



# City of Ann Arbor

100 N. Fifth Avenue  
Ann Arbor, MI 48104  
www.a2gov.org

## Action Minutes

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City Council

December 4, 2006

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### **..Title**

ANN ARBOR CITY COUNCIL MINUTES REGULAR SESSION - DECEMBER 4, 2006

### **..Body**

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:10 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, Stephen Kunselman, Leigh Greden, Margie Teall, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 11.

ABSENT : 0.

### **ORGANIZATION OF NEW COUNCIL**

#### **APPOINTMENT OF COUNCIL COMMITTEES**

Councilmember Higgins moved, seconded by Councilmember Suarez, that the appointment of Council committees be moved to the end of the meeting.

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

#### **ADOPTION OF COUNCIL RULES**

Councilmember Higgins moved, seconded by Councilmember Suarez, that the adoption of Council Rules be moved to the end of the meeting.

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

### **INTRODUCTIONS**

#### **PROCLAMATION: BUY LOCAL FIRST WEEK DECEMBER 4 - 10, 2006**

Mayor Hieftje read a proclamation proclaiming the week of December 4<sup>th</sup> through the 10<sup>th</sup> as Buy Local First Week. He encouraged all Ann Arbor residents to choose the future we want to see with every purchase we make. Bob Deskola was present to accept the proclamation. (A copy of the proclamation is on file in the City Clerk's Office.)

#### **PROCLAMATION COMMEMORATING THE REVEREND DR. ALBERT J. LIGHTFOOT DEDICATED LEADER AND COMMUNITY SERVANT DECEMBER 1, 2006**

Mayor Hieftje read a proclamation commemorating the Reverend Dr. Albert J. Lightfoot, a dedicated leader and

community servant. Reverend Lightfoot was the pastor and founder of New Hope Baptist located on Chapin Street. December 1, 2006 was proclaimed as a day to honor the life of Dr. Albert J. Lightfoot and acknowledge his accomplishments of the past 40 years. (A copy is on file in the City Clerk's Office.)

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

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

#### **JIM MOGENSEN - TAX ABATEMENT POLICY**

Jim Mogensen, 3780 Green Brier, addressed Council regarding the proposed Tax Abatement Policy and the potential concerns of approving too many tax abatements.

#### **LIGHTING ON OFF-CAMPUS AREAS**

Jennifer Hines, 1327 Wilmot, member of Make Ann Arbor Bright (MAAB), expressed concern about the lack of lighting on off-campus area streets. She added that members of MAAB have personal relationships with people who have been mugged or attacked while walking home. She asked that Council take a walking tour through the areas of Church Street, Oakland, E. University, Catherine and Lawrence.

Justin Benson, 1103 Church Street, member of MAAB, passed out a petition of support from area residents and students urging Council to improve lighting on off-campus City streets. He asked that Council join MAAB members or students of the Michigan Student Assembly to tour the dark streets in the evening hours.

#### **TOM PARTRIDGE - THREE GIFTS NEEDED BY AMERICA'S MOST VULNERABLE: RESPECT, HOPE AND EQUAL OPPORTUNITY POLICIES**

Tom Partridge, member of the public, addressed Council regarding three gifts needed by America's most vulnerable citizens: respect, hope and equal opportunity policies.

#### **MARCIA FEDERBUSH - DIVESTMENT FROM ISRAEL**

Marcia Federbush addressed Council regarding the recent police violence against her friends for speaking out at community events or coming to the rescue of someone who is being handled brutally. She asked that Council select a committee to decide if the City should carry out the resolution approved by the Human Rights Commission.

### **PUBLIC HEARINGS**

#### **HOUSING AND HUMAN SERVICE NEEDS FOR FY 07-08**

A public hearing was conducted on the proposed Housing and Human Service needs for FY 2007-2008. Notice of public hearing was published December 3, 2006.

Chris Robinson, Executive Director of Washtenaw Literacy, spoke in support of the proposed Housing and Human Service budget, stating that literacy is a community problem.

Paul Lambert, member of the public, asked that Council approve the new budget for Human Services.

Jim Mogensen, 3780 Green Brier, addressed Council regarding the Housing and Human Service needs for FY 07-08. He stated he hopes that the priorities and categories remain intact as the process proceeds.

Tom Partridge, member of the public, expressed concern with how the Housing and Human Service needs were placed on the agenda without information on the funding methods.

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

#### **ANDERSON ZONING (ORDINANCE NO. 41-06)**

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.22 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Anderson property, located on the east side of Glenwood Street, south

of Dexter Road. Notice of public hearing was published November 19, 2006.

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

KITCHEN ZONING (ORDINANCE NO. 42-06)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.87 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Kitchen property, located at 2590 Miller Road. Notice of public hearing was published November 19, 2006.

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

RAYER DEVELOPMENT ZONING (ORDINANCE NO. 43-06)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.48 acre from TWP (Township District) to R1D (Single-Family Dwelling District), Rayer Development property, located at 591 and 597 South Wagner Road. Notice of public hearing was published November 19, 2006.

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

STAGGS ZONING (ORDINANCE NO. 44-06)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.92 acre from TWP (Township District) to R1D (Single-Family Dwelling District), Staggs property, located at 603 and 609 S. Wagner Road. Notice of public hearing was published November 19, 2006.

Tom Partridge, member of the public, expressed concern with the annexation of township properties into Ann Arbor. He added that there is a need for more properties to be rezoned for multi-family use and that the City needs more quality affordable co-ops.

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

ZION LUTHERAN CHURCH ZONING (ORDINANCE NO. 45-06)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.67 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Zion Lutheran Church property, located on the southwest corner of W. Liberty Street and Ridgemor Drive. Notice of public hearing was published November 19, 2006.

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

CLINARD ZONING (ORDINANCE NO. 46-06)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.46 acre from TWP (Township District) to R1D (Single-Family Dwelling District), Clinard property, located at 679 South Wagner Road. Notice of public hearing was published November 19, 2006.

