



Legislation Text

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File #: 07-0481, Version: 1

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**ANN ARBOR CITY COUNCIL MINUTES REGULAR SESSION - JANUARY 5, 2004**  
Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:31 p.m. in the City Hall Council Chamber.

Council stood for a moment of silence.

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

**ROLL CALL OF COUNCIL**

**PRESENT** : Council Members Kim Groome, Robert M. Johnson, Joan Lowenstein, Michael R. Reid, Jean Carlberg, Leigh Greden, Margie Teall, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 11.

**ABSENT** : 0.

**INTRODUCTIONS**

None.

**PUBLIC COMMENTARY - RESERVED TIME**

**CHANGES TO PUBLIC COMMENTARY RULES**

The following people addressed Council regarding proposed changes to public commentary rules:

Mary Bejian, 313 Montgomery Ave.  
Sol Metz, 1750 Fulmer  
Harry Clark, 432 Fifth St.  
Helen Fox, 2266 Georgetown Blvd.  
Marcia Federbush, 2000 Anderson Ct.

**ALAN HABER - PEACE**

Alan Haber, 531 Third, addressed Council regarding the Human Rights Committee proposed resolution on Palestine.

**KATHY LINDERMAN - LESLIE SCIENCE CENTER**

Kathy Linderman, 1760 David Ct., addressed Council regarding the Leslie Science Center.

**KAREN DESLIERRES - SUPPORTING ISRAELI-PALESTINIAN PEACE COMMUNITY**

Karen Deslierres, 613 Fifth St., addressed Council regarding supporting Israeli-Palestinian Peace Community.

## **PUBLIC HEARINGS**

### **WATER SERVICE DEFINITIONS, CONNECTION COSTS, SEWER PERMIT CHARGE AND ADDITIONAL CONNECTION CHARGE**

A public hearing was conducted on the proposed Ordinance to amend Sections 2:21, 2:22 and 2:23 of Chapter 27 and Section 2:42.4 of Chapter 28 of Title II of the Code of the City of Ann Arbor - Water Service Definitions, Connection Costs, Sewer Permit Charge and Additional Connection Charge - Utilities Services. Notice of public hearing was published December 28, 2003.

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

### **FINANCIAL LOCAL PUBLIC IMPROVEMENTS - DEFINITIONS, PRELIMINARY PROCEEDINGS, COUNCIL DETERMINATION, DETERMINATION AND NOTICE OF PUBLIC HEARING, ASSESSING SINGLE LOTS OR TAX PARCELS, GENERAL PROCEDURE INAPPLICABLE, DEFICIENCY ASSESSMENTS AND REFUNDS OF SPECIAL ASSESSMENTS**

A public hearing was conducted on the proposed Ordinance to amend Sections 1:271, 1:272, 1:274 and 1:278 of Chapter 12, and Sections 1:284, 1:286, 1:289, 1:292, 1:293 and 1:301 of Chapter 13 of Title I of the Code of the City of Ann Arbor - Financing Local Public Improvements - Definitions, Preliminary Proceedings, Council Determination, Determination and Notice of Public Hearing, Assessing Single Lots or Tax Parcels, General Procedure Inapplicable, Deficiency Assessments and Refunds of Special Assessments. Notice of public hearing was published December 28, 2003.

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

## **WATER AND SEWER RATES**

A public hearing was conducted on the proposed Ordinance to amend Sections 2:61, 2:63 and 2:64 of Chapter 29 of Title II of the Code of the City of Ann Arbor - Water and Sewer Rates. Notice of public hearing was published December 28, 2003.

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

## **APPROVAL OF AGENDA**

### **AGENDA APPROVED WITH CHANGES**

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

### **ORDINANCES - SECOND READING**

Revise: An Ordinance to Amend Sections 1:271, 1:272, 1:274 and 1:278 of Chapter 12, and Sections 1:284, 1:286, 1:289, 1:292, 1:293 and 1:301 of Chapter 13 of Title I of the Code of the City of Ann Arbor - (Financing Local Public Improvements - Definitions - Preliminary Proceedings, Council Determination, Determination and Notice of Public Hearing, Assessing Single Lots or Tax Parcels, General Procedure Inapplicable, Deficiency Assessments and Refunds of Special Assessments) (Ordinance No. 50-03) (Utilities

- Sue F. McCormick, Director) (Revised 12/29/03)

Revise: An Ordinance to Amend Sections 2:61, 2:63 and 2:64 of Chapter 29 of Title II of the Code of the City of Ann Arbor - Water and Sewer Rates (Ordinance No. 51-03) (Utilities - Sue F. McCormick, Director) (Revised 12/19/03)

#### REPORTS FROM COUNCIL COMMITTEES

Add: Notice of Proposed Amendments to the Rules of Council (Council Member Lowenstein, Ad Hoc Rules Committee) (Added 1/5/04)

#### I & J CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

Add: Communication from Mary Fales, Senior Assistant City Attorney, transmitting the 2003 Local Officers Compensation Commission Decision and Minutes of December 18, 2003 (Added 1/5/04)

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

#### APPROVAL OF COUNCIL MINUTES

##### MINUTES OF DECEMBER 8 AND DECEMBER 15, 2003 APPROVED

Council Member Woods moved, seconded by Council Member Teall that the Working Session Minutes of December 8, 2003 and the Regular Session Minutes of December 15, 2003 be approved with minor changes.

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

#### CONSENT AGENDA

##### CONSENT AGENDA ITEMS REMOVED

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

Resolution Recommending City Approval of a Parking Agreement with Washtenaw County to Provide Parking Spaces for Washtenaw County Employees in the Ann Ashley Parking Structure (Downtown Development Authority - Susan Pollay, Director)

##### CONSENT AGENDA ITEMS APPROVED

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

##### R-1-1-04 APPROVED

Special Assessment Resolution No. 2 Extension of Water Main and Sanitary Sewer for Jennings Newport Heights and Establishment of the Water Main and Sanitary Sewer Improvement Charges

Whereas, The City Council has directed and ordered the City Administrator to have prepared plans, specifications and estimates of cost for the Jennings Newport Heights Water Main and Sanitary Sewer

project described as follows:

Construction of approximately 1100 feet of 8-inch water main at Victoria Circle and Alexandra Boulevard and 2,100 feet of 8-inch sanitary sewer at Victoria Circle, Alexandra Boulevard and at Newport, from Alexandra Boulevard to a point just north of M-14 expressway (attached map).

File No. 2000058; District No. 481;

Whereas, The City Administrator has had the same prepared and has filed the same with the City Clerk together with his recommendations as to what part of the cost thereof should be paid by special assessment and what part should be paid by the City at large, the number of installments in which the special assessments may be paid, and the lands which should be included in the special assessment district; and

Whereas, The same has been presented to the City Council and examined and reviewed by the Council:

**RESOLVED,**

1. That the plans, specifications, estimate of cost, and the recommendations of the City Administrator be filed with the City Clerk and be available for public examination;
2. That the plans, specifications, estimate of cost, and recommendations of the City Administrator for said improvements as filed with the City Clerk by the City Administrator and presented to the Council be approved;
3. That the City Council hereby determine to proceed with the acquisition and construction of the Jennings Newport Heights Water Main and Sanitary Sewer projects described as follows:

Construction of approximately 1100 feet of 8-inch water main at Victoria Circle and Alexandra Boulevard and 2,100 feet of 8-inch sanitary sewer at Victoria Circle, Alexandra Boulevard and at Newport, from Alexandra Boulevard to a point just north of M-14 expressway (map on file in the City Clerk's Office).

