File #: 07-0422, **Version:** 1

Ann Arbor City Council Minutes Regular Session - August 6, 2007
Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:12 p.m. in the City Hall Council Chamber, 100 N. Fifth Ave, Ann Arbor, Michigan.

Council stood for a moment of silence.

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

ROLL CALL OF COUNCIL

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

ABSENT : Councilmember Stephen Kunselman, 1.

APPROVAL OF AGENDA

AGENDA APPROVED AS PRESENTED

Councilmember Lowenstein moved seconded by Councilmember Teall that the agenda be approved as presented.

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

INTRODUCTIONS

None.

PUBLIC COMMENTARY - RESERVED TIME

SALE OF PUBLIC PARKS

The following people addressed Council regarding the sale of Public Parks Resolution:

Michael Anglin, 549 S. First, spoke in support of the proposed resolution regarding the sale of public parks.

Kathleen Clark, 549 S. First, spoke in support of the proposed resolution.

KERMIT SCHLANSKER - TOTAL ENERGY RESEARCH

Kermit Schlansker, 2960 Marshall St., addressed Council regarding total energy research.

DIVESTMENT FROM ISRAEL

The following people addressed Council regarding the Ann Arbor Human Rights Commission's Resolution to divest from Israel:

Laurel Federbush, 2000 Anderson Court
Marcia Federbush, 2000 Anderson Court

CHRIS HILDEBRAND - 20 STORIES: THE USE OF LANGUAGE TO MISDIRECT THE CITY

Chris Hildebrand, 2115 Devonshire Rd., expressed concern with the development of buildings and condos in Ann Arbor and the City's pro-development policies.

KAREN SIDNEY - APPOINTMENTS

Karen Sidney, 100 Longman Lane, addressed Council regarding appointments to City boards and commissions and asked Council to reject the nomination of Sue McCormick, a City staff member, to the Ann Arbor Transportation Authority Board.

KATHY GRISWOLD - SCHOOL TRAFFIC

Kathy Griswold, 3565 Fox Hunt Dr. addressed Council regarding school transportation safety. She asked for a process that ensures best practices for safety in the community.

TOM PARTRIDGE - "You are Your Brother's and Sister's Keeper." Elect Progressive Democrats to Assure Affordable Housing in Ann Arbor not Parkland

Tom Partridge, 4220 Eyrie Dr., addressed Council regarding affordable housing in Ann Arbor, Washtenaw County and the State of Michigan.

PUBLIC HEARINGS

ESTABLISH ANN ARBOR INDUSTRIAL DEVELOPMENT DISTRICT NO. 2007-010 FOR EDWARDS BROTHERS, INC.

A public hearing was conducted on the resolution to approve the establishment of Ann Arbor Industrial Development District No. 2007-010 for Edward Brothers, Inc. Notice of public hearing was published July 22, 2007.

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

ENGLAND ZONING (ORDINANCE NO. 23-07)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.28 acre from TWP (Township District) to R1B (Single-Family Dwelling District), England property, located at 3109 Cherry Tree Lane. Notice of public hearing was published July 22, 2007.

Tom Partridge, 4220 Eyrie Dr., asked that intelligent policies for affordable housing in Ann Arbor be implemented prior to any new rezoning.

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

OPEN SPACE AND PARKLAND PRESERVATION - EXPANSION OF THE GREENBELT DISTRICT (ORDINANCE NO. 26-07)

A public hearing was conducted on the proposed amendment to Chapter 42, Section 3.62(12) - Open Space and Parkland Preservation, of Title II of the Code of the City of Ann Arbor. Notice of public hearing was published August 5, 2007.

Thomas Partridge, 4220 Eyrie Dr., expressed concerns with the expansion of the Greenbelt, while important social issues such as affordable housing have not yet been addressed.

Jack Smiley, President of the Southeast Michigan Land Conservancy, spoke in support of the proposed expansion of the Greenbelt.

Dan Ezekiel, 523 Fourth St., spoke in support of the proposed ordinance change.

Liz Rother, 1217 Baldwin, spoke in support of the expansion of the Greenbelt district.

Scott Kunst, 536 Third St., spoke in support of the ordinance.

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

Animals - dog park (ORDINANCE NO. 27-07)

A public hearing was conducted on the proposed amendment to Chapter 107; Sections 9:45 and 9:47 - Animals (Dog Park) of Title IX of the Code of the City of Ann Arbor. Notice of public hearing was published August 5, 2007.

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

OFF-LEASH DOG PLAY AREAS AND USER FEES

A public hearing was conducted on the proposed resolution to approve an Off-Lease Dog Play Areas at Swift Run Park, Southeast Area Park, Olson Park and Leslie Park and establish User Fees for Off-Leash Dog Permits. Notice of public hearing was published August 5, 2007.

Rose Gomez, president of the K-9 Social Club, spoke in support of the proposed resolution regarding dog parks.

Kirk Fish of the K-9 Social Club spoke in support of the proposed resolution.

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

ZAHN MEDICAL OFFICE BUILDING PLANNED PROJECT SITE PLAN AND DEVELOPMENT AGREEMENT

A public hearing was conducted on the proposed resolution to approve the Zahn Medical Office Building planned project Site Plan and Development Agreement, 0.42 acres, located at 2207 Jackson Road. Notice of public hearing was published July 29, 2007.

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

BARTON GREEN PLANNED PROJECT SITE PLAN AND DEVELOPMENT AGREEMENT

A public hearing was conducted on the proposed resolution to approve the Barton Green Planned Project Site Plan and Development Agreement, 31.93 acres, located on the west side of Pontiac Trail, north of Skydale. Notice of public hearing was published July 29, 2007.

Paul Campbell, representing the petitioner, was available to answer questions of Council.

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

APPROVE ADJUSTMENTS TO FY 08 AND FY 09 PLANNING FEES FOR PLANNING AND DEVELOPMENT SERVICES

A public hearing was conducted on the proposed resolution to approve adjustments to FY 08 and FY 09 Planning Fees for Planning and Development Services. Notice of public hearing was published August 5, 2007.

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

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER SUAREZ

Councilmember Suarez reported to Council that he visited Washington DC, regarding the City's resolution opposing the Iraq War. He stated he met with officials from other cities who

passed similar resolutions and discussed the issues. No city funds were requested or used for this trip.

REPORTS FROM COUNCIL COMMITTEES

None.

APPROVAL OF COUNCIL MINUTES

MINUTES OF JULY 16, 2007 APPROVED

Councilmember Woods moved, seconded by Councilmember Rapundalo, that the regular session minutes of July 16, 2007 be approved as presented.

