



Legislation Text

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Title

ANN ARBOR CITY COUNCIL MINUTES REGULAR SESSION - JULY 7, 2003

Body

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:34 p.m. in the City Hall Council Chamber.

Council stood for a moment of silence.

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

ROLL CALL OF COUNCIL

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

ABSENT : 0.

Roger Fraser, City Administrator arrived at 7:40 p.m.

INTRODUCTIONS

CLEAN COMMUNITY STAFF RECOGNITION

Mayor Hieftje, along with Bryan Weinert, Interim Solid Waste Director, presented awards to employees for their help with the Clean Community Program. The program began in April 2002 and the City has responded to approximately 2000 calls from citizens in the community since that time. Forty-three percent of those calls were resolved within a 24-hour period and only 3% of the calls required code enforcement from the City.

PUBLIC COMMENTARY - RESERVED TIME

CIVIL LIBERTIES

The following people spoke in support of the proposed Civil Liberties resolution:

Richard Soble, 12 Geddes Heights

Mary Bejian, 313 Montgomery Ave.

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Carla Mckenzie, 2121 Medford Rd. #3

Eric Van De Vort, 712 Sunset Rd.

Steven Boyce, 228 Buena Vista

David Yamamoto, 1538 Waltham Dr.

THOMAS PARTRIDGE - CRITICAL NEED TO PROTECT AMERICA'S MIDDLE CLASS AND AMERICA'S MOST VULNERABLE PEOPLE

Thomas Partridge, 100 S. 4th Avenue, #1010, addressed Council regarding the needs of America's middle class and most vulnerable people.

RUTH ZWEISLER - THANK YOU

Ruth Zweisler, 1706 S. University, thanked Council and the Community Development Department for their efforts and commitments in helping fund Human Services Organizations.

PUBLIC HEARINGS

SOLICITATION (ORDINANCE NO. 25-03)

A public hearing was conducted on the proposed amendment to Chapter 108, Section 9:70 - Solicitation.

Notice of public hearing was published June 22, 2003.

The following people spoke in support of the proposed ordinance:

Rosemary Callahan, Ann Arbor citizen

Robert Dascola, Ann Arbor citizen

Paul Lambert, Ann Arbor citizen

David Noel, Ann Arbor citizen

Rene Greff, Ann Arbor citizen

The following people spoke in opposition of the proposed ordinance:

Ryan Hughes, Ann Arbor citizen
Adam DeAngell, Ann Arbor citizen
Mary Bejian, Ann Arbor citizen
Mary Browning, Ann Arbor citizen
Jim Mogensen, 3780 Greenbrier Blvd., #354C
Richard Sodle, Ann Arbor citizen
Meredith Hobrla, Ann Arbor citizen
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Joe Vaillencourt, Ann Arbor citizen

Thomas Partridge, 100 S. 4th Avenue, #1010

The following people expressed concern with the proposed ordinance:

Joe Summers, Ann Arbor citizen
Stephen Rasio, Ann Arbor citizen
Tim Colenback, Ann Arbor citizen

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

**PERMITTED PRINCIPAL USES IN THE OFFICE ZONING DISTRICT
(ORDINANCE NO. 20-03)**

A public hearing was conducted on the proposed amendment to Chapter 55, Section 5:10.12, regarding Permitted Principal Uses in the Office Zoning District. Notice of public hearing was published June 8, 2003.

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

2885 GLADSTONE AVENUE LAND DIVISION

A public hearing was conducted on the proposed 2855 Gladstone Avenue Land Division, 0.46 acre. Notice of public hearing was published July 6, 2003.

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

1985 UPLAND DRIVE LAND DIVISION

A public hearing was conducted on the proposed 1985 Upland Drive Land Division, 0.93 acre. Notice of public hearing was published July 6, 2003.

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

POLICE DEPARTMENT FEE ADJUSTMENTS

A public hearing was conducted on the proposed Police Department Fee Adjustments. Notice of public hearing was published July 6, 2003.

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

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APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

Council Member Woods moved, seconded by Council Member Easthope that the agenda be approved with the following changes:

PUBLIC HEARINGS

Delete: To receive Public Comment on the Proposed Project Known as Broadway Village of Lowertown, Broadway Village at Maiden Lane (Council is considering zoning, tax increment financing and infrastructure issues) (Deleted 7/3/03)

MOTIONS AND RESOLUTIONS

Delete: Resolution Authorizing Water Main, Sanitary Sewer and Storm Sewer Improvement Charges to 2630 and 2640 Geddes Avenue - Dawson Properties (\$25,776.28) (Postponed from the 4/21/03 and 6/2/03 Regular Sessions) (Utilities - Sue F. McCormick, Director) (Deleted 7/3/03)

Added after Newspaper Deadline:

Add: Resolution for Community Events Fund Disbursements from the 2003-2004 Budget (Council Members Higgins and Teall) (Added 7/3/03)

Add Resolution to Protest the Eroding of Civil Liberties Under the USA Patriot Act

& Move: (Public Law 107-56) and Related Federal Orders Since 9/11/01 (Council Members Groome, Carlberg and Herrell) (Added 7/3/03) (Consider after Consent Agenda)

Add: Resolution Recognizing HelpSource Inc., as a Non-Profit Organization in the City of Ann Arbor (Council Member Higgins) (Added 7/7/03)

Add: Resolution to Establish the Application Fees for a Small Wine Maker and a Brandy Manufacturer License (Special Liquor Committee - Council Members Woods, Johnson, Reid) (Added 7/7/03)

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

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APPROVAL OF COUNCIL MINUTES

MINUTES OF JUNE 16, 2003 APPROVED

Council Member Herrell moved, seconded by Council Member Johnson that the regular session minutes of June 16, 2003 be approved as presented.

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

The Mayor declared the meeting recessed at 9:34 p.m. and reconvened at 9:47 p.m.

CONSENT AGENDA

CONSENT AGENDA ITEMS REMOVED

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

Resolution to Approve Amendment No. 2 to the Consultant Services Agreement with D. Kerry Laycock (\$20,520.00) (Utilities - Sue F. McCormick, Director)

Resolution to Approve a Contract with Governmental Consultant Services Inc., for Lobbying Services (\$48,000.00) (Administration - Roger W. Fraser, City Administrator)

CONSENT AGENDA ITEMS APPROVED

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

R-257-7-03 APPROVED

RESOLUTION TO APPROVE TEMPORARY OUTDOOR SALES, SERVICE AND CONSUMPTION OF ALCOHOLIC BEVERAGES DURING THE 2003 ANN ARBOR ART FAIR

RESOLVED, That the request of the following liquor licensed establishments for temporary authorization for outdoor sales, service and consumption of alcoholic beverages during the 2003 Ann Arbor Art Fair to be held July 16-19, 2003, be approved within the defined areas filed with the Ann Arbor Police Department:

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BUSINESS NAME ADDRESS

Ashley's 338 S. State Street

Full Moon Restaurant & Saloon 207 S. Main Street

Michigan Theater 603 E. Liberty Street

Red Hawk Bar and Grill 316 S. State Street

Pizza House Restaurant 618 Church Street

R-258-7-03 APPROVED

RESOLUTION TO APPROVE QUICKLIME PURCHASE FOR WATER AND WASTEWATER TREATMENT WITH CARMEUSE LIME INC., BID NO. 3609

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. 3609; and,

Whereas, Carmeuse Lime Inc. received Human Rights Approval on June 19, 2003;

RESOLVED, That City Council approve a requirements purchase order for quicklime to Carmeuse Lime Inc. in accordance with the terms of Bid No. 3609;

RESOLVED, That the City Administrator be directed to enter into a purchasing agreement in accordance with this resolution at a projected cost of approximately \$655,500.00 per year for FY 2003/04;

RESOLVED, That the agreement may be renewed for up to four 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.