4. That the City Council determine the cost of said improvement, including all incidentals, to be \$654,436.00.00, and that of said total cost, the sum of \$434,200.00 be advanced from the proceeds of the 1994 Sewer Revenue Bond sale to be repaid by special assessment upon the property specially benefited within the City, and \$220,236.00 be paid by the Water Supply Fund Balance pending the sale of Drinking Water Revenue Bonds and that the funds be available for the life of the project without regard to fiscal year;
5. That the following described lots and parcels of land be designated as constituting the special assessment district against which the cost of said improvement shall be assessed, or against which an improvement charge shall, pursuant to Section 1.278 of the City Code, be levied:

**SEE ATTACHED**

; and

6. That the City Assessor be hereby directed to prepare a special assessment roll in accordance with the foregoing determinations of the City Council, and to file the same, together with his certificate attached thereto, with the City Clerk for presentation to the City council.

**ATTACHMENT**

**RESOLUTION NO. 2**  
**Jennings Newport Heights Water Main and Sanitary Sewer**

File No. 2000058      District Nos. 2000058 & 481

**Estimated Project Cost Breakdown**

Construction Cost	\$ 431,436.00
Design Engineering	\$ 52,000.00
Construction Engineering	\$ 65,000.00
Testing (Consulting)	\$ 22,000.00
Contingencies	\$ 35,000.00
Miscellaneous	\$ 22,000.00
Bond Costs	\$ 27,000.00
	<b>\$ 654,436.00</b>

**Proposed Distribution of Cost**

Estimated Assessment per Parcel for Water (12 total)*	\$ 18,353.00
Estimated Assessment per Parcel for Sewer (26 total)**	\$ 16,700.00

Estimated Cost to Property Owners (Water)	\$ 220,236.00	
Estimated Cost to Property Owners (Sewer)		\$ 434,200.00
Estimated Total Project Cost	\$ 654,436.00	

\* Should City Code be revised to change the improvement charge methodology, the Estimated Assessment per Parcel for Water Main is expected to be \$10,738.00

\*\* Should City Code be revised to change the improvement charge methodology, the Estimated Assessment per Parcel for Sanitary Sewer is expected to be \$16,536.00

**LAND INSIDE THE CITY**

ASSESSOR CODE	OWNER	INFRA-STRUCTURE NEEDS	ESTIMATED COST
09-09-19-111-001	Free Methodist Church	1951 Newport Ann Arbor, MI 48103	S \$ 16,700.00
09-09-18-401-001*	Allison Neff and Susan Stuart	2081 Newport Ann Arbor, MI 48103	S \$ 16,700.00
09-09-18-402-001	Betty Mae Morrison	2115 Newport Ann Arbor, MI 48103	S \$ 16,700.00
09-09-18-401-026	Kenneth and Sarah Bailey	2129 Victoria Ann Arbor, MI 48103	W & S \$ 35,053.00
09-09-18-401-025	City of Ann Arbor Victoria	Ann Arbor, MI 48103	W & S \$ 35,053.00
09-09-18-401-024	City of Ann Arbor Victoria	Ann Arbor, MI 48103	W & S \$ 35,053.00
Total			\$ 155,259.00

**FUTURE RECOVERABLE AND LAND OUTSIDE THE CITY**

ASSESSOR CODE	OWNER	INFRA-STRUCTURE NEEDS	ESTIMATED COST
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09-09-18-401-001*	Allison Neff and Susan Stuart 2081 Newport Ann Arbor, MI 48103	S	\$	
16,700.00				
I-09-19-150-003	John Linder 1859 Newport Ann Arbor, MI 48103	S	\$	16,700.00
I-09-19-150-002	John Linder 1859 Newport Ann Arbor, MI 48103	S	\$	16,700.00
I-09-18-150-001	Sally J. Kapp 5925 Nollar Rd. Whitmore Lake, MI 48189 (1865 Newport)			S
\$ 16,700.00				
I-09-18-480-010	Edgar F. Birchmeier 2024 Newport Ann Arbor, MI 48103	S	\$	16,700.00
I-09-18-460-008	Henry L. Owen 2053 Newport Ann Arbor, MI 48103	S	\$	16,700.00
I-09-18-480-008	Irving Griffel 2054 Newport Ann Arbor, MI 48103	S	\$	16,700.00
I-09-18-480-009	Irving Griffel 2054 Newport Ann Arbor, MI 48103	S	\$	16,700.00
I-09-18-480-006	Thomas Zelnik 2060 Newport Ann Arbor, MI 48103	S	\$	16,700.00
I-09-18-480-005	Conrad S. Yocum 2080 Newport Ann Arbor, MI 48103	S	\$	16,700.00
I-09-18-480-004	Medville and Thyra Throop 2108 Newport Ann Arbor, MI 48103	S	\$	16,700.00
I-09-18-460-011	Fisher L., Connor J., Turner 2700 Market St. Oakland CA 94607 (Victoria)			W &
S \$ 35,053.00				
I-09-18-460-004	Mark Pfaff 2200 Belmont, Ann Arbor, MI 48104 (2114 Victoria Ann Arbor, MI 48103)			
W & S \$ 35,053.00				
I-09-18-460-003	William Middleton C/O Veronica Snitate, 2153 Newport, Ann Arbor MI 48103 (2118 Victoria Ann Arbor, MI 48108)			W & S \$ 35,053.00
I-09-18-461-005	Abayomi Famurewa 29600 Franklin Rd. #25 Southfield, MI 48034 (Victoria)			W & S
\$ 35,053.00				
I-09-18-461-003	Charles & Emma Wright 1364 Hidden Creek South Saline, MI 48176 (Victoria)			W & S
\$ 35,053.00				
I-09-18-461-004	Charles & Emma Wright 1364 Hidden Creek South Saline, MI 48176 (Victoria)			W & S
\$ 35,053.00				
I-09-18-460-006	Middleton Sanitate Gardens, LLC 2153 Newport Rd. Ann Arbor MI 48103 (Victoria)			
W & S \$ 35,053.00				
I-09-18-460-006	Middleton Sanitate Gardens, LLC 2153 Newport Rd. Ann Arbor MI 48103 (Victoria)			
W & S \$ 35,053.00				
I-09-18-460-005	Richard K. & Joan D. Holzhauser 1850 Alexandtia Ann Arbor, MI 48103			W & S \$
35,053.00				
Total	\$ 499,177.00			

\* Should parcel be split in the future, a second Sanitary Sewer Improvement Charge will apply.

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**R-2-1-04 APPROVED**

**Special Assessment Resolution No. 2 Extension of Water Main and Sanitary Sewer for Brookside Subdivision and Establishment of the Water Main and Sanitary Sewer Improvement Charges**

Whereas, The City Council has directed and ordered the City Administrator to have prepared plans, specifications and estimates of cost for the Brookside Subdivision Water Main and Sanitary Sewer Project described as follows:

Construction of Brookside Subdivision Water Main and Sanitary Sewer - Stone School Road, Baylis Drive, and Dwight Street to make services available to all parcels not currently served.

File No. 2000-019

District No. 2000-019 & 480;

Whereas, The City Administrator has had the same prepared and has filed the same with the City Clerk together with his recommendations as to what part of the cost thereof should be paid by special

assessment and what part should be paid by the City at large, the number of installments in which the special assessments may be paid, and the lands which should be included in the special assessment district; and

Whereas, The same has been presented to the City Council and examined and reviewed by the Council:

**RESOLVED,**

1. That the plans, specifications, estimate of cost, and the recommendations of the City Administrator be filed with the City Clerk and be available for public examination;
2. That the plans, specifications, estimate of cost, and recommendations of the City Administrator for said improvements as filed with the City Clerk by the City Administrator and presented to the Council be approved;
3. That the City Council hereby determine to proceed with the acquisition and construction of the Brookside Subdivision Water Main and Sanitary Sewer Project described as follows:

Construction of Brookside Subdivision Water Main and Sanitary Sewer - Stone School Road, Baylis Drive, and Dwight Street to make services available to all parcels not currently served;

4. That the City Council determine the cost of said improvement, including all incidentals, to be \$1,539,500.00, and that of said total cost, the sum of \$524,557.00 be advanced from the proceeds of the Water Supply Fund Balance pending the sale of Drinking Water Revenue Bonds to be repaid by special assessment upon the property specially benefited from the improvements and \$717,596.00, be advanced from the proceeds of the 1994 Sewer Revenue Bond sale to be repaid by special assessment upon the property specially benefited from the improvements, \$290,500.00 be paid by the Street Millage Fund and \$6,847.00 be paid by Water Supply Fund Balance and that the funds be available for the life of the project without regard to fiscal year.
5. That the following described lots and parcels of land be designated as constituting the special assessment district against which the cost of said improvement shall be assessed, or against which an improvement charge shall, pursuant to Section 1.278 of the City Code, be levied:

See Attached; and

6. That the City Assessor be hereby directed to prepare a special assessment roll in accordance with the foregoing determinations of the City Council, and to file the same, together with his certificate attached thereto, with the City Clerk for presentation to the City Council.

