



Legislation Details (With Text)

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7/2/2007	1	City Council	Approved	Pass

**Ann Arbor City Council Minutes Regular Session - July 2, 2007**

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:05 p.m. in the City Hall Council Chamber, 100 N. Fifth Ave, Ann Arbor, Michigan.

Council stood for a moment of silence.

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

**ROLL CALL OF COUNCIL**

**PRESENT :** Councilmembers Ronald Suarez, Robert M. Johnson, Joan Lowenstein, Stephen Rapundalo, Leigh Greden, Margie Teall, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 10;

**ABSENT :** Councilmember Stephen Kunselman, 1.

**APPROVAL OF AGENDA**

**AGENDA APPROVED AS PRESENTED**

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

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

**INTRODUCTIONS**

**PROCLAMATION RECOGNIZING JULY 15, 2007 AS HURON RIVER DAY**

Mayor Hieftje presented Eunice Burns with a proclamation recognizing July 15 as Huron River Day in the

City of Ann Arbor. He encouraged all residents to come out and enjoy the festivities associated with the event at Gallup Park. A copy of the proclamation is on file in the City Clerk's Office.

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

#### **THOMAS PARTRIDGE - DISCRIMINATION AGAINST SENIORS AND THE DISABLED BY ANN ARBOR, THE AATA, AND THE UM MUST BE STOPPED**

Thomas Partridge expressed concerns about discrimination occurring with the Ann Arbor Transportation Authority, including the discontinuation of the A-Ride program for the disabled.

#### **HENRY HERSKOVITZ - PALESTINE**

Henry Herskovitz, 404 Mark Hannah Drive, spoke about the occupation of Palestine and expressed concerns regarding Israel.

#### **PUBLIC HEARINGS**

##### **ZONING (ORDINANCE NO. 14-07)**

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 1.13 acres from TWP (Township District) to C1B (Community Convenience Center), Schultz property, located at 2340 Dexter Road. Notice of public hearing was published June 17, 2007.

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

##### **ZONING (ORDINANCE NO. 15-07)**

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 3.52 acres from TWP (Township District) to R1A (Single-Family Dwelling District), Champley property, located at 788 Arlington Boulevard. Notice of public hearing was published June 17, 2007.

An unidentified neighbor with adjacent property expressed concerns about the changing nature of the existing neighborhood. She also expressed concerns regarding the ongoing construction noise in the area.

Andy Shepherd, 725 Arlington, stated his disappointment with the timing of the hearing due to the 4th of July holiday. He stated there have been a number of subdivided lots in this area and there are now ten homes where there used to be only four.

Thomas Partridge stated his opposition to any ordinance to rezone to single family homes without a policy for human rights and affordable housing.

Mike Champley, 788 Arlington, stated he is the resident and owner of the property in question. Mr. Champley stated he has been a longtime township island resident, but is now proactively annexing into the city. Mr. Champley stated the lot splits occurred many years ago in the township and are not occurring because of the annexation. He stated the zoning proposed is appropriate for this neighborhood.

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

#### **GREENHILLS SCHOOL SITE PLAN AND DEVELOPMENT AGREEMENT**

A public hearing was conducted on the proposed Resolution to Approve Greenhills School Site Plan and Development Agreement, 30.7 acres, 850 Greenhills Drive. Notice of public hearing was published June 24,

2007.

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

#### **COUNCIL PROPOSED BUSINESS**

##### **COUNCILMEMBER JOHNSON - FOXFIRE SUBDIVISION**

Councilmember Johnson inquired about the implementation of the court order regarding Foxfire.

City Attorney Stephen Postema responded that he sent a communication to Council regarding the matter.

##### **COUNCILMEMBER LOWENSTEIN - DOMESTIC PARTNER BENEFITS**

Councilmember Lowenstein stated she has heard concerns from residents regarding the City's future continuation of domestic partnership benefits. Councilmember Lowenstein urged the City Administrator and City Attorney to find a resolution to this important matter that can be accomplished within the new legal restraints.

##### **COUNCILMEMBER EASTHOPE - METERS AT 15TH DISTRICT COURT**

Councilmember Easthope informed Council that the DDA is changing the handicap accessible meters around the courthouse from 2-hour time limits to 4-hour limits. He thanked Councilmember Greden for his work on this issue.

#### **COMMUNICATIONS FROM COUNCIL**

None.

#### **REPORTS FROM COUNCIL COMMITTEES**

##### **COUNCILMEMBER HIGGINS - A2D2**

Councilmember Higgins urged Council to contact Jayne Miller, Community Services Administrator, if they have questions or concerns regarding the proposed zoning guidelines from the A2D2 committee. Councilmember Higgins stated she would like to see this recommendation move forward on July 16.

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

##### **MINUTES OF JUNE 11 AND JUNE 18, 2007 APPROVED**

Councilmember Woods moved, seconded by Councilmember Lowenstein, that the working session minutes of June 11, 2007 and the regular session minutes of June 18, 2007 be approved as presented.

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

#### **CONSENT AGENDA**

##### **CONSENT AGENDA ITEMS APPROVED**

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

**R-289-7-07 APPROVED**

**RESOLUTION TO APPROVE A CONSTRUCTION CONTRACT WITH LAVANT LANDSCAPE AND CONSTRUCTION SERVICES, INC. FOR IMPROVEMENTS AT SYLVAN AND REDWOOD PARKS - BID #3850, IN THE AMOUNT OF \$43,955.00 AND TO ESTABLISH A CONSTRUCTION BUDGET OF \$48,350.00**

Whereas, Improvements at Sylvan Park and Redwood Park were identified in both the 2000-2005 and 2006-2011 PROS Plans, and the 2004 CIP;

Whereas, Resident comments regarding improvements at Sylvan Park and Redwood Park were gathered through public meetings and questionnaires for each park;

Whereas, Funds for Sylvan Park were included in the FY 06 Park Rehabilitation and Development Millage budget as a multi-year project, and funds for Redwood Park were included in the adopted FY 07 Park Rehabilitation and Development Millage budget as a multi-year project;

Whereas, Competitive bids were sought by the Procurement Office with bids received on May 22, 2007 and LaVant Landscape and Construction Services, Inc. was identified as the lowest responsible bidder; and

Whereas, LaVant Landscape and Construction Services, Inc. received Human Rights approval on April 27, 2007 and complies with the living wage and prevailing wage requirements;

**RESOLVED**, That City Council approve a construction contract with LaVant Landscape and Construction Services, Inc. in the amount of \$43,955.00 to complete the improvements as identified in Bid #3850;

**RESOLVED**, That City Council approve a construction contingency in the amount of \$4,395.00 (10%) to cover potential contract change orders and establish a total project budget of \$48,350.00 for the life of the project without regard to fiscal year;

**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 the approved contingency; and

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

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**R-290-7-07 APPROVED**

**RESOLUTION TO APPROVE LIZ ELLING TO SWIM IN THE HURON RIVER IN ANN ARBOR PARKS ON JULY 14 AND 15, 2007**

Whereas, The City has received a request to allow Liz Elling to swim in the Huron River in Ann Arbor park areas on July 14 and July 15, 2007;

Whereas, This 100-mile swim event is intended to raise awareness for Michigan's lakes, rivers and streams, and the impacts of increased urbanization; and

Whereas, The swimmer will provide evidence of proper liability insurance and agrees to defend and indemnify and save the City harmless against any claim arising from this event;

**RESOLVED**, That City Council allow Liz Elling to swim in the Huron River at the Barton Dam on July 14,

2007 and the Geddes Dam on July 15, 2007.

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**R-291-7-07 APPROVED**

**RESOLUTION TO APPROVE THE 2007 ANN ARBOR JAYCEES  
SUMMER CARNIVAL AT PIONEER HIGH SCHOOL -  
FRIDAY, JULY 6 TO SUNDAY, JULY 8, 2007**

Whereas, The Ann Arbor Jaycees have requested permission to hold a carnival at the Ann Arbor Pioneer High School parking lot from Friday, July 6 to Sunday, July 8, 2007; and

Whereas, The City Code of Ordinances prohibits such amusements without the permission of City Council, and subject to conditions established by Council;

**RESOLVED**, The following constitute the conditions under which permission is granted to hold the event:

1. Noise emitting from the operations of the carnival shall not exceed 80 decibels measured at any adjacent property line.
  2. The carnival shall operate only between the hours indicated on the approved Special Events Permit.
  3. The Police Services may require certain machines to cease operation if excessive noise complaints are received.
  4. Evidence of proper liability insurance protection shall be submitted and approved by the City Attorney.
  5. Vendors of food and/or beverage shall be properly licensed to insure sanitary conditions of products consumed by the public.
  6. Proper fire lanes shall be maintained at all times.
  7. Electrical connections shall be made by a licensed electrical contractor.
  8. The event sponsors shall clear the parking lot and surrounding area of any debris resulting from the operation of the carnival upon completion of the event.
  9. All other concerns shall be regulated by the City Administrator, the Safety Services Administrator or their designee.
- and;

**RESOLVED**, That permission can be revoked at any time for good cause by the City Administrator, the Safety Services Administrator or City Council.

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**R-292-7-07 APPROVED**

**RESOLUTION TO APPROVE A CONTRACT WITH GOVERNMENTAL CONSULTANT SERVICES INC. FOR  
LOBBYING SERVICES**

Whereas, In 2001, City Council sought proposals for the provision of lobbying services for the City and awarded a one-year contract to Governmental Consultant Services, Inc. (GCSI) which under the terms of

the contract provided for two six-month service periods;

Whereas, GCSI's contract for services expires on June 30, 2007;

Whereas, GCSI has done an outstanding job for the past six years of communicating issues currently pending before the legislature;

Whereas, Funds for this contract are included in the Administrator's Office FY 2007/2008 budget; and

Whereas, Human Rights approval and compliance with the Living Wage Ordinance were received on May 24, 2007.