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R-259-7-03 APPROVED

RESOLUTION TO APPROVE SODIUM HYPOCHLORITE PURCHASE FOR WATER TREATMENT WITH JCI JONES CHEMICALS INC., BID NO. 3608

Whereas, The Water Treatment Division uses sodium hypochlorite in daily operations;

Whereas, It is required by state and federal regulation that drinking water suppliers provide measurable disinfectant residual to the customers tap;

Whereas, Ozone is short-lived, sodium hypochlorite is the disinfectant of choice for health and safety reasons;

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

Whereas, JCI Jones Chemicals Inc. submitted the lowest responsible bid for the supply of sodium hypochlorite per Bid No. 3608; and

Whereas, JCI Jones Chemicals Inc. received Human Rights Approval on June 9, 2003;

RESOLVED, That City Council approve a requirements purchase order for sodium hypochlorite to JCI Jones Chemicals Inc. in accordance with the terms of Bid No. 3608;

RESOLVED, That the City Administrator be directed to enter into a purchasing agreement in accordance with this resolution at a projected cost of approximately \$95,000.00 per year for FY 2003/04, FY 2004/05 and FY 2005/06;

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

RESOLVED, That the City Administrator be authorized and directed to sign a purchase order with JCI Jones Chemicals Inc. for the purchase of sodium hypochlorite; and

RESOLVED, That the City Administrator be directed to accept the next lowest responsible bidder if JCI Jones Chemicals Inc. is unable to furnish adequate supplies.

Source of Funds: Water Supply System Operations and Maintenance Budget.

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R-260-7-03 APPROVED

RESOLUTION TO APPROVE A CONTRACT WITH INLAND WATERS POLLUTION CONTROL, INC. (489,856.00) AND ESTABLISH A PROJECT BUDGET (\$110,000.00) FOR AERATION TANK CLEANING SERVICES AT THE WASTEWATER TREATMENT PLANT, BID NO. 3596

Whereas, The City's Wastewater Treatment Plant (WWTP) has removed solid material that has accumulated in three of four aeration basins in its East Plant and needs to remove the accumulated solid material in the remaining East Plant aeration basin;

Whereas, Removal of the accumulated material will enable proper and efficient operation of this treatment process;

Whereas, At the City's request, four proposals were received for the work specified in Bid No. 3596 and Inland Waters Pollution Control, Inc. was found to be the qualified responsible respondent with the lowest price quotation for this work; and

Whereas, On May 8, 2003, the Human Resources Department approved Inland Waters Pollution Control, Inc. to perform work for the City and Inland Waters Pollution Control, Inc. has signed the City's "Notice of Intent to Comply with Living Wage Ordinance";

RESOLVED, That Council accept the proposal and approve the contract with Inland Waters Pollution Control, Inc. in the amount of \$89,856.00 to perform the work specified in Bid No. 3596;

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

RESOLVED, That Council approve a project budget for these services in the amount of \$110,000.00, including \$89,856.00 for the contract with Inland Waters Pollution Control, Inc. and a contingency in the amount of \$20,144.00 to finance change orders to be approved by the City Administrator; and

RESOLVED, That the project budget in the amount of \$110,000.00 be funded from the existing multi-year account for the previous cleaning of the other three East Plant aeration basins and from the unobligated fund balance of the Sewage Disposal System Operating Fund with reimbursement, if necessary, from proceeds of revenue bond sales by the Water Utilities Department, with funds to be available until expended without regard to fiscal year.

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R-261-7-03 APPROVED

RESOLUTION TO AUTHORIZE CUMULATIVE EXPENDITURES WITH CONTRACTORS EXCEEDING \$25,000.00 FOR FOOTING DRAIN DISCONNECTION (FDD) PROGRAM FROM JULY 1, 2003 THROUGH OCTOBER 15, 2003

Whereas, City Code Section 1:321 allows the City Administrator to approve contracts for services without City Council approval when the total payments to the contractor in a fiscal year do not exceed \$25,000.00; Whereas, City Code Section 1:312 allows the City Administrator to approve any purchase or contract under \$25,000.00;

Whereas, City Charter Chapter 14, Section 14.2, requires City Council approval of any contracts with or purchases from a vendor totaling \$25,000.00 or more in a single fiscal year;

Whereas, Under the new Section 2:51.1 added to Chapter 28 of Title II of the Code of the City of Ann Arbor, Program Footing Drain Disconnect From POTW the POTW may reimburse the participating homeowner's contractor for corrective work as established in the code; and

Whereas, The listed contractors, each of which has received Living Wage and Human Rights approval, have been pre-qualified and are anticipated to be awarded contracts or purchases exceeding \$25,000.00 within this fiscal year.

RESOLVED, That City Council approve the expenses to the listed vendors/contractors up to the amounts shown for approved Footing Drain Disconnection work:

Living Wage/ Spending Authorized

Contractor Name Human Rights Limits Through 10-15-03

Hutzel Plumbing & Heating Co. December 5, 2002 \$120,000.00

Perimeter, LLC June 6, 2003 \$80,000.00

RDC Residential Services October 14, 2002 \$35,000.00

Michigan Trenching Services, Inc. September 18, 2002 \$65,000.00;

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

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RESOLVED, That funds for the contracts or purchases be provided from un-obligated funds in the approved project budget for the Comprehensive City-Wide Footing Drain Disconnection Program.

R-262-7-03 APPROVED

RESOLUTION AUTHORIZING WATER MAIN, SANITARY SEWER AND SIDEWALK IMPROVEMENT CHARGES TO 1700 SOUTH STATE STREET

Whereas, The City has previously constructed a water main, sanitary sewers and sidewalk improvement described as follows:

Water Main: 12" water main in S. State St. Dist. No. 83043, File No. 83043 \$46.20 a front foot x 40 front feet = \$1,848.00

Sanitary Sewer: 8" sanitary sewer in S. State St. Dist. No. 405, File No., 83043, Job No. 3683 \$ 6,424.45/connection x one connection = \$6,424.45

Sanitary Sewer Outlet: Dist. No. 405, File No. 83043, Job No. 3683, \$243.47/acre x 0.136 acres = \$33.11

Sidewalk: 4" sidewalk File No. 81084, Dist. No. 10 \$8.75/l.f. x 25 L.F. = \$218.75

7" sidewalk File No. 81084 Dist. No. 10 \$12.50/L.F. x 15 L.F. = \$187.50

GRAND TOTAL OF IMPROVEMENT CHARGES \$8,711.81; and

Whereas, Pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, the fair share of the cost of said improvements is to be 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 newly-annexed property which is specifically benefited by the above improvements:

Annexation Address: 1700 South State Street

City Assessor Code: 09-32-400-005

Annexation Number: A01-06

Planning File No: 9324A23.1

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COM AT SE COR OF SEC 32, TH WLY ALONG TH SL OF SAID SEC 120.88 FT; TH DEFL 91 DEG 25' 20" TO THE RIGHT 108.35 FT FOR A POB; TH CON T NLY IN THE LAST MENTIONED COURSE 78.40 FT; TH DEFL 88 DEG 34' 40" TO THE RIGHT 90 FT; TH DEFL 68 DEG 55' 20" TO THE RIGHT 40 FT; TH SWLY AT RIGHT ANGLES TO STATE STREET 114.04 FT TO THE POB, BEING PRT OF THE SE 1/4 OF SEC 32, T2S, R6E. Now situated in the City of Ann Arbor.

2. That the improvement charge levied be \$8,711.81 and be designated as Utilities Improvement Charge No. 730;

3. That this improvement charge be divided into eight equal installments; the first to be due on September 2, 2003, and the 7 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 7.1% per annum commencing September 2, 2003.

4. That the Water Utilities Department be directed to send a copy of this resolution by first class mail to the owner of the property. This resolution will be recorded in the office of the Register of Deeds of Washtenaw County, Michigan by the Water Utilities Department; and

RESOLVED, That this levied improvement charge be invoiced to the owners of the property known as 1700 South State Street and to be credited in the amounts of \$1,848.00 to Fund 0042-073-3000-7151, \$6,457.56 to Fund 0043-073-3000-7151 and \$406.25 to Fund 0062-040-4500-7151.

R-263-7-03 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICES OUTSIDE

CITY LIMITS TO 2975 SHADY LANE

Whereas, On June 10, 2003, the owner of the property at 2975 Shady Lane requested that the City extend public water and sewer service to her property in Pittsfield Township prior to the completion of the annexation process;

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

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Whereas, On June 10, 2003 the owner petitioned the City for annexation under Planning Department file number 12033B4.1 and 12033B4.2;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreements to allow City water and sewer services to the land during the time it is still outside of the Corporate City Limits; that the Water Utilities Department be directed to send a copy of this resolution by first class mail to the above property owner; and shall promptly have this resolution and the agreements recorded in the office of the Register of Deeds of Washtenaw County, Michigan and send a completely executed copy of the agreements to the owner.

R-264-7-03 APPROVED

RESOLUTION APPROVING AGREEMENT FOR LEGAL SERVICES

(CABLE TELEVISION) BETWEEN MILLER AND VAN EATON P.L.L.C.