**ATTACHMENT**

**RESOLUTION NO. 2  
BROOKSIDE SUBDIVISION WATER MAIN AND SANITARY SEWER**

File No. 2000-019      District Nos. 2000-019 & 480

**Estimated Project Cost Breakdown**  
Construction Cost    \$ 994,500.00  
Design Engineering    \$ 157,000.00  
Construction Engineering    \$ 159,000.00

Testing (Consulting) \$ 50,000.00  
 Contingencies \$ 80,000.00  
 Miscellaneous \$ 49,000.00  
 Bond Costs \$ 50,000.00  
**\$1,539,500.00**

**Proposed Distribution of Cost**

Estimated Assessment per Parcel for Water (43 total)\* \$ 12,199.00  
 Estimated Assessment per Parcel for Sewer (44 total)\*\* \$ 16,309.00

Estimated Cost to Property Owners (Water) \$ 524,557.00  
 Estimated Cost to Property Owners (Sewer) \$ 717,596.00  
 City Share - Street Millage Fund \$ 290,500.00  
 City Share - Water Supply Fund Balance \$ 6,847.00  
**Estimated Total Project Cost \$1,539,500.00**

\* Should City Code be revised to change the improvement charge methodology, the Estimated Assessment per Parcel for Water Main is expected to be \$10,738.00

\*\* Should City Code be revised to change the improvement charge methodology, the Estimated Assessment per Parcel for Sanitary Sewer is expected to be \$16,536.00

**LAND INSIDE THE CITY**

ASSESSOR CODE	OWNER	INFRA-STRUCTURE NEEDS	ESTIMATED COST
09-12-10-201-103	John & Virginia Godden 3139 Baylis Dr Ann Arbor, MI 48108	W	\$ 12,199.00
09-12-10-201-104	John & Denise Held 3145 Baylis Dr Ann Arbor, MI 48108	W	\$ 12,199.00
09-12-10-201-105	Barbara & Maurice Miller 3151 Baylis Dr Ann Arbor, MI 48108	W	\$ 12,199.00
09-12-10-201-018	Christopher & Kristen Kubacki 3163 Baylis Dr Ann Arbor, MI 48108	W	\$
12,199.00			
09-12-10-201-109	Chris & Kelly Holzapfel 3169 Baylis Dr Ann Arbor, MI 48108	W	\$ 12,199.00
09-12-10-201-022	Brian & Christy Shensky 3181 Baylis Dr Ann Arbor, MI 48108	W	\$ 12,199.00
09-12-10-204-001	Roy & Grace Bradley 3226 Baylis Dr Ann Arbor, MI 48108	W & S	\$ 28,508.00
09-12-10-203-002	Adrienne Neff & Carla Grayson 3244 Baylis Dr Ann Arbor, MI 48108	W & S	\$
28,508.00			
09-12-10-203-001	Lakhvinder Kumar 3264 Baylis Dr Ann Arbor, MI 48108	S	\$ 16,309.00
09-12-10-201-106	Glenn & Eleanor Bruneau 3265 Baylis Dr Ann Arbor, MI 48108	S	\$ 16,309.00
09-12-10-203-003	Katherine & Dennis Richards 3175 Stone School Rd Ann Arbor, MI 48108	S	\$
\$ 16,309.00			
<b>Total</b>			<b>\$ 179,137.00</b>

**LAND OUTSIDE THE CITY**

ASSESSOR CODE	OWNER	INFRA-STRUCTURE NEEDS	ESTIMATED COST
L-12-10-250-005	Ralph Silvey 3121 Baylis Dr Ann Arbor, MI 48108	W	\$ 12,199.00
L-12-10-250-006	Catherine Kohn 2338 Vernon St Blue Island, IL 60406 (3127 Baylis Dr)	W	\$
12,199.00			
L-12-10-250-007	John Cushing 3133 Baylis Dr Ann Arbor, MI 48108	W	\$ 12,199.00
L-12-10-250-013	Robert MacDonald 3157 Baylis Dr Ann Arbor, MI 48108	W	\$ 12,199.00
L-12-10-250-016	Timothy Ryan 3175 Baylis Dr Ann Arbor, MI 48108	W	\$ 12,199.00



L-12-10-250-018	Harry W Sheldon 3187 Baylis Dr Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-251-007	Donald & Rhonda Sizemore 3216 Baylis Dr Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-251-008	Robert Scott 3200 Baylis Dr Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-251-009	Elizabeth Ann Cole 3180 Baylis Dr Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-251-010	David Burrows 3174 Baylis Dr Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-251-011	Juanita Solano 3168 Baylis Dr Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-251-012	Electa Shauneen Owens 3160 Baylis Dr Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-251-013	Daniel & Judy Lanuti 3142 Baylis Dr Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-252-001	Dennis & Nancy Snelling 3100 Baylis Dr Ann Arbor, MI 48108	S	\$ 16,309.00
L-12-10-252-018	Don Raley 3120 Baylis Dr Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-253-001	William Hart 2550 Jennings Whitmore Lake, MI 48189 (3203 Baylis Dr)	W & S	\$ 28,508.00
L-12-10-253-003	Arley Fredette 3209 Baylis Dr Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-253-004	Charles Strauss III 3215 Baylis Dr Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-253-005	Jennifer Mueller 3221 Baylis Dr Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-253-008	John Phenev 3227 Baylis Dr Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-253-009	Frances P Mclver 3233 Baylis Dr Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-253-012	Tie Wei Guo & Hua Bai 3239 Baylis Dr Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-253-013	Joseph Patrick Whitehead 3245 Baylis Dr Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-251-001	Jason Orear 3165 Dwight St Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-251-002	Jane White 3175 Dwight St Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-251-003	Norman Olmstead 3185 Dwight St Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-251-004	Michael Abbott 3195 Dwight St Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-251-005	Daniel & Elaine Medrow 3205 Dwight St Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-251-014	Michael Brown & Anna Harden 3155 Dwight St Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-252-011	Joseph & Michelle Caryl 3210 Dwight St Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-252-012	Keith & Grace Singleton 3200 Dwight St Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-252-013	Garnett French 3190 Dwight St Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-252-014	Virgina Babcock & Cynthia Hentz 3180 Dwight St Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-252-015	Derek Blakeney & Wendy Robertson 3170 Dwight St Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-252-016	Ryan Hudson 3160 Dwight St Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-252-017	Jeri & Ryan Sawall 3150 Dwight St Ann Arbor, MI 48108	W & S	\$ 28,508.00
L-12-10-252-002	John G Niemi et al 3131 Stone School Rd Ann Arbor, MI 48108	S	\$ 16,309.00
L-12-10-252-003	James B Fisher 3145 Stone School Rd Ann Arbor, MI 48108	S	\$ 16,309.00
L-12-10-252-004	Joseph F Dorris 3161 Stone School Rd Ann Arbor, MI 48108	S	\$ 16,309.00
L-12-10-252-006	Elizabeth Wiggert 3191 Stone School Rd Ann Arbor, MI 48108	S	\$ 16,309.00
L-12-10-252-007	Jeffrey Forward & Monica Hough 3205 Stone School Rd Ann Arbor, MI 48108	S	\$ 16,309.00
L-12-10-252-008	Jonathan & Sue Jennings 3221 Stone School Rd Ann Arbor, MI 48108	S	\$ 16,309.00
L-12-10-253-011	Robert E Nortan II 3303 Stone School Rd Ann Arbor, MI 48108	S	\$ 16,309.00
L-12-10-253-015	Lee & Amy Skyles 3281 Stone School Rd Ann Arbor, MI 48108	S	\$ 16,309.00

