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ANN ARBOR CITY COUNCIL MINUTES REGULAR SESSION - OCTOBER 3, 2006
Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:08 p.m. in the City Hall Council Chamber, 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 John Roberts, Robert M. Johnson, Joan Lowenstein, Stephen Rapundalo, 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

Stephen K. Postema, City Attorney, read a statement about public speaking.

KATHY GRISWOLD - TRAFFIC IMPROVEMENT ON HURON PARKWAY

Kathy Griswold, 3565 Fox Hunt Dr., addressed Council regarding needed improvements on Huron Parkway at the entrance to Huron High School. She said that a Michigan Left is needed at the entrance of the high school, in order to help reduce accidents.

LAUREL FEDERBUSH - DIVESTMENT FROM ISRAEL

Laurel Federbush, 2000 Anderson Ct., urged Council to pass the Human Rights Commission's resolution to divest from Israel.

DAVID BOYLE - MICHIGAN STADIUM LUXURY BOXES

David Boyle, member of the public, expressed concern with the Michigan Stadium Luxury Boxes.

THOMAS PARTRIDGE - MANY ISSUES OF CONCERN

Thomas Partridge, 4220 Eyrie Dr., write-in candidate for Michigan State Senate (18th District), expressed

concern with protecting Ann Arbor and Michigan's most vulnerable citizens and bringing about true progress locally, countywide and statewide.

Mayor Hieftje welcomed the students in attendance from Washtenaw Community College, University of Michigan, and Huron and Pioneer High Schools.

PUBLIC HEARINGS

None.

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

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

Add: CLOSED SESSION TO DISCUSS ATTORNEY/CLIENT PRIVILEGED COMMUNICATION AND LAND ACQUISITION (Add before approval of Council Minutes)

MOTIONS AND RESOLUTIONS

Add: Resolution to Temporarily Relocate Precinct 1-4 from the Ann Arbor Community Center at 625 N. Main to Community High School at 401 N. Division for the General Election to be held on November 7, 2006 (City Clerk - Jacqueline Beaudry, City Clerk) (Added 10/2/06)

Add: Resolution Establishing Broadway Historic District Study Committee (Councilmembers Carlberg and Johnson) (Added 10/3/06)

Add: Resolution to Approve A2D2 (Ann Arbor Discovering Downtown) Advisory Committees (Councilmember Higgins) (Added 10/3/06)

Add: Resolution to Amend R-378-8-06 (Resolution of Intent on the Administration of Park Maintenance and Capital Improvements Millage) (Councilmember Johnson) (Added 10/3/06)

Add: Resolution To Allocate $18,000.00 to Legal Services of South Central Michigan for Legal Services (Councilmember Rapundalo) (8 Votes Required) (Added 10/3/06)

Add: Resolution to Allocate up to $8,666 to the Ann Arbor Community Center (Councilmember Rapundalo) (Added 10/3/06)

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

RECESS FOR CLOSED SESSION

Councilmember Easthope moved, seconded by Councilmember Teall, that the regular session of Council be recessed for a closed session to discuss pending litigation and land acquisition.

On roll call, the vote was as follows:

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Yeas, Councilmembers Carlberg, Greden, Teall, Higgins, Easthope, Woods, Roberts, Johnson, Lowenstein, Rapundalo, Mayor Hieftje, 11;

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 7:28 p.m.

(Councilmember Higgins left the meeting at this time.)

Councilmember Woods moved, seconded by Councilmember Teall, that the regular session of Council be reconvened.

On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 8:26 p.m.

APPROVAL OF COUNCIL MINUTES

MINUTES OF SEPTEMBER 11 AND 18, 2006 APPROVED

Councilmember Johnson moved, seconded by Councilmember Teall, that the working session minutes of September 11, 2006 and the regular session minutes of September 18, 2006 be approved as presented.