RESOLVED, That Council approve a 12 month contract with GCSI in the amount of \$48,000.00 for fiscal year 2007/2008 to perform lobbying services for the City;

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

RESOLVED, That the City Administrator be authorized to take the necessary administrative actions, including the authority to execute on behalf of the City any related documentation to identify GCSI as lobbyist for the City of Ann Arbor, to implement this resolution.

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**R-293-7-07 APPROVED**

**RESOLUTION AUTHORIZING SANITARY SEWER, WATER, AND STORM SEWER IMPROVEMENT CHARGES FOR 597 ALLISON DRIVE (\$10,112.62)**

Whereas, The City has previously constructed improvements described as follows:

Parcel ID 09-08-24-401-019 (597 Allison Drive)

**Sanitary Sewer:**

8" Sanitary Sewer in Allison Drive; Constructed in 1987  
District No. 439/File No. 84035

\$6,272.04/connection \* 1 connection = \$ 6,272.04

**Water Main:**

8" Water Main in Allison Drive; Constructed in 1988  
District No. 87070/File No. 87070

\$3,670.54/connection \* 1 connection = \$ 3,670.54

**Storm Sewer:**

Open Ditch Enclosure on Sequoia Blvd, from Ravenwood Ave to Patricia Ave  
District No. 59/File No. 3623

\$0.00914177/SF x 18,600 SF = \$ 170.04

**GRAND TOTAL OF IMPROVEMENT CHARGES \$10,112.62;**

Whereas, The owner of 597 Allison Drive has sanitary sewer, water, and storm sewer service available in Allison Drive, and the property is receiving "active" service;

Whereas, Practice in place at the time of annexation of the property was to levy improvement charges immediately following annexation;

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 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 annexed property which is specifically benefited by the above improvements:

Annexation Address from Scio Township: 597 Allison Drive  
City Assessor Code: 09-08-24-401-019  
Planning File No.: 8244J16.1

LOTS 228 & 229 SCIOTO HILLS NO. 1; previously Scio Township and now situated in the City of Ann Arbor, Washtenaw County, Michigan;

2. That the improvement charge levied is \$10,112.62;

3. That this improvement charge is divided into 9 equal installments; the first to be due on August 16, 2007, and the 8 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 7.06% per annum commencing August 16, 2007;

4. That the Public Services Area be directed to send a copy of this resolution by first class mail to the owners of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and

5. That this levied improvement charge is to be invoiced to the owner, Thomas E. Sponseller, of the property known as 597 Allison Drive, City of Ann Arbor, Washtenaw County, Michigan 48103, and to be credited in the amount of \$6,272.04 to Fund 0043-073-8000-7151; \$3,670.54 to Fund 0042-073-8000-7151; and \$170.04 to Fund 0069-073-8000-7151.

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**R-294-7-07 APPROVED**

**RESOLUTION AUTHORIZING SANITARY SEWER AND WATER IMPROVEMENT CHARGES FOR 2855 HEATHER WAY**

Whereas, The City has previously constructed improvements described as follows:

Parcel ID 09-09-34-108-021 (2855 Heather Way)

**Sanitary Sewer:**

8" Sanitary Sewer in Heather Way; Constructed Approximately 1970

District No. 404

\$2,986.49/connection \* 1 connection = \$2,986.49

**Water Main:**

6" Water Main in Heather Way; Constructed Approximately 1961

Non-District Job No. A-137W

\$431.99/connection \* 1 connection = \$ 431.99

**GRAND TOTAL OF IMPROVEMENT CHARGES \$3,418.48;**

Whereas, The owner of 2855 Heather Way has sanitary sewer and water service available in Heather Way, and the property is receiving "active" service;

Whereas, Practice in place at the time of annexation of the property was to levy improvement charges immediately following annexation;

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 levied against certain properties and this fair share has not been previously paid nor contracted for;

**RESOLVED,**

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

Annexation Address from Ann Arbor Township: 2855 Heather Way  
City Assessor Code: 09-09-34-108-021  
Planning File No.: 9341G14.1

COM AT THE NE COR OF LOT 100 OF ANN ARBOR HILLS SUB; TH ALONG ELINE OF SAID LOT 100 EXTENDED N 0 DEG 55' 30" E 474.01 FT FOR A POB; TH ALONG THE ARC OF A CURVE TO THE SE, RAD 157.81 FT, CH BEARS S 33 DEG 47' W 48 FT; TH N 66 DEG 00' 30" W 100.59 FT; TH N 2 DEG 28' 30" W 163 FT; TH N 87 DEG 31' 30" E 120 FT; TH S 2 DEG 28' 30" E 143.20; TH S 0 DEG 55' 30" W 26.22 FT TO THE POB; BEING PRT OF THE NE 1/4 OF SEC 34, T2S, R6E; previously Ann Arbor Township and now situated in the City of Ann Arbor, Washtenaw County, Michigan;

6. That the improvement charge levied is \$3,418.48;

7. That this improvement charge is divided into 3 equal installments; the first to be due on August 16, 2007, and the 2 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 6.76% per annum commencing August 16, 2007;

8. That the Public Services Area be directed to send a copy of this resolution by first class mail to the owners of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and

9. That this levied improvement charge is to be invoiced to the owner, Malcolm & Judith Cohen, of the property known as 2855 Heather Way, City of Ann Arbor, Washtenaw County, Michigan 48104, and to be credited in the amount of \$2,986.49 to Fund 0043-073-8000-7151; and \$431.99 to Fund 0042-073-8000-7151.

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**R-295-7-07 APPROVED**

**RESOLUTION TO APPROVE AMENDMENT #2 TO THE PREVIOUSLY APPROVED AND PREVIOUSLY AMENDED HOUSING REHABILITATION AGREEMENT, R-436-10-06 AND R-517-12-06, WITH MINNETTE BURKS**

Whereas, On October 3, 2006 City Council approved \$41,360 in CDBG funds for housing rehabilitation work, including roof, siding, door and window replacements; kitchen and bathroom upgrades; and energy improvements at 2166 Hemlock (R-436-10-06);

Whereas, On December 18, 2006 City Council approved an amendment to the Housing Rehabilitation

Agreement with Minnette Burks for black mold remediation for her home located at 2166 Hemlock per Resolution #R-517-12-06; and

Whereas, Additional black mold and plumbing leaks were discovered during the course of work and additional funds are necessary to complete the rehabilitation project;

RESOLVED, That City Council approve the Second Amendment to the Housing Rehabilitation Agreement with Minnette Burks for an additional \$4,057.00 to bring the total contract amount to \$65,417.00 in CDBG funds as a 0% interest, deferred payment loan, to be repaid in full after 30 years or at the time the property changes ownership either by sale, gift, mortgage, land contract, conversion to rental property, inheritance, or change of the use of the property from single-family residence;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute an amended Housing Rehabilitation Agreement with Minnette Burks consistent with this resolution, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney with funds to be available without regard to fiscal year;

RESOLVED, That as a condition of loan disbursement, Minnette Burks will execute an amended mortgage and promissory note, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That the City Administrator, or his designee, be authorized to take necessary administrative actions and to execute any documents necessary to complete this transaction and to implement this resolution.

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R-296-7-07 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION MEETING MINUTES OF APRIL 27, 2007

RESOLVED, That the attached Board of Insurance Administration Minutes of April 27, 2007 be accepted and that the recommended course of action therein, including payments, be approved and authorized.

**MINUTES  
CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION  
April 27, 2007**

**PRESENT:** Joan Lowenstein, Councilmember  
Matthew Horning, City Treasurer  
Abigail Elias, Chief Assistant City Attorney  
Sarah Singleton, Management Assistant

**OLD BUSINESS**

**Appeals Denied**

**CC007-07** James and Diane Miller  
Property Damage  
Discussed by Sarah Singleton, Management Assistant

**CC062-06** James Mazak  
Vehicle Damage  
Discussed by Sarah Singleton, Management Assistant

**NEW BUSINESS**

**CLAIMS APPROVED BY INSURANCE BOARD**

**CC014-07**                    **Lauren Cochran**  
**Vehicle Damage**  
                                 **Discussed by Sarah Singleton, Management Assistant**

**CLAIM DENIED BY INSURANCE BOARD**

**CC020-07**                    **MICHCON**  
**Property Damage**  
                                 **Discussed by Sarah Singleton, Management Assistant**

**CLAIM POSTPONE PENDING FURTHER DOCUMENT**

**CC021-07**                    **WR Investment Group**  
**Sewer Backup**  
                                 **Discussed by Sarah Singleton, Management Assistant**

**CC011-07**                    **Philip and Autumn Campbell**  
**Property Damages**  
**Discussed by Sarah Singleton, Management Assistant**

**CLAIM CLOSED BY INSURANCE BOARD**

**CC086-06**                    **Chris Dimanin**  
**Sewer Backup**  
                                 **Discussed by Sarah Singleton, Management Assistant**

**CLAIMS APPROVED BY CHIEF FINANCIAL OFFICER**

**CC015-07**                    **Benquin Properties, LLC**  
**Property Damages**  
**Discussed by Sarah Singleton, Management Assistant**

**CLAIMS DENIED BY CHIEF FINANCIAL OFFICER**

**None**

**Prepared by: Sarah Singleton, Management Assistant**  
**Date: July 2, 2007**

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**R-297-7-07 APPROVED**

**RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION MEETING MINUTES OF MAY 25, 2007**

**RESOLVED, That the attached Board of Insurance Administration Minutes of May 25, 2007 be accepted and that the recommended course of action therein, including payments, be approved and authorized.**