**Total \$ 1,063,016.00**

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**R-3-1-04 APPROVED**

**Resolution to Approve a Construction Contract with Margolis Nursery in the Amount of \$28,074.00 for Improvements**

at White Oak Park - Bid No. 3640 and to Establish  
a Construction Budget of \$30,881.40

Whereas, White Oak Park is identified in the Park and Recreation Open Space Plan, 2000-2005 to be developed;

Whereas, A neighborhood survey and three public meetings were held to obtain input into the plan for improvements at the park;

Whereas, Competitive bids were sought by the Purchasing Division with bids received on December 9, 2003 and Margolis Nursery, Inc. was identified as the lowest responsible bidder;

Whereas, Funds for the project are included in the FY 2003/2004 approved budget in the Parks Rehabilitation and Development Millage; and

Whereas, Margolis Nursery received Human Rights approval on July 21, 2003 and it complies with the living and prevailing wage ordinance;

RESOLVED, That City Council approve a construction contract, per bid #3640, with Margolis Nursery, Inc. in the amount of \$28,074.00 for Improvements at White Oak Park;

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 City Council approve a project budget of \$30,881.40 for expenditure during the life of the project without regard to fiscal year, inclusive of a contingency of \$2,807.40 (10%) to cover potential contract change orders, if required, to be approved by the City Administrator.

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**R-4-1-04 APPROVED**

**Resolution to Accept Board of Insurance Administration Minutes of December 19, 2003 and to Authorize Payments**

December 19, 2003 be accepted and that the recommended courses of action therein, including payments, be approved and authorized.

**MINUTES  
DECEMBER 19, 2003  
CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION**

**Present:** Jim Armstrong - Risk Manager  
Joan Lowenstein - City Council Member  
Mary Siefert -Treasurer (via email)  
Ronald Olson - Associate City Administrator  
Abby Elias - Chief Assistant City Attorney  
Bob West - Assistant City Attorney  
Dave Swan - Assistant City Attorney

**Claims Recommended for Approval:**

- CC001-03 Daniel Pampreen  
Sewer Backup  
Discussed by Jim Armstrong, Risk Manager**
- CC120-03 Steven Kreger/Nationwide Insurance  
Vehicle Damage Subrogation  
Discussed by Jim Armstrong, Risk Manager**
- CC117-03 Jenna Sendra  
Sanitary Sewer Overflow  
Discussed by Jim Armstrong, Risk Manager**

**Claims Recommended for Denial:**

- CC121-03 Joseph Staron  
Property Damage  
Discussed by Jim Armstrong, Risk Manager**
- CC123-03 Necati Kazan  
Property Damage  
Discussed by Jim Armstrong, Risk Manager**
- CC093-03 Johnnye Hackney  
Sanitary Sewer Overflow  
Discussed by Jim Armstrong, Risk Manager**
- CC091-03 John D. Farah, FPT Associates  
Sanitary Sewer Overflow  
Discussed by Jim Armstrong, Risk Manager**
- CC115-03 Richard Streer/Kristina Haney  
Harassment  
Discussed by Jim Armstrong, Risk Manager**
- CC132-03 Robert Fitzsimmons  
Vehicle Damage  
Discussed by Jim Armstrong, Risk Manager**

**Other Business:**

- CC005-03 Cheryl Beck  
Lawsuit/BI and Defective Sidewalk**

**David Swan, Assistant City Attorney, requested and received recommendation for settlement approval.**

- CC042-03 Michael Gailey  
Lawsuit/Bodily Injury**

**David Swan, Assistant City Attorney, requested and received recommendation for settlement approval.**

- CC180-98 Steve Gavas  
Sewer Backup Lawsuit**

Abby Elias, Chief Assistant City Attorney, stated this is a 2000 claim and the case evaluation settlement is \$8,000.00 to be paid by Discover Re.

CC159-98 Jack/Wendy Carman  
Sewer Backup Lawsuit

Abby Elias, Chief Assistant City Attorney, requested and received recommended settlement approval.

Old Business:

Assistant City Attorney Robert West updated the Insurance Board on bodily injury claim (CC073-02).

Assistant City Attorney Dave Swan updated the Insurance Board on bodily injury claim (CC-0062-03)

Prepared by: Constance Hayes, Administrative Support Technician

Date: December 22, 2003

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

#### R-5-1-04 APPROVED

#### Resolution Recommending City Approval of a Parking Agreement with Washtenaw County to Provide Parking Spaces for Washtenaw County Employees in the Ann Ashley Parking Structure

Whereas, On March 4, 1986 the City of Ann Arbor and Washtenaw County executed a parking agreement whereby the County would donate land to the City to locate the Ann Ashley parking structure and in exchange the County would lease 250 parking spaces in Ann Ashley at a reduced rate for its employees;

Whereas, The number of parking spaces leased was expanded to 300 during the term of the parking agreement;

Whereas, This Agreement expired in November 2002 and the DDA and the County entered into discussions on its continuation;

Whereas, Washtenaw County has a need to ensure continued parking at the Ann Ashley parking structure for its employees;

Whereas, Representatives of the DDA and County have formulated recommended contract terms, as follows:

**1. Lease of Parking Spaces.** 315 monthly permits will be leased to the County in the Ann Ashley structure. Five of these spaces will be provided on the first floor. The County will have the right to seek additional permits upon written notice.

**2. Term of Agreement.** This Agreement would be effective January 1, 2004 and would extend until December 31, 2023. At the end of the original term, the Agreement would automatically renew for an

additional one-year period unless either party terminates the Agreement by giving the other party six (6) months written notice prior to the end of the current lease term.

3. Lease Rate. For the initial two years of this Agreement, the County will pay the DDA's regular monthly rate minus \$14.10 for 300 permits. At the end of this period, County will pay the DDA's regular rate for these permits. 15 monthly permits will be provided at no cost to the County for its use providing parking for Delonis Shelter employees. The DDA will also provide parking validation stickers for use by Shelter volunteers during their hours of service at the Shelter.

;and

Whereas, The DDA recommends approval of a parking agreement between the City and Washtenaw County based on the terms mentioned above;

RESOLVED, That City Council approve a parking agreement with Washtenaw County under the terms and conditions set forth in the Agreement on file in the City Clerk's Office; and

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

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

Council Member Reid moved, seconded by Council Member Easthope to adopt the revised resolution and agreement that was presented at the Caucus Meeting on January 4, 2004.

The question being the resolution as revised, on a voice vote, the Mayor declared the motion carried with one no vote being made by Council Member Reid.

## ORDINANCES - SECOND READING

### 49-03 APPROVED

Water Service Definitions, Connection Costs,  
Sewer Permit Charge and Additional Connection Charge

An Ordinance to Amend Sections 2:21, 2:22 and 2:23 of Chapter 27 and  
Section 2:42.4 of Chapter 28 of Title II of the Code of the City of Ann Arbor

(The complete text of Ordinance 49-03 is on file in the City Clerk's Office.)