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

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-436-10-06 APPROVED

RESOLUTION to Approve Housing Rehabilitation Agreement with Minnette Burks for 2166 Hemlock Drive

Whereas, An application was received from Minnette Burks for rehabilitation assistance for her home located at 2166 Hemlock Drive;

Whereas, The homeowner meets the City's criteria for participation in the Housing Rehabilitation Program;

Whereas, On August 23, 2006, the Community Development Waiver and Review Board approved a request to waive the maximum program assistance and approve $41,360.00 to complete the housing rehabilitation work at 2166 Hemlock Drive; and

Whereas, Seven bids were received on August 3, 2006, and Ms. Burks will be executing an agreement with Amana Construction, the lowest responsible bidder, who has Human Rights and Living Wage Approval, to complete the rehabilitation work;

RESOLVED, That City Council approve the Housing Rehabilitation Agreement with Minnette Burks in the amount of $41,360.00 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 a single-family residence;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute a 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 a 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-437-10-06 APPROVED

RESOLUTION to Approve Housing Rehabilitation Agreement with Roger and Ruth West for 1387 Marlborough

Whereas, An application was received from Roger and Ruth West for rehabilitation assistance for their home located at 1387 Marlborough;

Whereas, The homeowners meet the City's criteria for participation in the Housing Rehabilitation Program;

Whereas, On August 23, 2006, the Community Development Waiver and Review Board approved a request to waive the maximum program assistance amount and approve $53,194.00 to complete the housing rehabilitation work at 1387 Marlborough; and

Whereas, Five bids were received on August 4, 2006, and Mr. and Mrs. West will be executing an agreement with Protech Environmental, the lowest responsible bidder, who has Human Rights and Living Wage Approval, to complete the rehabilitation work;

RESOLVED, That City Council approve the Housing Rehabilitation Agreement with Roger and Ruth West in the amount of $53,194.00 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 a single-family residence;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute a Housing Rehabilitation Agreement with Roger and Ruth West 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, Roger and Ruth West will execute a 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-438-10-06 APPROVED

RESOLUTION Authorizing Water and Sewer Improvement Charges for 3090 Cherry Tree Lane

Whereas, The City has previously constructed sanitary sewer and water improvements described as follows:

Parcel ID 09-12-11-102-060 (3090 Cherry Tree Lane)
8" Sanitary Sewer in Cherry Tree Lane
Constructed in 1997; District No. 470/File No. 94043
$5,050.34/connection * 1 connection = $5,050.34

Swift Run Sanitary Trunkline Relief Sewer (Branch "A")
Constructed in 1968
District No. 364/Job No. 3201
$71.433118/acre @ 0.57 acres = $ 40.72

8" Water Main in Cherry Tree Lane
Constructed in 1997
File No. 94043
$3,814.58/connection * 1 connection = $3,814.58

GRAND TOTAL OF IMPROVEMENT CHARGES = $8,905.64

Whereas, The owner of 3090 Cherry Tree Lane annexed into the City of Ann Arbor on February 24, 2003, as notified by the State of Michigan;

Whereas, The owner of 3090 Cherry Tree Lane connected to water and sewer in July 2003; and

Whereas, Pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, the fair share of the cost of said improvements is 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 Pittsfield Township: 3090 Cherry Tree Lane
City Assessor Code: 09-12-11-102-060
Planning File No.: 12111U10.1 and .2

PRT OF NE 1/4 OF SEC 11, T3S, R6E, DESC AS COM AT NE COR OF SD SEC 11, TH S 88 DEG 33 MIN W 1494.06 FT, TH S 0 DEG 21 MIN E 438.82 FT FOR POB, TH CONT S 0 DEG 21 MIN E 150.12 FT, TH S 89 DEG 39 MIN W 165.62 FT, TH N 0 DEG 1 MIN W 147.16 FT, TH ELY 165.09 FT TO POB, EXC E 33 FT USED AS PUBLIC ROW BEING A PRT OF THE E 1/2 OF THE W 1/2 OF THE NW 1/4 OF SAID SEC 11; previously Pittsfield Township and now situated in the City of Ann Arbor, Washtenaw County, Michigan;

2. That the improvement charge levied is $8,905.64;

3. That this improvement charge is divided into 8 equal installments; the first to be due on November 17, 2006, and the 7 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 6.4% per annum commencing November 17, 2006;

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

That this levied improvement charge is to be invoiced to the owner, John D. Lindner, of the property known as 3090 Cherry Tree Lane, City of Ann Arbor, Washtenaw County, Michigan 48108, and to be credited in the amount of $5,091.06 to Fund 0043-073-8000-7151 and $3,814.58 to Fund 0042-073-8000-7151.