**MINUTES**  
**CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION**

May 25, 2007

**PRESENT:** Stephen Rapundalo, Councilmember  
Matthew Horning, City Treasurer  
Abigail Elias, Chief Assistant City Attorney  
Robert West, Senior Assistant City Attorney  
Jack Tallerico, Arthur J. Gallagher & Company  
Sarah Singleton, Management Assistant

**OLD BUSINESS**

None

**NEW BUSINESS**

**CLAIMS APPROVED BY INSURANCE BOARD**

CC022-07 Douglas Spaly  
Sewer Backup  
Discussed by Sarah Singleton, Management Assistant

**CLAIMS DENIED BY INSURANCE BOARD**

CC013-07 Deborah Keyworth  
Vehicle Damage  
Discussed by Sarah Singleton, Management Assistant

CC018-07 DTE  
Property Damage  
Discussed by Sarah Singleton, Management Assistant

CC019-07 DTE  
Property Damage  
Discussed by Sarah Singleton, Management Assistant

**CLAIM POSTPONE PENDING FURTHER DOCUMENT**

CC024-07 Ann Chiu  
Sewer Backup  
Discussed by Sarah Singleton, Management Assistant

CC021-07 WR Investment Group  
Sewer Backup  
Discussed by Sarah Singleton, Management Assistant

CC017-07 Millicent A. Empedocles  
Sewer Backup  
Discussed by Sarah Singleton, Management Assistant

**CLAIMS CLOSED BY INSURANCE BOARD**

CC016-07 Karen Morris  
Sewer Backup

Discussed by Sarah Singleton, Management Assistant

CC059-04 Patricia Davis  
Personal Injury  
Discussed by Attorney Bob West

CC068-06 Ralph Omeli  
Property Damage  
Discussed by Attorney Bob West

CC047-05 Thomas Woodside  
Personal Injury  
Discussed by Attorney Bob West

**CLAIMS APPROVED BY CHIEF FINANCIAL OFFICER**

CC011-07 Philip and Autumn Campbell  
Property Damages  
Discussed by Sarah Singleton, Management Assistant

**CLAIMS DENIED BY CHIEF FINANCIAL OFFICER**

None

Prepared by: Sarah Singleton, Management Assistant  
Date: July 2, 2007

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**R-298-7-07 APPROVED**

**RESOLUTION TO APPROVE THE TRANSFER OF OWNERSHIP AND LOCATION OF A CLASS C LICENSED BUSINESS WITH A DANCE-ENTERTAINMENT PERMIT - D/B/A BAR LOUIE**

RESOLVED, That the request to transfer the ownership and location of a Class C licensed business, located in escrow at 901 Huron River, in Ypsilanti, Michigan, from MJ's Wooden Nickel, Inc. to Bar Louie Ann Arbor, Inc. to 401 E. Liberty, Suite 200 in Ann Arbor, Michigan be approved.

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**R-299-7-07 APPROVED**

**RESOLUTION TO APPROVE AMENDMENT NO. 2 TO CONTRACT WITH PC HELPS SUPPORT, INC. FOR THE PROVISION OF EMPLOYEE COMPUTER SOFTWARE SUPPORT**

Whereas, On May 5, 2005, City Council approved a usage-based service agreement with PC Helps Support, Inc., which provides telephone support to City employees on troubleshooting and advance feature function use on various office productivity software used by the City;

Whereas, A survey conducted in 2005 by PC Helps of City employees who used their services, reports an average of 2.6 hours being saved per call by the assistance PC Helps provides;

Whereas, Continuation of the contract term for an additional year will allow the City to efficiently manage user support consistent with ITSD's strategic planning initiative and current staffing levels; and

Whereas, PC Help Support, Inc. received Human Rights approval on June 21, 2007;

RESOLVED, That City Council approve Amendment No. 2 to the contract with PC Helps Support, Inc. for an additional year of usage-based employee computer software support in the amount of \$35,000.00; and

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

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

## **ORDINANCES - SECOND READING**

### **14-07 APPROVED**

#### **SCHULTZ 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 1.13 acres, located at 2340 Dexter Avenue, from TWP (Township District) to C1B (Community Convenience Center). (The complete text of Ordinance 14-07 is on file in the City Clerk's Office.)

Councilmember Woods moved, seconded by Councilmember Johnson, that the ordinance be adopted at second reading.

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

### **15-07 APPROVED**

#### **CHAMPLEY 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 3.52 acres, located at 788 Arlington Boulevard, from TWP (Township District) to R1A (Single-Family Dwelling District). (The complete text of Ordinance 15-07 is on file in the City Clerk's Office.)

Councilmember Rapundalo moved, seconded by Councilmember Lowenstein, that the ordinance be adopted at second reading.

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

### **17-07 APPROVED**

#### **STORMWATER SYSTEM**

**An Ordinance to Repeal Chapter 33 (Stormwater System), 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 33 of Title II of the Code of the City of Ann Arbor**

(The complete text of Ordinance 17-07 is on file in the City Clerk's Office.)

**R-300-7-07 APPROVED**

**RESOLUTION TO AUTHORIZE SUMMARY PUBLICATION OF ORDINANCE 17-07 TO REPEAL EXISTING CHAPTER 33 AND REPLACE IT WITH A NEW CHAPTER 33 (STORMWATER SYSTEM) 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 17-07 be published by the following summary:

Ordinance 17-07 amends the stormwater system to 1) Bill all stormwater customers based on usage of the stormwater system, as represented by impervious area measurements, with residential customers to be grouped into rate tiers; 2) Expand the number and types of credits offered as a financial incentive to improve stormwater runoff quality and reduce runoff quantity; and 3) Eliminate all exemptions except for those parcels that do not use the system.

The complete text of this ordinance is available at the Office of the City Clerk, 2nd floor of the Guy C. Larcom, Jr. Municipal Building, 100. N. Fifth Ave., Ann Arbor.

Councilmember Easthope moved, seconded by Councilmember Johnson, that the ordinance be adopted at second reading and the resolution be approved.

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

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**18-07 APPROVED AS AMENDED**

**INCREASE WATER, SEWER AND STORMWATER RATES**

**An Ordinance to Amend the Title and Sections 2:61 through 2:72 of Chapter 29 of Title II of the Code of the City of Ann Arbor**

(The complete text of Ordinance 18-07 is on file in the City Clerk's Office.)

Councilmember Easthope moved, seconded by Councilmember Greden, to amend the ordinance as follows:

... 2:63. Water rates.

(1) The commodity charges for water service shall be as follows. A unit shall constitute 100 cubic feet. The rates shown are per unit.

	Residential	Commercial	Water Only
1--7 units	\$1.07	\$2.30	\$3.66
8--28 units	2.25	2.30	3.66
29--45 units	3.61	2.30	3.66
Over 45 units	4.95	2.30	3.66

**COMMERCIAL Customer Charge per Quarter:**

5/8" meter	\$12.90
3/4" meter	19.00
1" meter	30.30
1 1/2" meter	\$ 62.00
2" meter	97.00
3" meter	195.00
4" meter	308.00
6" meter	613.00
8" meter	1225.00

**RESIDENTIAL CUSTOMER CHARGE PER QUARTER:**

5/8" METER	\$11.25
3/4" METER	16.55
1" METER	30.30
1 1/2" METER	62.00
2" METER	97.00
3" METER	195.00
4" METER	308.00
6" METER	613.00
8" METER	1225.00

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

**R-301-7-07 APPROVED**

**RESOLUTION TO Authorize Summary Publication of Ordinance 18-07 to Amend Chapter 29 (Increase Water, Sewer and Stormwater Rates) 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 18-07 be published by the following summary:

Ordinance 18-07 amends the water and sewer rate chapter to: 1) Include newly revised stormwater rates that measure system usage as represented by impervious area measurements, with residential customers classified into four tiers; 2) Include stormwater credits; and 3) Include revisions to water and sewer rates.

The complete text of this ordinance is available at the Office of the City Clerk, 2nd floor of the Guy C. Larcom, Jr. Municipal Building, 100. N. Fifth Ave., Ann Arbor.

Councilmember Easthope moved, seconded by Councilmember Greden, that the ordinance be adopted at second reading and the resolution be approved.

The question, being the ordinance as amended and the resolution as presented, on a voice vote, the Mayor declared the ordinance adopted and the resolution approved.

**ORDINANCES - FIRST READING**

**22-07 APPROVED**

**ORGANIZATION OF BOARDS AND COMMISSION AND PUBLIC MARKET**

**An Ordinance to Amend Section 1:195 of Chapter 8 (Organization of Boards and Commissions) of Title I of the Code of the City of Ann Arbor and Sections 2:92, 2:94, 2:95, 2:96 and 2:97 of Chapter 31 (Public Market) of Title II of the Code of the City of Ann Arbor**

(The complete text of Ordinance 22-07 is on file in the City Clerk's Office.)

Councilmember Johnson moved, seconded by Councilmember Teall, that the ordinance be approved at first reading.

Councilmember Lowenstein moved, seconded by Councilmember Johnson, that the Market Rules be amended as follows:

**...VI. RULE ENFORCEMENT**

**1. Interpretation and Enforcement**

**E. At the discretion of the [Market Manager] COMMUNITY SERVICES ADMINISTRATOR, any vendor who has been denied the privilege of selling at the Market on any given Market day, or has violated the Market Rules three or more times in the previous twelve months may have their vendor status and seniority revoked**

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

The question being the ordinance and Market Rules as amended, on a voice vote, the Mayor declared the motion carried.