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

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

\*\*\*\*\*

### 50-03 APPROVED AS AMENDED

Financing Local Public Improvements - Definitions -  
Preliminary Proceedings, Council Determination,  
Determination and Notice of Public Hearing,

**Assessing Single Lots or Tax Parcels,  
General Procedure Inapplicable,  
Deficiency Assessments and Refunds of  
Special Assessments**

**An Ordinance to Amend Sections 1:271, 1:272, 1:274 and 1:278  
of Chapter 12, and Sections 1:284, 1:286, 1:289, 1:292, 1:293 and 1:301  
of Chapter 13 of Title I of the Code of the City of Ann Arbor**

**(The complete text of Ordinance 50-03 is on file in the City Clerk's Office.)**

**Council Member Lowenstein moved, seconded by Council Member Greden that the ordinance be adopted  
at second reading.**

**Council Member Easthope moved, seconded by Council Member Woods to amend the Ordinance as  
follows:**

**Section 1:279 (4)**

**... and for which the connection is made on or after [January]April 1, 2005, shall be converted to the Water  
Main Improvement Charge Fixed Charges and to the Sanitary Sewer Improvement Charge Fixed Charges  
then in effect. Those fixed charges will be adjusted annually on or after January 1 of each year in the  
manner provided for in Section 1:278(3)....**

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

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

\*\*\*\*\*

**Council Member Easthope moved, seconded by Council Member Higgins to reconsider Ordinance No. 49-  
03.**

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

**49-03 APPROVED AS AMENDED**

**Water Service Definitions, Connection Costs,  
Sewer Permit Charge and Additional Connection Charge**

**An Ordinance to Amend Sections 2:21, 2:22 and 2:23 of Chapter 27 and  
Section 2:42.4 of Chapter 28 of Title II of the Code of the City of Ann Arbor**

**(The complete text of Ordinance 49-03 is on file in the City Clerk's Office.)**

**Council Member Easthope moved, seconded by Council Member Teall to amend the Ordinance as follows:**

**Section 2:23 (4) of Chapter 27**

**Where the customer agrees, as a condition of receiving city water, (a) to petition for and complete  
annexation when possible and to pay to the city a sum equal to the city tax rate as applied to the existing  
valuation of the premises, or (b) by contract with the city, to petition for annexation by a specified date, to  
pursue annexation with due diligence and, starting on the date specified in the contract for when the  
petition for annexation must be filed, to pay to the city a sum equal to the city tax rate as applied to the**

existing valuation of the premises.

**Section 2:42.4(4) of Chapter 28**

Where the customer agrees, as a condition of receiving city sanitary sewer collection and wastewater treatment services, (a) to petition for and complete annexation when possible and to pay to the city a sum equal to the city tax rate as applied to the existing valuation of the premises, or (b) by contract with the city, to petition for annexation by a specified date, to pursue annexation with due diligence and, starting on the date specified in the contract for when the petition for annexation must be filed, to pay to the city a sum equal to the city tax rate as applied to the existing valuation of the premises.

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

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

\*\*\*\*\*

**51-03 APPROVED**

**Water and Sewer Rates**

**An Ordinance to Amend Sections 2:61, 2:63 and 2:64  
of Chapter 29 of Title II of the Code of the City of Ann Arbor**

**(The complete text of Ordinance 51-03 is on file in the City Clerk's Office.)**

**Council Member Greden moved, seconded by Council Member Woods that the ordinance be adopted at second reading.**

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

**ORDINANCES - FIRST READING**

**1-04 APPROVED**

**LILLIEFORS 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 0.39 acre, located at 3151 and 3161 Dexter Road, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 1-04 is on file in the City Clerk's Office.)**

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

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

\*\*\*\*\*

**2-04 APPROVED**

**KINGSLEY LANE 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 0.38 acre, located on the southeast corner of Kingsley and Ashley Streets, from C2B/R (Business Service/Residential District) to PUD (Planned Unit Development District). (The complete text of Ordinance 2-04 is on file in the City Clerk's Office.)

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

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

\*\*\*\*\*

**3-04 APPROVED**

**WHITE 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 0.60 acre, located at 2678 Valley Drive, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 3-04 is on file in the City Clerk's Office.)

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

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

\*\*\*\*\*

**4-04 APPROVED**

**1859 NEWPORT ROAD 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 2.15 acres, located at 1859 Newport Road, from TWP (Township District) to R1A (Single-Family Dwelling District). (The complete text of Ordinance 4-04 is on file in the City Clerk's Office.)

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

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

**MOTIONS AND RESOLUTIONS**



**POSTPONED**

**(Resolution Revising Council Rules)**

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

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

**Public Commentary (5. and 20.) (Amended 3/2/92, 7/20/92, 10/21/92, 3/17/97)**

**Public Commentary - Reserved Time:**

**During the time designated as Public Commentary - Reserved Time, any citizen who wishes to address Council on any matter [pertaining to an item scheduled for consideration] may do so by notifying the City Clerk beginning at 8:00 a.m. on the day when the Ann Arbor City Council has scheduled a regular or special session, but not later than the scheduled time of commencement of the meeting. Priority will be given to citizens wishing to address council on agenda items. The clerk shall keep a separate list of all citizens wishing to speak during Reserved Time on non-agenda matters. If any remaining spots are available after priority is given to agenda item speakers, the citizen(s) signed up to speak on non-agenda items shall be designated the remaining allotted spots on a first-come basis. ...**

**On roll call, the vote was as follows:**

**Yeas, Council Members Carlberg, Greden, Teall, Higgins, Easthope, Johnson, Lowenstein, Reid, 8;**

**Nays, Council Members Woods, Groome, Mayor Hieftje, 3.**

**The Mayor declared the motion carried.**

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

**Public Commentary (5. and 20.) (Amended 3/2/92, 7/20/92, 10/21/92, 3/17/97)**

**Public Commentary - Reserved Time:**

**During the time designated as Public Commentary - Reserved Time, any citizen who wishes to address Council on any matter may do so by notifying the City Clerk beginning at 8:00 a.m. on the day when the Ann Arbor City Council has scheduled a regular or special session, but not later than the scheduled time of commencement of the meeting. Priority will be given to citizens wishing to address council on agenda items for which there is no public hearing scheduled at that meeting. The clerk shall keep a separate list of all citizens wishing to speak during Reserved Time on non-agenda matters. If any remaining spots are available after priority is given to agenda item speakers, the citizen(s) signed up to speak on non-agenda items shall be designated the remaining allotted spots on a first-come basis. ...**

**On roll call, the vote was as follows:**

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

**Nays, 0.**

**The Mayor declared the motion carried.**

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

**Public Commentary (5. and 20.) (Amended 3/2/92, 7/20/92, 10/21/92, 3/17/97)**

**Public Commentary - Reserved Time:**

**...The total time allocation to Public Commentary - Reserved Time shall be 2733 minutes. A total of 911 speakers shall be allowed to address Council during the time designated as Public Commentary - Reserved Time. No more than 12 speakers shall be signed up for time designated as Public Commentary - Reserved Time with the final 4 speakers (speakers 10-12) to be listed as alternate speakers. Each person may speak a maximum of 3 minutes. Speaking times are not transferable, and vacated speaking times shall be assigned to the alternate speaker next on the waiting list. ...**

**On roll call, the vote was as follows:**

**Yeas, Council Members Easthope, Woods, Groome, Johnson, Carlberg, 5;**

**Nays, Council Members Teall, Higgins, Lowenstein, Reid, Greden, Mayor Hieftje, 6.**

**The Mayor declared the motion failed.**

**Council Member Higgins moved, seconded by Council Member Johnson to amend the resolution by replacing the word citizen with the word person throughout the Rules of the Council.**

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

**Council Member Greden moved, seconded by Council Member Reid to amend the resolution as follows:**

**Public Hearings (6.)**

**Persons speaking at a Public Hearing must limit their remarks to the subject of the public hearing and shall not speak for more than 4 3-minutes. The Council may, by majority vote, modify or waive the 4 3-minute speaking limitation. (Paragraph added 10/21/85)**

**On roll call, the vote was as follows:**

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

**Nays, Council Members Teall, Woods, Groome, Johnson, 4.**

**The Mayor declared the motion carried.**

**The Mayor called a recess at 9:21 p.m. and reconvened the meeting at 9:37 p.m.**

**Council Member Teall moved, seconded by Council Member Groome to amend the resolution as follows:**

**Public Commentary - Reserved Time Section (c)**

**...Priority - From 8:00 a.m. until 1:00 p.m. on the day when a regular or special session of the Ann Arbor City Council is scheduled, priority shall be given to individuals who did not address Council during Public Commentary - Reserved Time at the regular or special session immediately preceding the meeting at which s/he desires to speak. In addition, during the 8:00 a.m. - 1:00 p.m. time slot, priority shall be given to the first two speakers on any single agenda item after which priority consideration shall be given to speakers**

wishing to address council on other agenda items. After 1:00 p.m., speakers wishing to address council on [agenda items] any matter will be signed up strictly on a first come, first served basis....