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R-439-10-06 APPROVED

RESOLUTION to Grant Water & Sewer Services Outside City Limits to 2590 Miller Road

Whereas, On September 9, 2006, Charles L. Kitchen, Sr. and Linda S. Kitchen, husband & wife, owners of the property at 2590 Miller Road requested that the City extend public water and sewer services to their property in Scio Township prior to completion of the annexation process;

Whereas, The owners desire to enter into the standard agreements with the City which provide an equitable method of obtaining City services outside of its corporate boundaries; and

Whereas, On November 30, 2005, the owners petitioned the City for annexation for the property under Planning Unit file number 8241L19.1 and 8241L19.2;

RESOLVED, That the Mayor and Clerk are authorized and requested to sign the agreements to allow City water and sewer services to the land during the time it is still outside of the Corporate City Limits; and

RESOLVED, That the Public Services Area send an approved copy of this resolution and an executed copy of the agreements to the owners.

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R-440-10-06 APPROVED

RESOLUTION to Prohibit On-Street Parking and Install On-Street Bike Lanes on Pontiac Street, from Barton Drive to Ann Arbor Railroad

Whereas, Pontiac Street is a major corridor connecting the city's north side to the Lower Down Town area;

Whereas, On-street parking is allowed on only some parts of Pontiac Street,

Whereas, On-street bike lanes are not provided throughout the entire length of Pontiac Street;

Whereas, Pontiac Street is not wide enough to accommodate bike lanes and parking lanes and vehicular traffic lanes all the same time;

Whereas, The addition of uninterrupted bike lanes on both side of Pontiac Street could benefit all modes of transportation on this major corridor;

Whereas, A survey of local residents indicated 67% approval rating for removing the remaining parking lanes;

Whereas, The draft non-motorized plan calls for on street bicycle lanes on Pontiac Street; and

Whereas, Funding for this project is available in the Annual Street Resurfacing Project and was approved as part of the FY 2006-07 capital budget;

RESOLVED, That City Council approve the addition of bike lanes consistent with the Draft City of Ann Arbor Comprehensive Non-motorized plan;

RESOLVED, That City Council approve signage be installed for "No Parking Tow Away Zone" per the attached traffic control order; and

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

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

ORDINANCES - SECOND READING

None.

ORDINANCES - FIRST READING

39-06 APPROVED

SOLID WASTE MANAGEMENT AND NOISE CONTROL

An Ordinance to Amend Section 2:4 of Chapter 26 of Title II, and Section 9:366 of Chapter 119 of Title IX of the Code of the City of Ann Arbor

(The complete text of Ordinance 39-06 is on file in the City Clerk's Office.)

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

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

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(The complete text of Ordinance 40-06 is on file in the City Clerk's Office.)

Councilmember Easthope moved, seconded by Councilmember Roberts, that the ordinance be approved at first reading.

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

MOTIONS AND RESOLUTIONS

R-441-10-06 APPROVED

**Resolution to Award a Construction Contract to Pamar Enterprises, Inc. ($628,417.75; Bid No. 3808)
and to Appropriate Funds ($481,196.00)
for the Maplewood-Parkwood-Woodmanor
Water Main Replacement Project**

Whereas, The Maplewood-Parkwood-Woodmanor Water Main Replacement Project is necessary to replace the existing deteriorated water main and improve reliability and water quality at Parkwood Ave from Jeanne St to Yost St, at Maplewood Ave from Packard Rd to Edgewood Dr, and at Woodmanor Ct. west of Packard Rd;

Whereas, Competitive bids were received by the City of Ann Arbor Procurement Unit on August 17, 2006 and Pamar Enterprises, Inc of New Haven Michigan was the lowest responsible bidder at $ 628,416.75;

