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Title:	ANN ARBOR CITY COUNCIL MINUTES REGULAR SESSION - JULY 6, 2004			

[History \(1\)](#) [Text](#)

Title

ANN ARBOR CITY COUNCIL MINUTES REGULAR SESSION - JULY 6, 2004

Body

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

Council stood for a moment of silence.

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

ROLL CALL OF COUNCIL

PRESENT : Council Members, Kim Groome (late), Robert M. Johnson, Joan Lowenstein, Michael R. Reid, Jean Carlberg, Margie Teall, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 10.

ABSENT : Council Member Leigh Greden, 1.

INTRODUCTIONS

PRESENTATION IN SUPPORT OF "HURON RIVER DAY" - JULY 11, 2004

Eunice Burns read a proclamation regarding the 24th annual celebration of Huron River Day. Huron River Day is a major environmental asset of the Ann Arbor Community. Residents are invited to spend the day at Gallup Park and Parker Mill in celebration of the river. Games, exhibits, free canoe rentals, music and other activities will be provided. (A copy of the proclamation is on file in the City Clerk's Office.)

NEW CHIEF FINANCIAL OFFICER

The Mayor introduced the City's new Chief Financial Officer, Tom Crawford. Mr. Crawford formally worked at

Ford Motor Company and has been a resident of Ann Arbor for eight years. Mr. Crawford said that he is looking forward to joining the team at City Hall.

PUBLIC COMMENTARY - RESERVED TIME

ABADALLA NASER - PLYMOUTH ROAD PEDESTRIAN CROSSING IMPROVEMENT

Abadalla Naser, 2301 Plymouth Road, president of the Islamic Center of Ann Arbor, thanked the City for their commitment and services to the community. He also spoke in support of the proposed Plymouth Road pedestrian crossing improvement resolution.

PALESTINE RESOLUTION

The following people addressed Council regarding the Palestine resolution approved by the Human Rights Commission:

Blaine Coleman, P. O. Box 7038
Mozhgan Savabieaffahani, 710 E. Ann

DREW PETERS - PARKING PERMITS

Drew Peters, 425 W. Washington, addressed Council regarding parking permits on W. Washington. Mr. Peters requested a residential parking permit for his shared driveway on W. Washington.

PUBLIC HEARINGS

None.

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

Council Member Easthope moved, seconded by Council Member Teall that the agenda be approved with the following change:

MOTIONS AND RESOLUTIONS

Added After Newspaper Deadline:

Add: Resolution to Develop an Idling Reduction Ordinance (Council Members Teall and Higgins) (Added 7/6/04)

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

APPROVAL OF COUNCIL MINUTES

MINUTES OF JUNE 14, 2004 AND JUNE 21, 2004 APPROVED

Council Member Woods moved, seconded by Council Member Carlberg that the working session minutes of June 14, 2004 and the regular session minutes of June 21, 2004 be approved as presented.

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

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-304-7-04 APPROVED

Resolution to Approve a Request from Banditos, Inc., to Add New Out-door Space Service in Conjunction with a 2004 Class "C" Licensed Business Located at 216 S. Fourth Avenue - D.B.A. Banditos

RESOLVED, That the request from Banditos, Inc. to add New Outdoor Space Service (1 Area) in conjunction with a 2004 Class "C" Licensed Business, located at 216 S. Fourth Ave. - D.B.A. Banditos be approved.

R-280-7-04 APPROVED

RESOLUTION to Accept The Board of Insurance Administration Meeting Minutes of June 16, 2004 and to Authorize Payments

RESOLVED, That the attached Board of Insurance Administration Minutes of June 16, 2004 be accepted and that the recommended courses of action therein, including payments, be approved and authorized.

MINUTES

June 16, 2004

CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION

Present: Jim Armstrong - Risk & Safety Manager
Joan Lowenstein - City Council Member
Mary Siefert -Treasurer
Ronald Olson, Associate City Administrator
Abigail Elias, Chief Assistant City Attorney
Robert West - Assistant City Attorney

Claims Recommended for Approval:

CC026-04 William Crawford
Vehicle Damage
Discussed by Jim Armstrong, Risk Manager

Claims Recommended for Denial:

CC002-04 Timothy Hughes
Bodily Injurv

Discussed by Jim Armstrong, Risk Manager

CC027-04 Anoush Suny
Vehicle damage
Discussed by Jim Armstrong

CC025-04 Phillipe Vernes
Bodily Injury
Discussed by Jim Armstrong

Other Business:

Discussed the Resolution for the Mayor and Council consideration for the June 21, 2004 Council meeting regarding the contract Amendment with Arthur J. Gallagher & Co. of Michigan, Inc. to provide City's Risk Management and Safety Services for the City for a two-year period. Discussed by Ronald Olson, Associate City Administrator. The Board recommended that the contract amendment be approved by the City Council.

Prepared by Ronald Olson, Associate City Administrator.

R-281-7-04 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 2003, by joint resolution of Township and City;

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

Name of Property	Location	Effective Date
Dawson	2640 Geddes Road	1/29/03
Taylor	850 Heatherway	2/24/03
North Quad by Melrose	1756 Broadway	2/24/03
Kelleher	745 Heatherway	4/14/03
1859 Newport Road	1859 Newport Road	7/8/03
Nanua/Akasheh	Upland Drive	7/11/03
Hideaway Lane	2000 Traver Road	12/10/03

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 10 people residing in the annexed areas, and the ratio of population between the annexed areas being 10 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-283-7-04 APPROVED

RESOLUTION to Establish Annual Population Adjustment for Pittsfield Township

Whereas, Certain properties located in Pittsfield Charter Township were annexed from said township to the City of Ann Arbor during 2003, by joint resolution of Township and City;

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

Name of Property	Location	Effective Date
Lindner	3090 Cherry Tree Lane	2/24/03
Thomas	2931 Shady Lane	2/24/03
Stone School Townhomes	3625-3683 Stone School Rd	3/10/03
Holzapfel	3169 Baylis Drive	4/14/03
Prior	2971 Shady Lane	5/27/03
Turk	2919 Shady Lane	5/27/03
Galdeen	2922 Shady Lane	7/11/03
O'Harris	2990 Shady Lane	7/11/03
Owens	2978 Shady Lane	7/11/03
Balmoral (Oxford)	Oakbrook Drive and Main St	9/17/03