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**23-07 APPROVED**

**ENGLAND 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 0.28 acre, located at 3109 Cherry Tree Lane, from TWP (Township District) to R1B (Single-Family Dwelling District). (The complete text of Ordinance 23-07 is on file in the City Clerk's Office.)

Councilmember Woods moved, seconded by Councilmember Lowenstein, that the ordinance be approved at first reading.

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

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**24-07 APPROVED**

**ORGANIZATION OF BOARDS AND COMMISSIONS**

**An Ordinance to Amend Section 1:237 of Chapter 8 of Title I of the Code of the City of Ann Arbor**

(The complete text of Ordinance 24-07 is on file in the City Clerk's Office.)

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

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

**MOTIONS AND RESOLUTIONS**

**R-302-7-07 APPROVED**

**RESOLUTION TO APPOINT MEMBERS TO THE CITY GREENBELT ADVISORY COMMISSION**

Whereas, City Council passed Ordinance No. 17-04 on May 3, 2004, creating a Greenbelt Advisory Commission;

Whereas, The Ordinance requires the City Council to nominate and appoint the members of the Greenbelt Advisory Commission for three year terms;

Whereas, The terms of three Commissioners are ending on June 30, 2007;

Whereas, The following individuals have indicated their wish to be appointed to the Commission and their qualifications are appropriate; and

Whereas, The following individuals were nominated by City Council on June 18, 2007;

Resolved, The following are appointed to the Greenbelt Advisory Commission for three year terms beginning July 1, 2007:

Environmental or conservation representative - Laura Rubin (re-appointment)

Agricultural business - Tom Bloomer

At large - Dan Ezekiel (re-appointment)

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

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

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**R-303-7-07 APPROVED**

**RESOLUTION TO CREATE A TASKFORCE TO EXAMINE THE CITY OF ANN ARBOR JOINING THE URBAN COUNTY**

Whereas, In September 2004, the City and County created the joint Office of Community Development (OCD);

Whereas, The joint office has been in operation for over 31 months and financial savings have been realized by reducing duplicate administrative functions thereby maximizing funding to housing and human services;

Whereas, Since the creation of the joint office staff leadership, administrative and financial functions have been coordinated between the City and County; a single comprehensive Rehabilitation Service Delivery system has been created for the City and County; and the planning process for the affordable housing and human services have been coordinated for the City and County; and

Whereas, The next natural evolution of this regional approach is to examine the City's involvement in the Urban County;

RESOLVED, That City Council create a taskforce charged with identifying and addressing the issues associated with the City joining the Urban County;

RESOLVED, That this taskforce be made up of nine (9) members with nominations by the Mayor with confirmation by Council with the following representation: 2 City Council members, 2 City staff, 1 County Commissioner, 1 County staff, 1 Non-County Urban County member, and 2 At-Large representatives; and

RESOLVED, That the Task Force be directed to meet to examine the issues associated with the City joining the Urban County and bring forward a recommendation to City Council no later than the second meeting in December 2007.

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

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

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**POSTPONED**

**RESOLUTION TO NOMINATE A MEMBER TO THE CITY ENVIRONMENTAL COMMISSION**

Whereas, City Council passed an ordinance creating a City Environmental Commission;

Whereas, The ordinance requires City Council to nominate and appoint the members of the Commission;

Whereas, The ordinance requires one member to represent the Parks Advisory Commission on the Environmental Commission;

Whereas, There is currently a Parks Advisory Commission vacancy on the Environmental Commission and;

Whereas, Gwen Nystuen is a member of the Parks Advisory Commission and;

Whereas, Gwen Nystuen has had an interest as well as an active role in protecting and enhancing the well-being of the environment for many years;

RESOLVED, That Gwen Nystuen be nominated to the Environmental Commission for a three-year term beginning July 17, 2007 and;

RESOLVED, That the City Clerk notify the newly elected commission member and the chair of the Environmental Commission.

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

Councilmember Higgins moved, seconded by Councilmember Teall, to postpone the resolution until July 16, 2007.

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

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**POSTPONED**

**RESOLUTION ADOPTING ENVIRONMENTAL ACTION PLAN PRINCIPLES AND ENVIRONMENTAL ACTION PLAN GOALS**

**Whereas, The Environmental Commission is charged with making recommendations to City Council on environmental policies;**

**Whereas, The Environmental Commission has developed guiding principles and goals that capture the vision for a more sustainable Ann Arbor;**

**Whereas, The Environmental Commission held a work session with City staff on the Environmental Management Team to develop these goals;**

**Whereas, These goals have been featured in the Ann Arbor News twice, been provided to local environmental organizations for review and circulation, and posted on the City website for public review and comment;**

**Whereas, The Environmental Commission heard public comment on these goals at the December 7, 2006 Commission meeting;**

**Whereas, Several residents and environmental organizations provided comments directly to commissioners or the Environmental Coordinator;**

**Whereas, A set of environmental goals is necessary to develop an environmental action plan for the City; and**

**Whereas, The Environmental Commission approved a Resolution Supporting City use of Environmental Action Plan Principles and Environmental Action Plan Goals and recommending adoption by City Council on May 24, 2007;**

**Resolved, The Ann Arbor City Council supports City use of the following environmental action plan principles and environmental action plan goals;**

**Environmental Action Plan Principles**

- **Needs can be meet while maintaining environmental quality, public health, and the availability of natural resources for future generations.**
- **Environmental quality, economic vitality, and social equity are interdependent.**
- **Conservation, protection, and restoration of the natural environment are highly valued and quantifiable.**
- **Our city is part of larger regional and global communities; our actions impact their environmental, economic, and social equity conditions; and we intend that those impacts be positive.**
- **Public awareness is vital to ensuring environmental quality.**
- **Policymakers need to be informed with the best available information.**
- **Precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically.**

- Meeting our environmental goals requires a combination of incremental and wholesale behavior changes and technology adoption.
- Collaboration is necessary in order to achieve our environmental goals.
- City government is an important partner with residents and businesses in our community with regard to our environmental goals
- The City of Ann Arbor strives to be at the forefront of sustainable living through its daily operations, capital improvements, and purchase of products.

**Environmental Action Plan Goals**

**CLEAN AIR** Eliminate air toxics, criteria pollutants, and persistent bioaccumulative toxins (PBT)

**CLEAN WATER** Ensure safe water for drinking, recreation, other uses, and other species

**EFFICIENT MOBILITY** Provide efficient transportation alternatives

**HEALTH PROMOTING URBAN ENVIRONMENT** Ensure that the built environment promotes public health and improvements to the natural environment

**LOCAL FOOD SUFFICIENCY** Conserve, protect, and restore local agriculture and aquaculture resources

**RESPONSIBLE RESOURCE USE** Produce zero waste

**SAFE COMMUNITY** Eliminate damage to public health and property from natural and other hazards

**STABLE CLIMATE** Eliminate greenhouse gas emissions and other negative climate impacts

**SUSTAINABLE ENERGY** Produce and Use 100% renewable energy

**VIABLE ECOSYSTEMS** Conserve, protect, and restore aquatic and terrestrial ecosystems

Resolved, Ann Arbor City Council adopts these goals;

Resolved, That the City Administrator direct the Systems Planning Unit to develop an Environmental Action Plan based on these goals with measurable objectives, timelines, and indicators; and

Resolved, That this plan be provided to the Environmental Commission for Review by January 1, 2008.

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

Councilmember Johnson moved, seconded by Councilmember Rapundalo, to amend the resolution as follows:

**3RD RESOLVED CLAUSE**

...Resolved, That the [City Administrator ] CITY COUNCIL direct the [Systems Planning Unit] ENVIRONMENTAL COMMISSION to develop an Environmental Action Plan based on these goals with measurable objectives, timelines, and indicators; and...

On roll call, the vote was as follows:

Yeas, Councilmembers Suarez, Johnson, Rapundalo, and Higgins, 4;

Nays, Councilmembers Lowenstein, Greden, Teall, Easthope, Woods and Mayor Hieftje, 6.

The Mayor declared the motion defeated.

Councilmember Teall moved, supported by Councilmember Woods, to postpone the resolution until July 16, 2007.

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

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**R-304-7-07 APPROVED**

**RESOLUTION SUPPORTING H.R. 15 AND H.R. 2034**

Whereas, The United States has the most expensive healthcare system in the world in terms of absolute costs, per capita costs, and percentage of gross domestic product;

Whereas, Despite the fact that the United States spends more on healthcare than any other nation, the World Health Organization has ranked the United States 37th among all nations in terms of meeting the needs of its people;

Whereas, Over 46 million Americans, including nine million children, continue to live without healthcare coverage;

Whereas, Healthcare costs have continued to increase in the past seven years, jeopardizing both the health and fiscal security of individuals, families, small businesses, and municipalities;

Whereas, Ann Arbor is the largest city in Washtenaw County, with approximately 114,000 residents plus thousands of University of Michigan students;

Whereas, The City of Ann Arbor, with the lowest unemployment rate in the State of Michigan, has been a leader in economic development in the State, but skyrocketing health care costs continually strain the City of Ann Arbor's resources, which in turn limits the City's ability to invest in other important programs, including infrastructure, public safety, economic development, human services, and parks;

Whereas, Congressman John D. Dingell's father, Congressman John Dingell, Sr., introduced the nation's first bill to provide national healthcare in 1943 and every Congress thereafter in which he served;

Whereas, Congressman John D. Dingell has, in every new Congress since his election in 1955, introduced legislation to provide healthcare for all Americans;

Whereas, H.R. 15, the National Health Insurance Act, would provide full and proper healthcare coverage for every American, regardless of income;

Whereas, H.R. 2034, the Medicare for All Act, would extend Medicare, the same program whose passage Congressman Dingell presided over in the US House in 1965, to everyone under age 65 and would, according to the Institute of Medicine, save the country \$380 billion a year;

Whereas, As Chairman of the exclusive U.S. House Committee on Energy and Commerce, the committee with broad jurisdiction over health issues, Congressman Dingell is in a prominent position to guide any

universal healthcare legislation through Congress;

Whereas, With the passage and signing into law of either H.R. 15 or H.R. 2034, the City of Ann Arbor would experience dramatic budget savings as it would be alleviated of the burden of providing its many fine employees with healthcare coverage, and Ann Arbor's residents would benefit from complete and high-quality health coverage; and

Whereas, Congressman Dingell is also working to ensure that every child in the United States receives proper healthcare through his efforts to reauthorize and expand the State Children's Health Insurance Program;

RESOLVED, That the Ann Arbor City Council hereby supports Congressman John D. Dingell's legislation, H.R. 15 and H.R. 2034, and will work to educate our constituency on the great importance of this legislation; and

RESOLVED, That the City Administrator shall send copies of this resolution to Governor Jennifer Granholm, U.S. Senators Carl Levin and Debbie Stabenow, The Michigan Delegation of the U.S. House of Representatives, State Senator Elizabeth Brater, State Representatives Rebekah Warren and Pam Byrnes, and President George W. Bush.