AND THE CITY OF ANN ARBOR

Whereas, Section 5.2(c) of the Ann Arbor City Code, authorizes the City Attorney to recommend to City Council retaining special legal Counsel to handle any matter in which the City has an interest or to assist the City Attorney therein;

Whereas, The City currently requires specialized assistance with cable television matters;

Whereas, Miller and Van Eaton P.L.L.C. has the experience, staff, and resources to effectively provide assistance to the City Attorney in representing the City on cable television matters;

Whereas, The City Attorney has reviewed and approved an agreement retaining Miller and Van Eaton, P.L.L.C. for a period of one year, at billable hourly rates specified in the agreement with a not-to-exceed amount of \$20,000.00;

Whereas, The ITSD/Cable Division FY 03-04 budget approved by City Council contains sufficient funds to pay for such services; and

Whereas, Miller and Van Eaton P.L.L.C. has received Human Rights and Living Wage approval and has provided required insurance certificates;

RESOLVED, The City Council approve the Agreement For Legal Services between Miller and Van Eaton P.L.L.C. and The City of Ann Arbor, Michigan; and

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

R-265-7-03 APPROVED

RESOLUTION TO ALLOCATE FUNDS AND APPROVE THE AFFORDABLE HOUSING AGREEMENT COVENANT WITH COMMUNITY HOUSING ALTERNATIVES FOR HOMEOWNER ASSISTANCE IN THE STONE SCHOOL TOWNHOMES DEVELOPMENT

Whereas, An application was received in April 2003 from Community Housing Alternatives to assist nine first time low-income homebuyers;

Whereas, The City's Consolidated Strategy and Plan identifies expanding the supply of affordable housing stock for homeowners as a high priority need;

Whereas, Community Housing Alternatives will be leveraging additional funds to lower the sales price on additional units from Washtenaw County, Michigan State Housing Development Authority, Fannie Mae and Northern Ohio Investment Company;

Whereas, The Housing Policy Board at its meeting on May 28, 2003 recommended City Council approve the allocation of \$386,000.00 in HOME Program funds for the project; and

Whereas, Human Rights and Living Wage approval was received for the contractor on July 1 2003;

RESOLVED, That City Council approve the allocation to Community Housing Alternatives in the amount of \$386,000.00 in HOME funds as deferred payment loan with 0% interest with repayment terms as agreed in the Housing Affordability Agreement;

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to sign the Housing Affordability Agreement Covenant 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; and

RESOLVED, That the City Administrator be authorized to execute on behalf of the City any action necessary to implement this resolution.

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R-266-7-03 APPROVED

RESOLUTION TO ALLOCATE FUNDS TO COMMUNITY HOUSING ALTERNATIVES FOR HOMEOWNERSHIP ASSISTANCE IN THE STONE SCHOOL TOWNHOMES DEVELOPMENT TO ESTABLISH A REVOLVING LOAN FUND

Whereas, An application was received in April 2003 from Community Housing Alternatives to help low-income families purchase homes;

Whereas, The City's Consolidated Strategy and Plan identifies expanding the supply of affordable housing stock for homeowners as a high priority need;

Whereas, Of the total estimated project cost of \$6.3 million, Community Housing Alternatives will be leveraging additional funds from Washtenaw County, Michigan State Housing Development Authority, Fannie Mae and Northern Ohio Investment Company to assist low income families with affordability;

Whereas, The Housing Policy Board at its meeting on May 28, 2003 recommended City Council approval of the use of \$300,000.00 of Affordable Housing Trust funds for a revolving loan fund for the project; and

Whereas, Human Rights and Living Wage approval was received for the contractor on July 1, 2003;

RESOLVED, That City Council approve the allocation to Community Housing Alternatives in the amount of \$300,000.00 in Affordable Housing Trust Funds as a revolving loan fund with administrative fees in the amount of \$4,000.00/per unit;

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to sign the Contract 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; and

RESOLVED, That the City Administrator be authorized to execute on behalf of the City any action necessary to implement this resolution.

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R-267-7-03 APPROVED

**RESOLUTION TO APPROVE AN AFFORDABLE HOUSING AGREEMENT
COVENANT WITH VANEK AND ASSOCIATES FOR AFFORDABLE UNITS AT
STONE SCHOOL TOWNHOMES**

Whereas, The City's Consolidated Strategy and Plan identifies expanding the supply of affordable housing stock for homeowners as a high priority need;

Whereas, The Community Development Department is working closely with Vanek and Associates and a nonprofit consortium including Community Housing Alternatives, MSU Extension, and POWER to achieve new homeowner opportunities for low- and moderate-income households in Stone School Townhomes;

Whereas, On May 5, 2003 City Council approved the Development Agreement for the Stone School Townhomes (R-139-5-03) which requires the developer to provide at least twenty percent of the total number of residential units to be affordable to low-income households, as defined in the City Zoning Ordinance; and

Whereas, On May 20, 2003 the Housing Policy Board approved a recommendation for a total of \$686,000.00 to be allocated to Community Housing Alternatives in order to facilitate homeownership for 55 low- and moderate-income households at Stone School Townhomes;

RESOLVED, That City Council approve the Housing Affordability Agreement with Vanek and Associates regarding the sale of affordable units at Stone School Townhomes;

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to sign the Housing Affordability Agreement 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; and

RESOLVED, That the City Administrator be authorized to execute on behalf of the City any action necessary to implement this resolution.

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R-268-7-03 APPROVED

**RESOLUTION TO APPROVE HOUSING REHABILITATION
AGREEMENT WITH FRANK E. BOSTIC**

Whereas, An application was received from Frank E. Bostic for rehabilitation assistance for her home located at 728 Miller;

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

Whereas, Two bids were received on June 12, 2003 and Mr. Bostic will be executing an agreement with Sharp Building Company, the lowest responsible bidder, who has Human Rights and Living Wage Approval, to complete the rehabilitation work;

RESOLVED, That City Council approve the Housing Rehabilitation Agreement with Frank E. Bostic in the amount of \$30,558.00 as a 0% interest, deferred payment loan and that the Mayor and City Clerk be authorized to sign the agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney with funds to be available without regard to fiscal year.

R-269-7-03 APPROVED

**RESOLUTION TO APPROVE A CONSTRUCTION CONTRACT FOR
NORTHEAST AREA PARK PLAY AREA INSTALLATION PER
BID NO. 3606 IN THE AMOUNT OF \$82,619.70 AND TO ESTABLISH**

A CONSTRUCTION BUDGET OF \$90,881.00

Whereas, Northeast Area Park is scheduled in the Park and Recreation Open Space Plan, 2000-2005 to be developed;

Whereas, Neighborhood surveys and public meetings were held to obtain input to plan the park development;

Whereas, Competitive bids were sought by the Purchasing Division with bids received on June 10, 2003 and Cameron Contracting, Inc. was identified as the lowest responsible bidder;

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Whereas, Funds for the project are included in the FY 2003/2004 from the Parks Rehabilitation and Development Millage approved budget and from Michigan Department of Natural Resources grant; and

Whereas, The Human Rights approval and compliance with the Living Wage Ordinance was received on June 19, 2003 for Cameron Contracting, Inc.;

RESOLVED, That the Mayor and City Council approve a construction contract, per bid #3606, with Cameron Contracting, Inc. in the amount of \$82,619.70 for Northeast Area Park Play Area Installation and authorize the Mayor and City Clerk to sign the agreement approved by the City Administrator and to form as approved by the City Attorney; and

RESOLVED, That the Mayor and City Council approve a construction contingency in the amount of \$8262.00 (10%) to cover potential contract change orders to be approved by the City Administrator and to approve a total project budget of \$90,881.00 for the life of the project without regard to fiscal year.

R-270-7-03 APPROVED

RESOLUTION TO APPROVE THE PURCHASE OF PLAYGROUND EQUIPMENT FROM FUNDAMENTAL PLAYSAPES, INC. FOR NORTHEAST AREA PARK IN THE AMOUNT OF \$57,875.00

Whereas, Northeast Area Park is scheduled in the Park and Recreation Open Space Plan, 2000-2005 to be renovated;

Whereas, Neighborhood surveys and public meetings were held to obtain input to plan the park improvements including a play area;

Whereas, Although it was bid competitively as a supply and install bid, there were no alternates proposed for this specific play equipment, and it is more cost effective to purchase the equipment directly from the manufacturer;

Whereas, Funds for the project are included in the FY 2003/2004 from the Parks Rehabilitation and Development Millage approved budget including funds from a Michigan Department of Natural Resources matching grant; and

Whereas, The Human Rights approval and the Living Wage compliance were received on June 19, 2003 for Fundamental Playscapes;

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RESOLVED, That the Mayor and City Council approve a purchase order with Fundamental Playscapes in the amount of \$57,875.00 for Northeast Area Park Play Area Equipment for the life of the project without regard to fiscal year.