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 Pittsfield Charter Township and the 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 Pittsfield Charter Township Board of Trustees and the Ann Arbor City Council find that there were 16 people residing in the annexed areas, and the ratio of population between the annexed areas being 16 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-284-7-04 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 2003, by joint resolution of Township and City;

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

Name of Property	Location	Effective Date
Lurkins	476 Barber Avenue	5/31/03
Cox	2588 Dexter Road	11/17/03
Lilliefors	3151 and 3161 Dexter Road	11/17/03
White	2678 Valley Drive	11/17/03

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 8 people residing in the annexed areas, and the ratio of population between the annexed areas being 8 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-285-7-04 APPROVED

RESOLUTION to Approve Schopbach Annexation

Whereas, The territory hereinafter described is located in the Township of Pittsfield and is adjacent to the corporate limits of the City of Ann Arbor;

Whereas, P/S Properties is the owner of said property; and

Whereas, It is the desire of P/S Properties to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Pittsfield, Washtenaw County, Michigan, be detached from said Township of Pittsfield and annexed to the City of Ann Arbor, to-wit:

Lot 20, Walden Woods Subdivision, as recorded in Liber 10, page 50, of Plats, Washtenaw County Records, Pittsfield Township, Washtenaw County, Michigan.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Schopbach Annexation, 0.18 Acre, located at 2926 Shady Lane.

R-286-7-04 APPROVED

Resolution to Approve Newell Annexation

Whereas, The territory hereinafter described is located in the Township of Pittsfield and is adjacent to the corporate limits of the City of Ann Arbor;

Whereas, Virginia B. Newell is the owner of said property; and

Whereas, It is the desire of Virginia B. Newell to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Pittsfield, Washtenaw County, Michigan, be detached from said Township of Pittsfield and annexed to the City of Ann Arbor, to-wit:

L 12-005-009-00 PI 5-5C COM AT N ¼ POST OF SEC, TH NORTH 89 DEG 56' E 591.3 FT IN N LINE OF SEC, TH S 2 DEG 07' 30" W 66.05 FT, TH S 89 DEG 56' W 459.55 FT FOR PL OF BEG, TH S 89 DEG 56' W 129.25 FT, TH WEST 28.75 FT, TH S 2 DEG 10' W 198.14 FT, TH E 158 FT, TH N 2 DEG 10' E 198 FT TO PL OF BEG, BEING PART OF N ½ SEC 5 T3S-R6E, 0.72 AC.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Newell Annexation, 0.72 Acre, located at 37 Valhalla Drive.

R-287-7-04 APPROVED

RESOLUTION to Approve Hensel Annexation

Whereas, The territory hereinafter described is located in the Township of Pittsfield and is adjacent to the corporate limits of the City of Ann Arbor;

Whereas, Carrie Hensel is the owner of said property; and

Whereas, It is the desire of Carrie Hensel to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Pittsfield, Washtenaw County, Michigan, be detached from said Township of Pittsfield and annexed to the City of Ann Arbor, to-wit:

Lot 14, Packard Hills Subdivision, Pittsfield Township, Washtenaw County, Michigan.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Hensel Annexation, 0.17 Acre, located on the north side of Robert Street between James Street and Victoria Avenue.

R-289-7-04 APPROVED

RESOLUTION to Approve Quicklime Purchase for Water and Waste Water Treatment with Carmeuse Lime Inc., Bid No. 3679

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

Whereas, The Wastewater Treatment Plant uses quicklime to kill pathogens and dewater sludge;

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

Whereas, Carmeuse Lime Inc. submitted the lowest responsible bid for the supply of quicklime per Bid No. 3679; and

Whereas, Carmeuse Lime Inc. received Human Rights Approval on June 10, 2004;

RESOLVED, That City Council approve a requirements purchase order for quicklime to Carmeuse Lime Inc. in accordance with the terms of Bid No. 3679;

RESOLVED, That the City Administrator be directed to enter into a purchasing agreement in accordance with this resolution at a projected cost of approximately \$755,000.00 per year for FY 2004/05;

RESOLVED, That the agreement may be renewed for up to three one-year periods provided both parties agree to an extension; and

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

R-290-7-04 APPROVED

Resolution to Award a Construction Contract to Douglas N. Higgins, Inc., (\$273,609.00 - Bid No. 3671) and Establish a Project Budget (\$426,609.00) for the Newport Sanitary Sewer Extension

Whereas, The Newport Sanitary Sewer Extension is included in the City's Capital Improvements Plan;

Whereas, On July 7, 2003, City Council approved resolution R-291-7-03 for the project design and on June 6, 2004 confirmed the special assessment roll via resolution R-236-6-04;

Whereas, Competitive bids were received by the Purchasing Division on June 10, 2004 and Douglas N. Higgins, Inc. of Ann Arbor, Michigan, was the lowest responsible bidder at \$273,609.00;

Whereas, The contractual proposal sets forth the services to be performed by said company, and the payments to be made by the City therefore, all of which are agreeable to the City;

Whereas, It is now necessary to enter into a Contract with said company for said construction project; and

Whereas, Douglas N. Higgins, Inc. received Human Rights approval on August 1, 2003 and complies with the Living Wage Ordinance;

RESOLVED, That a contract in the amount of \$273,609.00 be awarded to Douglas N. Higgins, Inc. for the construction of the Newport Sanitary Sewer Extension (Bid No. 3671);

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

RESOLVED, That the following project budget be adopted for the life of the project, to be available until expended without regard to fiscal year:

Section I - Revenue

\$ 82,680.00 2004 Sewer Revenue Bond XIX, to be repaid by Special Assessment (5 City residential units at \$16,536.00 per connection)
\$343,929.00 2004 Sewer Revenue Bond Fund XIX

\$ 426,609.00 TOTAL

Section II - Expenses

\$ 273,609.00 Construction
\$ 35,000.00 Design Engineering
\$ 44,000.00 Construction Engineering
\$ 14,000.00 Consulting and Testing
\$ 27,000.00 Contingencies approved by the City Administrator
\$ 14,000.00 Materials and Miscellaneous Costs
\$ 19,000.00 Bond Costs