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

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

Public Commentary (5. and 20.) (Amended 3/2/92, 7/20/92, 10/21/92, 3/17/97)

Public Commentary - Reserved Time:

...The total time allocation to Public Commentary - Reserved Time shall be 2730 minutes. A total of 910 speakers shall be allowed to address Council during the time designated as Public Commentary - Reserved Time. No more than 12 speakers shall be signed up for time designated as Public Commentary - Reserved Time with the final 4 speakers (speakers 1011-12) to be listed as alternate speakers. Each person may speak a maximum of 3 minutes. Speaking times are not transferable, and vacated speaking times shall be assigned to the alternate speaker next on the waiting list. ....

On roll call, the vote was as follows:

Yeas, Council Members Teall, Easthope, Woods, Groome, Johnson, Carlberg, Greden, Mayor Hieftje, 8;

Nays, Council Members Higgins, Lowenstein, Reid, 3.

The Mayor declared the motion carried.

Council Member Carlberg moved, seconded by Council Member Lowenstein that the resolution be postponed until January 20, 2004 for further review.

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

The resolution as amended reads as follows:

#### Resolution Revising Council Rules

Whereas, Rule 40 of the Rules of the Ann Arbor City Council provides that Council-adopted rules may be altered or amended if notice of the changes proposed to be made were given to Council at a regular session prior to action on the matter;

Whereas, Council Member Reid read into the record at the regular session of City Council on December 15, 2003, proposed changes to Rule 21 and 23 of the Rules of the Ann Arbor City Council; and

Whereas, The proposed changes are now presented for adoption by City Council;

RESOLVED, That Rule 21, Time of Council Meetings, be amended to read as follows:

#### RULE 21

##### Time of Council Meetings

Regular Council Meetings of the Ann Arbor City Council shall be held on the first and third Monday of the month at 7:30 p.m., in the Council Chamber at City Hall. When the date for a regular Council meeting falls on a holiday or Election Day, the meeting shall be held on Thursday of that week.

The second and fourth Monday of the month may be set-aside for the Council Working Committee. The

**Council Working Committee may be scheduled for other days if authorized by a majority vote of the Council. Public hearings may be scheduled for the first, third or fourth Monday.**

**No more than 3 ordinances or resolutions per regular Council meeting should be referred, as needed, to a public meeting of the Council Committee of the Whole for discussion on possible amendments or to a special meeting for deliberation and action, to be held the following Monday at 7:30 p.m.**

**If no action is taken on a referred ordinance or resolution at the Committee of the Whole or special meeting, the item will be placed on the agenda of the next regular meeting.**

**The Committee of the Whole and special meetings shall be subject to Council rules of debate and persons should have a reasonable opportunity to be heard.**

**Public hearings on ordinances that have been referred to the Committee of the Whole or special meetings may be scheduled on the fourth Monday, as needed, to allow interested members of the public to participate in discussions or deliberations.**

**A wording session of the Council may be scheduled for any other day of the week or at other locations, provided that such change is given regular public and legal notice.**

**The Committee as a Whole consisting of all members of City Council recommend that Executive Sessions be scheduled prior to the regular Council session at 7:00 p.m. and be limited if possible to 30 Minutes. Except by a unanimous vote of the members present, Executive or Closed Sessions may not commence any time after 11:00 p.m. and must end no later than 12:00 A.M.;**

**RESOLVED, That Rule 23, Time of Council Meetings, be amended to read as follows:**

**RULE 23  
Drafting of Agenda**

**An agenda for each Regular Council meeting shall be prepared by the Mayor and City Administrator in accordance with the following order of business:**

- 1. Moment of Silence**
- 2. Pledge of Allegiance**
- 3. Roll Call of Council**
- 4. Introductions**
- 5. Public Commentary - Reserved Time**
- 6. Public Hearings**
- 7. Approval of Agenda**
- 8. Approval of Council Minutes**
- 9. Consent Agenda**
- 10. Ordinances - Second Reading**
- 11. Ordinances - First Reading**
- 12. Motions and Resolutions**
- 13. Reports from Council Committees**
- 14. Council Proposed Business**
- 15. Communications from the Mayor**
- 16. Communications from the City Administrator**
- 17. Communications from the City Attorney**
- 18. Communications from Council**
- 19. Clerk's Report of Communications, Petitions and Referrals**
- 20. Public Commentary - General**

## 21. Adjournment

### Agenda

Under each agenda category for action (Ordinances First and Second Reading; Motions and Resolutions), Council shall place old and/or unfinished business of Council on the agenda for first consideration; then new business proposed by members of the Council shall be considered; then other new business shall be considered.

Items on the agenda, which require large expenditures of public funds should be prioritized such that larger items be placed at the beginning of the agenda based on the amount of public funds to be approved. It is recognized that this is not always practical in all situations but the process will emphasize the need for close scrutiny of expenditures.

The Administrator and Clerk shall prepare all documents and agenda materials on 8.5 x 11 paper (3-hole punched).

### Members of Audience Addressing Council

Upon the request of a member of the Council, a member of the audience shall be permitted to address the Council at a time other than during public commentary, unless three members of Council object.

### Public Commentary (5. and 20.)

#### Public Commentary - Reserved Time

During the time designated as Public Commentary - Reserved Time, any person who wishes to address Council on any matter [pertaining to an agenda item scheduled for consideration] may do so by notifying the City Clerk beginning at 8:00 a.m. on the day when the Ann Arbor City Council has scheduled a regular or special session, but not later than the scheduled time of commencement of the meeting. Priority will be given to persons wishing to address council on agenda items. The clerk shall keep a separate list of all persons wishing to speak during Reserved Time on non-agenda matters. If any remaining spots are available after priority is given to agenda item speakers, the person(s) signed up to speak on non-agenda items shall be designated the remaining allotted spots on a first-come basis. The total time allocation to Public Commentary - Reserved Time shall be [32 27] 30 minutes. A total of [8 9] 10 speakers shall be allowed to address Council during the time designated as Public Commentary - Reserved Time. No more than [9] 10 [12] speakers shall be signed up for time designated as Public Commentary - Reserved Time with the final 4 speakers (speakers [9-] 1[0]-12) to be listed as alternate speakers. Each person may speak a maximum of [4] 3 minutes. Speaking times are not transferable, and vacated speaking times shall be assigned to the alternate speaker next on the waiting list.