R-271-7-03 APPROVED

RESOLUTION TO APPROVE A CONTRACT FOR CONSTRUCTION OF A RESTROOM FACILITY AT GALLUP PARK PER BID #3607 IN THE AMOUNT OF \$67,600.00 AND TO ESTABLISH A CONSTRUCTION BUDGET OF \$74,360.00

Whereas, Gallup Park is scheduled in the Park and Recreation Open Space Plan, 2000-2005 to be renovated;

Whereas, Competitive bids were sought by the Purchasing Division with bids received on June 10, 2003 and Construction Solutions was identified as the lowest responsible bidder;

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

Whereas, The Human Rights approval and compliance with the Living Wage Ordinance was received on June 19, 2003 for Construction Solutions;

RESOLVED, That the Mayor and City Council approve a construction contract, per bid #3607, with

Construction Solutions in the amount of \$67,600.00 for the Gallup Park Restroom Construction and authorize the Mayor and City Clerk to sign the agreement approved as to substance by the City Administrator and as to form by the City Attorney; and
RESOLVED, That the Mayor and City Council approve a construction contingency in the amount of \$6,760.00 (10%) to cover potential contract change orders to be approved by the City Administrator and to approve a total project budget of \$74,360.00 for the life of the project without regard to fiscal year.

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R-272-7-03 APPROVED

RESOLUTION TO APPROVE A CONTRACT WITH MBIA MUNICIPAL INVESTORS SERVICE CORPORATION, (MBIA) FOR INVESTMENT ADVISORY SERVICES ON A MONTH-BY-MONTH BASIS

Whereas, MBIA Municipal Investors Service Corporation, (MBIA) provides investment advisory services in the management of the City's investment portfolio;
Whereas, MBIA's fee for providing advisory portfolio management services is 9.5 basis points of the average portfolio balance per month;
Whereas, The City of Ann Arbor is currently under contractual agreement with MBIA effective July 1, 2001 through June 30, 2003;
Whereas, The current contract does not provide for renewal beyond June 30, 2003, however, further MBIA has agreed to enter into a contractual agreement on a month-by-month basis to allow staff sufficient time to prepare a "request for proposal" for investment advisory services; and
Whereas, MBIA has received Human Rights approval which expires November 5, 2003;
RESOLVED, That City Council approve a contract agreement with MBIA on a month-by-month basis to provide advisory portfolio management services for a period not to exceed six months or December 31, 2003 whichever is latter; and
RESOLVED, That the City Administrator be authorized and directed to execute any and all required documentation to implement this resolution after approval as to form by the City Attorney.

R-273-7-03 APPROVED

RESOLUTION MODIFYING CITY REGULATIONS REGARDING PARKING METER BAG ENFORCEMENT

Whereas, In May 2002 the DDA assumed management responsibilities for parking meters, which includes the provision of meter bags for special events, construction, and other purposes;

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Whereas, Current enforcement practice dictates that meter bags must be placed at least 24-hours in advance of the time they are to be used;
Whereas, This practice takes valuable hourly parking away in excess of what is actually needed;
Whereas, Many downtown streets have been designated with "no parking 3:00 a.m. to 6:00 a.m." to allow for street sweeping, plowing and other maintenance;
Whereas, The DDA parking operator installs and removes all parking meter bags and can ensure installation by 6:00 a.m. seven days a week; and
Whereas, The DDA has approved a resolution asking the City to modify its parking enforcement practices to enable parking meter bags to be placed no later than 6:00 a.m. the day a meter bag may be needed;
RESOLVED, That parking meter enforcement practices shall be modified beginning immediately to require that meter bags must be placed no later than 6:00 a.m. the day a parking meter is to be taken out of service for a special event, construction, or other purpose; and
RESOLVED, That the DDA will be asked to assist the City as needed with the installation of additional signage or other tools to help communicate this change.

R-274-7-03 APPROVED

RESOLUTION TO APPROVE AMENDMENTS TO THE DOWNTOWN DEVELOPMENT AUTHORITY BY-LAWS SETTING FORWARD BOARD MEMBER ATTENDANCE EXPECTATIONS

Whereas, The Downtown Development Authority Act requires the Downtown Development Authority (DDA)

to submit its by-laws for review and approval of the City Council;
Whereas, The DDA currently operates by a set of by-laws that were first approved in 1984 and last amended and approved by Council in 1993; and

Whereas, The DDA voted to approve amendments to these by-laws specifically setting forward attendance expectations for board members at committee meetings and regular monthly meetings and has recommended their approval by City Council;

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RESOLVED, That City Council approve these DDA By-law amendments on file in the City Clerk's Office as recommended.

R-275-7-03 APPROVED

RESOLUTION TO APPROVE POLICE DEPARTMENT FEE ADJUSTMENTS

Whereas, All departments of the City government review their fees each year as part of the budget process;
Whereas, The Police Department has reviewed all of their fees as part of the FY 2003-2004 budget submittal; and

Whereas, Fees in the Police Department have also not been consistently adjusted each year to keep pace with increases wage costs for staff performing the administrative duties associated with the work for which the fee is charged;

RESOLVED, That City Council approve an increase in specific fees charged by the Police Department in accordance with the attached schedule which is made a part of this resolution;

RESOLVED, That the attached fee schedules become effective July 7, 2003; and

RESOLVED, That City Council authorizes the City Administrator to take necessary administrative action to implement this resolution.

POLICE DEPARTMENT FEES

Effective July 7, 2003

Chapter 77

Annual Alarm Fee	\$ 36.00	\$ 37.00
Annual Fee (auto dialer)	\$ 120.00	\$ 124.00
Chapter 93 False Alarm Response	\$ 80.00	\$ 82.00

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Chapter 107

Annual Impoundment Fee	\$ 65.00	\$ 67.00
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Chapter 126

Towing Fee	\$ 56.00	\$ 58.00
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R-276-7-03 APPROVED

RESOLUTION TO APPROVE THE 2002-2005 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF ANN ARBOR AND ANN ARBOR POLICE OFFICERS ASSOCIATION

Whereas, The most recent collective bargaining agreement between the City of Ann Arbor and Professional Service Assistants / Community Service Assistants and Ann Arbor Police Officers Association expired June 30, 2002;

Whereas, The parties have reached a tentative settlement on a new three-year labor agreement that provides for general across-the-board wage increases of 3.0% in the two last years of the agreement;

Whereas, There are economic changes due to job reclassifications in the first year of the contract;

Whereas, The Police Department has sufficient funds budgeted to accommodate the 3.0% wage changes and reclassifications and other costs in the current fiscal year; and

Whereas, The City Administrator recommends approval of the proposed settlement;

RESOLVED, That the City Council approve the three-year collective bargaining agreement with the PSA/CSA; and

RESOLVED, That the Mayor and City Clerk be hereby authorized to sign the bargaining agreement on

behalf of the City, after approval as to form by the City Attorney.
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**R-277-7-03 APPROVED
RESOLUTION TO APPROVE THE RENEWAL CONTRACT AND AUTHORIZE
THE CITY ADMINISTRATOR TO EXECUTE THE RENEWAL OF
CONTRACT WITH UNUM PROVIDENT**

Whereas, The City provides life insurance to city employees in accordance with Personnel Rules and Regulations and various labor contracts at an estimated annual cost of approximately \$278,009.00;
Whereas, The contract with Unum Provident Inc., through a self-administered program, is due for renewal on July 1, 2003;

Whereas, Unum Provident, Inc received Human Rights approval on June 12, 2003; and
Whereas, Passage of this resolution serves as the necessary documentation of the City's intent to accept the terms of renewal contract with Unum Provident, Inc.;

RESOLVED, That the City Council approve the renewal contract with Unum Provident, Inc. for a two-year contract beginning July 1, 2003 through June 30, 2005 at the following quoted premium rates:

\$.14 Basic Life (Active employees)

\$ 2.20 Basic Life (Retirees)

\$.22 Optional Life Insurance (No change)

\$.34 LTD (Rate is paid per hundred in coverage; no change);

RESOLVED, That City Council approve renewal contracts for the period July 1, 2003 to June 30, 2005 with Unum Provident to provide life insurance coverage to City employees, their dependents and retirees, 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.