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

CONSENT AGENDA

CONSENT AGENDA ITEMS REMOVED

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

Resolution to Approve a Contract with Ann Arbor SPARK for Business Support and Economic Development Services ($50,000.00) (Administration - Roger Fraser, City Administrator)

CONSENT AGENDA ITEMS APPROVED

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

R-357-8-07 APPROVED

(Resolution to Establish Annual
Population Adjustment for Scio Township)

Whereas, Certain properties located in the Township of Scio were annexed from said township to the City of Ann Arbor during 2006, by joint resolution of Township and City;

Whereas, The locations of said properties are contained within the following:

Name of Property	Location	Effective Date
Boutsikakis/Marker	Wagner Road	4/25/00*
Evergreen Park	Parkwood, North of Valley	1/6/06
Dolph Park	Liberty, West of Lakeview	1/6/06

Bullard	2615 Valley Drive	2/1/06
Hennigan	354 Pinewood Street	2/1/06
Kennedy	460 Rose Drive	2/1/06
O'Connor	3300 Dexter Road	2/1/06
Pritula	3328 Dexter Road	2/1/06
Robin/Morrison	475 Barber Avenue	2/1/06
Sachdev	2630 West Liberty Road	2/1/06
Yurko	3261 Dexter Road	2/1/06
Zuck	584 Allison Drive	2/1/06
Anderson	Glenwood Street	9/7/06
Clinard	679 S. Wagner Road	9/7/06
Kitchen	2590 Miller Road	9/7/06
Rayer Development	591 & 597 S. Wagner Road	9/7/06
Staggs	603 & 609 S. Wagner Road	9/7/06

* Did not receive State notification of this 2000 annexation until 2006

Whereas, Michigan law allows for the Township and City, by joint resolution of each governing body, to prorate state funds, monies or grants between the Township and City;

Whereas, It is necessary for the Township of Scio and City of Ann Arbor to have prorated state revenue sharing funds; and

Whereas, In order for the State of Michigan to prorate such funds, it needs an agreed upon count of persons residing in the area annexed from the Township to the City;

Resolved, That the Scio Township Board and the Ann Arbor City Council find that there were 34 people residing in the annexed areas, and the ratio of population between the annexed areas being 34 persons, and the remainder of the Township as determined by the

2000 Census shall be the basis for determining the proper pro rata share for any state funds, monies or grants hereafter distributable under Michigan law.

****

R-358-8-07 APPROVED

Resolution to Establish Annual
Population Adjustment for Ann Arbor Township

Whereas, Certain properties located in the Township of Ann Arbor were annexed from said township to the City of Ann Arbor during 2006, by joint resolution of Township and City;

Whereas, The locations of said properties are contained within the following:

Name of Property	Location	Effective Date
Ross/Freund	2 Ridgemor Drive	1/9/06
Dean	531 Burwood	3/20/06

Bristol Ridge	Pontiac Trail	5/15/06
Barton Green	Pontiac Trail	7/24/06
Zion Lutheran Church	West Liberty at Ridgemor	9/19/06

Whereas, Michigan law allows for the Township and City, by joint resolution of each governing body, to prorate state funds, monies or grants between the Township and City;

Whereas, It is necessary for the Township of Ann Arbor and City of Ann Arbor to have prorated state revenue sharing funds; and

Whereas, In order for the State of Michigan to prorate such funds, it needs an agreed upon count of persons residing in the area annexed from the Township to the City;

RESOLVED, That the Ann Arbor Township Board and the Ann Arbor City Council find that there were 5 people residing in the annexed areas, and the ratio of population between the annexed areas being 5 persons, and the remainder of the Township as determined by the 2000 Census shall be the basis for determining the proper pro rata share for any state funds, monies or grants hereafter distributable under Michigan law.

****

R-359-8-07 APPROVED

Resolution to Approve Contract with Tamika Hutchons
for the Position of Solution Area Planner Funded
by a Pass-Through Grant Award

Whereas, On June 18, 2007, City Council accepted, approved, and appropriated to the Office of Emergency Management the 2006 State Homeland Security Grant award (R-275-6-07);

Whereas, Funding for a Solution Area Planner, inclusive of salary and fringe benefit costs, is an approved expenditure under the terms of the grant;

Whereas, The Office of Emergency Management will provide grant management services for this grant and contract administration for the Solution Area Planner support position; and

Whereas, Tamika Hutchons has been selected, on the basis of training and qualifications, to fill the position of Solution Area Planner;

RESOLVED, That City Council approve a contract with Tamika Hutchons for the position of Solution Area Planner for and amount not to exceed $37,580.00 for a term of August 7, 2007 to March 31, 2008 subject to continued availability of grant funding under the 2006 State Homeland Security Grant; and

RESOLVED, That the City Administrator 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.

****

R-360-8-07 APPROVED

Resolution Authorizing Sanitary Sewer and Water Improvement Charges for 2630 and 2640 Geddes Avenue

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

Parcel ID:
09-34-212-070 (2630 Geddes Av) and 09-34-212-069 (2640 Geddes Av)

Sanitary Sewer:
8" Sanitary Sewer in Geddes Avenue, Constructed in 1996;
File Nos. 96082 and 94044;
$12,594.44/connection x 2 connections = $25,188.88
($12,594.44 each parcel)

Water Main:
16" Water Main in Geddes Avenue, Constructed in 1970;
File No. A366W, Non-District Job No. 766.550;
$6/ft * 97.9 front ft = $ 587.40
($467.40 for 2640 Geddes Av; $120.00 for 2630 Geddes Av)

GRAND TOTAL OF IMPROVEMENT CHARGE $25,776.28;

Whereas, The owner of 2630 & 2640 Geddes Avenue has sanitary sewer and water service available in Geddes Avenue and is receiving "active" service;

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

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

RESOLVED,

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

Annexation Address from Ann Arbor Township: 2630 & 2640 Geddes Av
City Assessor Code: 09-34-212-070 & -069
Planning File No.: 9342Y21.1 & .2

2630 Geddes Av: COM AT TH N 1/4 COR OF SEC 34, T2S, R6E, TH N 79 DEG 50' 30" W 366.10

FT ; TH S 00 DEG 07' 00" E 254.77 FT TO THE POB; TH N 90 DEG 00' 00"E 95.85 FT;THS 00 DEG 00' 00" E 155.72 FT; TH S 90 DEG 00' 00" W 95.52 FT; TH N 00 DEG 07' 00" W 155.73 FT TO THE POB, BEING A PRT OF THE NW 1/4 OF SAID SEC 34, T2S, R6E AND PRT OF THE SW 1/4 OF SEC 27, T2S, R6E, CONT .34 ACRES+- OF LAND, AND BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY; previously Ann Arbor Township and now situated in the City of Ann Arbor, Washtenaw County, Michigan

