
3. Zoning Board of Appeals - May 22, 2002.

Councilmember Johnson moved that the Clerk's Report be accepted.

On a voice vote the Mayor declared the motion carried.

**PUBLIC COMMENTARY - GENERAL**

**JIM MOGENSEN - CITY COUNCIL PROCEEDINGS**

Jim Mogensen, resident of Ann Arbor, expressed concern about council proceedings as it relates to the published agenda.

Council - July 15, 2002 39

**ADJOURNMENT**

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

On a voice vote the Mayor declared the motion carried and the meeting adjourned at 12:57 a.m.

Yvonne Carl

Interim Clerk of the Council

Anissa R. King

Recording Secretary