\$ 426,609.00 TOTAL;

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

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

R-291-7-04 APPROVED

**RESOLUTION to Approve Contract Amendment No. 3
with Crawford & Company, Insurance Claims
Third Party Administration Services**

Whereas, City Council awarded a contract to Crawford & Company to provide third-party administrative services to the City up to the City's self-insured retentions for liability claims;

Whereas, The current contract period with Crawford & Company for services terminated on July 14, 2004;

Whereas, It is necessary to continue third-party administrative services for liability claims administration with Crawford & Company to allow for the issuance of a Request for Proposals for Third Party Administration (TPA) and to complete the selection process for the TPA;

Whereas, Crawford & Company is willing to extend its current contract for third-party administrative services for liability claims on a month-to-month basis;

Whereas, City Administration anticipates that month-to-month services will be needed for a period not longer than two months;

**Whereas, Funds for the month-to-month service agreement are available in the FY2004-05 approved budget;
and**

Whereas, Crawford & Company received Human Rights approval on May 6, 2004 and is in compliance with the Living Wage Ordinance;

RESOLVED, That City Council approve Amendment No. 3 to the contract between Crawford & Company and the City for third-party administrative services on a month-to-month basis for a period not to exceed two months at a cost of \$2,500.00 per month; and

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

R-292-7-04 APPROVED

**RESOLUTION to Approve the Closing of Washington Street
for the Ann Arbor Octoberfest**

Whereas, The City received a request from the Arbor Brewing Company to close Washington Street between Main and Fourth Avenue and Main and Ashley from 4:00 p.m. on Friday, September 10, 2004 to 12:00 a.m. on Saturday, September 11, 2004 and from 4:00 p.m. on Saturday, September 11, 2004 to 12:00 a.m. on Sunday, September 12, 2004 to facilitate the staging of the Ann Arbor Octoberfest;

Whereas, The intersection of Main and Washington will remain open during the event;

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 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 Washington from Main to Fourth Avenue and Main to Ashley for the Ann Arbor Oktoberfest on the dates and times requested by the sponsors (contingent upon approval of the special liquor license from the State of Michigan).

R-293-7-04 APPROVED

RESOLUTION to Approve a Purchase Order Contract for Olson Park Electric Service and Lighting Project (\$51,727.00) with A.F. Smith Electric, Inc., and to Establish a Project Budget of \$56,927.00

Whereas, Olson Park (formerly Northeast Area Park) is identified in the Park and Recreation Open Space Plan 2000-2005 to receive park and recreation improvements;

Whereas, Electric service is a necessity to the function of the constructed site improvements and public safety at the park;

Whereas, Competitive bids were sought via fax quotation for this work with bids received on June 2, 2004 and A. F. Smith Electric, Inc. was identified as the lowest responsible bidder;

Whereas, Funds for the project are included in the FY 2004/2005 Parks Rehabilitation and Development Millage budget; and

Whereas, A. F. Smith Electric, Inc. complies with the Living Wage Ordinance and received Human Rights approval on June 17, 2004;

RESOLVED, That City Council approve a purchase order contract, in the form approved by the City Attorney, for electrical service and lighting at Olson Park per the fax bid, with A. F. Smith Electric, Inc. in the amount of \$51,727.00;

RESOLVED, That City Council approve a project contingency in the amount of \$5,200.00 to cover potential contract change orders and approve a total project budget of \$56,927.00 for the life of the project without regard to fiscal year; and

RESOLVED, That the City Administrator be authorized to take all necessary administrative actions to implement this resolution including the authority to approve change orders within approved contingency.

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

ORDINANCES - SECOND READING

None.

ORDINANCES - FIRST READING

TABLED

LAND DIVISIONS AND TIME LIMITS

**An Ordinance to Amend Chapter 57 of Title V
of The Code Of the City of Ann Arbor**

(The complete text of the ordinance is on file in the City Clerk's Office.)

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

Council Member Carlberg moved, seconded by Council Member Easthope that the ordinance be tabled.

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

21-04 APPROVED

**SOLID WASTE; DEFINE USAGE REQUIREMENTS FOR CITY-MANDATED
REFUSE CURBCARTS AND ELIMINATE GRASS CLIPPINGS FROM
CURBSIDE COLLECTION PROGRAMS**

**An Ordinance to Amend Sections 2:1, 2:2, 2:5, 2:8, and 2:12 of Chapter 26
of Title II of the Code of the City of Ann Arbor**

(The complete text of Ordinance 21-04 is on file in the City Clerk's Office.)

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

On roll call, the vote was as follows:

Yeas, Council Members Carlberg, Teall, Easthope, Woods, Johnson, Lowenstein, Mayor Hieftje, 7;

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

The Mayor declared the motion carried.

MOTIONS AND RESOLUTIONS

R-294-7-04 AS AMENDED

**(RESOLUTION to Approve the Priority Construction Plan for
the Plymouth Road Pedestrian Crossing Improvement
and to Establish a Project Budget)**

and to establish a Project Budget,

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

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

3RD Whereas Clause:

Whereas, The implementation plan included an interim and a final action phase which included the installation of raised grass medians on Plymouth Road, from Nixon Road to Murfin Avenue, with two 11' traffic lanes in each direction, three lighted designated pedestrian crossings, and a [future] signalized four way intersection at the Plymouth Road and Traverwood Boulevard intersection;

5TH Whereas Clause:

Whereas, The Priority Construction Plan includes:

- One raised median, about 80 feet long, near the Islamic Center
- One raised median, about 80 feet long, across from Travervillage shopping center
- Refuge islands and pavement marking for pedestrians crossing at the new raised medians
- Overhead lighted signs at the new pedestrian crossing locations
- Partial or complete road pavement marking for the new 11' traffic lanes, and
- Relocation of the existing bus stops
- Construction of the signalized four way intersection at Traverwood Boulevard and Plymouth Road to be completed as quickly as possible

1st RESOLVED Clause:

RESOLVED, That the following temporary funding and the project budget be adopted for the life of the project, to be available without regard to fiscal year:

Section I, Revenue

\$30,000	Street Resurfacing Millage (Fund 0062)
\$145,000	FY 2004/05 Major Street Fund Operating Budget
\$175,000	TOTAL

Section II, Expense

\$30,000	New Raised Medians, Pavement Marking, etc.
\$145,000	Overhead Pedestrian Crossing Signs
\$175,000	TOTAL; and

On roll call the vote was as follows:

Yeas, Council Members Easthope, Woods, Johnson, Lowenstein, Carlberg, Teall, Mayor Hieftje, 7;

Nays, Council Members Higgins, Groome, 2;

Abstention, Council Member Reid, 1.