Whereas, The contractual proposal sets forth the services to be performed by Pamar Enterprises, Inc, and the payments to be made by the City for those services, all of which are agreeable to the City;

Whereas, It is now necessary to enter into a Contract with Pamar Enterprises, Inc. for this construction;

Whereas, Pamar Enterprises, Inc. received Human Rights approval on September 1, 2006 and complies with the living wage ordinance;

Whereas, The City's Adopted 2006-2007 Budget includes an initial amount of $ 543,221.00 for the replacement of water main at Maplewood; and

Whereas, The estimated total project cost to replace the water mains at Maplewood Ave, Parkwood Ave, and Woodmanor Ct is $1,024,417.00;

RESOLVED, That an additional $481,196.00 be appropriated for the Maplewood-Parkwood-Woodmanor Water Main Replacement Project from the Water Supply System Operating Fund Balance, pending the sale of Water Revenue Bonds;

RESOLVED, That the total project budget in an amount of $1,024,417.00 be available for the life of the project, without regard to fiscal year;

RESOLVED, That a contract in the amount of $628,416.75 be awarded to Pamar Enterprises, Inc. for the construction of the Maplewood-Parkwood-Woodmanor Water Main Replacement Project (Bid No. 3808);

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

RESOLVED, That a contingency amount of $60,000.00 be established within the project budget and that the

City Administrator be authorized to approve additional change orders to the construction contract with the Pamar Enterprises, Inc., not to exceed $ 60,000.00 in order to satisfactorily complete the project;

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

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

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

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

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incorporate Alternative Transportation considerations into the Citywide Transportation Plan update; and

RESOLVED, That Council accept a contribution from the University of Michigan for the purposes of conducting transportation analysis as part of the Transportation Plan Update Project.

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

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

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R-443-10-06 APPROVED

Resolution to Amend the FY2006/07 Fleet and Facilities Unit Budget by Appropriating Carry Over Funds from FY2005/06

Whereas, A Special Tactics Unit vehicle was ordered in FY2005/06 by the Fleet and Facilities unit but was not received at fiscal year end; and

Whereas, Unexpended funds from FY 2005/06 returned to the Motor Equipment fund balances on or after July 1, 2006;

RESOLVED, That the City Council approves an amendment to the Fleet and Facilities Unit budget by appropriating $58,168.00 from the Motor Equipment Fund Balance; and

RESOLVED, That the City Administrator be authorized to take any other necessary administrative actions 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 unanimously, thus satisfying the eight-vote requirement.

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R-444-10-06 APPROVED

Resolution Authorizing a Contract with Premier Truck Sales & Rental, Inc., for the Rental of Four Rear Load Refuse Trucks

Whereas, The City of Ann Arbor needs to rent rear load refuse trucks for use in the fall leaf collection program;

Whereas, Competitive bids were received by the Fleet and Facilities Unit of the Public Services Area and Premier Truck Sales & Rental, Inc., was the lowest responsible bidder;

Whereas, Premier Truck Sales & Rental, Inc., received Human Rights approval on August 25, 2006; and

Whereas, Sufficient funds are budgeted in the Public Services Area Solid Waste Enterprise Fund adopted FY 2006/07 budget;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute a rental contract with Premier Truck Sales & Rental, Inc., after approval as to substance by the City Administrator and as to form

by the City Attorney; and

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

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

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

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R-445-10-06 APPROVED

Resolution Honoring Co-Op Month - October, 2006

Whereas, Cooperative businesses are a unique form of business which exist in large numbers throughout the world (120 million US residents are members of 48,000 US co-ops; there are more than 700 million cooperative members in over 100 countries), whose owners are the people who use the company (consumer and producer co-ops) or run the business (worker co-ops);

Whereas, Cooperative businesses are able to offer lower prices and better services to their members because they do not need to make a profit for stockholders;

Whereas, Cooperative businesses are operated by a set of principles, recognized and used by co-ops throughout the world, which include:

- **Voluntary and open membership;**
- **Democratic member control (1 person 1 vote);**
- **Members' economic participation (limited return on investment, rebates in proportion to usage);**
- **Autonomy and independence;**
- **Education, training and information (for members and the general public, about the benefits and practices of cooperation);**
- **Cooperation among cooperatives;**
- **Concern for community;**