2640 Geddes Av: COM AT TH N 1/4 COR OF SEC 34, T2S, R6E, TH N 79 DEG 50' 30" W 366.10 FT TO THE POB; TH S 79 DEG 50' 30" E 97.90 FT; TH S 00 DEG 00' 00" E 237.51 FT; TH S 90 DEG 00' 00" W 95.85 FT; TH N 00 DEG 07' 00" W 254.77 FT TO THE POB, BEING A PRT OF THE NW 1/4 OF SAID SEC 34, T2S, R6E AND PRT OF THE SW 1/4 OF SEC 27, T2S, R6E, CONT .54 ACRES+- OF LAND, AND BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY; previously Ann Arbor Township and now situated in the City of Ann Arbor, Washtenaw County, Michigan;

2. That the improvement charge levied is $25,776.28;

3. That this improvement charge be split between the two parcels as follows: $13,061.84 for 2640 Geddes Av and $12,714.44 for 2630 Geddes Av, and is divided into 15 equal installments; the first to be due on September 21, 2007, and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 6.29% per annum commencing September 21, 2007;

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

5. That this levied improvement charge is to be invoiced to the owner, Douglas Dawson, of the property known as 2630 and 2640 Geddes Avenue, City of Ann Arbor, Washtenaw County, Michigan 48104, and to be credited in the amount of $25,188.88 to Fund 0043-073-8000-7151 and $587.40 to Fund 0042-073-8000-7151.

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

R-361-8-07 APPROVED

Resolution to Approve a Contract with Ann Arbor SPARK for Business Support and Economic Development Services

Whereas, The City has had a long-standing relationship with the Washtenaw Development Council since 1982 to provide services related to the economic development of the area;

Whereas, Washtenaw Development Council and Ann Arbor SPARK officially consolidated the two organizations in July 2006 creating one unified organization;

Whereas, The merger of the two organizations supports the region's mission for economic growth and represents all communities in Washtenaw County;

Whereas, The services of Ann Arbor SPARK focus on building our innovation-focused community through continual proactive support of entrepreneurs, regional businesses, university tech transfer offices, and networking organizations;

Whereas, Ann Arbor SPARK has become recognized for innovative and substantial activities that have resulted in important accomplishments in SPARK's short lifetime.

Whereas, Ann Arbor SPARK received Human Rights approval on June 21, 2007; and complies with the provisions of the City's living wage ordinance: and

Whereas, Funding for services for FY 2007/08 are budgeted within the approved budget under the citywide membership account in the amount of $50,000.00.

RESOLVED, That City Council approve a one year contract in the amount of $50,000.00 with Ann Arbor SPARK for business support and economic development services for the period of July 1, 2007 to June 30, 2008;

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

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

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

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

ORDINANCES - SECOND READING

23-07 APPROVED

ENGLAND ZONING
(3109 CHERRY TREE LANE)

An Ordinance to Amend the Zoning Map Being a Part of
Chapter 55 of Title V of the Code of the City of Ann Arbor

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

Councilmember Woods moved, seconded by Councilmember Easthope, that the ordinance be

adopted at second reading.

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

****

26-07 POSTPONED

OPEN SPACE AND PARKLAND PRESERVATION
(EXPANSION OF THE GREENBELT DISTRICT)

An Ordinance to Amend Section 3.62(13) of Chapter 42
of Title III of the Code of the City of Ann Arbor

(The complete text of Ordinance 26-07 is on file in the City Clerk's Office.)

POSTPONED

Resolution Authorizing Summary Publication of Ordinance No 26-07 Amending Section 3:62 (13) of Chapter 42, Open Space and Parkland Preservation, of Title III of the Code of the City of Ann Arbor (Expansion of the Greenbelt District)

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

RESOLVED, That Ordinance No. 26-07 be published by the following summary:

Ordinance No. 26-07 amends Section 3:62(13) of Chapter 42, Open Space and Parkland Preservation of the City Code enlarging the boundaries of the Greenbelt District one mile to the west in both Webster and Scio Townships, one mile to the south in Pittsfield Township and one mile to the east in Superior Township and incorporates a new map of the boundaries, as revised, as part of Chapter 42.

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 Ave., and Ann Arbor.

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

Councilmember Higgins moved, seconded by Councilmember Greden, to postpone the ordinance and resolution until August 20, 2007.

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

****

27-07 APPROVED

ANIMALS
(DOG PARKS)

An Ordinance to Amend Sections 9:45 and 9:47
of Chapter 107 of Title IX of the Code of the City of Ann Arbor

(The complete text of Ordinance 27-07 is on file in the City Clerk's Office.)

R-362-8-07 APPROVED

Resolution Authorizing Summary Publication
of Ordinance No. 27-07 - An Ordinance to Amend Sections 9:45
and 9:47 (Animals) of Chapter 107 of Title IX of the Code of
the City of Ann Arbor to Provide Dog Play Areas in City Parks

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

RESOLVED, That the publication of Ordinance 27-07 shall be by the following summary:

Ordinance 27-07 amends Sections 9:45 and 9:47 (Animals) of Chapter 107 of Title IX of the Code of the City of Ann Arbor to provide for dog play areas in City parks. The ordinance enables the Community Services Area Administrator to establish rules and requirements for dog play areas, which are effective upon filing with the City Clerk. The ordinance requires that dog owners have their dog under reasonable control while in a designated dog play area.

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

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

ORDINANCES - FIRST READING

28-07 APPROVED

MAPLE VILLAGE ZONING
(NORTHWEST CORNER OF MAPLE AND JACKSON ROADS)

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 31.26 acres, located on the northwest corner of Maple and Jackson Roads, from C3 (Fringe Commercial District) and P (Parking District) to C3

(Fringe Commercial District). (The complete text of Ordinance 28-07 is on file in the City Clerk's Office.)

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

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

MOTIONS AND RESOLUTIONS

R-363-8-07 APPROVED

Resolution to Nominate Members to the
City Environmental Commission

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

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

Whereas, Steven Bean and David Stead have had an interest as well as an active role in protecting and enhancing the well-being of the environment for many years; and

Whereas, Steven Bean and David Stead have expressed an interest in serving on the Environmental Commission for another term;

RESOLVED, That Steven Bean and David Stead be nominated for reappointment to the Environmental Commission for a three-year term beginning August 7, 2007; and

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

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

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

****

POSTPONED

Resolution to Order Election and to Determine Ballot Question for Charter Amendment on the Sale of City-Owned Land
Acquired for or Used as Parkland

Shall Section 14.3(b) of the Ann Arbor City Charter be amended to require voter approval for the sale of any land within the City purchased, acquired or used for park purposes, while

retaining the Section's current requirement for voter approval of the sale of any park land that is designated as park land in the City of Ann Arbor Master Plan at the time of the proposed sale?