The Mayor declared the motion carried.

The question being the resolution as amended, on roll call, the voice vote was as follows:

Yeas, Council Members Higgins, Easthope, Woods, Johnson, Lowenstein, Reid, Carlberg, Teall, Mayor Hieftje, 9;

Nays, Council Member Groome, 1.

The Mayor declared the motion carried.

The resolution as amended reads as follows:

RESOLUTION to Approve the Priority Construction Plan for the Plymouth Road Pedestrian Crossing Improvement and to Establish a Project Budget

Whereas, In January 2004 the City consultant CH2MHILL completed its investigation of the Plymouth Road corridor and submitted a report entitled "Plymouth Road Pedestrian Crossing Improvement Study";

Whereas, Based on the consultant's findings, staff prepared an implementation plan for the Plymouth Road Pedestrian Crossing Improvement;

Whereas, The implementation plan included an interim and a final action phase which included the installation of raised grass medians on Plymouth Road, from Nixon Road to Murfin Avenue, with two 11' traffic lanes in each direction, three lighted designated pedestrian crossings, and a signalized four way intersection at the Plymouth Road and Traverwood Boulevard intersection;

Whereas, To expedite the Plymouth Road Improvement project, staff is prepared to begin the engineering plans for the work described as the "Priority Construction";

Whereas, The Priority Construction Plan includes:

- One raised median, about 80 feet long, near the Islamic Center
- One raised median, about 80 feet long, across from Travervillage shopping center
- Refuge islands and pavement marking for pedestrians crossing at the new raised medians
- Overhead lighted signs at the new pedestrian crossing locations
- Partial or complete road pavement marking for the new 11' traffic lanes, and
- Relocation of the existing bus stops
- Construction of the signalized four way intersection at Traverwood Boulevard and Plymouth Road to be completed as quickly as possible

RESOLVED, That the following temporary funding and the project budget be adopted for the life of the project, to be available without regard to fiscal year:

Section I, Revenue

\$30,000.00	Street Resurfacing Millage (Fund 0062)
\$145,000.00	FY 2004/05 Major Street Fund Operating Budget
\$175,000.00	TOTAL

Section II, Expense

\$30,000.00	New Raised Medians, Pavement Marking, etc.
\$145,000.00	Overhead Pedestrian Crossing Signs
\$175,000.00	TOTAL; and

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

POSTPONED

RESOLUTION TO Revise the Current Executive Pay Plan, Professional Pay Plan and Non-Union Step Rate Compensation Program

Whereas, The City of Ann Arbor currently has three (3) non-union pay structures, the Executive Pay Plan, Professional Pay Plan and Non-Union Step Rate Compensation Program;

Whereas, The non-union employees of the City of Ann Arbor were notified in July 2003 and October 2003 that the City of Ann Arbor would transition to an annual, end-of-fiscal-year salary and performance review cycle and the step increase approach to be replaced with assigned salary ranges, and movement within the ranges will be based on performance;

Whereas, Public entities continue to reassess the goals of their compensation systems to increase employee performance and commitment;

Whereas, A primary reward strategy is a move from traditional step increases to pay-for-performance; and

Whereas, The City of Ann Arbor is committed to pay-for-performance and promoting a performance based pay system, with the flexibility to meet the challenges of the new organization structure;

RESOLVED, That the City Council hereby approve the recommended revision to the Executive Pay Plan, Professional Pay Plan and Non-Union Step Rate Compensation Program, as summarized in Attachment #1 of this resolution, to become the City's formal Salaried (Non-Union) Pay Plan Compensation Program;

RESOLVED, That the City Council hereby authorize and direct the City Administrator to implement the recommended revisions;

RESOLVED, That all prior resolutions of City Council that are inconsistent with this resolution in whole or in part be rescinded and superceded as of the effective date of this resolution; and

RESOLVED, That the effective date of this resolution shall be July 6, 2004.

Attachment 1

**Proposed City of Ann Arbor
Salaried (Non-Union) Compensation Plan
Effective July 1, 2004**

	Minimum	Mid (65% Percentile)	Maximum	Range Spread
Level 0	Pay Determined by City Council (City Administrator and City Attorney)			
Level 1	85,850.00	113,750.00	141,650.00	(65%)
Level 2	81,510.00	108,000.00	134,490.00	(65%)
Level 3	74,094.00	98,175.00	122,255.00	(65%)
Level 4	67,358.00	89,250.00	111,142.00	(65%)
Level 5	64,150.00	85,000.00	105,850.00	(65%)
Level 6	61,094.00	80,950.00	100,805.00	(65%)
Level 7	59,304.00	77,095.00	94,886.00	(60%)
Level 8	56,481.00	73,425.00	90,370.00	(60%)
Level 9	53,792.00	69,930.00	86,067.00	(60%)
Level 10	51,231.00	66,600.00	81,970.00	(60%)

Level 11	46,558.00	60,525.00	74,493.00	(60%)
Level 12	44,020.00	55,025.00	66,030.00	(50%)
Level 13	41,924.00	52,405.00	62,886.00	(50%)
Level 14	38,100.00	47,625.00	57,150.00	(50%)
Level 15	36,284.00	45,355.00	54,426.00	(50%)
Level 16	34,358.00	41,230.00	48,101.00	(40%)
Level 17	31,233.00	37,480.00	43,726.00	(40%)
Level 18	28,396.00	34,075.00	39,754.00	(40%)
Level 19	25,813.00	30,975.00	36,138.00	(40%)

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

Council Member Higgins moved, seconded by Council Member Johnson to postpone the resolution until August 2, 2004 for further review.