Whereas, There are cooperative businesses in nearly every sector of the U.S. economy, including but not limited to agriculture production (Sunkist, Welch's), finance (credit unions), insurance (Nationwide, Farm Bureau), news media (Associated Press), humanitarian assistance (CARE), retail grocery (food co-ops), childcare (co-op nurseries), burial services (memorial societies), energy (telephone, electric co-ops), and housing (housing co-ops);

Whereas, The Ann Arbor community has been served by a large number and wide variety of cooperative businesses for many years, including but not limited to:

- **The Inter-Cooperative Council of the University of Michigan (student housing)**
- **Forest Hills Cooperative (housing)**
- **Arrowwood Hills Cooperative (housing)**
- **Colonial Square Cooperative (housing)**
- **Pinelake Village Cooperative (housing)**
- **Corntree Co-op (housing)**
- **Hei-wa House (housing)**
- **Sunward Co-Housing**
- **Great Oak Co-Housing**
- **University of Michigan Credit Union**
- **Huron River Area Credit Union**

- **Automotive Federal Credit Union**
- **Michigan Educational Credit Union**
- **Midwest Financial Credit Union**
- **Stone School Cooperative Nursery (childcare)**
- **First United Methodist Church Cooperative Nursery (childcare)**
- **People's Food Co-op (grocery)**
- **Student Buyer' Association (food purchasing)**

- **North American Students of Cooperation (US/Canadian student co-op trade association)**
- **Farm Bureau (insurance) ;and**

Whereas, October is Co-op Month, first so designated in 1948 by the Minnesota Association of Cooperatives and celebrated by co-ops throughout the United States as a time to honor the service to their members and their communities provided by cooperative businesses;

resolved, That the Ann Arbor City Council hereby recognizes and honors the cooperative businesses that serve the Ann Arbor community, and encourages city residents to explore the benefits available through cooperative businesses.

Councilmember Carlberg 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-446-10-06 APPROVED

**Resolution to Temporarily Relocate Precinct 1-4
from the Ann Arbor Community Center at 625 N. Main
to Community High School at 401 N. Division
for the General Election to be held
on November 7, 2006**

Whereas, The City Clerk's Office has been notified by the interim director of the Ann Arbor Community Center that the Center, located at 625 N. Main, is temporarily unusable as a polling place due to current building conditions;

Whereas, Michigan Election Law, 168.662 (4) requires that a determination of a polling place change less than 60 days prior to an Election requires City Council approval and the change must be necessary because the current polling place has been damaged, destroyed, or rendered inaccessible or unusable as a polling place; and

Whereas, The City Clerk has located a suitable alternative polling place location for Precinct 1-4 at Community High School (401 N. Division), which due to its accessible facilities and close proximity to the former site minimizes any adverse impacts to voters;

RESOLVED, That City Council approve the temporary relocation of Precinct 1-4 to Community High School, located at 401 N. Division, for the General Election to be held on Tuesday, November 7,2006; and

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

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

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

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R-447-10-06 APPROVED

**Resolution Establishing Broadway
Historic District Study Committee**

Whereas, The City has expressed its interest in protecting and preserving historical properties in the City;

Whereas, The Broadway District is the oldest established area of the City of Ann Arbor, and includes a number of properties that may be eligible for designation as historic structures;

Whereas, There is a renewed public interest in the future development of this area; and

Whereas, According to Michigan law and the Ann Arbor Code, Section 8:408, the city must receive a report from a historic district study committee before establishing a historic district;

RESOLVED, That the Ann Arbor City Council hereby establish the Broadway Historic District Study Committee;

RESOLVED, That the area to be examined by this committee ("Study Area") be generally the area of Broadway north of the existing commercial property on both sides of Broadway and south of Plymouth Road; with the final area to be determined by the committee;

RESOLVED, That this study committee consist of seven members to be appointed by the City Council, including at least three members who reside in the Study Area; and

RESOLVED, That the term of this study committee be one year and it report its findings and recommendations to the City Council no later than January 2008.