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

**APPROVAL OF AGENDA**

AGENDA APPROVED WITH CHANGES

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

**ORGANIZATION OF NEW COUNCIL**

1. Appointment of Council Committees  
**(Move to end of Agenda)**
2. Adoption of Council Rules  
**(Move to end of Agenda)**

#### MOTIONS AND RESOLUTIONS

Add: Resolution Establishing 2007 City Council Meeting Schedule (Councilmember Greden) **(Added 12/4/06)**

Add : Resolution to Approve the FY 2007-2008 and FY 2008-2009 Human Service Funding Priorities and Categories (Councilmember Rapundalo) **(Added 12/4/06)**

Add : Resolution to Appoint Councilmember Wendy Woods to Planning Commission (Councilmembers Greden and Higgins) **(Added 12/4/06)**

Add : Resolution Stating the Order of Succession for Acting Mayor (Councilmembers Greden and Higgins) **(Added 12/4/06)**

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

Add: Petition from residents of Ann Arbor concerning lighting on off-campus streets - File

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

#### APPROVAL OF COUNCIL MINUTES

##### MINUTES OF NOVEMBER 13 AND 20, 2006 APPROVED

Councilmember Suarez moved, seconded by Councilmember Greden, that the working session minutes of November 13, 2006 and the regular session minutes of November 20, 2006 be approved as presented.

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

#### CONSENT AGENDA

##### CONSENT AGENDA ITEMS APPROVED

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

##### R-493-12-06 APPROVED

##### RESOLUTION AUTHORIZING A PURCHASE ORDER TO WASHTENAW COUNTY FOR THE CITY OF ANN ARBOR'S SHARE OF THE MAINTENANCE OF THE SHARED 800 MHZ SIMULCAST SYSTEM

Whereas, The City of Ann Arbor uses the 800 MHz simulcast radio system;

Whereas, Washtenaw County is responsible for maintenance of the 800 MHz Simulcast System;

Whereas, The cost for maintenance for FY 2006-2007 is \$150.00 per radio and is budgeted in each Service Area's budget; and

Whereas, The Field Operations Service Unit of the Public Services Area collects this service fee from all 646 City of Ann

Arbor users and remits the payments to the County;

RESOLVED, That the City Administrator be authorized to approve the issuance of a sole source purchase order to Washtenaw County for \$96,900.00 for FY2006-2007 maintenance of the 800 MHz radio system.

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R-494-12-06 APPROVED

RESOLUTION TO APPROVE N. ASHLEY STREET FROM KINGSLEY  
TO FELCH BE SIGNED FOR RESIDENTIAL PARKING AS AN ADDITION  
TO THE SPRING-BROOKS-SUMMIT NEIGHBORHOOD ASSOCIATION RESIDENTIAL PARKING PERMIT DISTRICT

Whereas, The Spring-Brooks-Summit Neighborhood Association has updated their association boundaries to include North Ashley from Kingsley to Felch and these boundaries are on file with the City's Planning & Development Services Unit;

Whereas, The Spring-Brooks-Summit Residential Parking Permit (RPP) District was established on November 10, 2005;

Whereas, North Ashley from Kingsley to Felch submitted a petition request for addition to the existing Spring-Brooks-Summit RPP District and the Association supports this request;

Whereas, The Public Services Administrator agrees to a partial waiver of criterion #4 that the RPP District be contiguous to allow for a ½-block commercial area that is not eligible to be part of the RPP District;

Whereas, Staff has reviewed the petition request and found it to be consistent within the guidelines of the program; and

Whereas, Funds are available in the approved Public Services Area General Fund budget for FY06-07 to cover costs for the addition of North Ashley, Kingsley to Felch, to the Spring-Brooks-Summit RPP District;

RESOLVED, That Council approve signing North Ashley, Kingsley to Felch, for Residential Permit Parking as part of the Spring-Brooks-Summit RPP District as shown on the attached traffic control order and map; and

RESOLVED, That Council authorize the Administrator to take appropriate action to implement this resolution.

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R-495-12-06 APPROVED

RESOLUTION AUTHORIZING SANITARY SEWER AND WATER IMPROVEMENT CHARGES FOR 2970 SHADY LANE

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

|                                                                             |                     |
|-----------------------------------------------------------------------------|---------------------|
| Parcel ID 09-12-03-309-031 (2970 Shady Lane)                                |                     |
| <u>8" Sanitary Sewer in Shady Lane</u> : District #477, File No. 93049      |                     |
| Constructed in 1999                                                         |                     |
| \$10,245/connection*1 connection =                                          | \$10,245.00         |
| <br><u>8" Water Main in Shady Lane</u> : District No. 93049, File No. 93049 |                     |
| Constructed in 1999                                                         |                     |
| \$7,636.70/connection*1 connection =                                        | \$ 7,636.70         |
| <b>TOTAL OF IMPROVEMENT CHARGES:</b>                                        | <b>\$17,881.70;</b> |

Whereas, The owner of 2970 Shady Lane annexed June 28, 2004, per the State of Michigan;

Whereas, The owner of 2970 Shady Lane has not paid any connection charges and is being furnished neither City

sanitary sewer nor City water service, and we are pursuing connection under the provisions of the Code;

Whereas, Improvement Charges were historically levied at the time of annexation regardless of utility connection status;

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:

|                                                     |                  |
|-----------------------------------------------------|------------------|
| <u>Annexation Address from Pittsfield Township:</u> | 2970 Shady Lane  |
| <u>City Assessor Code:</u>                          | 09-12-03-309-031 |
| <u>Planning File No.:</u>                           | 12033A5.1 and .2 |

LOT 9 WALDEN WOODS SUB; previously Pittsfield Township and now situated in the City of Ann Arbor, Washtenaw County, Michigan;

2. That the improvement charge levied is \$17,881.70;
3. That this improvement charge is divided into 15 equal installments; the first to be due on January 18, 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 6.9% per annum commencing January 18, 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

That this levied improvement charge is to be invoiced to the owner, Chaad Thomas & Susan McLeary, of the property known as 2970 Shady Lane, City of Ann Arbor, Washtenaw County, Michigan, and to be credited in the amount of \$10,245 to Fund 0043-073-8000-7151 and \$7,636.70 to Fund 0042-073-8000-7151.