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**R-278-7-03 APPROVED
RESOLUTION TO APPROVE AN AGREEMENT WITH MR. JAMES L. McCOY, P.E.
FOR PROFESSIONAL ENGINEERING AND ENERGY MANAGEMENT SERVICES
FOR THE WASTEWATER TREATMENT PLANT**

Whereas, The Wastewater Treatment Plant (WWTP) has determined the need for professional engineering and energy management services on an as needed and as approved basis during FY 04;
Whereas, It is cost effective and efficient for the Water Utilities Department to employ Mr. James L. McCoy, P.E. for engineering and energy management services because he has extensive familiarity with the WWTP and an hourly rate that is significantly lower than other electrical engineering service providers; and
Whereas, Mr. James L. McCoy, P.E. is exempt from Human Resources Department approval and the Living Wage Ordinance due to the fact that he employs or contracts with fewer than five individuals;

RESOLVED, That Council approve an agreement with Mr. James L. McCoy, P.E., on an as needed and as approved basis for \$30,000.00 to provide professional engineering services for the WWTP during FY 04;

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

RESOLVED, That the Professional Services Agreement be funded from the approved FY 04 WWTP Operation and Maintenance Budget for the Sewage Disposal System.

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

**R-279-7-03 APPROVED
RESOLUTION TO APPROVE AMENDMENT NO. 2 TO THE CONSULTANT SERVICES AGREEMENT WITH D. KERRY LAYCOCK**

Whereas, On November 8, 2001 Council approved a consulting services agreement with D. Kerry Laycock for reorganization in three divisions of the Water Utilities Department in the amount of \$65,321.00 and on January 6, 2003 approved Amendment No. 1 to the

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consulting services contract in the amount of \$11,000.00 increasing the total compensation to be paid for

services to \$76,321.00;

Whereas, The operations and maintenance jobs at the Water and Wastewater Treatment Plants have been restructured resulting in savings in personnel related expenditures;

Whereas, During this restructuring it was identified that efficiency can be gained by employees working in Self Directed Work Teams (SDWT) at the Water and Wastewater Treatment Plants (W/WTP);

Whereas, Employees at W/WTP need to develop skills to perform successfully in SDWT;

Whereas, The Consultant has submitted a proposal in the amount of \$20,520.00 to identify skills and resources to train employees to work in SDWT, and develop specific additional training for Water Utility Supervisors due to their restructured job responsibilities; and

Whereas, D. Kerry Laycock is an independent contractor and sole service provider exempt from Human Rights and Living Wage approval requirements;

RESOLVED, That Council approve Amendment No. 2 in the amount of \$20,520.00 to consultant services agreement for Water Utilities Department Redesign Work with D. Kerry Laycock for addition consulting services in connection with the SDWT program increasing the total compensation for services under this contract to \$96,841.00; and

RESOLVED, The Amendment No. 2 be funded with \$10,260.00 from the Operation and maintenance Budget of the Water Supply System and \$10,260.00 from the Operation and Maintenance Budget of the Sewage Disposal System for the FY 04 to be expended during the life of the contract without regard to fiscal year.

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

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

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R-280-7-03 APPROVED

RESOLUTION TO APPROVE A CONTRACT WITH GOVERNMENTAL CONSULTANT SERVICES INC., FOR LOBBYING SERVICES

Whereas, In 2001, City Council sought proposals for the provision of lobbying services for the City and awarded a one-year contract to Governmental Consultant Services, Inc. (GCSI) which under the terms of the contract provided for two six-month service periods;

Whereas, GCSI's contract for services expired on June 30, 2003;

Whereas, GCSI has done an outstanding job for the past two years of communicating issues currently pending before the legislature;

Whereas, An effective lobbying relationship will take multiple years to effectively mature and it is in the City's best interest to continue to retain the services of GCSI;

Whereas, Funds for this contract are included in the Administrator's Office FY 2003/2004 budget; and

Whereas, Human Rights approval and compliance with the Living Wage Ordinance were received on June 19, 2003;

RESOLVED, That Council approve a 12 month contract with GCSI in the amount of \$48,000.00 for fiscal year 2003/2004 to perform lobbying services for the City in accordance with City RFP #514;

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

RESOLVED, That the City Administrator be authorized to take the necessary administrative actions, including the authority to execute on behalf of the City any related documentation to identify GCSI as lobbyist for the City of Ann Arbor, to implement this resolution.

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

On roll call, the vote was as follows:

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Yeas, Council Members Carlberg, Herrell, Teall, Easthope, Woods, Groome, Johnson, Lowenstein, Mayor Hieftje, 9;

Nays, Council Members Reid, Higgins, 2.

The Mayor declared the motion carried.

R-295-7-03 APPROVED AS AMENDED

RESOLUTION TO PROTEST THE ERODING OF CIVIL LIBERTIES UNDER THE USA PATRIOT ACT (PUBLIC LAW 107-56) AND RELATED

FEDERAL ORDERS SINCE 9/11/01

Council Member Groome moved, seconded by Council Member Herrell that the resolution be adopted. Council Member Reid moved, seconded by Council Member Lowenstein to amend the resolution as follows:

REMOVE 5th RESOLVED CLAUSE:

...RESOLVED, That the City Administrator is directed to seek semi-annually, by form letter, from federal authorities the following information on behalf of the residents of the City of Ann Arbor:

1. The names of all residents of the City of Ann Arbor who have been arrested or otherwise detained by federal authorities as a result of terrorism investigations since September 11, 2001; the location of each detainee; the circumstances that led to each detention; the charges, if any, lodged against each detainee; the name of counsel, if any, representing each detainee;
2. The number of search warrants that have been executed in the City of Ann Arbor without notice to the subject of the warrant pursuant to Section 213 of the USA PATRIOT Act;
3. The extent of electronic surveillance carried out in the City of Ann Arbor under powers granted in the USA PATRIOT Act;

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4. The extent to which federal authorities are monitoring political meetings, religious gatherings or other activities protected by the First Amendment within the City of Ann Arbor;
5. The number of times education records have been obtained from public schools and institutions of higher learning in the City of Ann Arbor under Section 507 of the USA PATRIOT Act;
6. The number of times library records have been obtained from libraries in the City of Ann Arbor under Section 215 of the USA PATRIOT Act;

The number of times that records of the books purchased by store patrons have been obtained from bookstores in the City of Ann Arbor under Section 215 of the USA PATRIOT Act;...

On roll call, the vote was as follows:

Yeas, Council Members Lowenstein, Reid, Higgins, 3;

Nays, Council Members Carlberg, Herrell, Teall, Easthope, Woods, Groome, Johnson, Mayor Hieftje, 8;

The Mayor declared the motion failed.

Council unanimously agreed to amend the resolution by adding the word General in front of Ashcroft's name so that it reads Attorney General Ashcroft.

Council Member Reid moved, seconded by Council Member Lowenstein that the resolution be amended as follows:

Remove 5th RESOLVED Clause Section 4:

...RESOLVED, That the City Administrator is directed to seek semi-annually, by form letter, from federal authorities the following information on behalf of the residents of the City of Ann Arbor:

- ...4. The extent to which federal authorities are monitoring political meetings, religious gatherings or other activities protected by the First Amendment within the City of Ann Arbor;...

On roll call, the vote was as follows:

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Yeas, Council Members Lowenstein, Reid, Higgins, Mayor Hieftje, 4;

Nays, Council Members Groome, Johnson, Carlberg, Herrell, Teall, Easthope, Woods, 7.

The Mayor declared the motion failed.

The question being the resolution as originally presented, on a voice vote, the Mayor declared the motion carried.