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

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

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R-448-10-06 APPROVED

**Resolution to Approve A2D2
(Ann Arbor Discovering Downtown)
Advisory Committees**

Whereas, On March 20, 2006, City Council adopted Resolution R-94-3-06 to approve the Implementation Plan for the Downtown Development Strategies Final Report;

Whereas, City Council directed staff to begin work on prioritized elements of the Implementation Plan;

Whereas, Staff has developed work plans for the four prioritized areas, plus clarifying the historic district criteria for development in the downtown;

Whereas, City Council was charged with appointing members to the Advisory Committees; and

Whereas, the following nominees are presented for Council's approval:

Overlay Zoning
Bonnie Bona Planning Commissioner
DDA member (1) (to be determined by DDA)
Bob Johnson City Councilmember
Fred Beal Downtown Property Owner
Mike Concannon Developer
Brad Moore Development Guidelines Committee Member
Sonia Schmerl Downtown Neighborhood Representative
Carol Kuhnke ZBA

Urban Design Guidelines
Joan Lowenstein City Councilmember
Coy Vaughn Planning Staff
Eric Lipson Planning Commissioners (2)
Ron Eamus
Kurt Brandle Design Professionals (3)
Brad Moore
Damian Farrell
Chris Crockett Citizens at large (2)
Alice Ralph

Historic District
DDA member (1) (to be determined by DDA)
Alison ReavesLocal historic district representatives (2)
Louisa Pieper
Eppie Potts Planning Commissioner
Wendy Woods City Councilmember

Development Process (Internal)
City Staff (3)
Bill Kinley Developers (3)
George Beal
Scott Munzel
Chamber Representative (to be determined by Chamber
Consultant (hired by city)
Jerry Lax Citizen at large

Comprehensive Parking Strategy Phase 1
Roger Hewitt DDA Operations Chair
Eli Cooper
Wendy Rampson
Stephen Rapundalo City Councilmember

RESOLVED, That City Council waive the two week notification; and

RESOLVED, that City Council approve the above named advisories for a term ending June 30, 2007.

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

On a voice vote, the Mayor declared the motion carried, with one dissenting vote by Councilmember Easthope.

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R-449-10-06 APPROVED

**Resolution to Amend R-378-8-06 - Resolution of Intent
on the Administration of Park Maintenance
and Capital Improvements Millage**

Whereas, It is the intent that City Council present to the voters a ballot issue which would consolidate the existing Park Rehabilitation and Development and Park Repair and Restoration millages into a Park Maintenance and Capital Improvements Millage;

Whereas, On August 21, 2006, City Council adopted Resolution R-378-8-06, to inform the voters of the manner in which it intends to oversee the administration of the consolidated millage if the proposed millage is approved by the voters;

Whereas, It has been determined that administration of the consolidated millage would be better addressed by amending the previously adopted guidance for a Park Maintenance and Capital Improvements Millage Administration Policy related to future general fund budget revenue increases and reductions to include the following;

RESOLVED, That City Council amend the adopted policy guidance for the Park Maintenance and Capital Improvements Millage to read as follows:

1. Adoption of the Funding Distribution Guidelines as stipulated in Attachment A (on file in the City Clerk's Office);
2. Annual allocation for maintenance is to be between 60% and 80% and capital improvements is to be between 20% and 40% with a total annual allocation being 100%;
3. The Natural Area Preservation Program budget be established at a minimum of $700,000.00 for first year of the millage budget and that it receive a minimum 3% annual increase for each of the subsequent five years of the millage to enhance the stewardship of increased acreage of natural park areas;
4. If future reductions are necessary in the City's general fund budget, during any of the six years of this millage, beginning with Fiscal Year 2007-2008, the general fund budget supporting the parks and recreation system for that year will be reduced by a percentage no greater than the average percentage reduction of the total City general fund budget;
5. If future increases occur in the City's general fund budget during any of the six years of this millage, beginning with Fiscal Year 2007-2008, the general fund budget supporting the parks and recreation system for that year will be increased at the same rate as the average percentage increase of the total City general fund budget;
6. City Council will verify these expenditures by examining the audit statement for each year.
7. The millage will not be subject to a municipal service charge;
8. The millage may be subject to appropriate information technology and fleet charges;
9. If the millage is not renewed after the six years, the Natural Area Preservation Program will receive the same percentage of any remaining fund balance from the Park Maintenance and Capital Improvements Millage as was in the approved budgeted in the sixth year of the millage; and

RESOLVED, That if the millage is adopted, the City Administrator be directed to develop an annual millage budget for review and recommendation by the Park Advisory Commission with final adoption by City Council consistent with this Resolution.