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R-496-12-06 APPROVED

RESOLUTION TO GRANT WATER SERVICE OUTSIDE CITY LIMITS  
TO 2053 NEWPORT ROAD

Whereas, Henry L. Owen and Dorothy M. Owen (husband and wife), owners of the property at 2053 Newport Road requested in October 2004 that the City extend public water service to their property in Ann Arbor Township in accordance with the Policy Statement of February 1, 1994, and the Amendment of October 22, 2004, between the City of Ann Arbor and Ann Arbor Township;

Whereas, The owner desires to enter into an agreement with the City to provide an equitable method of obtaining City services outside of its corporate boundaries;

Whereas, The owners submitted an agreement in October 2004 which did not provide for deferred annexation and now has submitted the appropriate deferred agreement; and

Whereas, As part of this agreement the owners shall pursue diligently all actions necessary to bring about the annexation of this property no later than December 31, 2007;

RESOLVED, That the October 2004 date of the original agreement shall govern for the purposes of Section 1:278(4) of City Code;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreement to allow City water service to the land during the time it is still outside of the Corporate City Limits; and

RESOLVED, That the Public Services Area promptly record the agreement in the office of the Register of Deeds of Washtenaw County, Michigan, and send an executed copy of the resolution and the agreement to the owners.

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R-497-12-06 APPROVED

RESOLUTION AUTHORIZING SIDEWALK IMPROVEMENT CHARGES FOR  
ZION LUTHERAN CHURCH PROPERTY LOCATED AT SOUTHWEST CORNER  
OF LIBERTY STREET & RIDGEMOR

Whereas, The City has previously constructed sidewalk and curb & gutter improvements as described as follows:

Parcel ID 09-30-420-031 W. Liberty St Vacant  
(SW Corner of Liberty & Ridgemor)  
West Liberty Reconstruction Project; File No. 98071; District No. 26  
Constructed in 2002; Curb & Gutter; Sidewalk

\$3,065.60 (2002 cost) x 1.20 (cost forward factor) = \$3,678.60

TOTAL IMPROVEMENT CHARGES = \$3,678.60

Whereas, The owner of the property located at the southwest corner of Liberty Street & Ridgemor annexed into the City of Ann Arbor on September 19, 2006, as notified by the State of Michigan;

Whereas, The property at the southwest corner of Liberty & Ridgemor was included as part of the West Liberty Road Reconstruction Project constructed in 2002/03;

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:

|                                                    |                          |
|----------------------------------------------------|--------------------------|
| <u>Annexation Address from Ann Arbor Township:</u> | W. Liberty Street Vacant |
| <u>City Assessor Code:</u>                         | 09-30-420-031            |
| <u>Planning File No.:</u>                          | 9304Q7.1 & .2            |

OLD SID - I 09-030-030-00 30-32 COM AT NW COR OF EBER WHITE FIRST ADDITION, A RECORDED PLAT, TH S75 DEG 28' W 353.24 FT FOR PL OF BEG, TH S 00 DEG 12' E 125 FT T POINT OF CURVATURE, TH IN ARC OF A CIRCULAR CURVE TO RIGHT THRU ACENT ANGLE OF 67DEG 52', SAID CURVE HAVING A RADIUS OF 59.44 FT, TH S 67DEG 40' W 29.08 FT TO A POINT OF CURVATURE, TH IN THE ARCOF A CIRCULAR CURVE TO THE LEFT THRU A CENT ANGLE OF 20 DEG 52' 30", SAID CURVE HAVING A RADIUS OF 104.89 FT, TH N 49 DEG 17'W 123.73 FT, TH N 7 DEG 15' W 80 FT, TH N 75 DEG 28'E 205.60 FT TO THE PL OF BEG, BEING A PART OF SE 1/4 SEC. 30 T2S R6E ; previously Ann Arbor Township and now situated in the City of Ann Arbor, Washtenaw County, Michigan;

2. That the improvement charge levied is \$3,678.60;

3. That this improvement charge is divided into 4 equal installments, the first to be due on

January 18, 2007, and the 3 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 7% per annum commencing January 18, 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

That this levied improvement charge is to be invoiced to the owner, Zion Lutheran Church, at 1501 West Liberty, City of Ann Arbor, Washtenaw County, Michigan 48103, and to be credited in the amount of \$3,678.60 to Fund 0062-040-9692-7151.

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#### R-498-12-06 APPROVED

#### RESOLUTION TO APPROVE AMENDMENT NO. 1 TO EMPLOYMENT CONTRACT WITH JIM SHARPE FOR INFORMATION TECHNOLOGY PROJECT MANAGEMENT SERVICES

Whereas, The Information Technology Service Unit requires the development and deployment of end-user management reporting and asset management services;

Whereas, The Information Technology Service Unit requires updates to the city's personal computer fleet resulting in a standard hardware and software configuration for all City desktops and laptops;

Whereas, The Information Technology Service Unit requires the Analysis and Pilot phases of the Enterprise Document Management project be implemented;

Whereas, There are sufficient funds in the 2006-07 Information Technology Budget to fund these services; and

Whereas, Jim Sharpe is a qualified candidate for providing this service and amendment of the existing contract employment agreement with Mr. Sharpe will allow the City to use his project management services in implementation and/or completion of each of the stated projects in a timely and efficient manner;

RESOLVED, That City Council approve Amendment No. 1 to the Employment Contract with Jim Sharpe for Information Technology Project Management Services extending the term of the contract to June 30, 2007 and increasing compensation for the amendment services payable not to exceed \$66,000.00; and

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute Amendment No. 1 after approval as to substance by the City Administrator and approval as to form by the City Attorney.

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**R-499-12-06 APPROVED****RESOLUTION TO APPROVE THE TRANSFER OF OWNERSHIP OF A CLASS C LICENSED  
BUSINESS LOCATED AT 625 HILTON BLVD. -  
D/B/A LOS TRES AMIGOS**

RESOLVED, That the request from W Tres MX, Inc., to transfer the ownership of a Class C licensed business with a Dance-Entertainment Permit, located in escrow at 625 Hilton Blvd., from Let US Entertain You, Inc. be approved.

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

**ORDINANCES - SECOND READING****41-06 APPROVED****ANDERSON ZONING**

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

This ordinance would change the zoning of 0.22 acre, located on the east side of Glenwood Street, south of Dexter Road, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 41-06 is on file in the City Clerk's Office.)

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

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

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**42-06 APPROVED****KITCHEN ZONING**

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

This ordinance would change the zoning of 0.87 acre, located at 2590 Miller Road, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 42-06 is on file in the City Clerk's Office.)