□Yes □No

RESOLVED, That the proposed Charter amendment and proposed ballot question shall be published in full not fewer than two times in the Ann Arbor News;

RESOLVED, That if the amendment is adopted, it shall take effect on January 1, 2008.

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

· Request for staff to provide clarification regarding what is currently defined as parkland and which parks are not currently included in the PROS plan.

Councilmember Rapundalo moved, seconded by Councilmember Greden, that the resolution be postponed until August 20, 2007.

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

****

R-364-8-07 APPROVED

Resolution for Community Events Fund Disbursements
from the 2007/2008 Budget

Whereas, The Ann Arbor City Council wishes to support activities that promote or bring the community together in its richness;

Whereas, The Ann Arbor Community Events Committee met and reviewed funding requests from community groups; and

Whereas, The Committee recommends the following allocations:

1) Washtenaw County Veteran Services - FPOW Annual Picnic - July 12, 2007 - $45.00 for park rental fees;

2) Main Street Area Association - Rolling Sculpture Car Show - July 13, 2007 - up to $1,875.00 to cover costs related to city expenses;

3) Main Street Area Association - UA Block Party - August 13, 2007 - up to $525.00 - to cover costs related to city expenses; and

4) Ann Arbor Council For Traditional Music & Dance - Dancing in the Streets - September

2, 2007 - up to $550.00 to cover costs related to city expenses;

RESOLVED, That the Ann Arbor City Council approve the recommended allocations from the 2007/2008 Community Events Fund.

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

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

****

R-365-8-07 APPROVED

Resolution to Approve Zahn Medical Office Building Planned Project Site Plan and Development Agreement

Whereas, 2207 Jackson Road LLC has requested site plan approval in order to construct a 7,308-square foot medical office building at 2207 Jackson Road;

Whereas, 2207 Jackson Road LLC has also requested planned project modifications from the front setback requirements of Chapter 55 (Zoning);

Whereas, A development agreement has been prepared to address utilities, on-site storm water management, the 32-inch landmark oak tree, street tree planting escrow, footing drain disconnections, use of lawn care chemicals and fertilizers, and elevations; and

Whereas, The Ann Arbor City Planning Commission, on June 19, 2007, recommended approval of said requests;

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

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

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

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that on file in the City Clerk's Office, dated June 12, 2007;

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

RESOLVED, That City Council approve the Zahn Medical Office Building Site Plan and planned

project modifications from the front setback requirements of Chapter 55, upon the conditions that (1) the Development Agreement is signed by all necessary parties, and (2) all terms of the Development Agreement are satisfied.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to Approve Zahn Medical Office Building Planned Project Site Plan and Development Agreement, 0.42 Acre, 2207 Jackson Road.

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

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

****

R-366-8-07 APPROVED

Resolution to Approve Barton Green Planned Project Site Plan
and Development Agreement

Whereas, WDK-DK LLC has requested site plan approval in order to construct 260 townhome and stacked residential units on the west side of Pontiac Trail, north of Skydale;

Whereas, WDK-DK LLC has also requested planned project modifications from the building height requirements of Chapter 55 (Zoning);

Whereas, A development agreement has been prepared to address utilities, on-site storm water management, future special assessment for Pontiac Trail improvements, conveyance of public parkland, woodland restoration plan, wetland monitoring plan, public access easements along private drives and sidewalks that front the drives, street tree planting escrow, woodland and landmark trees, footing drain disconnections, use of lawn care chemicals and fertilizers, and elevations; and

Whereas, The Ann Arbor City Planning Commission, on June 5, 2007, recommended approval of said requests;

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

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

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

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that attached, dated July 19, 2007;

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

RESOLVED, That City Council approve the Barton Green Site Plan and planned project modifications from the building height requirements of Chapter 55, upon the conditions that (1) the Development Agreement is signed by all necessary parties, and (2) all terms of the Development Agreement are satisfied.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to Approve Barton Green Planned Project Site Plan and Development Agreement, 31.93 Acres, West Side of Pontiac Trail, North of Skydale.

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

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

****

R-367-8-07 APPROVED

Resolution to Approve Purchase of Quicklime for Water Treatment from Carmeuse Lime, Beachville Bid No. ITB-3859

Whereas, The Water Treatment Services Unit uses quicklime to soften drinking water;

Whereas, Contracts for supplying estimated requirements are the most stable and cost-effective way of meeting the water treatment needs;

Whereas, Carmeuse Lime, Beachville submitted the lowest responsible bid for the supply of quicklime, based on Water Treatment Services' quality requirements, per Bid No. ITB-3859; and

Whereas, Carmeuse Lime, Beachville received Human Rights Approval on June 11, 2007;

RESOLVED, That Council accepts the bid of Carmeuse Lime, Beachville of $150.88/ton (plus an additional $26.48/ton during frost laws) for the Water Treatment Services Unit in accordance with the terms of Bid No. ITB-3859;

RESOLVED, That the City Administrator be directed to enter into a purchasing agreement in accordance with this resolution at a projected cost of approximately $690,000.00 for a one-

year term ending on June 30, 2008;

RESOLVED, That Council authorize the City Administrator to renew the agreement for up to two one-year periods provided both parties agree to an extension subject to the annual appropriation of funds in FY09 and FY10;

RESOLVED, That the City Administrator be authorized and directed to sign a purchase order with Carmeuse Lime, Beachville for the purchase of quicklime;

RESOLVED, That the City Administrator be directed to accept the next lowest responsible bidder if Carmeuse Lime, Beachville is unable to furnish adequate supplies; and

RESOLVED, That the purchase of quicklime is to be funded from the approved FY08 Operation and Maintenance Budgets of the Water Supply System.