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

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

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**R-305-7-07 APPROVED**

**RESOLUTION TO APPOINT COUNCILMEMBER WENDY WOODS TO THE CITY PLANNING COMMISSION**

Whereas, One position on the City of Ann Arbor Planning Commission ("Planning Commission") is reserved for a member of the Ann Arbor City Council ("Council representative");

Whereas, The City Council is vested with the power to appoint the Council representative to the Planning Commission; and

Whereas, A Councilmember's one-year term as the Council representative to the Planning Commission expires on June 30, 2007;

RESOLVED, That Councilmember Wendy Woods be appointed as the City Council representative to the Planning Commission until November 8, 2007.

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

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

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**R-306-7-07 APPROVED**

**RESOLUTION TO ACCEPT AND ENDORSE THE COMMERCIAL RECYCLING COMMITTEE REPORT RECOMMENDATIONS**

Whereas, The City of Ann Arbor adopted a Solid Waste Management Plan Update in 2002 that includes an

overall recycling diversion goal of 60%;

Whereas, City Council directed the Ann Arbor Environmental Commission to develop a Commercial Recycling Implementation Plan through the establishment of a multi-stakeholder Commercial Recycling Committee;

Whereas, The Commercial Recycling Committee completed and forwarded a report entitled "Commercial Recycling Committee Support Recommendations" to the Environmental Commission;

Whereas, The Environmental Commission forwarded this report to City Council with a recommendation that City Council accepts and endorses the recommendations contained within the report; and

Whereas, City Council previously approved the FY08 Solid Waste Budget which provides expanded commercial recycling programs including expanded commercial recycling dumpster, curb cart, organics and consultant services;

**RESOLVED**, That the Ann Arbor City Council accept the report entitled, "Commercial Recycling Committee Support Recommendations" and endorses the recommendations provided in the report;

**RESOLVED**, That City Council directs the City Administrator and staff to further evaluate the recommendations contained in the report including Multi-Tenant/General Commercial Recycling, Commercial Organics and Construction/Demolition recovery;

**RESOLVED**, That City Council directs the City Administrator and staff to develop where appropriate specific ordinances, regulations, programs and educational resources related to the implementation of the recommendations outlined in the report;

**RESOLVED**, That City Council direct the City Administrator and staff to evaluate the recommendations relating to the franchising of commercial solid waste collection services within the City;

**RESOLVED**, That City Council direct the Environmental Commission to create a multi-stakeholder Recycling Implementation Committee of affected business groups to facilitate input from the business community on the implementation of the report's recommendations; and

**RESOLVED**, That additional program recommendations and implementation strategies relating to commercial recycling be presented to City Council concurrent with FY09 Budget recommendations.

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

· Request for staff to provide Council with periodic updates on program costs relative to budgets.

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

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**R-307-7-07 APPROVED**

**RESOLUTION TO APPROVE GREENHILLS SCHOOL SITE PLAN AND DEVELOPMENT AGREEMENT, 30.7 ACRES, 850 GREENHILLS DRIVE**

Whereas, Greenhills School has requested site plan approval in order to construct middle school, high school, greenhouse and office additions totaling 11,037 square feet at 850 Greenhills Drive;

Whereas, A development agreement has been prepared to address storm water management, woodland and landmark trees, use of lawn care chemicals and fertilizers, noise, and elevations;

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

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

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

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that attached, dated June 8, 2007;

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

RESOLVED, That City Council approve the Greenhills School Site Plan upon the conditions that (1) the Development Agreement is signed by all necessary parties, and (2) all terms of the Development Agreement are satisfied.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to Approve Greenhills School Site Plan and Development Agreement, 30.7 Acres, 850 Greenhills Drive.

Councilmember Greden recused himself from voting and discussion on this resolution due to conflict of interest.

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

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

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**R-308-7-07 APPROVED**

**RESOLUTION TO APPROVE A THREE YEAR PROFESSIONAL SERVICES AGREEMENT (WITH AN ADDITIONAL TWO YEAR OPTION) WITH ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES, INC. FOR INSURANCE BROKERAGE SERVICES AND RISK MANAGEMENT CONSULTING IN THE AMOUNT OF \$370,600.00 FOR FISCAL YEAR 2008-2010**

Whereas, The City must secure adequate insurance brokerage service and risk management consulting;

Whereas, The City currently has a contract which expires June 30, 2007 to provide said services through Arthur J. Gallagher Risk Management Services, Inc.;

Whereas, The City issued RFQ #673 and determined Arthur J. Gallagher Risk Management Services, Inc. to be the most qualified respondent;

Whereas, The Insurance Board has reviewed the RFQ results and recommends selection of Arthur J. Gallagher Risk Management Services, Inc.; and

Whereas, Arthur J. Gallagher Risk Management Services, Inc. received human rights and living wage approval on October 16, 2006;

RESOLVED, That City Council approve the Professional Services Agreement with

Arthur J. Gallagher Risk Management Services, Inc. and authorize the expenditures as outlined in the agreement subject to the availability of funding beyond Fiscal Year 2007/2008;

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

RESOLVED, That the City Administrator be authorized to take all necessary actions to implement this Resolution, including the execution of the two year option at the conclusion of the initial term.

**SPECIAL MINUTES  
CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION  
MAY 21, 2007  
11:00 a.m.**

**PRESENT:**                 Joan Lowenstein, Councilmember  
                                  Matthew Horning, City Treasurer

**OLD BUSINESS**  
None

**NEW BUSINESS**

The Insurance Board met to review staff recommendations regarding Request For Qualifications #673. The Board authorized selection of Arthur J. Gallagher Risk Management, Inc. for insurance brokerage and risk management consulting services. The Board also recommends that City Council approve the related resolution on June 18, 2007.

Prepared by: Sarah Singleton, Management Assistant  
Date: June 18, 2007

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

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

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**R-309-7-07 APPROVED**

**RESOLUTION TO AMEND THE CITY'S EXISTING HOME LOAN WITH AVALON HOUSING, INC. FOR 518, 520 AND 522 S. DIVISION STREET FROM A 1% INTEREST LOAN TO A 0% INTEREST LOAN AND TO AMEND THE CORRESPONDING MORTGAGE, PROMISSORY NOTE AND HOUSING AFFORDABILITY AGREEMENT**

Whereas, On March 1, 1993 City Council approved R-87-3-93 which granted a HOME loan and CDBG loan to Avalon Housing, Inc. for the acquisition of 518, 520 and 522 S. Division Street and which were deferred by City Council on June 3, 2002 in R-231-6-02;

Whereas, Avalon Housing, Inc. has requested that City Council approve a request to amend its existing HOME and CDBG loans at 518, 520, and 522 S. Division Street from 1% interest loans to 0% interest deferred payment loans with a term of 99-years;

Whereas, The original Affordability Agreement, Mortgage and Note included the CDBG and HOME funds together as well as all three properties, the remaining balance of \$374,550.98 should be spread evenly between the 3 properties, and a separate Affordability Agreement, Mortgage and Note executed for each property; and

Whereas, Avalon Housing, Inc. had Human Rights and Living Wage approval that expired on June 30, 2007; and this housing transaction will not be completed until Human Rights and Living Wage approval is granted to Avalon Housing, Inc. by the City of Ann Arbor;

RESOLVED, That the Mayor and City Council approve an amendment to Avalon Housing, Inc.'s existing HOME and CDBG loans at 518, 520 and 522 S. Division Street from 1% interest loans to 0% interest deferred payment loans with a term of 99-years to be repaid if the property is transferred or the use changes from low-income residential within the term of the loan and further, to be extended at the discretion of Council at the term end;

RESOLVED, That the HOME & CDBG loans be re-allocated in the following manner:

518 S. Division	\$60,000.00 CDBG & \$108,548 HOME
520 S. Division	\$93,638.00 HOME
522 S. Division	\$112,364.98 HOME

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to sign Affordable Housing Agreements, mortgages and promissory notes consistent with this resolution, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney with funds to be available until expended without regard to fiscal year; and

RESOLVED, That the City Administrator, or his designee, be authorized to take necessary administrative actions and to execute any documents necessary to complete this transaction and to implement this resolution.