The resolution reads as follows:

R-295-7-03

RESOLUTION TO PROTEST THE ERODING OF CIVIL LIBERTIES UNDER THE USA PATRIOT ACT (PUBLIC LAW 107-56) AND RELATED FEDERAL ORDERS SINCE 9/11/01

Whereas, The City of Ann Arbor is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents and knows that these rights and liberties are essential to the well-being of a democratic society;

Whereas, The City of Ann Arbor has a diverse population, including recent immigrants and students from other nations, whose contributions to the community are vital to its economy, culture and civic character;

Whereas, The Ann Arbor City Council adopted Resolution R-18-1-02, publicly affirming Ann Arbor's support of the due process rights of all who reside in the City;

Whereas, The Board of Trustees of the Ann Arbor District Library unanimously adopted the American Library Association Resolution on the USA Patriot Act and Related Measures That Infringe on the Rights of Library Users on June 16, 2003 and stated that the situation created by the USA Patriot Act "presents a clear and present problem to the Library and the public";

Whereas, Federal, state and local governments should protect the public from terrorist attacks such as those that occurred on September 11, 2001, but should do so in a rational and deliberate fashion to ensure that any new security measure enhances public safety without impairing constitutional rights or infringing on civil liberties;

Whereas, The US Attorney General has stated that the federal government may ask local police departments to enforce federal immigration law;

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Whereas, The City Council is concerned that the adoption of the USA PATRIOT Act (Public Law 107-56) and related executive orders, federal policies, regulations and actions adopted since September 11, 2001 threaten fundamental rights and liberties in the following ways:

__ Under the provisions of Section 412 of the Act, non-citizens may be incarcerated for 7 days without charge and continue to be incarcerated for six month periods indefinitely, without access to counsel, under the order of the United States Attorney General if he determines release would endanger the security of the country or of a specific person, which decision is subject to limited judicial review.

__ The provisions of Section 216 of the Act eliminate judicial latitude in issuance of electronic surveillance orders when the state has met its procedural burden.

__ The provisions of Section 213 of the Act allow federal searches to be conducted and delayed notice to be given to the subject of the search when it has been judicially determined there would be an adverse effect if concurrent notice was given, involving searches for information not protected by the First Amendment .

The subject of the search may never be given notice that a search was conducted if criminal proceedings are not initiated after the search.

__ The provisions of Sections 203 and 215 of the Act, expand federal data collection procedures to now include personal medical, financial, library, and education records and to allow surveillance of religious services, political demonstrations and other public meetings. Also grants ability for federal law enforcement and intelligence agencies to share and maintain the data regardless of whether the individual has committed, is alleged to have committed or is suspected of possible future acts of terrorism.

__ The provisions of Sections 411 and 802 broadly define acts of domestic or international terrorism, potentially chilling constitutionally protected speech;

Whereas, These new powers pose a threat to the civil rights and liberties of all who reside in our City but particularly those who are Muslim and/or those of Arab or South Asian descent and other immigrant populations;

Whereas, The Ann Arbor Police Department has undertaken numerous efforts to build police and community trust in its enforcement actions and the USA PATRIOT Act and its related executive orders and regulations as adopted and implemented have the potential to drive a wedge between immigrant communities and the police who protect them; and

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Whereas, Further federal legislation may be proposed and the Ann Arbor City Council is concerned about any further undermining of civil liberties and freedoms across the United States;

RESOLVED, That the Ann Arbor City Council reaffirms its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on civil liberties;

RESOLVED, That the Ann Arbor City Council affirms current Ann Arbor Police Department commitment to non-discriminatory policing in criminal investigation and supports the Ann Arbor Police Department in conducting its work so that race, religion, ethnicity or national origin is used as a factor only when investigating or seeking to apprehend a specific suspect whose aforementioned characteristics(s) is part of the description of the suspect, but otherwise refrains from relying on such criteria in all policing functions;

RESOLVED, That the Ann Arbor City Council strongly supports the rights of immigrants and opposes measures that single out individuals for legal scrutiny or enforcement activity based solely on their country of origin and/or religion;

RESOLVED, That the Ann Arbor City Council, as a matter of public policy, directs the Ann Arbor Chief of Police, to the extent permitted by law, to:

1. Continue to limit local enforcement actions with respect to immigration matters to penal violations of federal immigration law (as opposed to administrative violations) except in cases where the Chief of Police determines there is a legitimate public safety concern and in such public safety instances, to report the situation to the City Council no later than 60 days after the incident.
2. Continue to refrain from covert surveillance of and/or collection and maintenance of information on individuals or groups based on their participation in activities protected by the First Amendment, such as political advocacy or the practice of a religion, without a particularized suspicion of unlawful activity.
3. Affirm the existing practice, as required by Michigan state law, of providing simultaneous notice of the execution of a state court search warrant to any resident of the City of Ann Arbor whose property is the subject of such a warrant, except in cases of anticipatory search warrants.
4. Report to the City Council any request made by federal authorities for the Ann Arbor Police Department to participate in any activity under the USA Patriot Act, to the extent the Chief of Police has knowledge of such request.

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5. Refrain from participating in informational interviews conducted by federal authorities similar to those conducted by the Federal Bureau of Investigation (FBI) in early 2002 in Ann Arbor of individuals not suspected of criminal activity, unless the interviewee has specifically requested the presence of an AAPD official;

RESOLVED, That the City Administrator be directed to seek semi-annually, by form letter, from federal authorities the following information on behalf of the residents of the City of Ann Arbor:

7. The names of all residents of the City of Ann Arbor who have been arrested or otherwise detained by federal authorities as a result of terrorism investigations since September 11, 2001; the location of each detainee; the circumstances that led to each detention; the charges, if any, lodged against each detainee; the name of counsel, if any, representing each detainee;
8. The number of search warrants that have been executed in the City of Ann Arbor without notice to the subject of the warrant pursuant to Section 213 of the USA PATRIOT Act;
9. The extent of electronic surveillance carried out in the City of Ann Arbor under powers granted in the USA PATRIOT Act;
10. The extent to which federal authorities are monitoring political meetings, religious gatherings or other activities protected by the First Amendment within the City of Ann Arbor;
11. The number of times education records have been obtained from public schools and institutions of higher learning in the City of Ann Arbor under Section 507 of the USA PATRIOT Act;
12. The number of times library records have been obtained from libraries in the City of Ann Arbor under Section 215 of the USA PATRIOT Act;
13. The number of times that records of the books purchased by store patrons have been obtained from bookstores in the City of Ann Arbor under Section 215 of the USA PATRIOT Act;

RESOLVED, That the City Administrator transmit to the City Council as an information item at a City Council regular session no less than once every six months a summary of the information obtained pursuant to the preceding paragraph;

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RESOLVED, That the City Clerk be directed to transmit a copy of this resolution to President Bush, U.S. Attorney General Ashcroft, U.S. Senator Levin, U.S. Senator Stabenow and U.S. Congressman Dingell, Governor Granholm and State Senator Brater and State Representative Kolb accompanied by a letter urging them to monitor federal anti-terrorism tactics and to work to repeal provisions of the USA PATRIOT Act and other laws and regulations that infringe on civil rights and liberties;

RESOLVED, That upon the passage of additional anti-terrorism legislation that the Ann Arbor City Council believes undermines civil liberties, this resolution may be amended; and

RESOLVED, That the provisions of this resolution shall be severable, and if any phrase, clause, sentence or provision of this resolution is declared by a court of competent jurisdiction to be contrary to the Constitution of the United States or of the State of Michigan or the applicability thereof to any agency, person, or circumstances is held invalid, the validity of the remainder of this resolution and the applicability thereof to any other agency, person or circumstances shall not be affected thereby.

RECESS FOR CLOSED SESSION

Council Member Easthope moved, seconded by Council Member Woods that the regular session of Council be recessed to discuss attorney-client privileged communication.

On roll call, the vote was as follows:

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

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 10:42 p.m.

The Mayor reconvened the regular session of Council at 11:40 p.m.

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ORDINANCES - SECOND READING

22-03 APPROVED

INCREASE STORMWATER RATES

An Ordinance to Amend Sections 2:203 and 2:204 of Chapter 33 of Title II of the Code of the City of Ann Arbor

(The complete text of Ordinance 22-03 is on file in the City Clerk's Office.)

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

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

25-03 APPROVED

SOLICITATION

An Ordinance to Amend the Chapter 108, Section 9:70 of the Code of the City of Ann Arbor

(The complete text of Ordinance 25-03 is on file in the City Clerk's Office.)

Council Member Lowenstein moved, seconded by Council Member Johnson that the ordinance be approved at second reading.

Council Member Groome moved, seconded by Council Member Herrell to amend the ordinance by removing Section 10, which reads as follows:

10. In a manner that ; appears likely to cause a reasonable person of ordinary sensibilities to feel intimidated, threatened or harassed

On roll call, the vote was as follows:

Yeas, Council Members Groome, Herrell, Woods, 3;

Nays, Council Members Carlberg, Teall, Higgins, Easthope, Johnson, Lowenstein, Reid, Mayor Hieftje, 8.

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The Mayor declared the motion failed.