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

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

****

R-368-8-07 APPROVED

Resolution to Appropriate Funds ($257,843.00)
and Approve Contract Amendment No. 7 with Resource Recovery Systems (FCR) for Construction of a Commercial Recycling
Sort Line and Related Expenditures

Whereas, The City of Ann Arbor is in year twelve of a twenty year operating contract with Resource Recovery Systems (FCR) for recycling and waste processing services;

Whereas, City Council has previously authorized expenditures of $600,000.00 for construction of a commercial recycling sort line and related improvements, known as the MRF Phase II project;

Whereas, The city receives a direct economic benefit for the construction of the MRF Phase II improvements, including better pricing on tipping fees, capital repair and replacement account contributions and material revenue share;

Whereas, Even with status quo recycling tonnage, the MRF Phase II improvement will pay for itself in approximately 4.4 years;

Whereas, An additional $257,843.00 in funding is needed to complete this project, including an additional $30,000.00 project contingency;

Whereas, A Contract Amendment Number 7 is needed with FCR in order to activate the MRF

Phase II improvements, for which they will be responsible for purchasing, installing, operating and maintaining;

Whereas, The MRF Phase II improvements are entirely consistent with the recently approved Commercial Recycling Plan and current City of Ann Arbor Solid Waste Management Plan Update, 2002-2007;

Whereas, Funds for the MRF Phase II improvements are available through the unreserved fund balance of the Solid Waste Enterprise Fund; and

Whereas, Resource Recovery Systems (FCR) received Human Rights approval on August 23, 2006 and complies with the Living Wage Ordinance;

RESOLVED, That City Council approves Contract Amendment Number Seven with Resource Recovery Systems (FCR) in the amount of $227,843.00 to provide for the construction of a commercial recycling sort line and other related improvements, known as the MRF Phase II Construction Project;

RESOLVED, That supplemental funding for the MRF Phase II improvements in the amount of $257,843.00, which includes $30,000.00 in project contingency, be approved by the City Administrator and appropriated through the fund balance of the Solid Waste Enterprise Fund without regard to fiscal year;

RESOLVED, That the amended project budget of $857,843.00 be approved for the MRF Phase II project ($600,000.00 approved budget and $257,843.00 in supplemental appropriations as outlined above);

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute this agreement with Resource Recovery Systems (FCR) after approval as to substance by the City Administrator and approval as to form by the City Attorney; and

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

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

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

****

R-369-8-07 APPROVED

Resolution to Approve a Purchase Order to CGI-AMS
for the Renewal of the Advantage Financial and Brass Budget Software Maintenance Agreement for Fiscal Year 2008,

and Three Months Maintenance (July-September)
for Human Resource Management System

Whereas, The City of Ann Arbor has seen significant improvement in data management, financial services, payroll, and budget control since the implementation of Advantage Financial and Brass Budget software applications;

Whereas, The Ultimate software solution to replace the Human Resource Management System will not be implemented until October 2007 requiring the City to retain maintenance for support of employee tracking, benefits management, employee relations and payroll for 3 months. (July-September);

Whereas, Renewing a maintenance agreement with CGI-AMS for these applications is necessary to receive applications updates and maintain customer support;

Whereas, CGI-AMS received Human Rights and Living Wage compliance approval on June 29, 2007; and

Whereas, Sufficient funding for the maintenance fee for these applications is budgeted for and available in the Information Technology Fund;

RESOLVED, That City Council approve a purchase order with CGI-AMS for the renewal of the Advantage Financial, Human Resource Management System (HRMS), Brass Budget software maintenance agreement for Fiscal Year 2008 in the amount of $148,314.50 to be expended without regard to fiscal year; and

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

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

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

****

R-370-8-07 APPROVED

Resolution to Appropriate Funds from the Information Technology Internal Service Fund to FY2008 Information Technology Operating Budget for Purchase of Laptop Computers for the 15th Judicial District Court

Whereas, The City of Ann Arbor expects significant benefits in the replacement of old outdated machines, which are unmanaged and do not meet City IT standards for desktops, nor meet the requirements for Energy Star Program Requirement for Computers, Version 4.0;

Whereas, On June 18, 2007, City Council approved the purchase for 15th Judicial District

Court of desktop and laptop computers from Electronic Data Systems;

Whereas, Energy Star 4.0 compliant desktop computers were procured under the contract with EDS during but procurement of the laptop computers was delayed, based on IT recommendation in accordance with City policy and EDS's agreement, to allow the City to obtain Energy Star 4.0 compliant laptops which were not in production until July 22, 2007; and

Whereas, Funds previously budgeted and designated for expenditure in FY 2007 but not expended were returned to City Reserves at the end of the fiscal year and must be appropriated in FY2008 from the Information Technology Internal Service Fund to the approved FY2008 Information Technology Operating Budget to allow expenditure of the funds under the approved purchase order contract with EDS;

RESOLVED, That City Council approve and appropriate funds from the Information Technology Services Fund to the approved FY 2008 Information Technology Operating Budget in the amount of $47,994.54, to be expended without regard to fiscal year, for the acquisition of laptops for the 15th Judicial District Court Pilot under the existing contract with EDS; and

RESOLVED, That the City Administrator be authorized to take all necessary actions to implement this Resolution, regardless of fiscal year.

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

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

****

R-371-8-07 APPROVED

Resolution Accepting Easement for Underground Storm Water Management System From the Ann Arbor Commerce Bank, as Successor Trustee for the Karl D. Malcolm Trust Agreement, u/a/d 6/14/89, as amended (1900 W. Stadium Blvd. - W. Stadium Blvd. Reconstruction Project - Phase II

Whereas, The Ann Arbor Commerce Bank, under the fiduciary power of Paragon Bank & Trust, a Michigan financial institution, as Successor Trustee for the Karl D. Malcolm Trust Agreement, u/a/d 6/14/89, as amended, is the owner in fee simple of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 4406, Page 949, recorded July 9, 2004;

Whereas, The Ann Arbor Commerce Bank, as Successor Trustee for the Karl D. Malcolm Trust Agreement, u/a/d 6/14/89, as amended, has accepted the City's offer of $2,700.00, (based on the appraisal submitted by Frisbie Appraisal Service); and

Whereas, The Ann Arbor Commerce Bank, as Successor Trustee for the Karl D. Malcolm Trust

Agreement, u/a/d 6/14/89, as amended, on June 7, 2007, executed and delivered an easement to the City for a storm water treatment and management system to encumber and run with the land and burden the respective property perpetually, being more particularly described as follows:

Commencing at the SE corner of Lots 36, "Johnson-Young's Subdivision", a subdivision of part of Section 31, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, as recorded in Liber 13 of Plats, Page 57, Washtenaw County Records; thence N37º 21' 00" W 174.64 feet along the Northeasterly line of Lots 36 and 37 of said "Johnson-Young's Subdivision"; thence S52º 38' 25" W 10.00 feet along a line parallel with and 100 feet Southeasterly of the Northwesterly line of said Lot 37 to the POINT OF BEGINNING; thence S37º 21' 00" E 25.09 feet; thence S52º 39' 00" W 25.00 feet; thence N37º 21' 00"
W 25.09 feet; thence N52º 38' 25" E 25.00 feet along a line parallel with and Southeasterly of the Northwesterly line of said Lot 37 to the POINT OF BEGINNING. Being a part of Lot 37, of said "Johnson-Young's Subdivision" and containing 627 sq ft of land, more or less. Being subject to easements and restrictions of record, if any.