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

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

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R-450-10-06 APPROVED

Resolution To Allocate $18,000.00 to Legal Services of South Central Michigan for Legal Services

Whereas, Legal Services provides free legal counseling to low income residents of the City of Ann Arbor;

Whereas, an administrative error led to a decrease in funding to Legal Services of South Central Michigan (LSSCM) by $18,000.00;

Whereas, the Community Development Executive Committee (CDEC) recognizes this as important work and would like to keep LSSCM's funding level as the previous FY 2005-06 at $68,000.00;

Whereas, LSSCM would prefer to accept the $5,000.00 allocated to Tenant Services for their Legal Services Program;

Whereas, LSSCM agreed to no longer have Tenant Services as a City of Ann Arbor Program if the CDEC redistributed funds to their Legal Services program;

Whereas, LSSCM agreed to not apply for future funding for Tenant Services to the City of Ann Arbor, until LSSCM has established appropriate performance targets and milestones approved by the OCD; and

Whereas, the CDEC voted unanimously to move the $5,000 from Tenant Services to the Legal Services Program, to provide LSSCM with a total funding level of $73,000.00;

RESOLVED, That City Council moves $18,000.00 in General Fund to be appropriated to the Office of Community Development FY 06-07 budget for the purpose of providing these funds to LSSCM's Legal Services Program;

RESOLVED, That the Mayor and City Clerk are authorized and directed to execute a contract with a Legal Services of South Central Michigan for $73,000.00, 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 take necessary administrative actions to implement this resolution.

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

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

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R-451-10-06 APPROVED

Resolution to Allocate up to $8,666.00 to
the Ann Arbor Community Center

Whereas, The Ann Arbor Community Center (AACC) is an important part of the Ann Arbor Community;

Whereas, The AACC has had administrative and financial difficulty and is in need of several years worth of

audits;

Whereas, The AACC will not be able to deliver services until the audits are complete;

Whereas, The Community Development Executive Committee awarded the AACC $20,000.00 for after school programming for the 2006-2007 Fiscal Year which cannot be delivered until the audits are completed;

Whereas, The United Way has proposed that the United Way, Washtenaw County and the City of Ann Arbor split the costs of the audits at a total cost of $26,000, with the City of Ann Arbor's portion being $8,666.00; and

Whereas, The Community Development Executive Committee voted unanimously to use part of the $20,000.00 allocated for after school programming to cover the City's share of the audit;

RESOLVED, That City Council approve moving $8,666.00 from the AACC allocation for after school program to pay for the audit fees; and

RESOLVED, That the City Administrator be authorized to take necessary administrative actions 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 unanimously.

REPORTS FROM COUNCIL COMMITTEES

ALLEN'S CREEK GREENWAY TASKFORCE

Councilmember Carlberg informed Council that the report of the Allen Creek Greenway Taskforce is due today. She said that Peter Pollack, chairman of the taskforce, sent an email to all of Council indicating that the taskforce is in the process of finalizing their report and would like to deliver the report to Council at the first meeting in November.

The taskforce plans to present the report in written form and requests a work session with Council to discuss the report in more detail some time in early 2007.

Commercial Recycling Taskforce

Councilmember Teall indicated that the Commercial Recycling Taskforce would like to bring forward their recommendations to Council at a work session in the first week of January 2007.

Community Development Executive Committee (CDEC)

Councilmember Rapundalo informed Council that the Community Development Executive Committee does not have a full membership and requests that the Mayor and Council nominate and approve new members to the committee.