The question being the ordinance as originally presented, on roll call, the vote was as follows:

Yeas, Council Members Johnson, Lowenstein, Reid, Carlberg, Teall, Higgins, Easthope, Mayor Hieftje, 8;

Nays, Council Members Groome, Herrell, Woods, 3.

The Mayor declared the motion carried.

20-03 APPROVED

PERMITTED PRINCIPAL USES IN THE OFFICE ZONING DISTRICT

An Ordinance to Amend Section 5:10.12 of Chapter 55 of Title V of the Code of the City of Ann Arbor.

(The complete text of Ordinance 20-03 is on file in the City Clerk's Office.)

Council Member Higgins moved to reconsider Ordinance No. 20-03 from the June 16, 2003 agenda for the purpose of replacing it with Ordinance No. 20-03, Item B-3 on the July 17, 2003 agenda. These two items are identical, but that the approval of B-4 on the June 16, 2003 agenda was improvidently granted due to lack of proper notice.

Step 1: Move to reconsider - presumably vote in favor.

Step 2: Vote on today's Ordinance No. 20-03.

No need to change Resolution No. R-284-7-03 (summary publication).

On a voice vote, the Mayor declared the motion carried.
Council Member Higgins moved, seconded by Council Member Teall that the ordinance be approved at second reading.

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

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ORDINANCES - FIRST READING

26-03 APPROVED

ADOPTION OF THE MARCH 5, 2003 DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN FOR THE ANN ARBOR DOWNTOWN DEVELOPMENT DISTRICT

An Ordinance to Amend Ordinance No. 55-82 of the City of Ann Arbor with the Adoption of the March 5, 2003 Development Plan and Tax Increment

Financing Plan for the Ann Arbor Downtown Development District As Prepared and Approved by the Ann Arbor Downtown Development Authority Being New Section 1:158 and Section 1:589 of Title I of the Code of the City of Ann Arbor

(The complete text of Ordinance 26-03 is on file in the City Clerk's Office.)

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

On roll call, the vote was as follows:

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

Nays, Council Members Groome, Reid, 2.

The Mayor declared the motion carried.

POSTPONED

BROADWAY VILLAGE AT LOWER TOWN 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 6.41 acres, located on Broadway at Maiden Lane, from C1 (Local Business District), C-3 (Fringe Commercial District) and O (Office District) to PUD (Planned Unit Development District). (The complete text of this ordinance is on file in the City Clerk's Office).

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

Council Member Higgins moved, seconded by Council Member Johnson to postpone the ordinance until July 21, 2003 for further review.

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

27-03 APPROVED

SOLID WASTE -

DEFINE REQUIREMENTS FOR THE PLACEMENT OF CITY-MANDATED REFUSE CURBCARTS, DEFINE THE CRITERIA FOR ASSESSING CHARGES FOR THE PAYMENT OF EMPTYING COMMERCIAL REFUSE DUMPSTERS, AND DEFINE PAYMENT PROCEDURES FOR THE CITY PROVISION OF REFUSE CURBCARTS AND REFUSE DUMPSTER SERVICE

An Ordinance To Amend Sections 2:1, 2:2 And 2:5 Of Chapter 26

Of Title II of the Code of the City of Ann Arbor

(The complete text of Ordinance 27-03 is on file in the City Clerk's Office.)

Council Member Easthope moved, seconded by Council Member Higgins that the ordinance be adopted at first reading.

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

MOTIONS AND RESOLUTIONS

R-282-7-03 APPROVED

RESOLUTION TO APPROVE 2855 GLADSTONE AVENUE LAND DIVISION

Whereas, Shahram and Sophie Giviyan-Kermani have requested land division approval in order to divide

the property at 2855 Gladstone Avenue (Assessor's Code No. 12-03-300-016) into two separate parcels; and
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Whereas, The Ann Arbor City Planning Commission, on June 3, 2003, recommended approval of said request;

RESOLVED, That City Council approve the 2855 Gladstone Avenue Land Division, as described below:

Parcel A

BEGINNING at the Southwest corner of Lot 1, "Kimberly Hills" Subdivision, as recorded in Liber 3 of Plats, page 32, Washtenaw County Records, Washtenaw County, Michigan; thence along the South line of Lots 1, 2 and part of Lot 3 of said Kimberly Hills Subdivision, N 89o52'30" E 150.00 feet; thence S 00o58'30" W 60.01 feet; thence S 89o52'30" W 62.64 feet; thence N 00o07'30" W 3.61 feet; thence S 89o52'30" W 40.55 feet; thence S 00o07'30" E 3.61 feet; thence S 89o52'30" W 46.94 feet to a point on the East line of Gladstone Avenue; thence along said East line, N 01o06'30 E 60.01 feet to the Point of Beginning, being a part of the Southwest ¼ of Section 3, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan, containing 0.20 acres of land (8,857.93 square feet) , more or less, being subject to easements and restrictions.

Parcel B

Commencing at the Southwest corner of Lot 1, "Kimberly Hills" Subdivision, as recorded in Liber 3 of Plats, page 32, Washtenaw County Records, Washtenaw County, Michigan; thence along the East line of Gladstone Avenue, S 01o06'30" W 60.01 feet for the POINT OF BEGINNING; thence N 89o52'30" E 46.94 feet; thence N 00o07'30" W 3.61 feet; thence N 89o52'30" E 40.55 feet; thence S 00o07'30" W 3.61 feet; thence N 89o52'30" E 40.55 feet; thence S 00o07'30" E 3.61 feet; thence N 89o52'30" E 62.64 feet; thence S 00o58'30" W 74.99 feet; thence S 89o52'30" W 150.31 feet to a point on the East line of said Gladstone Avenue; thence along said East line, N 01o06'30" E 74.99 feet to the Point of Beginning, being a part of the Southwest ¼ of Section 3, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan, containing 0.26 acres of land (11,409.06 square feet), more or less, being subject to easements and restrictions.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed 2885 Gladstone Avenue Land Division, 0.46 acre.

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

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

R-283-7-03 APPROVED

RESOLUTION TO APPROVE 1985 UPLAND DRIVE LAND DIVISION

Whereas, Lounes Rabhi has requested land division approval in order to divide the property at 1985 Upland Drive (Assessor's Code No. 09-22-202-015) into two separate parcels; and

Whereas, The Ann Arbor City Planning Commission, on June 3, 2003, recommended approval of said request;

RESOLVED, That City Council approve the 1985 Upland Drive Land Division, as described below:

Parcel A

Being a part of Lot 27 of "Uplands," a subdivision recorded in Liber 5 of Plats, page 41, Washtenaw County Records. Being more particularly described as: Beginning at the NW corner of Section 22, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, also being the NW corner of Lot 27 of "Uplands," a subdivision recorded in Liber 5 of Plats, page 41, Washtenaw County, Michigan, thence S 88o21'30" E 303.47 feet along the North line of said Section 22 and the North line of said Lot 27; thence S 02o17'30" W 30.00 feet along the East line of said Lot 27 and the West line of Upland Drive (50 feet wide); thence N 88o21'30" W 141.53 feet; thence S 02o17'30" W 103.00 feet; thence N 88o21'30" W 161.82 feet along the South line of said Lot 27; thence N 02o14'30" E 133.00 feet along the West line of said Section 22 and the West line of said Lot 27 to the POINT OF BEGINNING. Being a part of the NW ¼ of said Section 22 and containing 0.59 acres of land, more or less. Being subject to Utilities and Proposed Annexation Agreements as recorded in Liber 2914, page 76, and Liber 2914, page 79, Washtenaw County Records. Being subject to easements and restrictions of record, if any.

Parcel B

Being a part of Lot 27 of "Uplands," a subdivision recorded in Liber 5 of Plats, page 41, Washtenaw County Records. Being more particularly described as: Commencing at the NW corner of Section 22, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, also being the NW corner of Lot 27 of

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“Uplands,” a subdivision recorded in Liber 5 of Plats, page 41, Washtenaw County Records; thence S 02o14’30” W 133.00 feet along the West line of said Section 22 and the West line of said Lot 27, thence S 88o21’30” E 161.82 feet along the South line of said Lot 27 to the POINT OF BEGINNING, thence N 02o17’30” E 103.00 feet; thence S 88o21’30” E 141.53 feet; thence S 02o17’30” W 103.00 feet along the East line of said Lot 27 and the West line of Upland Drive (50 feet wide); thence N 88o21’30” W 141.53 feet along the South line of said Lot 27 to the POINT OF BEGINNING. Being a part of the NW ¼ of said Section 22 and containing 0.34 acres of land, more or less. Being subject to Utilities and Proposed Annexation Agreements as recorded in Liber 2914, page 76, and Liber 2914, page 79, Washtenaw County Records. Being subject to easements and restrictions of record, if any.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed 1985 Upland Drive Land Division, 0.93 acre.