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

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

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#### 43-06 APPROVED

#### RAYER DEVELOPMENT ZONING

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

This ordinance would change the zoning of 0.48 acre, located at 591 and 597 South Wagner Road, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 43-06 is on file in the City Clerk's Office.)

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

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

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#### 44-06 APPROVED

#### STAGGS ZONING

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

This ordinance would change the zoning of 0.92 acre, located at 603 and 609 South Wagner Road, from TWP (Township District) to R1D (Single-Family Dwelling District). (The complete text of Ordinance 44-06 is on file in the City Clerk's Office.)

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

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

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#### 45-06 APPROVED

#### ZION LUTHERAN CHURCH ZONING

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

This ordinance would change the zoning of 0.67 acre, located on the southwest corner of West Liberty Street and Ridgemor Drive, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 45-06 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.

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## 46-06 APPROVED

### CLINARD ZONING

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

This ordinance would change the zoning of 0.46 acre, located at 679 South Wagner Road, from TWP (Township District) to R1D (Single-Family Dwelling District). (The complete text of Ordinance 46-06 is on file in the City Clerk's Office.)

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

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

## ORDINANCES - FIRST READING

None.

## MOTIONS AND RESOLUTIONS

### R-500-12-06 APPROVED

#### RESOLUTION TO ESTABLISH CITY OF ANN ARBOR POLICY REGARDING INDUSTRIAL FACILITIES EXEMPTION CERTIFICATES (TAX ABATEMENTS)

Whereas, The City of Ann Arbor wishes to maintain a good quality of life by retaining and expanding its economic base including quality employment opportunities for residents;

Whereas, The State of Michigan Public Act 198 of 1974, as amended allows for local municipalities to issue abatements, otherwise known as an Industrial Facilities Exemption Certificate, of up to 50% of the increased taxable value on the rehabilitation or new development for both real and personal property for a period not exceed twelve (12) years within established Industrial Development Districts;

Whereas, The City of Ann Arbor established a tax abatement policy of sorts in 1993 by putting other taxing jurisdictions on notice that the City would object to the grant of tax abatements unless some kind of replacement in terms of facilities and/or jobs was created;

Whereas, Tax incentives to industrial developers continues to be a necessary economic development tool to compete with other intrastate and interstate communities for long-term capital investment;

Whereas, The City of Ann Arbor has no effective policy currently that provides sufficient guidelines to anyone seeking an Industrial Facilities Exemption Certificate (i.e., tax abatement), and specifically the criteria by which the City would judge an applicant's suitability for such a benefit; and

Whereas, The City of Ann Arbor does view the granting of tax abatement as a public sector investment and thus requires careful due diligence and evaluation to ensure public benefit;

RESOLVED , That the City of Ann Arbor in a transparent and responsible effort to provide a more favorable living and business climate establishes an official position and procedures set forth in its "Tax Abatement Policy" when considering applications for property tax abatement on real and personal property in accordance with the provisions of Michigan PA 198 and other state laws relative to the issuance of Industrial Facilities Exemption Certificates.

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

On roll call, the vote was as follows:

Yeas, Councilmembers Kunselman, Greden, Teall, Higgins, Easthope, Woods, Suarez, Johnson, Lowenstein, Rapundalo, Mayor Hieftje, 11;

Nays, 0.

The Mayor declared the motion carried.

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#### R-501-12-06 APPROVED

#### RESOLUTION TO APPROVE THE CONTRACT WITH EXPRESS SCRIPTS, INC. TO PROVIDE PRESCRIPTION DRUG COVERAGE TO CITY EMPLOYEES AND THEIR ELIGIBLE DEPENDENTS, AND RETIREES AND THEIR ELIGIBLE DEPENDENTS

Whereas, The City provides prescription drug coverage to City employees, their eligible dependents, and retirees and their eligible dependents, in accordance with the employee benefits program and various labor contracts at an estimated annual cost of approximately \$4,686,833.00;

Whereas, The City will require maintenance prescription drugs be purchased by employees and retirees through a mail order program whenever possible in order to provide the benefit in the most cost efficient manner both to the City and its employees and retirees;

Whereas, The current pharmacy benefit manager, Medco, is unable to administer this plan requirement;

Whereas, The City desires to utilize the services of Express Scripts, Inc. to manage the prescription drug program;

Whereas, The City will save an estimated five percent of its prescription drug costs by implementing such a feature;

Whereas, Human Resources Services recommends implementation of this three-year contract;

Whereas, Funds have been appropriated in the Fiscal Year 2006 - 2007 budget to cover projected costs associated with the provision of prescription drugs; and

Whereas, Express Scripts, Inc. received Human Rights approval on October 19, 2006;

RESOLVED, That City Council approve implementation of the contract for the period January 1, 2007 to December 31, 2009, with Express Scripts, Inc. to provide prescription drug coverage to City employees and their eligible dependents, and, retirees and their eligible dependents, and

RESOLVED, That the City Administrator be authorized and directed to execute the necessary contract documentation after approval as to form by the City Attorney and take any further necessary administrative actions to implement this resolution.

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

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

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R-502-12-06 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT  
WITH CDM MICHIGAN, INC. (\$1,098,773.00), AND APPROVE A CONSULTING SERVICES CONTINGENCY AMOUNT  
FOR THE FOOTING  
DRAIN DISCONNECTION PROGRAM

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

Whereas, The City and the MDEQ agreed to enter into an Administrative Consent Order ACO-SW03-003 on September 4, 2003;

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

Whereas, The City's adopted 2006/2007 Budget includes an overall project budget of \$3,200,000.00 to be advanced from the Sewer Operating Fund Balance pending the sale of Sewage Disposal System Bonds;

Whereas, It is necessary to retain the services of a professional engineering firm to assist the City with the engineering and construction management for the project;

Whereas, CDM Michigan, Inc. has demonstrated the required experience, qualified professionals, and competitive fee schedule for the required services; and

Whereas, CDM Michigan, Inc. received Human Rights approval on July 27, 2006, and complies with the Living Wage Ordinance;

RESOLVED, That City Council approve a professional services agreement with CDM Michigan, Inc. in the amount of \$1,098,773.00 for the engineering and construction management of the Footing Drain Disconnection Program, to expended without regard to fiscal year;