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

POSTPONED

**RESOLUTION TO APPROVE Language for Ballot Question
for Amendment to Charter Section 16.2 -
Restrictions of Marijuana Proposed by
Initiatory Petition**

Whereas, On May 7, 2004, an initiatory petition was filed with the City Clerk's Office that proposes an amendment to Section 16.2 of the Ann Arbor City Charter;

Whereas, The City Clerk's Office has determined that there are sufficient valid signatures for the amendment proposed by the initiatory petition to be placed on the ballot for the November 2, 2004, election;

Whereas, Said petition states the following as its summary in 121 words of the proposed charter amendment and does not include ballot language in question form of 100 words or less which is required to place the question on the ballot:

"A Proposed Amendment to the Charter of the City of Ann Arbor, Michigan, Section 16.2, to waive fines and all other costs upon proof that the defendant is recommended by a physician, practitioner or other qualified health professional to use or provide the marijuana or cannabis for medical treatment; to prohibit Ann Arbor police officers, and his or her agents, from complaining, and the city attorney from refereeing [sic] any complaint, of the possession, control, use, giving away, sale or cultivation of marijuana or cannabis upon proof of an aforementioned recommendation; to change the fine for third and subsequent offenses from not less than \$100.00 to \$100.00; to establish an affirmative defense; and to prohibit imposition of other punitive or rehabilitative measures."

Whereas, The language of the proposed amendment is set forth in full on the back of the petition;

Whereas, Section 21 of the Home Rule Act requires the City Council to approve language in the event the language in an initiatory petition for a charter amendment does not include proper ballot question language;

and

Whereas, Approval of ballot language by the City Council under these circumstances is an obligation imposed by statute and does not constitute an endorsement of the proposed amendment;

RESOLVED, That the Ann Arbor City Council approve the following language to be placed on the ballot, based on said initiatory petition:

**AMENDMENT TO SECTION 16.2 OF
THE ANN ARBOR CITY CHARTER
PERTAINING TO MARIJUANA OR CANNABIS**

Shall Section 16.2 of the Charter be amended to require waiver of fines and costs upon proof that the defendant has a recommendation of a physician, practitioner or other qualified health professional to use or provide marijuana or cannabis for medical treatment; to prohibit Ann Arbor police officers from complaining, and the city attorney from referring any complaint, of the possession, use, giving away, sale or cultivation of marijuana upon proof of such recommendation; to prohibit other punitive or rehabilitative measures; to establish an affirmative defense; and to set the fine for third and subsequent such offenses at \$100.00?

YES NO

RESOLVED, That, based on said initiatory petition, the proposed Charter amendment and foregoing proposed ballot question be published in full not fewer than two times in the Ann Arbor News; and

RESOLVED, That approval of this resolution by the City Council does not constitute an endorsement of the proposed amendment by the City Council.

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

Council Member Lowenstein moved, seconded by Council Member Reid to postpone the resolution until July 19, 2004.

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

R-295-7-04 APPROVED

RESOLUTION TO Establish a Contingency Reserve for Safety Services 911 Dispatch Center Project and Appropriate when Received Washtenaw County E-911 Reimbursement Funds

Whereas, A goal of the 911 Dispatch Center Project is to streamline communications between its police, fire and emergency management units;

Whereas, VisionAIR, Inc., current contractor for the 911 Dispatch Center Project, has agreed to a change order in its contract which would add software mapping modules, related licenses and maintenance support for the City's new 911 Dispatch Center for Safety Services;

Whereas, The addition of this software mapping system to the capabilities of the 911 Dispatch Center would allow Safety Services Dispatch personnel to know at a glance all locations of police and fire units and provide faster dispatching of the closest available unit to a call;

Whereas, This change order will require an additional appropriation of funds for the establishment of a contingency reserve;

contingency reserve,

Whereas, Funds are available to establish the contingency reserve from the existing multi-year project budget for the Safety Services Combined Dispatch Center;

Whereas, It is anticipated that Safety Services will request and receive reimbursement for this enhancement software from the Washtenaw County E-911 Funds; and

Whereas, VisionAIR's Human Rights and Living Wage approvals are current;

RESOLVED, That City Council approve the establishment of a contingency reserve in the contract with VisionAIR Software, Inc. approved through resolution R-371-9-03 dated September 2, 2003, for the life of the project without regard to fiscal year; and

RESOLVED, That the City Administrator be authorized to take all necessary actions to implement this Resolution, including approval of change orders within the established contingency after approval as to form by the City Attorney.

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

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

R-296-7-04 APPROVED

**RESOLUTION Accepting Easement for Public Utilities from Concordia University -Campus of Concordia University
- Sanitary Relief Sewer**

Whereas, Concordia University, 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 1042, Page 135, recorded September 12, 1963;

Whereas, A Resolution of the Board of Directors, dated May 7, 2004, authorized the delivery of a perpetual easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system; and

Whereas, Concordia University, a Michigan non-profit corporation, has delivered an easement to the City for the construction and maintenance of municipally operated public services to run with the land and burden the respective property perpetually, being more particularly described as follows:

A 35-foot wide description for sanitary sewer

Commencing at the NW Corner of Section 36, Ann Arbor Township (now City of Ann Arbor), T2S, R6E, Washtenaw County, Michigan; thence S 89° 28' 19" E 987.70 feet along the N line of Section 36; thence S 05° 03' 14" E 815.52 feet to the POINT OF BEGINNING; thence continuing along said line S 05° 03' 14" E 229.81 feet; thence S12° 58' 24" E 33.62 feet; thence S 77° 01' 36" W 35.00 feet; thence N 12° 58' 24" W 36.05 feet; N 05° 03' 14" W 232.23 feet; thence N 84° 56' 46" E 35.00 feet to the POINT OF BEGINNING. Containing 0.21 acres of land, more or less.

RESOLVED, That the City hereby accept said easement.