The City Clerk shall sign up persons interested in speaking during the time designated as Public Commentary - Reserve Time as follows:

- a. By telephone - 4 speakers and 2 alternates shall be signed up on a first come, first serve basis subject to the priority provision in c., below, by calling the Clerk's Office beginning at 8:00 a.m. on the day when a regular or special session of the Ann Arbor City Council is scheduled.
- b. In person - 4 speakers and 2 alternates shall be signed up on a first come, first served basis subject to the priority provision in c., below, by signing up at the Clerk's Office beginning at 8:00 a.m. on the day when a regular or special session of the Ann Arbor City Council is scheduled.
- c. Priority - From 8:00 a.m. until 1:00 p.m. on the day when a regular or special session of the Ann Arbor

City Council is scheduled, priority shall be given to individuals who did not address Council during Public Commentary - Reserved Time at the regular or special session immediately preceding the meeting at which s/he desires to speak. In addition, during the 8:00 a.m. - 1:00 p.m. time slot, priority shall be given to the first two speakers on any single agenda item after which priority consideration shall be given to speakers wishing to address Council on other agenda items. After 1:00 P.M., speakers wishing to address Council on any matter, will be signed up strictly on a first come, first served basis.

**Public Commentary - General:**

During the time designated as Public Commentary - General, those wishing to address Council will be recognized by the Chair to speak for up to [5] 3 minutes.

**Public Hearings (6.)**

Persons speaking at a Public Hearing must limit their remarks to the subject of the public hearing and shall not speak for more than [5 4 ]3 Minutes. The Council may, by majority vote, modify or waive the [5] - 4 3 minute speaking limitation.

**Disorderly Conduct at Meetings**

The Chair may call to order any person who engages in personal attacks, who uses obscene or grossly indecent language, who speaks longer than the allotted time, who disrupts the proceedings or who otherwise violates the rules of this Council. Failure to come to order may result in the microphone being shut off, the forfeiture of any remaining speaking time, or, at the request of the Chair, expulsion from the meeting.

**Consent Agenda (9.)**

The Consent Agenda shall consist of ordinances and resolutions considered routine. The items on the Consent Agenda may be approved by a single motion. The motion to approve the Consent Agenda shall not require the reading of the titles of items on that agenda other than ordinances. If any member of the Council objects to consideration of an item as part of the Consent Agenda, that item shall be moved to the end of the appropriate portion of the regular agenda.

**Council Proposed Business (14.)**

Except by the concurring vote of 9 of the members of the Council, all discussion and/or action on Council Proposed Business shall be deferred to the next meeting of the Council.

**Communications from Council (18.)**

This place on the agenda is reserved for Council Members to make announcements, request reports and speak on subjects, which they deem important; and

**RESOLVED, That the amendments to Rule 21 and Rule 23 adopted by this Resolution be effective as of the next regular meeting of City Council.**

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**R-6-1-04 APPROVED**

**Resolution to Establish a Project Budget for the Footing Drain Disconnection Program Phase II - \$7,330,000.00**

Whereas, On August 20, 2001, the City Council approved Ordinance No. 32-01, to provide for implementation of a citywide footing drain disconnection process;

Whereas, The City and the mdeq entered into an Administrative Consent Order aco-sw03-003 on September 4, 2003; and

Whereas, The City of Ann Arbor is required to remain in conformance with the Michigan Department of Environmental Quality, Natural Resources and Environmental Protection Act, 1994 PA 451, part 31;

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

**Section I, Revenue**

\$2,992,000.00	2004 Sewage Disposal System Bond
840,000.00	2004 Mdeq Strategic Water Quality Initiative Fund
3,398,000.00	Advanced from the 2004 Sewage Sisposal System Bonds, pending reimbursement or payment of FY05-2008, MDEQ Strategic Water Quality Initiative Fund
100,000.00	Estimated Fee From Developers For Curb Drain Installation By City
\$ 7,330,000.00	Total

**Section II, Expenses**

\$ 3,450,000.00	homeowner FDD Incentives
950,000.00	Construction contract for curb drain installation
1,330,000.00	Professional Services/Consulting
100,000.00	Curb drain installation for development mitigation
750,000.00	Project Management
100,000.00	miscellaneous costs
300,000.00	Contingencies approved by the City Administrator
350,000.00	Bond overhead charge/user fee
\$ 7,330,000.00	TOTAL; and

**RESOLVED**, The City make the following declarations for the purpose of complying with the reimbursement rules of U.S. Treasury Regulation Section 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(a) The City reasonably expects to reimburse itself for expenditures for the costs of the Project with proceeds of revenue bonds, to be issued in the maximum principal amount of \$7,230,000.00.

(b) Reimbursement of expenditures for costs of the Project with the proceeds of the revenue bonds will occur not earlier than the date on which the expenditure is paid and not later than the later of 18 months after (1) the date on which the expenditure is paid, or (2) the date on which the Project is placed in service or abandoned (but in no case more than 3 years after the day on which the expenditure is paid) (subject to the provisions for small governmental issuers).

(c) The expenditures to be reimbursed are "capital expenditures" as defined in treasury regulation section 1.150-1, which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election) under general federal income tax principles (as determined at the time the expenditure is paid); and

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

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

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

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**R-7-1-04 APPROVED**

**Resolution to Approve the Contract for the Purchase of Two Additional 800 MHz Radio Console Systems with Service Agreements from Motorola, Inc.**

Whereas, The Ann Arbor Police and Fire Departments answered twenty six thousand three hundred ninety 911 phone calls in 2002 and handled twenty five thousand incident reports in 2003;

Whereas, The Motorola Centracom Gold Elite Dispatch Equipment will allow the Police and Fire departments to increase their radio position capabilities by two for use in the combined 911 Dispatch Center;

Whereas, Motorola, Inc. is the sole source provider of all the existing dispatch equipment, including 911 phones and radio consoles;

Whereas, Motorola, Inc. is offering the City of Ann Arbor a price of \$57,272.32 for the equipment, technical support, on-site infrastructure response, network management and warranty are included for one year;

Whereas, Motorola, Inc. has Human Rights Approval as of September 3, 2003; and

Whereas, Safety Services is using funds available through the 2003 State Homeland Security Grant Program, which was previously applied to the Joint Dispatch Project;

**RESOLVED**, That City Council award the contract with Motorola, Inc. in the amount of \$57,272.32 for dispatch equipment and support services; and

**RESOLVED**, That the Mayor and City Clerk be authorized to sign the contract approved as to content by the City Administrator and as to form by the City Attorney.

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

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

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**R-8-1-04 APPROVED**

**Resolution to Authorize Summary Publication of Ordinance No. 49-03 - Water and Sewer Connection Costs**

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

**RESOLVED**, That Ordinance No. 49-03 be published by the following summary:



Ordinance No. 49-03 amends the City Code by amending the existing Chapters 27 and 28 (Water and Sewer Connection Costs; Connection Charges and Improvement Charges), which governs City Water and Sewer capital recovery methods. The Ordinance amends Section 2.21 (Definitions) of the City Code to include definitions of “connection charge”, “meter charge”, “fire service line”, and “detector check meter”. The Ordinance also amends Section 2:22 (Water Connection costs: permit charge and improvement charge) to change the methodology by which capital recovery of service connections to the Water Supply System are calculated, including fire service lines. The Ordinance also amends Section 2:42.4 (Sewer Connection Costs: connection charge and improvement charge) to change the methodology by which capital recovery of service connections to the Sewage Disposal System are calculated.

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

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

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

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**R-9-1-04 APPROVED**

**Resolution to Authorize Summary Publication of Ordinance No. 50-03 - Amendments to Chapter 12 - Financing Local Public Improvements and Chapter 13 - Special Assessments**

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

**RESOLVED**, That Ordinance No. 50-03 be published by the following summary:

Ordinance No. 50-02 amends the City Code by amending definitions, the methods to calculate and adjust improvement charges, and related provisions in Sections 1:271, 1:272, 1:274 and 1:278 of Chapter 12, and by amending special assessment procedures and related provisions in Sections 1:284, 1:286, 1:289, 1:292, 1:293, and 1:301 of Chapter 13.