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

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

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**R-310-7-07 APPROVED**

**RESOLUTION TO AMEND THE CITY'S EXISTING HOME LOAN TO AVALON HOUSING, INC. FOR 211 E. DAVIS FROM A 1% INTEREST LOAN TO A 0% INTEREST LOAN AND TO AMEND THE CORRESPONDING MORTGAGE, PROMISSORY NOTE AND HOUSING AFFORDABILITY AGREEMENT**

Whereas, On December 6, 1993 City Council approved R-557-12-93 which granted a HOME Loan to Avalon Housing, Inc. for 211 E. Davis;

Whereas, Avalon Housing, Inc. has requested that City Council approve a request to amend its existing HOME loan at 211 E. Davis Street from a 1% interest loan to a 0% interest deferred payment loan with a term of 99-years; and

Whereas, Avalon Housing, Inc. had Human Rights and Living Wage approval that expired on June 30, 2007; and this housing transaction will not be completed until Human Rights and Living Wage approval is granted to Avalon Housing, Inc. by the City of Ann Arbor;

RESOLVED, That the Mayor and City Council approve an amendment to Avalon Housing, Inc.'s existing HOME loan at 211 E. Davis Street from a 1% interest loan to a 0% interest deferred payment loan with a term

of 99-years to be repaid if the property is transferred or the use changes from low-income residential within the term of the loan and further, to be extended at the discretion of Council at the term end;

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to sign an Affordable Housing Agreement, mortgage and promissory note consistent with this resolution, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney with funds to be available until expended without regard to fiscal year; and

RESOLVED, That the City Administrator, or his designee, be authorized to take necessary administrative actions and to execute any documents necessary to complete this transaction and to implement this resolution.

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

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

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R-311-7-07 APPROVED

RESOLUTION TO AMEND THE CITY'S EXISTING HOME LOAN TO AVALON HOUSING, INC. FOR 1217 W. HURON FROM A 1% INTEREST LOAN TO A 0% INTEREST LOAN AND TO AMEND THE CORRESPONDING MORTGAGE, PROMISSORY NOTE AND HOUSING AFFORDABILITY AGREEMENT

Whereas, On July 15, 1996 City Council approved R-324-7-96 which granted a HOME loan to Avalon Housing, inc. for the acquisition of 1217 W. Huron;

Whereas, Avalon Housing, Inc. has requested that City Council approve a request to amend its existing HOME loan at 1217 W. Huron Street from a 1% interest loan to a 0% interest deferred payment loan with a term of 99-years; and

Whereas, Avalon Housing, Inc. had Human Rights and Living Wage approval that expired on June 30, 2007, and this housing transaction will not be completed until Human Rights and Living Wage approval is granted to Avalon Housing, Inc. by the City of Ann Arbor;

RESOLVED, That the Mayor and City Council approve an amendment to Avalon Housing, Inc.'s existing HOME loan at 1217 W. Huron Street from a 1% interest loan to a 0% interest deferred payment loan with a term of 99-years to be repaid if the property is transferred or the use changes from low-income residential within the term of the loan and further, to be extended at the discretion of Council at the term end;

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to sign an Affordable Housing Agreement, mortgage and promissory note consistent with this resolution, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney with funds to be available until expended without regard to fiscal year; and

RESOLVED, That the City Administrator, or his designee, be authorized to take necessary administrative actions and to execute any documents necessary to complete this transaction and to implement this resolution.

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

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

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**R-312-7-07 APPROVED**

**RESOLUTION TO AMEND THE CITY'S EXISTING HOME LOAN TO AVALON HOUSING, INC. FOR 610 W. SUMMIT STREET FROM A 1% INTEREST LOAN TO A 0% INTEREST LOAN AND TO AMEND THE CORRESPONDING MORTGAGE, PROMISSORY NOTE AND HOUSING AFFORDABILITY AGREEMENT**

Whereas, On April 17, 1995, City Council approved R-157-4-95 which granted a HOME loan to Avalon Housing, Inc. for the acquisition of 610 W. Summit Street;

Whereas, Avalon Housing, Inc. has requested that City Council approve a request to amend its existing HOME loan at 610 W. Summit Street from a 1% interest loan to a 0% interest deferred payment loan with a term of 99-years; and

Whereas, Avalon Housing, Inc. had Human Rights and Living Wage approval that expired on June 30, 2007; and this housing transaction will not be completed until Human Rights and Living Wage approval is granted to Avalon Housing, Inc. by the City of Ann Arbor;

**RESOLVED**, That the Mayor and City Council approve an amendment to Avalon Housing, Inc.'s existing HOME loan at 610 W. Summit Street from a 1% interest loan to a 0% interest deferred payment loan with a term of 99-years to be repaid if the property is transferred or the use changes from low-income residential within the term of the loan and further, to be extended at the discretion of Council at the term end;

**RESOLVED**, That the Mayor and City Clerk be hereby authorized and directed to sign an Affordable Housing Agreement, mortgage and promissory note consistent with this resolution, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney with funds to be available until expended without regard to fiscal year; and

**RESOLVED**, That the City Administrator, or his designee, be authorized to take necessary administrative actions and to execute any documents necessary to complete this transaction and to implement this resolution.

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

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

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**R-313-7-07 APPROVED**

**RESOLUTION TO AMEND RESOLUTION R-86-3-07 TO APPROVE A HOUSING REHABILITATION AGREEMENT, HOUSING AFFORDABILITY AGREEMENT, MORTGAGE, NOTE AND SUBORDINATION AGREEMENT WITH PARKHURST APARTMENTS, LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP FOR PARKHURST APARTMENTS AT 1500 PAULINE**

Whereas, on December 18, 2006 City Council approved R-524-12-06 to approve a Housing Rehabilitation Agreement, Housing Affordability Agreement, Mortgage, Note and Subordination Agreement with Parkhurst Apartments, Limited Dividend Housing Association Limited Partnership for Parkhurst Apartments at 1500 Pauline;

Whereas, on March 5, 2007 City Council approved R-86-3-07 to amend R-524-12-06; and

Whereas, The National Equity Fund (NEF) requested that the City modify the terms of its \$300,000.00 loan from 99 years to 30 years to ensure tax credit compliance with the IRS;

**RESOLVED**, That City Council amends Resolution R-86-3-07 to read as follows:

Whereas, An application was received from Washtenaw Affordable Housing Corporation (WAHC) on behalf of Parkhurst Apartments Limited Dividend Housing Association Limited Partnership (Parkhurst Apartments LP) to rehabilitate Parkhurst Apartments and add a community room;

Whereas, An application was received from WAHC on behalf of Parkhurst Apartments LP to refinance Parkhurst Apartments in partnership with the National Equity Fund and Mercy Loan Fund to preserve 48 units of affordable housing;

Whereas, WAHC and the National Equity Fund are working with the Office of Community Development to stabilize the property's finances and improve the property conditions, and WAHC and the OCD are working to improve WAHC's management of its properties; and

Whereas, Three bids were received on August 18, 2006 for the rehabilitation work, and WAHC will be executing an agreement with L.J.M. Construction, the lowest responsible bidder, who has Human Rights and Living Wage Approval, to complete the rehabilitation and community room work;

**RESOLVED**, That City Council approve the allocation of up to \$186,419.00 of CDBG Funds to Parkhurst Apartments LP, or an affiliated ownership entity, for the rehabilitation of 48 units of affordable housing at 1500 Pauline as a grant;

**RESOLVED**, That City Council approve the allocation of up to \$300,000.00 of CDBG Funds to Parkhurst Apartments LP, or an affiliated ownership entity, to refinance existing debt as a 0% interest, deferred payment, 30-year loan to be repaid if the property is transferred or the use changes from low-income residential within the term of the loan and further, to be extended at the discretion of Council at the term end;

**RESOLVED**, That City Council agrees to subordinate the HOME and CDBG loans to the loans of the private lenders that provide financing;

**RESOLVED**, That City Council agrees to no less than a shared third loan position with the Michigan State Housing Development Authority;

**RESOLVED**, That as a condition of the grant and loan disbursement, Parkhurst Apartments LP shall meet the following conditions prior to the release of any City funds:

1. Parkhurst Apartments LP shall provide the City with a market-based appraisal, acceptable to the City Attorney and Office of Community Development, valuing the Parkhurst property at a minimum of \$2,626,540.00;
2. Parkhurst Apartments LP shall provide the City with evidence that they have secured the commitment of Mercy Loan Fund and/or another lender for approximately \$1,130,000.00 for refinancing of the existing private debt, with terms acceptable to the Office of Community Development and the City Attorney;
3. Parkhurst Apartments LP shall provide the City with a formal commitment from National Equity Fund, for a minimum funding match of \$175,000.00, with terms acceptable to the Office of Community Development and the City Attorney;

**RESOLVED**, That as a condition of the grant and loan disbursement, Parkhurst Apartments LP shall close on the \$1,300,000.00 loan from Mercy Loan Fund and/or another lender, and have received the funding from the National Equity Fund and/or another lender prior to or at the time of closing of the City loan and payment of the City grant;

**RESOLVED**, That as a condition of the grant and loan disbursement, Parkhurst Apartments LP and WAHC and its affiliated ownership entities must agree to the following terms in the Housing Affordability

Agreement and Rehabilitation Agreement with the City, or any other documents as required by the City Attorney, and that if any of these terms are not incorporated in the Housing Affordability Agreement and/or are not met by Parkhurst Apartments LP and WAHC and its affiliated ownership entities, the City has the right to accelerate its loans and require Parkhurst Apartments LP and WAHC to sell any and all of their City-funded properties to another housing provider to be selected by the City:

1. The OCD and other funders will provide an advisor to assist Parkhurst Apartments LP and WAHC to manage their properties and finances through December 31, 2007.
2. Parkhurst Apartments LP and WAHC will give the advisor and the OCD complete access to all of the books, records and financial information of Parkhurst Apartments LP, WAHC and other affiliated ownership entities.
3. Parkhurst Apartments LP and WAHC will respond in writing to the advisor's advice and comments regarding Parkhurst Apartments and WAHC's management and operation, including, but not limited to the management of finances, provision of tenant services, compliance with HUD regulations, property management practices, staffing, and board practices consistent with terms and conditions subject to approval by the City Administrator and City Attorney.
4. Parkhurst Apartments LP and WAHC will provide the OCD and the advisor with a copy of all written communications with all lenders on all WAHC and affiliated ownership entity owned and managed properties through December 31, 2007.
5. Parkhurst Apartments LP and WAHC will sign a 2-year contract with an HVAC contractor to seasonally (twice a year) inspect and maintain the common HVAC systems for all of WAHC's properties by March 15, 2007. WAHC will be required to file a copy of the contract with the OCD and the advisor within 30 days of its execution and WAHC must provide the contractor's reports and invoices within 30 days of the inspection and maintenance work to the OCD during the contract period and the advisor through 2007.
6. Parkhurst Apartments LP will submit a preventative maintenance plan specifying how Parkhurst Apartments LP will address internal inspections, track work orders, track response times, and file work orders to the OCD and advisor by March 15, 2007. The submitted plan must be approved by the OCD staff and the advisor. WAHC will be required to provide monthly reports to the advisor and the OCD for all of 2007 by the 15th of the following month.
7. Parkhurst Apartments LP and WAHC will submit a copy of the property management company's monthly financial reports to the OCD and the advisor for every month in 2007 by the 15th of the following month.
8. Parkhurst Apartments LP and WAHC will notify the OCD and the advisor of all Board meetings and Board subcommittee meetings and provide copies of Board and subcommittee communications and packets to the OCD and the advisor a minimum of 48 hours prior to such meetings.
9. By October 31, 2007, the OCD will consult with WAHC, other funders and the advisor to determine if WAHC should sell property, merge with another nonprofit housing organization, take other steps to improve management and operation of its affordable housing, or continue to operate based on improvements made during the first nine (9) months of 2007. The basis for that decision will be a result of:
  - a. The above mentioned materials (1 - 8) provided throughout the first nine (9) months of 2007.
  - b. The information, as spelled out in the attached proposed advisor responsibilities (which are subject to approval as to substance by the City Administrator and approval as to form by the City Attorney), that is provided by the advisor regarding WAHC's management of their finances, provision of tenant services, compliance with HUD regulations, property management practices, staffing practices, and board practices over the first nine (9) months of 2007.
  - c. OCD's ongoing conversations and dialog with WAHC, other funders and the advisor over the first nine (9) months of 2007;

**RESOLVED**, That by December 1, 2007, the OCD will provide City Council with their decision and recommendation on whether WAHC should sell property, merge with another nonprofit housing organization, take other steps to improve management and operation of its affordable housing, or continue to operate based on improvements made during the first nine (9) months of 2007;

**RESOLVED**, That as a condition of the grant and loan disbursement, Parkhurst Apartments LP, or WAHC, will execute a Rehabilitation Agreement, Housing Affordability Agreement, mortgage and promissory note

consistent with this Resolution, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney;

**RESOLVED**, That as a condition of the grant and loan disbursement, Parkhurst Apartments LP and WAHC will execute any other document required to implement the terms of this Resolution, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney;

**RESOLVED**, That the Mayor and City Clerk be hereby authorized and directed to sign a Housing Affordability Agreement consistent with this resolution and any other documents required to implement the terms of this Resolution, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney with funds to be available until expended without regard to fiscal year; and

**RESOLVED**, That the City Administrator, or his designee, be authorized to take necessary administrative actions and to execute any documents necessary to complete this transaction and to implement this resolution.

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

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

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**R-314-7-07 APPROVED**

**RESOLUTION TO APPROVE CONTRACTS WITH WASHTENAW COUNTY FOR THE HUMAN SERVICES ANALYST, REHABILITATION ANALYST, INTAKE SPECIALIST AND HOUSING MANAGER POSITIONS FOR THE OFFICE OF COMMUNITY DEVELOPMENT**

Whereas, The City and County are committed to continuing to gain efficiencies and cost savings in their operations while improving delivery of services;

Whereas, The City and County administer CDBG and HOME programs through the Office of Community Development for their respective geographic areas and have responsibility for oversight of general fund grants to nonprofit housing providers as well as managing human service funds that are allocated to nonprofit providers;

Whereas, The City and County are extending their efforts to maximize efficiencies in the joint City/County Office of Community Development through the integration of work duties between the Housing, Rehabilitation, and Human Services programs;

Whereas, The OCD would like to create one comprehensive Rehabilitation Service Delivery unit that will oversee a Single Family and Multi-Family Rehabilitation, Relocation and Down Payment Assistance program for the City and the County;

Whereas, The County is staffing four positions within the Office of Community Development consisting of a Human Services Analyst, Rehabilitation Analyst, Intake Specialist, and a Housing Manager; and

Whereas, The OCD would like to establish a consolidated office of County staff with a partnership and contractual relationship with the City for the provision of activities that meet the objectives of the City for housing and human services;

**RESOLVED**, That the Mayor and City Council approve the contracts with Washtenaw County, for a total amount not to exceed \$180,000.00 for FY 08 for the purpose of the City paying for ninety percent of the projected annual salary and benefits for the Human Services Analyst and paying one-half of the projected salary and benefits for the Rehabilitation Analyst, Intake Specialist, and the Housing Manager positions,

from July, 2007 through June, 2008;

**RESOLVED**, That the Mayor and City Clerk be hereby authorized and directed to execute these contracts with Washtenaw County consistent with this resolution, subject to 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 execute on behalf of the City any action necessary to implement this resolution.

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

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

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**R-315-7-07 APPROVED**

**RESOLUTION TO CLOSE NORTH FOURTH AVENUE FOR THE OUTFEST: COMING OUT DIVERSITY CELEBRATION - AUGUST 18, 2007**

Whereas, The City has received a request from the Washtenaw Rainbow Action Project to close North Fourth Avenue between Catherine Street and East Kingsley Street from 3:30 PM on Saturday, August 18, 2007 to 1:00 AM on Sunday, August 19, 2007;

Whereas, The closing is requested for events associated with National Coming Out Day;

Whereas, The sponsor requires the approval of the Michigan Liquor Control Commission for a special outdoor liquor license;

Whereas, The sponsors of the event will obtain all necessary permits, provide evidence of proper liability insurance and comply with all procedures, rules and regulations for closing the street including payment of all fees associated with their sponsorship of this event; and

Whereas, The sponsor will provide written notice to all affected businesses and area residents not less than 14 days prior to the event,

**RESOLVED**, That the closing of North Fourth Avenue between Catherine Street and East Kingsley Street from 3:30 PM on Saturday, August 18, 2007 to 1:00 AM on Sunday, August 19, 2007; and

**RESOLVED**, That a special liquor license for the event be approved, contingent upon approval from the Michigan Liquor Control Commission.

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

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

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**R-316-7-07 APPROVED**

**RESOLUTION TO APPROVE PARTICIPATION AGREEMENT WITH WASHTENAW LAND TRUST FOR THE PURCHASE OF A CONSERVATION EASEMENT ON THE BLOOM PROPERTY IN NORTHFIELD TOWNSHIP AND APPROPRIATE FUNDS NOT TO EXCEED THE AMOUNT OF \$30,000.00**

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

Whereas, Section 3:63 of the Ann Arbor City Code specifically authorizes City Council to enter into agreements for joint acquisition, retention and management of land and development rights, conservation and other easements in the Greenbelt District;

Whereas, Washtenaw Land Trust is a qualified non-profit organization to hold conservation easements;

Whereas, The City and Washtenaw Land Trust have negotiated a Participation Agreement which defines each entity's interest in the donated conservation easement on the Bloom farm and specifically provides for:

- Contribution by the City to assist with the closing costs, due diligence and stewardship funds for the easement not to exceed the amount of \$30,000.00;
- Title to the conservation easement rights to be held by Washtenaw Land Trust. Should Washtenaw Land Trust, terminate, transfer or otherwise divest itself of title to the conservation easement at a future date, the City reserves the right to have title vest in the City;
- Monitoring of the conservation easement shall be performed by Washtenaw Land Trust, or under the Land Trust's direction. Should Washtenaw Land Trust fail to monitor and enforce the terms of the easement, the City shall have the right to do so;

Whereas, Sufficient funds in the Open Space and Parkland Preservation Millage bond proceeds are available for the expenditure; and

Whereas, The Greenbelt Advisory Commission supports approval of the Participation Agreement with Washtenaw Land Trust;

RESOLVED, That City Council approve the terms and conditions of the Participation Agreement with Ann Arbor Township for the purchase of development rights on the Bloom Farm;

RESOLVED, That up to \$30,000.00 be appropriated for the purchase for this property from the Open Space and Parkland Preservation Millage bond proceeds for the life of the project without regard to fiscal year, to assist with closing and due diligence costs and establishment of stewardship funds; and

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute all the necessary documents to complete the Participation Agreement for this property after approval as to substance by the City Administrator and approval as to form by the City Attorney.