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

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

R-297-7-04 APPROVED

**RESOLUTION Accepting Easement for Public Utilities
from Ann Arbor Lodging, L.L.C., Wingate Inn & Suites -
3155 and 3175 Boardwalk Drive**

Whereas, Ann Arbor Lodging, L.L.C., a South Dakota limited liability company, 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 4341, Page 583, recorded December 1, 2003;S

Whereas, A Resolution of the Sole Member of Ann Arbor Lodging, L.L.C., a South Dakota limited liability company, on November 19, 2003 authorized the delivery of a perpetual easement to the City for public utilities; and

Whereas, Ann Arbor Lodging, L.L.C., a South Dakota limited liability company, 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:

VARIABLE WIDTH WATER MAIN

Commencing at the NW corner of Section 9, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S 01°40'20" E 660.14 feet along the West line of Section 9 and following State Road; thence N 87°09'00" E 1253.11 feet; thence S 01°40'20" E 117.79 feet along the Westerly line of Boardwalk Drive (66 feet wide) to the POINT OF BEGINNING;
thence N 88°19'40" E 241.87 feet;
thence N 02°51'00" W 51.79 feet;
thence N 87°09'00" E 31.38 feet;
thence S 03°02'13" E 36.78 feet;
thence N 86°57'47" E 54.96 feet;
thence N 01°40'20" W 107.57 feet;
thence N 87°09'00" E 77.37 feet;
thence S 41°57'47" W 28.55 feet;
thence S 86°57'47" W 17.66 feet;
thence S 01°40'20" E 128.66 feet;
thence S 88°19'40" W 26.85 feet;
thence S 01°40'20" E 5.36 feet;
thence S 88°19'40" W 40.00 feet;
thence N 03°02'13" W 4.73 feet;
thence S 87°33'53" W 52.13 feet;
thence S 86°57'47" W 248.99 feet;
thence N 01°40'20" W 30.86 feet to the POINT OF BEGINNING; being a part of the NW 1/4 of Section 9, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan. Subject to easements and restrictions of record, if any.

VARIABLE WIDTH SANITARY SEWER

Commencing at the NW corner of Section 9, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S 01°40'20" E 660.14 feet along the West line of Section 9 and following State Road; thence N 87°09'00" E 1253.11 feet; thence S 01°40'20" E 250.39 feet along the Westerly line of Boardwalk Drive (66 feet wide) to the POINT OF BEGINNING;

thence S 89°19'20" E 322.58 feet;
thence N 08°40'33" W 104.78 feet;
thence N 38°25'53" W 114.75 feet;
thence N 02°51'00" W 72.62 feet;
thence N 87°09'00" E 30.45 feet;

thence S 02°36'20" E 53.00 feet;
thence S 38°25'53" E 122.70 feet;
thence S 08°40'33" E 120.27 feet;
thence S 89°19'20" E 89.97 feet;
thence S 03°53'19" E 5.23 feet;
thence S 78°53'15" W 54.17 feet;
thence S 67°08'45" W 1.79 feet;
thence N 89°19'20" W 394.09 feet;
thence N 01°40'20" W 17.01 feet to the POINT OF BEGINNING; being a part of the NW 1/4 of Section 9, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan. Subject to easements and restrictions of record, if any.

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

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

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

R-298-7-04 APPROVED

RESOLUTION Accepting Pedestrian Access Easement from Victor A. Bernstam, Ludmilla I. Bernstam and Inna D. Levitan - Huron Parkway Reconstruction Project - Phase V

Whereas, Victor A. Bernstam and Ludmila I. Bernstam, Husband and Wife, and Inna D. Levitan, a single woman, are the owners in fee simple of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 2724, Page 467, recorded December 16, 1992; and

Whereas, Victor A. Bernstam and Ludmila I. Bernstam, Husband and Wife, and Inna D. Levitan, a single woman, have delivered an easement to the City for the purpose of pedestrian access and bicycle path use to encumber and run with the land and burden the respective property perpetually, being more particularly described as follows:

Commencing at the Center of Section 35, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan; Thence along the East and West ¼ line of said Section, North 89° 52' West 1042.34 feet to the Northeast Line of Huron Parkway (now 80.00 feet wide), for a PLACE OF BEGINNING; Thence along said Northeast line of Huron Parkway, North 45° 54' West 239.84 feet; Thence North 0° 08' East 2.50 feet; Thence South 52° 28' East 48.78 feet; Thence South 46° 58' East 204.76 feet to the East and West ¼ line of said Section; Thence along said East and West ¼ line South 89° 52' West 16.14 feet to the PLACE OF BEGINNING. Being a part of lot 19, Geddes Farms Subdivision as recorded in Liber 7 of Plats, page 40, Washtenaw County Records, also part of the North ½ of Section 35, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan. Containing 2058 square feet of land, more or less.

RESOLVED, That the City hereby accept said easement.

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

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

R-299-7-04 APPROVED

RESOLUTION TO Carry Forward Unexpended Balance of FY 03-04 Community Development Unit General Fund Budget for Community Housing Alternatives Housing Rehabilitation Program

Whereas, City Council approved Resolution R-208-6-03 on June 2, 2003, which allocated \$27,100.00 in general funds for rehabilitation of Community Housing Alternatives buildings;

Whereas, Community Housing Alternatives has entered into a contract with the City of Ann Arbor to provide and rehabilitate affordable housing units to lower income Ann Arbor residents;

Whereas, The \$20,250.00 of the \$27,100.00 allocated to Community Housing Alternatives has not yet been expended by the organization;

Whereas, Community Housing Alternatives has requested an extension until September 30, 2004 to complete the FY03-04 rehabilitation program and utilize the remaining funds; and

Whereas, Human Rights and Living Wage approval was received for the organization on April 20, 2004 for FY 04-05;

RESOLVED, That City Council carry forward \$20,250.00 in FY 03-04 general funds from the Community Development Unit budget for the purpose of providing funds for completion of the FY 03-04 rehabilitation program for Community Housing Alternatives;

RESOLVED, That the Mayor and City Clerk be authorized to execute an amended contract with Community Housing Alternatives, consistent with this resolution, subject to approval as to substance by the City Administrator, and approval as to form by the City Attorney; and

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

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

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

R-300-7-04 APPROVED

RESOLUTION TO Carry Forward Unexpended Balance of FY 03-04 Community Development Unit General Fund Budget for Washtenaw Affordable Housing Corporation Housing Rehabilitation Program

Whereas, City Council approved Resolution R-208-6-03 on June 2, 2003, which allocated \$62,000.00 in general funds for rehabilitation of Washtenaw Affordable Housing Corporation buildings;