RESOLVED, That City Council approve a contingency of \$164,817.00 to finance change orders to be approved by the City Administrator, to be expended without regard to fiscal year;

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

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

Councilmember Rapundalo 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-503-12-06 APPROVED

## RESOLUTION AUTHORIZING THE PURCHASE OF ICE CONTROL SALT, BID # 3826 CARGILL DE-ICING TECHNOLOGY

Whereas, The City uses ice control salt on major and local streets during the winter months in response to snow and ice accumulation, with care given to achieving a balance between traffic safety and environmental effects;

Whereas, Competitive bids were sought for the supply of ice control salt and Cargill De-Icing Technology submitted the lowest responsible bid;

Whereas, The bid prices are firm through November 3, 2008, and the contract may be renewed for up to three, one-year periods if agreed between the City and the bidder;

Whereas, Cargill De-Icing Technology, received Human Rights approval on November 9, 2006; and

Whereas, Sufficient funds have been budgeted in the Public Services Area Major and Local Street Funds for the proposed expenditures;

RESOLVED, That purchase orders for the supply of ice control salt be authorized to Cargill De-Icing Technology in amounts as needed for the next two fiscal years with the annual amount not to exceed \$233,740.00 (6,500 tons @ \$35.96/ton);

RESOLVED, That the City Administrator may extend this contract for up to two, one year periods, if agreeable to both parties, under the same terms and conditions as exist in Bid No. 3826; and

RESOLVED, That the City Administrator be directed to obtain ice control salt from the next bidder if Cargill De-Icing Technology is not able to furnish adequate supplies, or the materials do not perform to City specifications.

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

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

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## R-504-12-06 APPROVED

## RESOLUTION TO APPROPRIATE \$64,845.00 FROM THE MUNICIPAL FACILITY CONSTRUCTION FUND AND INCREASE THE PUBLIC SERVICES AREA GENERAL FUND BUDGET IN LIKE AMOUNT FOR RENOVATIONS TO FIRE STATIONS #2 FOR REUSE BY THE SAFETY SERVICES COMMUNITY STANDARDS UNIT

Whereas, The City of Ann Arbor is removing its operations from 415 S. Washington during 2007 with relocation to other facilities;

Whereas, The Community Standards Unit of Safety Services is currently operating at 415 S. Washington and must be relocated;

Whereas, The City of Ann Arbor desires to reuse and reoccupy Fire Station #2 which remains a valuable asset to the City; and

Whereas, Improvements and renovations to Fire Station #2 are necessary to accommodate occupancy by the Community Standards Unit;

RESOLVED, That the City appropriate \$64,845.00 from the Municipal Facility Construction Fund and increase the Public Services Area General Fund budget in like amount for renovations to Fire Stations #2; and

RESOLVED, That funds be available for the life of the project without regard to fiscal year.

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

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

1<sup>st</sup> RESOLVED Clause:

...RESOLVED, That the City appropriate \$64,845 from the ~~Municipal Facility Construction Fund~~ **GENERAL FUND RESERVE FUND** and increase the Public Services Area General Fund budget in like amount for renovations to Fire Stations #2; and ...

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

The question being the resolution as originally presented, on a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.

The Mayor declared a recess at 9:04 p.m. and reconvened the meeting at 9:26 p.m.

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POSTPONED

RESOLUTION TO APPROVE THE URS CORPORATION AIRPORT LAYOUT PLAN UPDATE FOR THE ANN ARBOR MUNICIPAL AIRPORT, WHICH ILLUSTRATES EXISTING AND PROPOSED FACILITIES TO MEET THE FUTURE DEMANDS OF AIRPORT TENANTS AND USERS

Whereas, An approved Airport Layout Plan (ALP) is required by the FAA and the Michigan Department of Transportation (MDOT)-Bureau of Aeronautics for the Ann Arbor Municipal Airport to participate in the federal and state airport improvement program;

Whereas, The airport's ALP is no longer current and does not depict all airport facilities as required by the FAA and MDOT-Bureau of Aeronautics;

Whereas, The MDOT-Bureau of Aeronautics and FAA, funded the ALP Update at a cost split of 90% Federal, 5% State, and 5% City and URS Corporation a Michigan Planning and Consulting firm was selected to develop the plan;

Whereas, The recommended ALP document depicts existing and future airport facilities and was completed using FAA and MDOT design and planning standards, which included the requirement for participation by users, tenants and the general public; and

Whereas, On July 19, 2006, the Airport Advisory Committee voted unanimously to recommend City Council approval of the ALP Update for the Ann Arbor Municipal Airport;

RESOLVED, That Council approve the ALP Update for the Ann Arbor Municipal Airport;

RESOLVED, That the Mayor and City's Airport Manager be hereby authorized and directed to execute said ALP Document after approval as to form by the City Attorney and approval as to substance by the City Administrator; and

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

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

Councilmember Easthope moved, seconded by Councilmember Greden, to postpone the resolution until January 22, 2007.

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

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## R-505-12-06 APPROVED

RESOLUTION TO SUPPORT WASHTENAW COUNTY'S GRANT APPLICATION TO THE MICHIGAN PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM FOR THE PURCHASE OF DEVELOPMENT RIGHTS ON THE LEE A. AND LORI M. MAULBETSCH FARM IN NORTHFIELD TOWNSHIP AND TO APPROVE MATCHING FUNDS UP TO \$687,245.00 (CONTRIBUTION NOT TO EXCEED 50% MATCH OF PURCHASE PRICE) FOR THE 126 ACRES NOMINATED

Whereas, Michigan PDR has matching grant funds available for up to 75% of Purchase of Development Rights on eligible agricultural land not to exceed \$5,000.00 per acre;

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

Whereas, Purchase of Development Rights may be funded through the Open Space and Parkland Preservation Millage; and

Whereas, The Greenbelt Advisory Commission approved a resolution recommending approval of this application;

RESOLVED, The City Council approve matching funds, up to \$687,245.00 and not to exceed a 50% match of the purchase price, for the application to the Michigan PDR for matching grant funds for the Purchase of Development Rights for the Lee A. and Lori M. Maulbetsch property described as:

Part of the Southwest ¼ of Section 27, Town 1 South, Range 6 East, Northfield Township, Washtenaw County, Michigan, described as: Beginning at the South ¼ corner of said Section 27; thence South 88° 07'27" West along the South line of said Section, 2331.87 feet; thence North 00° 30'14" West 2641.47 feet to the East and West ¼ line of said Section 27; thence North 87° 10'32" East along said East and West ¼ line 2340.26 feet to the center of said Section 27; thence South 00° 21'05" East along the North and South ¼ line of said Section 2680.40 feet to the Point of Beginning, excluding a 5-acre parcel in the Southeast corner, approximately 412 feet by 528'. Excluding part of the Southwest ¼ of Section 27, Town 1 South, Range 6 East, Northfield Township, Washtenaw County, beginning at the South ¼ corner of said Section 27; thence South 88° 07'27" West along the South line of said Section 412.5 feet; thence North 00° 30'14" West 528 feet; thence North 87° 10'32" East 412.5 feet to the North-South ¼ line of said Section 27; thence South 00°21'05" East to the Point of Beginning.

RESOLVED, That the approval of matching funds for this grant application be subject to establishment of a fair market price for the development rights to be determined by an appraisal; conveyance of good and marketable title to the development rights by Farmland Development Rights Easement and acceptance of the Farmland Development Rights Easement by Ann Arbor City Council; and

RESOLVED, That City Council authorize the Mayor, City Clerk and City Administrator to execute all documents necessary to complete the requirements of the Michigan PDR after approval as to form by the City Attorney.

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-506-12-06 APPROVED

RESOLUTION TO APPROPRIATE FUNDS FROM THE OPEN SPACE AND PARKLAND PRESERVATION BOND PROCEEDS TO REIMBURSE THE OPEN SPACE AND PARKLAND PRESERVATION MILLAGE FUND

Whereas, On April 4, 2005, Council adopted Resolution R-118-4-05 supporting Ann Arbor Township's application to the Federal Farm and Ranch Land Protection Program for the purchase of development rights on the Kapp Farm located in Ann Arbor Township and within the Ann Arbor Greenbelt District;

Whereas, On April 4, 2005, Council further adopted Resolution R-118-4-05 authorizing the expenditure of funds from the

Open Space and Parkland Preservation Millage fund equal to fifty percent (50%) of the local match to acquire the development rights;

Whereas, On June 5, 2006, Council adopted Resolution R-253-06-06 approving the participation agreement with Ann Arbor Township for the purchase of the development rights to the Kapp Farm;

Whereas, The closing for the Kapp Farm was held on November 1, 2006;

Whereas, Funds were appropriated from the Open Space and Parkland Preservation Millage in the amount of \$756,855.75 to cover the City's proportionate share of the acquisition costs;

Whereas, At the time of Council's initial approval of the City and Ann Arbor Township partnership to acquire the Kapp Farm in April, 2005, bonds had not yet been issued, necessitating the appropriation of funds from the Open Space and Parkland Preservation Millage fund;

Whereas, The Millage was approved in contemplation of the bond issue and to fund debt service on the bonds; and

Whereas, There is no issue with using bond proceeds to reimburse the Millage fund for the purchase of development rights and the acquisition of open space properties;

RESOLVED, That City Council appropriate \$756,855.75 from the Open Space and Parkland Preservation Bond Fund to reimburse the Open Space and Parkland Preservation Millage Fund Balance for the purchase of development rights on the Kapp Farm.

Councilmember Johnson moved, seconded by Councilmember Woods, 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-507-12-06 APPROVED

#### RESOLUTION ACCEPTING UTILITY EASEMENT FROM AVE MARIA SCHOOL OF LAW (3475 PLYMOUTH ROAD)

Whereas, Ave Maria School of Law, a Michigan non-profit corporation, is the fee simple owner of property located in the City of Ann Arbor, Washtenaw County, Michigan as described in the Washtenaw County Records at Liber 4042, Page 205, recorded August 13, 2001;

Whereas, A Secretary's Certificate, dated November 7, 2006, authorizes the delivery of a perpetual easement to the City for public utilities; and

Whereas, Ave Maria School of Law, has delivered an easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system to run with the land and burden the respective property perpetually, being more particularly described as follows:

#### A 40' WIDE WATER MAIN EASEMENT

Commencing at the center of Section 14, Town 2 S, Range 6 E, City of Ann Arbor, Washtenaw County, Michigan; thence S 00°05'25" W 667.92 feet along the N and S 1/4 line of said Section 14; thence N 89°54'35" W 40.00 feet to a point on the Westerly right-of-way line of Green Road; thence along the said right-of-way line in the following courses: Southerly 46.90 feet along the arc of a 490.00 foot radius circular curve to the left through a central angle of 05°29'00" having a chord which bears S 02°39'05" E 46.88 feet, S 05°23'35" E 353.86 feet, Southerly 271.22 feet along the arc of a 630.00 foot radius circular curve to the right through a central angle of 24°40'00" having a chord which bears S 06°56'25" W 269.13 feet and S 19°16'25" W 71.37 feet; thence N 90°00'00" W 213.38 feet to the POINT OF BEGINNING;

thence continuing Northwesterly 41.67 feet along the arc of a 100.00 foot radius circular curve to the right through a central angle of 23°52'32" having a chord which bears N 18°31'13" W 41.37 feet;

thence N 56°41'39" E 132.40 feet;  
thence N 33°50'25" E 62.44 feet;  
thence S 56°09'35" E 40.00 feet;  
thence S 33°50'25" W 70.53 feet;

thence S 56°41'39" W 151.05 feet to the POINT OF BEGINNING, being a part of the E 1/2 of the SW 1/4 of Section 14, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan. Containing 0.19 acres of land, more or less. Subject to easements and restrictions of record, if any.

RESOLVED, That the City hereby accept said grant of easement.

Councilmember Rapundalo moved, seconded by Councilmember Lowenstein, 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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### POSTPONED

#### RESOLUTION ESTABLISHING 2007 CITY COUNCIL MEETING SCHEDULE

Whereas, Rule 1 of the City Council provides that the City Council shall annually establish a schedule of its regular and work session meetings;

RESOLVED, That the City Council adopt the attached 2007 City Council Meeting Schedule.