COUNCIL PROPOSED BUSINESS

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None.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the September 18, 2006 regular session of Council:

Ann Arbor Transportation Authority

Richard Robben (Replacing Brian Weisman)
3441 Wooddale Ct.
Ann Arbor, MI 48104
Term: October 3, 2006-May 1, 2011

Construction Code Activities Advisory Board

Shaun M. Murray (Replacing Jeff Fisher)
179 Little Lake Dr.
Ann Arbor, MI 48103
Term: October 3, 2006-October 3, 2008

Downtown Development Authority

John Splitt (Replacing Bob Gillette)
1723 Ivywood Drive
Ann Arbor, MI 48103
Term: October 3, 2006- July 31, 2010

Historic District Commission

Malcolm McCullough (Replacing Gary Cooper)
529 Fifth St.
Ann Arbor, MI 48103
Term: October 3, 2006-October 3, 2009

Housing Board of Appeals

Dick Fleece (Re-appointment)
County Health Dept.
18451 Pleasant Lake Rd.
Manchester, MI 48158
Term: October 3, 2006- June 30, 2009

Ann Stuart (Re-appointment)
2723 Parklawn
Brighton, MI 48114
Term: October 3, 2006- June 30, 2009

Housing Policy Board

Phillis Englebert (Replacing Bob Gillette)
803 John A Woods Dr.
Ann Arbor, MI 48105
Term: October 2, 2006 - October 2, 2009

Parks Advisory Commission

John McCoy Lawter (Replacing Janet Cohen)
1320 Orkney Dr.
Ann Arbor, MI 48103
Term: October 3, 2006- October 3, 2009

Planning Commission

Kirk Westphal (Replacing James D'Amour)
690 Peninsula Ct.
Ann Arbor, MI 48105
Term: October 3, 2006-June 30, 2009

Recreation Advisory Commission

Daniel Ray Timmer (City of Ann Arbor rep.) (Re-appointment)
1424 Arlington Blvd.
Ann Arbor, MI 48108
Term: October 3, 2006-August 31, 2009

Betty Weir (filling vacancy for general member-City of Ann Arbor rep.)
1110 Arbor View
Ann Arbor, MI 48103
Term: October 3, 2006- August 31, 2009

Sign Board of Appeals

Sharon L. Knight (Re-appointment)
3004 Turnberry Ln.
Ann Arbor, MI 48104
Term: October 3, 2006- October 3, 2009

Councilmember Greden moved, seconded by Councilmember Rapundalo, that Council concur with the recommendations of the Mayor.

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

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORT SUBMITTED

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

1. Implementation Status of New Voting Equipment in the City - City Clerk

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

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

None.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from Comcast regarding New Channels to Comcast Digital Classic Cable - CTN

2. Communication from Charter Township of Ypsilanti Clerk Brenda Stumbo regarding an Approved Resolution of the Township, R-2006-29, Storm Drain Catch Basins

The following minutes were received for file (J):

1. Ann Arbor Housing Commission - July 19, 2006

2. Housing Board of Appeals - January 17, 2006

3. Ann Arbor Transportation Authority Board - August 30 and September 13, 2006

4. City Council Budget & Labor Committee - September 5, 2006

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

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

PUBLIC COMMENTARY - GENERAL

THOMAS PARTRIDGE - CRITICAL ISSUES

thomas Partridge, write-in candidate for the Michigan State Senate (18th District), spoke about the importance of affordable housing and asked that Council expand the number of affordable housing units in the city.

RECESS FOR CLOSED SESSION

Councilmember Rapundalo moved, seconded by Councilmember Roberts, that the regular session of Council be recessed for a closed session to discuss attorney/client privileged communication and land acquisition.

On roll call, the vote was as follows:

Yeas, Councilmembers Carlberg, Greden, Teall, Easthope, Woods, Roberts, Johnson, Lowenstein, Rapundalo, Mayor Hieftje, 10;

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 8:58 p.m.

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

On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 9:28 p.m.

ADJOURNMENT

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

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:28 p.m.

Jacqueline Beaudry
Clerk of the Council

Anissa R. Bowden
Recording Secretary

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