RESOLVED, That the City hereby accept said easement.

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

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

****

R-372-8-07 APPROVED

Resolution to Approve Off-Leash Dog Play Areas at Swift Run Park, Southeast Area Park, Olson Park and Leslie Park and Establish User Fees for Off-Leash Dog Permits

Whereas, Section 9:45 and 9:47(Animals) of Chapter 107 of Title IX of the City Code provides for the establishment of dog play areas to include dog park facilities, City parks, or areas within City parks that are designated as dog play areas as recommended by the Community Services Administrator and approved by City Council;

Whereas, the Community Services Administrator recommends establishing off-leash dog play areas at the Swift Run Park, Southeast Area Park, Olson Park and Leslie Park;

Whereas, An Off-Leash Dog Permit will be required for access to the designated off-leash dog play areas for the purpose of providing a safe environment for dog park users and their pets; and

Whereas, The Park Advisory Commission recommends approval of the off-lease dog play areas at Swift Run Park, Southeast Area Park (until Swift Run Dog Park is operational), Olson Park, and Leslie Park (temporary site) and establishment of the recommended fees;

Resolved, That off-leash dog play areas shall be designated at the Swift Run Park, Southeast Area Park (until Swift Run Dog Park is operational), Olson Park and Leslie Park (temporary site);

Resolved, That Off-Leash Dog Permits be required for access to the designated off-leash dog play areas and the Off-Leash Dog Permit fees shall be established as:

Swift Run Dog Park Only Permit*
First Dog/Owner: $50.00 ($35.00 spayed/neutered, with documentation)
Each Additional Dog/Owner: $25.00 ($15.00 spayed/neutered, with documentation)

Off-Lease Dog Park Permit for All City Designated Off-Lease Areas
First Dog/Owner: $60.00 ($45.00 spayed/neutered, with documentation)
Each Additional Dog/Owner: $10.00 ($5.00 spayed/neutered, with documentation);

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

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

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

· Staff to post fees on the City website.

****

R-373-8-07 APPROVED

Resolution to Authorize Preparation of the Plans and Specifications for the Reconstruction of Huron River Drive

Whereas, Huron River Drive between Bird Road and North Main Street is in extremely poor condition, is a popular motorized as well as non-motorized transportation corridor, and abuts every type of protected natural feature;

Whereas, The Non-Motorized Transportation Plan identifies this segment of Huron River Drive as second-tier prioritization for addition of bike lanes on paved shoulders, and the Guidelines for the Protection and Mitigation of Natural Features classifies the abutting natural features (watercourse, flood plain, wetlands, steep slopes, woodlands, landmark trees and endangered species) as high-level concerns which discourage any additional disturbance;

Whereas, Because of the complexity of these issues, the consulting firm of Beckett & Raeder, Inc. was contracted to develop and implement a public involvement process and offer improvement alternatives that best balance the needs of different users and existing natural features;

Whereas, The public involvement process included establishment of a Design Advisory Committee, focus group meetings, public workshops, events, and surveys, the results of which were presented in the Huron River Drive Improvement Alternatives Study Report, prepared by Beckett & Raeder, Inc.; and

Whereas, The preferred alternatives as set forth in the Study Report are to resurface the road in its current dimensions, or reconstruct the road as closely as possible to its current dimensions;

RESOLVED, That the Ann Arbor City Council hereby authorize the Project Management Services Unit to prepare design and construction documents and plans to improve Huron

River Drive as recommended in the preferred alternative to rebuild the road as closely as possible to its current dimensions.

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

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

****

R-374-8-07 APPROVED

Resolution to Authorize Reduction of Planning Filing Fees
for Burton Commons

Whereas, The Burton Commons Rezoning, Planned Project Site Plan and Revised Planned Project Site Plan fees were submitted to the City of Ann Arbor;

Whereas, The filing fees of $26,269.00 were paid at the time of submittal;

Whereas, Chapter 55, Section 5:108(4) of Ann Arbor City Code allows a reimbursement of up to 50 percent of the fees for developments providing affordable housing for lower income households;

Whereas, Simpson Housing Solutions LLC is providing an agreed-upon amount of affordable housing in this development; and

Whereas, Simpson Housing Solutions LLC has requested reimbursement of 50 percent of the original filing fees;

RESOLVED, That the Mayor and City Council hereby authorize a reimbursement of 50 percent of the Burton Commons filing fees, totaling $13,134.50.

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

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

****

R-375-8-07 APPROVED

Resolution to Approve Adjustments to FY 08 and FY 09 Planning Fees for Planning and Development Services

Whereas, The proposed FY 08 and FY 09 Planning fees were not included in the Planning and Development portion of the Community Services budget proposal;

RESOLVED, That Planning fees be adjusted and become effective according to the attached schedule; and

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

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

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

****

R-376-8-07 APPROVED

Resolution Regarding Outdoor Sales on Private Property
during Football Saturdays

Whereas, The City of Ann Arbor's Zoning Ordinance establishes requirements for temporary outdoor sales on private property;

Whereas, Chapter 55 (Zoning), Sections 5:10.12(2)(h) (O Office District) and 5:10.15(2)(h) (C-1 Local Business District) state: "The City Council may, by resolution, designate certain dates and locations as special events temporary outdoor sales areas. Said resolution shall include conditions and standards of conduct to be in force for outdoor sales and displays on private property;" and

Whereas, Conditions and standards of conduct governing sales on private property are necessary to maintain safe passage for pedestrians on the public sidewalks in the vicinity of the University of Michigan stadium on the days that the University of Michigan plays home football games, hereinafter referred to as Football Saturdays;

RESOLVED, That any previous resolutions regarding temporary outdoor sales on private property on Football Saturdays be rescinded, and that this resolution replace them and be effective for the 2007 Football Saturdays and all subsequent Football Saturdays;

RESOLVED, That the Mayor and City Council hereby establish a special events temporary outdoor sales area for Football Saturdays and that the owners of commercially and office-zoned property fronting on the following streets may use their private yard areas for outdoor sales and display:

West side of South Main Street between Stadium Boulevard and Hoover Street
North side of Hoover Street between South Main and South State Streets
North side of West Stadium Boulevard between South Main and S State Streets

RESOLVED, That the following standards be in force for outdoor sales and display areas on private property on Football Saturdays:

1. Ten-foot minimum setback from the edge of the sidewalk (or right-of-way line if there is no sidewalk) that is farthest from the street.