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

Councilmember Greden moved, seconded by Councilmember Higgins, to postpone the resolution until the adoption of Council Rules.

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

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### POSTPONED

#### RESOLUTION TO APPROVE THE FY 2007-2008 AND FY 2008-2009 HUMAN SERVICE FUNDING PRIORITIES AND CATEGORIES

Whereas, The City of Ann Arbor's Community Development Executive Committee (CDEC) is preparing for the FY 2007-08 and FY 2008-09 Human Services General Fund and CDBG funding cycle;

Whereas, The CDEC has advised that the FY 2007-08 and FY 2008-09 funding categories be the same as FY 2006-07, which are Housing Stability, Youth, Health and Economic Stability;

Whereas, The CDEC would like to advise City Council on the percentage amounts allocated to each category as follows:

| <u>2007-09</u>     | <u>% of Budget:</u> |
|--------------------|---------------------|
| Housing Stability  | 50%                 |
| Youth              | 10%                 |
| Health             | 20%                 |
| Economic Stability | 20%                 |

Whereas, The Economic Stability category will be reduced by 5% from last's years percentage based on low funding requests within the category;

Whereas, The Health Category will be reduced by 5% from last year's funding;

Whereas, The Housing Stability category will be increased by 10% due to the amount of requests within the category and

is consistency aligned with the 10-year Plan to End Homelessness; and

RESOLVED, That City Council approve the funding categories and the percentages allocated:

| <u>2007-09</u>     | <u>% of Budget:</u> |
|--------------------|---------------------|
| Housing Stability  | 50%                 |
| Youth              | 10%                 |
| Health             | 20%                 |
| Economic Stability | 20%                 |

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.

Councilmember Higgins moved, seconded by Councilmember Teall, to postpone the resolution until December 18, 2006.

- Staff to provide Council with definitions for each of the funding categories
- Staff to provide Washtenaw County "State of our Health" information

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

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R-508-12-06 APPROVED

RESOLUTION TO APPOINT COUNCILMEMBER WENDY WOODS  
TO PLANNING COMMISSION

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

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

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

RESOLVED, That Councilmember Wendy Woods be appointed as the City Council representative to the Planning Commission until June 30, 2007.

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

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

**ORGANIZATION OF COUNCIL**

**ADOPTION OF COUNCIL RULES, APPOINTMENT OF COUNCIL COMMITTEES, ADOPTION OF THE 2007 COUNCIL CALENDAR**

Councilmember Greden moved, seconded by Councilmember Higgins, that the Council Rules,

appointment of Council Committees and adoption of the 2007 Council calendar be approved.

Councilmember Greden moved, seconded by Councilmember Higgins, to amend the Council Rules as follows:

#### RULE 3C - Agenda

##### **...3C - Categories**

Under each agenda category for action, Council shall place old and/or unfinished business of Council on the agenda for first consideration; then new business proposed by members of the Council shall be considered; then other new business shall be considered.

#### Council Proposed Business

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

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

Councilmember Greden moved, seconded by Councilmember Rapundalo, to amend the Council Rules as follows:

#### RULE 3C - Consent Agenda

...All contracts under \$100,000.00 ~~will~~ **MAY** be listed in the consent agenda for council approval. Contracts over \$100,000 ~~will~~ **MAY NOT BE PART OF THE CONSENT AGENDA** be listed in Motions and Resolutions under the DS section for staff. ...

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

Councilmember Teall moved, seconded by Councilmember Greden, to amend the Council Rules as follows:

#### RULE 3B - Approval of the Draft Agenda

The City Administrator shall submit the draft agenda and supporting materials to the Council Administration Committee for approval 10 days prior to the next Council meeting. The Council Administration Committee will approve the agenda 7 days prior to the next Council meeting. ~~Once approved by the Council Administration Committee, no matter from staff shall be placed on the agenda for action.~~ Councilmembers may add items to the agenda at any time.

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

Councilmember Rapundalo moved, seconded by Councilmember Woods, to amend the Council Rules as follows:

#### RULE 2 - Acting Mayor

Council shall at the time the rules are adopted **ANNUALLY** pass a resolution stating the order of succession of councilmembers to be Acting Mayor in the event neither the Mayor nor Mayor Pro Tem is present for the convening of the scheduled meeting and to fill the need for the Emergency Preparedness Plan.

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

Councilmember Higgins moved, seconded by Councilmember Greden, to amend the Council Rules as follows:

**RULE 1 - Time of Council Meetings**

Regular meetings of the Ann Arbor City Council shall be held on the first and third Monday of the month at 7:00 p.m., in the Council Chamber at City Hall. When the date for a regular Council meeting falls on a holiday the meeting shall be held the next secular day (Tuesday), except during an election day, when it will be held on Thursday of that week.

The second and fourth Monday of the month may be set aside for the Council Working Session. The Council Working Session may be scheduled for other days if authorized by a majority vote of the Council. Public hearings may be scheduled for the first, second, third and fourth Monday.

A working session of the Council may be scheduled for any other day of the week or at other locations, **THE COUNCIL SHALL ANNUALLY SET THE CALENDAR FOR ITS MEETINGS AND WORK SESSIONS WHICH BEGIN AT 7 P.M.**, provided that such change is given regular public and legal notice.

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

Councilmember Higgins asked that Council move the Resolution Stating the Order of Succession for Acting Mayor along with the above-mentioned items.

R-509-12-06 APPROVED

**RESOLUTION ESTABLISHING 2007 CITY COUNCIL MEETING SCHEDULE**

Whereas, Rule 1 of the City Council provides that the City Council shall annually establish a schedule of its regular and work session meetings;

RESOLVED, That the City Council adopt the attached 2007 City Council Meeting Schedule.