Whereas, Washtenaw Affordable Housing Corporation has entered into a contract with the City of Ann Arbor to provide and rehabilitate affordable housing units to lower income Ann Arbor residents;

Whereas, The \$62,000.00 allocated to Washtenaw Affordable Housing has not yet been expended by the organization;

Whereas, Washtenaw Affordable Housing Corporation has requested an extension until September 30, 2004 to complete the FY 03-04 rehabilitation program and utilize the remaining funds; and

Whereas, Human Rights and Living Wage approval was received for the organization on April 20, 2004 for FY 2004-05;

RESOLVED, That City Council carry forward \$62,000.00 in FY 03-04 general funds from the Community Development Unit budget for the purpose of providing funds for completion of the FY 03-04 rehabilitation program for Washtenaw Affordable Housing Corporation;

RESOLVED, That the Mayor and City Clerk be authorized to execute an amended contract with Washtenaw Affordable Housing Corporation, consistent with this resolution, subject to approval as to substance by the City Administrator, and approval as to form by the City Attorney; and

RESOLVED, That the Mayor and City Clerk be authorized to execute an amended contract with Washtenaw Affordable Housing Corporation, consistent with this resolution, subject to approval as to substance by the City Administrator, and approval as to form by the City Attorney; and

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

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

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

R-301-7-04 APPROVED

RESOLUTION TO APPROVE Carry Forward Unexpended Balance of FY 03-04 Community Development Unit General Fund Budget and Re-Allocate to Food Gatherers for the Community Kitchen Program

Whereas, City Council approved Resolution R-208-6-03 on June 2, 2003, which allocated \$34,000.00 in general funds for programs at Options Center;

Whereas, \$8,639.00 of the general funds allocated to Options Center will not be expended before the end of the fiscal year;

Whereas, City Council approved Resolution R-231-6-04 on June 7, 2004, which allocated \$63,000.00 in FY 04-05 General Funds to Food Gatherers for hunger relief programs;

Whereas, Food Gatherers has requested additional funding to support its operation of the Delonis Center Community Kitchen, to replace support previously provided by Ann Arbor Hunger Coalition; and

Whereas, Human Rights and Living Wage approval was received for Food Gatherers on June 22, 2004 for FY 04-05;

RESOLVED, That City Council carry forward \$8,639.00 in FY 03-04 general funds from the Community Development Unit budget for the purpose of providing funds to Food Gatherers for the operation of the Delonis Center Community Kitchen program;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute a contract with Food Gatherers, consistent with this resolution, subject to approval as to substance by the City Administrator, and approval as to form by the City Attorney; and

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

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

On a voice vote, the Mayor declared the motion carried with one no vote made by Council Member Reid, thus satisfying the eight-vote requirement.

R-302-7-04 APPROVED

RESOLUTION TO APPROVE Accept a \$70,530.00 Grant from Washtenaw County to the Affordable Housing Trust Fund and to Allocate the Grant Funds when Received to Community Housing Alternative for Three Affordable Units at Stone School Townhomes

Whereas, On July 7, 2003 City Council approved Resolution R-265-7-03 which allocated \$386,000.00 in HOME funds to CHA and approved a Housing Affordability Covenant with CHA for the administration and sale of affordable units at Stone School Townhomes;

Whereas, On July 7, 2003 City Council approved Resolution R-267-7-03 which approved a Housing Affordability Covenant with Vanek and Associates for the development and construction of affordable units at Stone School Townhomes;

Whereas, The Washtenaw County Board of Commissioners, at its meeting on May 5, 2004 approved an allocation of \$70,530.00 to the City of Ann Arbor Affordable Housing Trust Fund (AHTF), with the restriction that funds be used for Community Housing Alternatives (CHA) to buy down the cost of three units at Stone School Townhomes for low-income households;

Whereas, The \$70,530.00, combined with \$16,500.00 from the AHTF previously allocated to CHA by the City, will buy down three units so that they are affordable to two households at 60% of Area Median Income and one household at 80% of Area Median Income;

Whereas, Technical corrections to the City's covenants with CHA and Vanek and Associates for Stone School Townhomes are necessary in order to comply with current HUD requirements and other administrative requirements consistent with the terms of this agreement;

Whereas, The Housing Policy Board, at its meeting of June 2, 2004, recommended City Council allocate \$70,530.00 in Affordable Housing Trust Funds to Community Housing Alternatives to buy down the cost of three units at Stone School Townhomes, contingent on receipt of the County's grant; and

Whereas, Human Rights and Living Wage approval was received for Community Housing Alternatives on April 20, 2004 for FY04-05;

RESOLVED, That City Council accept a \$70,530.00 grant from Washtenaw County to the City's Affordable Housing Trust Fund with the restriction that funds be used for Community Housing Alternatives (CHA) to buy down the cost of three units at Stone School Townhomes for low-income households;

RESOLVED, That City Council allocate \$70,530.00 from the Affordable Housing Trust Fund to Community Housing Alternatives upon receipt of the grant, without regard to fiscal year, to combine with \$16,500.00 previously allocated to Community Housing Alternatives to buy down the cost of three units affordable to two households at 60% of Area Median Income and one household at 80% Area Median Income;

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to execute an agreement with Washtenaw County consistent with this Resolution, if required to accept the grant, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney with funds to be available until expended without regard to fiscal year;

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to execute an amended Housing Affordability Covenants with CHA and Vanek and Associates consistent with this resolution, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney; and

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

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

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

R-303-7-04 APPROVED

**RESOLUTION TO APPROVE to Development
of an Idling Reduction Ordinance**

Whereas, In April 2004, the Southeast Michigan region, including Washtenaw County and Ann Arbor, have been designated as a Moderate Non-attainment Area for ground-level ozone under the 8-hour ground-level ozone National Ambient Air Quality Standard;

Whereas, In the past three years the Washtenaw County ozone monitoring station has recorded 21 days with ground-level ozone levels considered "Unhealthy for Sensitive Groups" and 2 days with ground-level ozone levels considered "Unhealthy" for the general population;

Whereas, Diesel exhaust is a major contributor to various types of air pollution, including ground-level ozone, (smog)-forming oxides of nitrogen (NOx) and fine particles (PM 2.5);