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

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

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

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**R-10-1-04 APPROVED**

**Resolution to Authorize Summary Publication of Ordinance No. 51-03 - Water and Sewer Rates**

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

**RESOLVED**, That Ordinance No. 51-03 be published by the following summary:

Ordinance No. 51-03 amends the City Code by amending the existing Chapter 29 (Water and Sewer Rates), which governs City Water and Sewer rates and rate structures. The Ordinance amends Section 2.61 (Definitions) of the City Code to include definitions of "customer charge", "Residential1", and "Residential2". The Ordinance also amends Section 2:63 (Water Rates) to change the methodology by which water rates are calculated, add a Customer Charge and a Fire Service Charge, and increase water revenue requirements by 1.52%. The Ordinance also amends Section 2:64 (Sewer Rates) to change the methodology by which sewer rates are calculated, add a Customer Charge, and increase sewer revenue requirements by 4.4%.

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

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

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

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**R-11-1-04 APPROVED**

**Resolution to Approve the Amendment to the Contract Between the City of Ann Arbor and Summit Technical Services, LLC to Modify the Payment Terms, Increase the Contract from \$52,919.00 to \$60,000.00 for Additional Software, and Extend the Contract Date through February 28, 2004 - \$7,081.00**

**Whereas, The original contract amount for Summit Technical Services was \$52,919.00**

**Whereas, The amended amount to the contract is for \$7,081.00; and**

**Whereas, The original contract terms were payment upon completion of the project, and the contract date was 08/15/03;**

**RESOLVED, That City Council approve amendment of the contract with Summit Technical Services, LLC to modify its original terms as follows:**

- 1. Increase of the contract for the amount of \$7,081.00 with funding for these services will be provided through the Capital Expenditures budget created for the I-NET project within Community Television Network (CTN) Service Unit to be expended during the life of the project without regard to fiscal year;**
- 2. Alter the payment terms to allow payment for equipment already installed and services completed with remaining services to paid in full upon completion of the contract.**
- 3. Extend the term of the agreement to February 28, 2004 or until satisfactory work has been completed.**

**RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to execute these agreements 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 any other necessary administrative actions to implement this resolution.**

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

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

## REPORTS FROM COUNCIL COMMITTEES

### Notice of Proposed Amendments to the Rules of Council

Council Member Reid moved, seconded by Council Member Teall that the proposed amendments to the Rules of Council be adopted.

Council Member Woods moved, seconded by Council Member Carlberg to amend the Rules of Council as follows:

#### Rule 23 - Drafting of Agenda (Agenda Section Paragraph 3)

...The Administrator and Clerk shall prepare all documents and agenda materials on 8.5 x 11 paper (3-holed punched) and in an electronic format consistent with the technology used by City Council. (Paragraph added 5/18/91)...

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

Council Member Higgins directed the City Attorney to review Rule 40 and suggest new language and or content.

Council Member Higgins moved, seconded by Council Member Lowenstein to postpone the Rules of Council to January 20, 2004.

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

## COUNCIL PROPOSED BUSINESS

None.

## COMMUNICATIONS FROM THE MAYOR

### ANNOUNCEMENTS

Mayor Hieftje announced that applicants are needed for the Disability Issues Committee.

Mayor Hieftje commended the Ann Arbor Police Department for their efforts in apprehending a suspect related to a number of burglaries in the city.

### APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the January 5, 2004 regular session of Council:

#### Airport Advisory Committee

Vincent A. Colling (to fill a vacancy)  
2740 S. Kingsbridge Circle  
Ann Arbor, MI 48105  
Term: January 5, 2004 - April 4, 2005

Stewart Nelson (Re-appointment)

**2975 Hickory Lane  
Ann Arbor, MI 48104  
Term: January 5, 2004 - March 5, 2006**

**Building Board of Appeals**

**Paul Darling (Re-appointment)  
1430 Hatcher Crescent  
Ann Arbor, MI 48103  
Term: January 5, 2004-August 15, 2007**

**Housing Board of Appeals**

**Dick Fleece (Re-appointment)  
Environmental Health, County  
4101 Washtenaw, P.O. Box 8645  
Ann Arbor, MI 48107  
Term: January 5, 2004 - June 30, 2006**

**Ann Stuart (Re-appointment)  
2723 Parklawn  
Brighton, MI 48114  
Term: January 5, 2004 - June 30, 2005**

**Housing Policy Board**

**John Mouat (Re-appointment)  
719 W. Washington St.  
Ann Arbor, MI 48103  
Term: January 5, 2004 - October 1, 2006**

**Human Rights Commission**

**Sherry Woods (Re-appointment)  
2493 Dundee Drive  
Ann Arbor, MI 48103  
Term: January 5, 2004 - October 31, 2006**

**Sign Board of Appeals**

**Christine Brummer (Re-appointment)  
326 Mulholland Avenue  
Ann Arbor, MI 48105  
Term: January 5, 2004 - November 3, 2005**

**Sharon Knight (Re-appointment)  
3004 Turnberry Lane  
Ann Arbor, MI 48108  
Term: January 5, 2004 - July 9, 2006**

**Council Member Woods moved, seconded by Council Member Easthope 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:

##### **Airport Advisory Committee**

**Mr. Bennie D. Graves**  
3423 Berbank Drive  
Ann Arbor, MI 48105  
Term: January 20, 2004 - April 4, 2005

#### **COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

##### **ANNOUNCEMENT**

Roger W. Fraser, City Administrator, announced that the Council Retreat is scheduled for Saturday, January 10, 2004 from 8:30 a.m. until 4:00 p.m. in the Kalamazoo Room of the Michigan League.

#### **COMMUNICATIONS FROM THE CITY ATTORNEY**

##### **REPORT ON COMPLETED ANNEXATIONS**

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

1. Report on a completed annexation from Ann Arbor Township and three completed annexations from Scio Township:
  - § Cox annexation, 2588 Dexter Road from Scio Township
  - § White annexation, 2678 Valley Drive from Scio Township
  - § Lilliefors annexation, 3151 & 3161 Dexter Road from Scio Township
  - § Lindner annexation, 1859 Newport Road from Ann Arbor Township

#### **COMMUNICATIONS FROM COUNCIL**

##### **COUNCIL MEMBER EASTHOPE**

Council Member Easthope announced that on February 7, 2004 the Michigan Democratic Party would be hosting the Presidential Caucus. He said residents should contact the Democratic Party for additional information wherein the City does not handle this election.

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

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

1. Communication from the State of Michigan, Department of State, Terri Lynn Land, Secretary of State acknowledging receipt and filing on December 5, 2003 of two (2) certified copies of the Canvass of Votes Cast and the Charter Amendments adopted at the November 4, 2003 election.

2. Communication from the Law Firm of Conlin, McKenney & Philbrick, P.C., Giving Notification that Pursuant to Section 71 of the Michigan Condominium Act that State of Michigan Form Number CLS-101 is being provided (Project Name "Liberty Heights- Maximum Units Proposed - 33)

3. Communication from Mary Fales, Senior Assistant City Attorney, transmitting the 2003 Local Officers Compensation Commission Decision and Minutes of December 18, 2003

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

1. Planning Commission - Business Meeting of October 14, 2003 and Regular Meeting of October 21, 2003

2. Sign Board of Appeals - Regular Meeting of November 12, 2002

3. Ann Arbor Transportation Authority - November 19, 2003

4. Downtown Development Authority - November 5, 2003

5. City of Ann Arbor Employees' Retirement System and City of Ann Arbor Retiree Health Care Benefit Plan & Trust Board of Trustees (V.E.B.A.) - November 20, 2003

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

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

#### **PUBLIC COMMENTARY - GENERAL**

None.

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

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

On roll call, the vote was as follows:

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

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 10:00 p.m.

Council Member Greden moved, seconded by Council Member Carlberg that the regular session of Council be reconvened.

On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 11:00 p.m.

**ADJOURNMENT**

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

**On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 11:00 p.m.**

**Kathleen M. Root  
Clerk of the Council**

**Anissa R. King  
Recording Secretary**