2. Compliance with Fire Code requirements.

3. Compliance with Health Code requirements.

4. Compliance with Michigan Liquor Control Commission requirements.

5. Permit shall be posted and clearly visible at all times when sales take place.

6. A new Zoning Compliance Permit shall be required for each day of temporary sales.

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

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

****

R-377-8-07 APPROVED

Resolution to Close South Main Street
for the UA Block Party - August 13, 2007

Whereas, The City has received a request from the Main Street Area Association to close S. Main Street between Washington Street and William Street from 4:00 P.M. to 11:00 P.M. on Monday, August 13, 2007 to facilitate the staging of the UA Block Party (AAACVB Plumbers & Pipe Fitters);

Whereas, The street closures will be properly signed, barricaded and supervised by the sponsor;

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

Whereas, The sponsor will obtain all necessary permits and comply with all procedures, rules and regulations for holding the event and pay all fees associated with their sponsorship of this event; and

Whereas, The sponsor agrees to defend and indemnify and hold the City harmless against all claims arising from their sponsorship of this event;

RESOLVED, That City Council approve the closing of S. Main Street from Washington Street to William Street from 4:00 P.M. to 11:00 P.M. on Monday, August 13, 2007; and

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

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

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

****

R-378-8-07 APPROVED

Resolution to Approve Street Closing for Oktoberfest Special Event - September 28-29, 2007

Whereas, The City has received a request from the Main Street Area Association to close half the block of E. Washington Street from S. Main Street to the public alley toward S. Fourth Avenue from 4:00 P.M. on Friday, September 28 to Midnight on September 29, 2007 to facilitate the staging of Oktoberfest;

Whereas, The street closures will be properly signed, barricaded and supervised by the sponsor;

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

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

Whereas, The sponsors agree to defend and indemnify and hold the City harmless against all claims arising from their sponsorship of this event; and

Whereas, The sponsors will obtain all necessary permits and provide evidence of proper liability insurance associated with their sponsorship of the event;

RESOLVED, That City Council approve the closing of half the block of E. Washington Street from S. Main Street to the public alley toward S. Fourth Avenue for Oktoberfest from 4:00 P.M. on Friday, September 28 to Midnight on Saturday, September 29, 2007; and

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

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

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

****

R-379-8-07 APPROVED

Resolution to Approve Street Closings for the "Dancing In The Streets" Special Event - September 2, 2007

Whereas, The City has received a request from the Ann Arbor Council for Traditional Music and Dance to close South Main Street between Huron Street and Liberty Street and Washington Street between South Ashley Street and South Fourth Avenue from 12:30 P.M. to 7:15 P.M. on Sunday, September 2, 2007 for the "Dancing in the Streets" Special Event;

Whereas, The street closures will be properly signed, barricaded and supervised by the sponsor;

Whereas, The sponsor will provide written notification to all religious institutions in the affected area as well as affected businesses and residents not less than 14 days prior to the event;

Whereas, The sponsor agrees to defend and indemnify and hold the City harmless against all claims arising from their sponsorship of this event; and

Whereas, The sponsor will obtain all necessary permits and provide evidence of proper liability insurance associated with their sponsorship of the event;

RESOLVED, That City Council approve the closing of South Main Street between Huron Street and Liberty Street and Washington Street between South Ashley Street and South Fourth Avenue from 12:30 P.M. to 7:15 P.M. on Sunday, September 2, 2007 for the "Dancing in the Streets" Special Event.

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

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

powered by Legistar™

****

R-380-8-07 APPROVED

Resolution to Close Detroit Street for the 2007 Kerrytown Bookfest - Sunday, September 9, 2007

Whereas, The City has received a request from the Kerrytown Bookfest to close Detroit Street between Catherine Street and N. Fifth Avenue from 8:00 A.M. to 7:00 P.M. on Sunday, September 10, 2006;

Whereas, The closing is requested for events associated with the Kerrytown Bookfest;

Whereas, The sponsor will notify all affected religious institutions, residents and businesses in writing not less than 15 days prior to the event, and

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

RESOLVED, That City Council approve the closing of Detroit Street between Catherine Street and N. Fifth Avenue from 7:00 A.M. to 7:00 P.M. on Sunday, September 9, 2007.

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

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

****

R-381-8-07 APPROVED

Resolution to Approve the Closing of City Streets
for the 2007 University of Michigan Student Move-In Program - August 29 - September 1, 2007

Whereas, The City of Ann Arbor and the University of Michigan are cooperating in a joint effort to make student move-in, scheduled to begin on Wednesday, August 29 and ending Saturday, September 1, 2007, an orderly and efficient process;

Whereas, This will require the closing of the following streets each day between the hours of 6:00 A.M. and 10:00 P.M., the bagging of parking meters, and the use of street barricades:

Thompson - from East William to Packard
Madison - from South Division to South State
Jefferson - from South Division to Maynard
Maynard - from Jefferson to East William
East University - from Hill to Willard

Willard - from Church to East University
Church - from Hill to Willard
Observatory - from Geddes to East Ann
North University Court
Washington Heights - from Observatory to E. Medical Center Drive
East Ann - from Observatory to Zina Pitcher Place
Monroe - from State to the end of the cul-de-sac

Whereas, The City Code of Ordinances (Chapter 47, section 4:14) provides for the issuance of revocable street occupancy permits for the use of City streets and sidewalks;

Whereas, The City Code of Ordinances (Chapter 79, section 7:69) allows City Council to restrict peddling at times of heavy congestion; and

Whereas, The University of Michigan agrees to provide evidence of proper liability insurance; comply with all rules, regulations and procedures established by City Council and/or the City Administrator for staging this event and pay all fees associated with their sponsorship of the move-in program including $10,450.00 for occupancy of the public right-of-way during the move-in, $8000.00 (estimated) for the cost of providing Police assistance and the costs for other City services provided during the move-in process.

RESOLVED, That the following streets are closed for the dates and times indicated;

Thompson - from East William to Packard
Madison - from South Division to South State
Jefferson - from South Division to Maynard
Maynard - from Jefferson to East William
East University - from Hill to Willard
Willard - from Church to East University
Church - from Hill to Willard
Observatory - from Geddes to East Ann
North University Court
Washington Heights - from Observatory to E. Medical Center Drive
East Ann - from Observatory to Zina Pitcher Place
Monroe - from State to end of cul-de-sac

RESOLVED, That City Council prohibit all peddling and soliciting activities within a one block area of the closed streets from August 29 through September 1, 2007; and

RESOLVED, That City Council direct staff to refrain from issuing permits for the use of sidewalks within a one-block area of the University of Michigan residence facilities for the same dates indicated.