Whereas, Diesel engines produce significant amounts of fine particles, which studies show can lodge themselves deep in the lungs, causing respiratory system damage, aggravating bronchitis and asthma;

Whereas, The rates of asthma in Washtenaw County exceed the asthma rates in the State of Michigan and the United States; with asthma rates especially elevated the Ann Arbor zip codes of 48103, 48104 and 48105;

Whereas, Unnecessary idling of heavy duty diesel vehicles contributes to greenhouse gas emissions and the deterioration of air quality, as evidenced by a 2002 US EPA study which found that on average, an idling heavy-duty diesel truck emits 140 grams per hour (g/hr) of NOx and 8200 g/hr of CO2 and consumes about 0.80 gallons per hour of diesel fuel;

Whereas, Light-duty diesel and two and four-stroke gasoline engines are also significant emitters of criteria pollutants and greenhouse gases in their general use;

Whereas, Other government bodies have effectively implemented idling reduction ordinances including the states of California, Connecticut, Hawaii, Maryland, Massachusetts, Nevada, New Hampshire, New York, New Jersey, and Virginia, and the Cities of Washington DC, Philadelphia, Houston, St. Louis and others;

Whereas, The Ann Arbor Public Schools already have an anti-idling policy in place for school busses; and

Whereas, The City of Ann Arbor has recognized the need to reduce the negative impacts of fuel use on air quality and public health in the Ann Arbor area, as evidenced by the Clean Cities program commitment to alternative fuel vehicles and alternative fuel use in the region and the Green Fleets Policy to reduce gasoline and diesel fuel use;

RESOLVED, The City of Ann Arbor reduce engine emissions within Ann Arbor by developing an ordinance that limits idling of heavy duty diesel engines, including bus, truck and construction equipment, providing necessary exemptions for weather and specific vehicle use; and

RESOLVED, The City Administrator identify additional opportunities to reduce air emissions from the use of all types of engines, including light duty diesel, passenger vehicle, and two-stroke engines.

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

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

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the June 19, 2004 regular session of Council:

Commission on Disability Issues

Darlys Vander Beek (Fill a vacant position)

1720 Hatcher Cres.

Ann Arbor, MI 48103

Term: July 6, 2004 - April 14, 2005

Downtown Development Authority

Roger Hewitt (Filling place of David Fritz)

1411 Harbrooke

Ann Arbor, MI 48103

Term: August 1, 2004 - July 31, 2008

Sandi Smith (Filling place of Lori Sipes)

515 N. Ashley Street

Ann Arbor, MI 48103

Term: August 1, 2004 - July 31, 2008

Housing Commission

Alan J. Levy (Filling Vacant position)

659 Turner Park Court

Ann Arbor, MI 48103

Term: July 6, 2004 - April 30, 2006

David Parent (Re-appointment)

824 S. Main Street, #3

Ann Arbor, MI 48104

Term: July 6, 2004 - April 30, 2009

Park Advisory Commission

Louis DeLone (Fill position of Phillip D'Anieri)

3276 Bluett

Ann Arbor, MI 48105

Term: July 6, 2004 - January 18, 2006

Planning Commission

Laurie Elbing (Re-appointment)

3022-A Signature Blvd

Ann Arbor, MI 48103

Term: July 6, 2004 - June 30, 2007

Eric Lipson, (Re-appointment)

1318 Rosewood

Ann Arbor, MI 48104

Term: July 6, 2004 - June 30, 2007

Evan Pratt (Fill position of William Hanson)

1626 Harbal Drive

Ann Arbor, MI 48105

Term: July 6, 2004 - June 30, 2007

Council Member Carlberg moved, seconded by Council Member Johnson 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:

Downtown Development Authority

Rene Greff (Re-appointment)

Arbor Brewing Company

116 E. Washington St.

Ann Arbor, MI 48104

Term: August 1, 2004 - July 31, 2008

Leah Gunn (Re-appointment)

1308 E. Stadium Blvd.

Ann Arbor, MI 48104

Term: August 1, 2004 - July 31, 2008

Historic District Commission

Henry James Henrichs (Fill vacancy left by Donna Tope)

415 Arbana Drive

Ann Arbor, MI 48103

Term: July 19, 2004 - September 4, 2006

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

None.

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

COUNCIL MEMBER EASTHOPE

Council Member Easthope reminded Council that City Attorney and City Administrator evaluations needs to be completed. He said that Council Member Hieftje would be providing a motion about for the Administrator

be completed. He said that Council Member Higgins would be sending a review sheet for the Administrator. Please return the review sheet to either Ms. Higgins or Mr. Easthope.

COUNCIL MEMBER TEALL

Council Member Teall announced that there would be a public meeting on July 28, 2004 with Pall Life Sciences and the State of Michigan at Slawson Middle School.

COUNCIL MEMBER GROOME

Council Member Groome requested an update on the Broadway Village Project.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from Conlin, McKenney & Philbrick, P.C. regarding Notice of Intent to Establish Condominium Project - State Technology Park (cc: Planning Dept.)
2. Communication from MDEQ, Land & Water Management Division regarding Balmoral Park Condominiums - Intent to Take Reservations for and Construct Units in a Proposed Residential Condominium Project in the City of Ann Arbor (cc: Planning Dept.)
3. Communication from Washtenaw Community College regarding the 2004 Ad Valorem Tax Levy for 2004 (cc: Assessor)
4. Communication from Balmoral Park Condominiums for Notice of Intent to Take Reservations, Construct Units and Record Master Deed (cc: Planning)

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

The following minutes were received for file:

1. Ann Arbor Transportation Authority - May 19, 2004
2. Ann Arbor Housing Commission - May 17, 2004
3. Airport Advisory Board - April 28, 2004
4. City of Ann Arbor Employees' Retirement System - May 20, 2004
5. City of Ann Arbor Retiree Health Care Benefit Plan & Trust (V.E.B.A.) - May 20, 2004

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

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

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

PUBLIC COMMENTARY - GENERAL

None.

None.

RECESS FOR CLOSED SESSION

None.

ADJOURNMENT

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

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 8:31 p.m.

**Anissa R. King
Acting Clerk of the Council
Recording Secretary**