**2007 CITY COUNCIL MEETING SCHEDULE**

(All meetings begin at 7:00pm)

Monday, January 8, 2007 - Regular Session

\*Tuesday, January 16, 2007 - Work Session

Monday, January 22, 2007 - Regular Session

Monday, February 5, 2007 - Regular Session

Monday, February 12, 2007 - Work Session  
\*Tuesday, February 20, 2007 - Regular Session

Monday, March 5, 2007 - Regular Session  
Monday, March 12, 2007 - Work Session  
Monday, March 19, 2007 - Regular Session

\*Tuesday, April 3, 2007 - Regular Session  
Monday, April 9, 2007 - Work Session  
Monday, April 16, 2007 - Regular Session

Monday, May 7, 2007 - Regular Session  
Monday, May 14, 2007 - Work Session  
Monday, May 21, 2007 - Regular Session

Monday, June 4, 2007 - Regular Session  
Monday, June 18, 2007 - Regular Session

Monday, July 2, 2007 - Regular Session  
Monday, July 16, 2007 - Regular Session

Monday, August 6, 2007 - Regular Session  
Monday, August 20, 2007 - Regular Session

\*Tuesday, September 4, 2007 - Regular Session  
Monday, September 10, 2007 - Work Session  
Monday, September 17, 2007 - Regular Session

Monday, October 1, 2007 - Regular Session  
Monday, October 8, 2007 - Work Session  
Monday, October 15, 2007 - Regular Session

\*Thursday, November 8, 2007 - Regular Session  
Monday, November 12, 2007 - Work Session  
Monday, November 19, 2007 - Regular Session

Monday, December 3, 2007 - Regular Session  
Monday, December 10, 2007 - Work Session  
Monday, December 17, 2007 - Regular Session

\* notes a change from the regular Monday schedule to accommodate a holiday or other event

R-510-12-06 APPROVED

#### RESOLUTION STATING THE ORDER OF SUCCESSION FOR ACTING MAYOR

Whereas, Council Rules require the order of succession for Acting Mayor to be established annually in the event that the Mayor and Mayor Pro-Tem are not available to serve as Mayor;

RESOLVED, That the order of succession for Acting Mayor is as follows through November 6, 2007:

Marcia Higgins  
Robert Johnson  
Wendy Woods  
Joan Lowenstein  
Margie Teall  
Leigh Greden  
Stephen Rapundalo  
Ron Suarez  
Stephen Kunselman

The question being the adoption of Council Rules as amended, adoption of Council Committees, the resolution establishing the 2007 City Council Meeting Schedule and the Resolution Stating the Order of Succession for Acting Mayor, as presented, on a voice vote, the Mayor declared the motion carried unanimously.

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

##### CITY COUNCIL AUDIT COMMITTEE

Councilmember Greden announced that the first meeting of the City Council Audit Committee is scheduled for December 11, 2006 at 5:30 p.m. in City Hall.

##### STUDENT RELATIONS COMMITTEE

Councilmember Greden announced that the Student Relations Committee will be meeting on December 12, 2006 at 6:00 p.m. Councilmember Greden stated that the lighting issue raised this evening will be addressed at the meeting.

#### **COUNCIL PROPOSED BUSINESS**

None.

#### **COMMUNICATIONS FROM THE MAYOR**

##### APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the November 20, 2006 regular session of Council:

Sign Board of Appeals  
Christine Brummer (Re-appointment)  
326 Mulholland Avenue  
Ann Arbor, MI 48103  
Term: December 4, 2006- December 4, 2009

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

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

NOMINATIONS PLACED ON TABLE

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

Cable Communications Commission

Jeffrey Meyers (Filling vacant position)  
1503 Granger Ave.  
Ann Arbor, MI 48104  
Term: December 18, 2006- December 18, 2009

Employees' Retirement System Board of Trustees

Alexa Nerdrum (Replacing- Phil Zepeda)  
3176 Lakewood Dr.  
Ann Arbor, MI 48103  
Term: December 18, 2006- December 31, 2009

Robert N. Pollock (Re-appointment)  
2038 Winsted  
Ann Arbor, MI 48103  
Term : December 31, 2006- December 31, 2009

ANNOUNCEMENTS

Mayor Hieftje announced that the Local Government for Sustainability recently issued a publication regarding core climate protection. There was only city within the United States recognized for climate protection and it was Ann Arbor, Michigan. The City was recognized for the Go Pass Program, which has been responsible for a tremendous reduction in greenhouse gas production.

**COMMUNICATIONS FROM THE CITY ADMINISTRATOR**REPORTS SUBMITTED

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

1. Annual Survey of Traffic Calming Projects Constructed in 2005 - Public Services
2. Citywide Removal of "Slow Children" Signs - Public Services
3. Public Hearing on Housing and Human Services Needs - Community Development

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

City Administrator Roger Fraser thanked Council for their time participating in the workshop on December 2, 2006 to discuss the City's future. He announced that there is no workshop planned for December 11, 2006.

**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:

The following communications were referred as indicated:

1. Communication from County Clerk Lawrence Kestenbaum regarding a Resolution appointing members to the Neighborhood Advisory Council for the Huron Street Shelter - File
2. Communication from S.E.M.C.O.G. regarding their Regional Update Biweekly Publication, Vol. 11, No. 23, November 13, 2006 - File
3. Communication from Comcast channel revisions - CTN
4. Communication from Teri L. Aiuto, Sharon Township Clerk, regarding a resolution Opposing Local Bridge Cost Sharing - File
5. Communication from James A. Fink regarding City Council's Approval of a Liquor License located at 1220 S. University - D.B.A. Mitch's Place - File
6. Communication from Lawrence Kestenbaum regarding Official Election Results of the November 7, 2006 General Election - File
7. Petition from residents of Ann Arbor concerning lighting on off-campus streets - File

The following minutes were received for file:

1. Ann Arbor Transportation Authority Board - October 18, 2006
2. Recreation Advisory Commission - October 3, 2006
3. Park Advisory Commission - September 19, 2006
4. Planning Commission - September 7 and 19, 2006
5. Housing Commission - October 18, 2006

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

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

### **PUBLIC COMMENTARY - GENERAL**

#### **TOM PARTRIDGE - CONSIDERATION TO PRACTICES**

Tom Partridge, a member of the audience, asked that Council give more serious consideration to their practices and awareness of the Open Meetings Act.

### **RECESS FOR CLOSED SESSION**

Councilmember Teall moved, seconded by Councilmember Rapundalo, 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 Kunselman, Greden, Teall, Higgins, Easthope, Woods, Suarez, Johnson, Lowenstein, Rapundalo, Mayor Hieftje, 11;

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 10:11 p.m.

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

On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 10:55 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 10:55 p.m.

Jacqueline Beaudry  
Clerk of the Council

Anissa R. Bowden  
Recording Secretary