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

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

****

R-382-8-07 APPROVED

Resolution to Approve a Partnership Agreement between the City of Ann Arbor Parks and Recreation Services Unit and Washtenaw County Parks and Recreation Commission for the Development, Maintenance and Operation of a Dog Park at Swift Run Park

Whereas, The City of Ann Arbor Parks and Recreation Services Unit and the Washtenaw County Parks and Recreation Commission wish to develop and operate a dog park facility where residents of the City of Ann Arbor and Washtenaw County can allow their dogs to be exercised and run off-leash;
Whereas, The City has allocated a 12.7 acres +/- parcel of parkland which is located at the corner of Ellsworth and Platt Roads, the value of which will be credited to the City's contribution to the project;
Whereas, The City agrees to be responsible for the development costs associated with the facility, which will be credited to the City's contribution to the project;
Whereas, Operation/maintenance costs associated with the facility will be divided between the City and County on an equal basis, provided that the City's portion of operations/ maintenance costs will be drawn against half of the credited value of the land and development costs that are contributed by City, and the County will fund annual operation/ maintenance costs until the City's credit is expended to zero; and
Whereas, The Parks Advisory Commission recommended that City Council approve the Dog Park Agreement and the Memorandum of Understanding for Dog Park Operation/ Maintenance at their June 19, 2007 meeting, and the Washtenaw County Parks and Recreation Commission approved the Dog Park Agreement and the Memorandum of Understanding for Dog Park Operation/Maintenance on June 12, 2007;
RESOLVED, That City Council approve the attached Dog Park Agreement between the City of Ann Arbor Parks and Recreation Services Unit and the Washtenaw County Parks and Recreation Commission; and

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

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

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

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the July 16, 2007 regular session of Council:

Ann Arbor Transportation Authority

Susan McCormick — Replacing - Nancy Shore
2720 Valdez Dr.
Lansing, MI 48911
Term: August 6, 2007-May 1, 2012

Downtown Development Authority

Joan Lowenstein — Replacing- Robert Aldrich
502 Burson Pl.
Ann Arbor, MI 48104
Term: August 6, 2007- July 31, 2011

Councilmember Woods moved, seconded by Councilmember Teall, that Council concur with the recommendations of the Mayor.

On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement for the appointment of a non-resident to the AATA.

NOMINATIONS PLACED ON TABLE

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

Sign Board of Appeals

Steve Schweer — Re-Appointment
1025 Berkshire
Ann Arbor, MI 48104
Term: August 20, 2007-August 20, 2010

Steve Olsen — Re-Appointment
1007 Lincoln
Ann Arbor, MI 48104
Term: August 20, 2007-August 20, 2010

Gordon Barnett, Jr. — Re-Appointment
2097 Yorktown
Ann Arbor, MI 48105
Term: August 20, 2007-August 20, 2010

Zoning Board of Appeals

Wendy Carman — Re-Appointment
2340 Georgetown
Ann Arbor, MI 48105
Term: August 20, 2007-August 20, 2010

Donna Tope
1606 Cambridge
Ann Arbor, MI 48104
Term: August 20, 2007-August 20, 2010

Re-Appointment

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

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

1. Downtown Wayfinding - Status Report - Downtown Development Authority

2. June 2007 Investment Portfolio Report - Financial and Administrative Services

3. DDA Approves a Second $50,000 Grant to the City of Ann Arbor Energy Office for the Installation of a Solar Electric System at the Farmers Market - Downtown Development Authority

4. DDA Provides a Grant for the Go!Pass and getDowntown Program for 2007/2008 - Downtown Development Authority

5. DDA Commits to Continue its Funding for the Installation and Operation of Holiday Lights in the Downtown - Downtown Development Authority

6. DDA Grant to Support Downtown Link Service 2007/2008 - Downtown Development Authority

7. DDA Provides a Grant in Support of the Howell/Ann Arbor Commuter Rail Project - Downtown Development Authority

8. DDA Resolution to Set Aside 1% of the Fourth & William Expansion Project Budget to Commission Public Art in the Downtown - Downtown Development Authority

9. DDA Provides a Grant to Think Local First in Support of a “Buy Local Week” Campaign in Support of Downtown Businesses - Downtown Development Authority

10. Stormwater Regulations - Public Services

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

COMMUNICATIONS FROM THE CITY ATTORNEY

REPORT ON COMPLETED ANNEXATIONS

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

1. Report on completion of the following Annexations from Ann Arbor Township:

- Birchmeier property, 0.50 Acre, 2024 Newport Road
- Nimke property, 1.23 acres, 2160 Newport Road
- Sonen/Beardsley property, 1.0 acre, 314 Huntington Drive
- Trix property, 0.46 acre, 645 Riverview Drive

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

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication Michigan Department of Quality regarding National Pollutant Discharge Elimination System (NPDES); Permit No. Mi002217 - Ann Arbor WWTP - Environmental Services

2. Communication from S.E.M.C.O.G. regarding their regional update, Vol. 12, No. 15, July 17, 2007 - File

3. Communication from the City of Royal Oak Clerk, Ellen Graver, regarding an adopted resolution in support of the concept of a legislation allowing a per-drink tax on the sale of alcoholic liquor by on-premises licenses - File

4. Communication from Comcast regarding changes to their service - File

The following minutes were received for file:

1. City of Ann Arbor Ad-Hoc Liquor License Committee - June 22 and July 7, 2007

2. Housing Board of Appeals - September 19, 2006, March 6, 2007 and April 3, 2007

3. Zoning Board of Appeals - April 25, 2007 and May 23, 2007

4. Energy Commission - June 12, 2007

5. Ann Arbor Downtown Development Authority - June 6, 2007

6. Downtown Citizens Advisory Council - June 7, 2007

7. Ann Arbor Commission on Disability Issues - June 20, 2007

8. Planning Commission - April 5 and 17, 2007

9. Election Commission - June 8, 2007

10. Historic District Commission - June 14, 25, and May 10, 2007

11. Board of Review - July 17, 2007

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

None.

RECESS FOR CLOSED SESSION

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

On roll call, the vote was as follows:

Yeas, Councilmembers Suarez, Johnson, Lowenstein, Rapundalo, Greden, Teall, Higgins, Easthope, Woods, Mayor Hieftje, 10;

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 9:12 p.m.

Councilmember Johnson moved, seconded by Councilmember Higgins, that the regular session of Council be reconvened.

On a voice vote, the Mayor declared the motion carried and the reconvened at meeting at 9:57 p.m.

ADJOURNMENT

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

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:57

p.m.

Jacqueline Beaudry
Clerk of the Council

Anissa R. Bowden
Recording Secretary