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

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

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R-317-7-07 APPROVED

**RESOLUTION ACCEPTING EASEMENT FOR PUBLIC UTILITIES FROM THE PUBLIC SCHOOLS OF THE CITY OF ANN ARBOR - ALLEN ELEMENTARY SCHOOL**

Whereas, The Public Schools of the City of Ann Arbor, a public body corporate organized and existing under the Michigan Revised School Code, is the owner of record of property located in the City of Ann Arbor, Washtenaw County, Michigan;

Whereas, Board of Trustees of The Public Schools of the City of Ann Arbor on May 30, 2007 authorized the

delivery of a perpetual easement to the City for the construction and maintenance of public utilities; and

Whereas, The Public Schools of the City of Ann Arbor, has delivered an easement to the City for public utilities along the northerly portion of the school's property, to run with the land and burden the respective property perpetually, being more particularly described as follows:

Commencing at the Center of Section 3, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N89° 57' 30" E 117.49 feet along the E-W ¼ line of said Section 3; thence S00° 52' 30" W 82.23 feet along the westerly right-of-way line of Towner Boulevard (66 feet wide) to the POINT OF BEGINNING;

- Thence S00° 52' 30" W 40.00 feet;
- Thence N89° 20' 57" W 215.85 feet;
- Thence N37° 19' 30" W 52.57 feet;
- Thence N90° 00' 00" W 12.88 feet;
- Thence S52° 40' 30" W 83.84 feet;
- Thence S37° 19' 30" E 19.21 feet;
- Thence S47° 19' 37" W 32.97 feet;
- Thence S53° 02' 18" W 17.61 feet;
- Thence N37° 27' 37" W 7.41 feet;
- Thence S52° 39' 13" W 111.58 feet;
- Thence N37° 19' 30" W 27.96 feet; Thence S52° 40' 30" W 6.81 feet;
- Thence N80° 23' 18" W 22.75 feet;
- Thence S51° 46' 37" W 44.97 feet;
- Thence N38° 13' 23" W 14.72 feet;
- Thence N00° 55' 30" E 32.60 feet
- Thence N51° 46' 37" E 42.13 feet;
- Thence S80° 23' 18" E 67.04 feet;
- Thence S37° 19' 30" E 2.78 feet;
- Thence N53° 02' 18" E 81.49 feet;
- Thence N37° 19' 30" W 22.23 feet;
- Thence N52° 40' 30" E 137.35 feet;
- Thence N90° 00' 00" E 46.19 feet;
- Thence S37° 19' 30" E 52.85 feet;
- Thence S89° 20' 57" E 196.49 feet;

To the POINT OF BEGINNING, being a part of Section 3, T3S, R6E, Washtenaw County, Michigan, and containing 0.5823 acres of land, more or less, subject to easements and restrictions of record, if any.

Commonly known as: Allen Elementary School, 2560 Towner Blvd., Ann Arbor, Michigan

RESOLVED, That the City hereby accept said easement.

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

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

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R-318-7-07 APPROVED

**RESOLUTION ACCEPTING EASEMENT FOR PUBLIC UTILITIES FROM THE PUBLIC SCHOOLS OF THE CITY OF ANN ARBOR - ANGELL ELEMENTARY SCHOOL**

Whereas, The Public Schools of the City of Ann Arbor, a public body corporate organized and existing under the Michigan Revised School Code, is the owner of record of property located in the City of Ann

**Arbor, Washtenaw County, Michigan;**

Whereas, The Board of Trustees of The Public Schools of the City of Ann Arbor on May 30, 2007 authorized the delivery of a perpetual easement to the City for the construction and maintenance of public utilities; and

Whereas, The Public Schools of the City of Ann Arbor, has delivered an easement to the City for public utilities along the northerly portion of the school's property, to run with the land and burden the respective property perpetually, being more particularly described as follows:

A 40 foot wide water main easement described as follows: Commencing at the monument at the center of intersection of South University Avenue and Oxford Road; thence S89°55'50"W 538.59 feet along the centerline of South University Avenue; thence SOUTH 33.00 feet to the POINT OF BEGINNING; thence continuing SOUTH 257.97 feet; thence S44°52'37"E 99.65 feet; thence S19°44'48"E 46.50 feet; thence S89°27'55"W 32.64 feet; thence S00°32'05"E 27.89 feet; thence N19°44'48"W 53.17 feet; thence N44°52'37"W 107.25 feet; thence NORTH 274.44 feet; thence N89°55'50"E 40.00 feet along the South line of South University Avenue to the Point of Beginning. Being a part of Lots 5 and 21 of "ASSESSOR'S PLAT NO. 18", a subdivision of part of Section 28 and 33, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan as recorded in Liber 9 of Plats, Page 2, Washtenaw County Records and containing 0.37 acres (16,324.6 square feet) of land, more or less. Being subject to easements and restrictions of record, if any.

Tax ID No. 09-09-27-100-003

**RESOLVED**, That the City hereby accept said easement.

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

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

**COMMUNICATIONS FROM THE MAYOR**

**APPOINTMENTS APPROVED**

Mayor Hieftje recommended the following appointments at the June 18, 2007 regular session of Council:

**Housing and Human Services Advisory Board**

**Stephen Rapundalo**  
3106 Bluett Rd.  
Ann Arbor, MI 48105  
Term: July 2, 2007- July 2, 2010

**Margie Teall**  
1208 Brooklyn Ave.  
Ann Arbor, MI 48104  
Term: July 2, 2007- July 2, 2010

**Housing Board of Appeals**

**Lelahni Wessinger**  
2216 Melrose Ave.  
Ann Arbor, MI 48104  
Term: July 2, 2007-June 30, 2010

**Re-Appointment**

Melissa Goldstein  
2412 Leslie Circle  
Ann Arbor, MI 48104  
Term: July 2, 2007-June 30, 2010

Re-Appointment

Cindy L. Christiansen  
c/o Inter-Cooperative Council @ U-M  
337 E. William St.  
Ann Arbor, MI 48104  
Term: July 2, 2007-June 30, 2010

Re-Appointment

Councilmember Johnson moved, seconded by Councilmember Lowenstein, 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:

#### Planning Commission

Eric A. Mahler  
3267 Turnberry Ln.  
Ann Arbor, MI 48108  
Term: July 16, 2007-June 30, 2010

Replacing- Eric Lipson

Bonnie Bona  
1100 Mixtwood St.  
Ann Arbor, MI 48103  
Term: July 16, 2007-June 30, 2010

Re-Appointment

Evan Pratt  
1626 Harbal Dr.  
Ann Arbor, MI 48105  
Term: July 16, 2007-June 30, 2010

Re-Appointment

#### COMMUNICATIONS FROM THE CITY ADMINISTRATOR

#### REPORTS SUBMITTED

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

1. Replacement of Downtown Sidewalk Ramps - DDA
2. Sponsorship of Downtown Association Representatives to the 2007 International Downtown Association Annual Conference in New York City - DDA
3. Equipment Purchase to Accept Credit Cards at all Parking Facilities - DDA
4. DDA Grant to the Ann Arbor Hands On Museum - DDA
5. Sculpture Plaza Repair Project - DDA

**6. DDA Resolution to Provide the City Energy Fund with \$630,000.00 to Fund a Downtown Streetlight Retrofit Program to Reduce City Energy Costs and Support the City's New Energy Technology Initiative - DDA**

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

**COMMUNICATIONS FROM THE CITY ATTORNEY**

None.

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

The following communications were referred as indicated:

1. Communication from Rosalie Karunas regarding opposition of the Burton Commons Rezoning - File
2. Communication from S.E.M.C.O.G. regarding their bi-weekly regional update, Vol. 12, No. 13, June 18, 2007 - File
3. Communication from Scott Robertello dated June 22, 2007 regarding the City Market Commission Rules - File Added 7/2/07
4. Communication from Dennis and Sally Sparr regarding City Market Manager Jessica Black - File Added 7/2/07
5. Communication from Lawrence Donahee dated June 30, 2007 regarding City Market Manager Jessica Black - File Added 7/2/07

The following minutes were received for file (I):

1. City of Ann Arbor Election Commission - February 13, 2007
2. Downtown Development Authority - April 4, and May 2, 2007
3. Ann Arbor Transportation Authority Board - May 23, 2007
4. Building Board of Appeals - February 14, and March 14, 2007
5. Ann Arbor Human Rights Commission - May 9, 2007
6. Ann Arbor Housing Commission - April 11, 2007

Councilmember Woods moved, seconded by Councilmember Johnson, that the Clerk's Report be accepted.

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

**PUBLIC COMMENTARY - GENERAL**

**THOMAS PARTRIDGE - ELIMINATE DISCRIMINATION**

Thomas Partridge spoke about the need to eliminate discrimination in City government, the University of Michigan and the AATA.

## RECESS FOR CLOSED SESSION

Councilmember Woods moved, seconded by Councilmember Easthope, that the regular session of Council be recessed for a closed session to discuss pending litigation, specifically curb ramp litigation and the Glen Ann project, and attorney client privileged communication.

On roll call, the vote was as follows:

Yeas, Councilmembers Greden, Teall, Higgins, Woods, Suarez, Johnson, Lowenstein, Rapundalo, Mayor Hieftje, 9;

Nays, Councilmember Easthope, 1.

The Mayor declared the motion carried and the meeting recessed at 9:22 p.m.

Councilmember Rapundalo moved, seconded by Councilmember Lowenstein, that the regular session of Council be reconvened.

On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 9:45 p.m.

## R-319-7-07 APPROVED

Councilmember Easthope moved, seconded by Councilmember Rapundalo, that the following resolution be approved:

Resolved, That the City Attorney be directed to resolve the Curb Ramp Litigation in the manner that was discussed in Closed Session.

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

## R-320-7-07 APPROVED

Councilmember Easthope moved, seconded by Councilmember Rapundalo, that the following resolution be approved:

Resolved, That the City Attorney be directed to resolve the matter of Glen Ann Place and Joseph Freed Associates versus the State of Michigan Historic Preservation Review Board and the Ann Arbor Historic District Commission and the City of Ann Arbor in the manner that was discussed in Closed Session.

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

## ADJOURNMENT

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

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:48 p.m.

Jacqueline Beaudry  
Clerk of the Council