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

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

R-284-7-03 APPROVED

**RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF
ORDINANCE NO. 20-03 - AMENDMENTS TO CHAPTER 55
SECTION 5:10.12, REGARDING PERMITTED PRINCIPAL
USES IN THE OFFICE ZONING DISTRICT**

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

RESOLVED, That the publication of Ordinance 20-03 shall be by the following summary:

Ordinance 20-03 revises Chapter 55 (Zoning) to allow private colleges, universities and other institutions of higher learning as permitted principal uses in the Office zoning district.

The complete text of this ordinance is available at the Ann Arbor City Clerk’s Office and at www.ci.ann-arbor.mi.us/Planning.

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

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

POSTPONED

**RESOLUTION SUBMITTING CITY OF ANN ARBOR RECOMMENDATIONS
FOR CONSIDERATION BY THE LAND USE LEADERSHIP COUNCIL**

Whereas, Governor Granholm, through Executive Order 2003 - 4 created the Land Use Leadership Council to provide recommendations to the Governor and Legislature regarding the economic, environmental and social impacts of current land use trends, promote urban revitalization, foster intergovernmental partnerships, protect Michigan’s natural resources and farmland, open space and better manage the cost of public investment in infrastructure;

Whereas, The Ann Arbor City Council considers the deliberations of the Land Use Leadership Council to be a milestone in our State’s history;

Whereas, The Ann Arbor City Council has carefully considered numerous actions and initiatives that could be taken to promote sound planning; and

Whereas, These recommendations are considered to be the most important and most fundamental changes needed to protect our quality of life and support the top priorities of the Land Use Council;

RESOLVED, That the Ann Arbor City Council hereby encourages the Land Use Leadership Council to give serious consideration in creating a statewide plan including goals that reflect a consensus vision for Michigan’s future to serve as a framework for making state related public investments;

RESOLVED, That the Ann Arbor City Council hereby encourages the Land Use Leadership Council to give serious consideration into consolidating the numerous planning, zoning, subdivision and land development acts into one unified Act and adding provisions that require development to be consistent with a local unit of government’s master plan, zoning ordinances and land development regulations;

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RESOLVED, That the Ann Arbor City Council hereby encourages the Land Use Leadership Council to give

serious consideration in promoting agricultural operations through a dedicated, long-term source of revenue to fund farmland PDR and value added agricultural development, assessing farmland at its current use, rather than highest and best use, allow local governmental to transfer development rights across jurisdictional boundaries where the receiving zone represents infill development in an already urbanized area or redevelopment of an existing downtown; and

RESOLVED, That the Ann Arbor City Council hereby directs the City Clerk to forward copies of this resolution to the Land Use Leadership Council members Frank Kelley and William Milliken, Co-Chairs, Liz Brater, Chris Kolb, and Ruth Ann Jamnick, Matt Milosh, Gene DeRossett and Beverly Hammerstrom. Council Member Easthope moved, seconded by Council Member Teall that the resolution be adopted. Council Member Carlberg moved, seconded by Council Member Johnson that the resolution be postponed until July 21, 2003 for further review.

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

R-285-7-03 APPROVED

RESOLUTION TO OPPOSE THE PASSAGE OF HOUSE BILL 4009

Whereas, House Bill 4009 is under consideration by the Michigan Legislature;
Whereas, This bill would amend the Natural Resources and Environmental Protection Act to facilitate the use of private sewerage systems to serve 2 or more units, regardless of local governmental approval;
Whereas, The operation of such systems has potential to cause pollution problems in future years;
Whereas, One likely effect of the use of such systems would be to promote sprawl; and
Whereas, The Washtenaw County Planning Advisory Board and Board of Commissioners adopted motions opposing this legislation and asking the Washtenaw County's legislative representatives to oppose the legislation;

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RESOLVED, That the Ann Arbor City Council opposes the passage of HB 4009; and
RESOLVED, That the Ann Arbor City Council directs the City Clerk to forward this resolution to all Washtenaw County State Legislative Representatives and to Governor Granholm. Council Member Johnson moved, seconded by Council Member Lowenstein that the resolution be adopted. On a voice vote, the Mayor declared the motion carried.

R-286-7-03 APPROVED

RESOLUTION TO APPROVE FIRST AMENDMENT CONTRACT WITH BODMAN, LONGLEY AND DAHLING, LLP, FOR LEGAL SERVICES REPRESENTING THE CITY RELATIVE TO A MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY ADMINISTRATIVE HEARING ENTITLED IN RE PETITIONS ON MODIFIED PERMITS ISSUED TO PALL LIFE SCIENCES, INC.; NPDES NO. MI-0048453 AND RELATIVE TO CIRCUIT COURT LITIGATION AND APPROPRIATION OF FUNDS

Whereas, The City previously retained Bodman, Longley & Dahling, LLP, for legal services representing the City relative to a Michigan Department of Environmental Quality administrative hearing entitled In re Petitions on Modified Permits Issued to Pall Life Sciences, Inc.; NPDES No. MI-0048453;
Whereas, The City also retained Bodman, Longley & Dahling, LLP, for legal services representing the City relative to a Related Circuit Court Lawsuit Entitled Pall Life Sciences, Inc. vs. City of Ann Arbor, et al., Case No. 02-881-CF, and to consider other possible court action;
Whereas, The \$35,000.00 amount of the initial contract for legal services, of which \$25,000.00 was allocated to the contested case and \$10,000.00 was allocated to court actions, was not intended to cover all legal service fees and costs in connection with either the contested case or the court actions;
Whereas, The firm has now calculated the probable amount of legal service fees and costs to complete both the contested case and possible court action, including amounts to cover legal services to date relative to both, but not including the costs for an appeal in either; and

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Whereas, Bodman, Longley & Dahling, LLP, received Human Rights clearance on August 7, 2002, has agreed to comply with the City's living wage ordinance, and has received approval with respect to such compliance;
RESOLVED, That \$536,000.00 be appropriated from the Unobligated Fund Balance of the Water Supply System to fund this amendment;

RESOLVED, That Bodman, Longley & Dahling, LLP, be authorized to proceed with litigation as directed by City Council and the City Attorney; and
RESOLVED, That the Mayor and City Council be authorized to sign a first amendment to the legal services agreement with Bodman, Longley & Dahling, LLP, approved as to form by the City Attorney, for legal services in these matters in an amount not to exceed \$536,000.00, of which an amount not to exceed \$140,000.00 is for services in the NPDES permit contested case and an amount not to exceed \$396,000.00 is for legal services related to circuit court litigation, to be expended without regard to fiscal year.
Council Member Easthope moved, seconded by Council Member Woods that the resolution be adopted.
On roll call, the vote was as follows:
Yeas, Council Members Carlberg, Herrell, Teall, Higgins, Easthope, Woods, Groome, Johnson, Lowenstein, Reid, Mayor Hieftje, 11;
Nays, 0.
The Mayor declared the motion carried.

**R-287-7-03 APPROVED
RESOLUTION TO APPROVE A MICHIGAN DEPARTMENT OF NATURAL
RESOURCES NATURAL RESOURCES TRUST FUND (MNRTF) LAND ACQUISITION
PROJECT AGREEMENT FOR AN ADDITION TO DOLPH PARK - GRANT AMOUNT OF \$687,900.00 AND
LOCAL MATCH OF \$586,040.00**

Whereas, The Michigan Department of Natural Resources approved of a matching grant application through the Michigan Department of Natural Resources Trust Fund (MNRTF) for acquisition of an 18.2 acre addition to Dolph Park in the amount of \$687,960.00;

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Whereas, This addition will create an important greenway linkage, will preserve the southern shoreline of Second Sister Lake and will provide a natural area with passive recreation opportunities to serve City residents;

Whereas, Once MNRTF funds are used to acquire property it must be held perpetually by the City for park purposes only as stated in the agreement;

Whereas, An environmental assessment will be completed as stipulated in the grant agreement;

Whereas, The Park Advisory Commission approved the grant application and the Mayor and Council approved the grant application on March 18, 2002; and

Whereas, The total cost of the acquisition is estimated to be \$1,274,000.00 and funding for the City match at \$586,040.00 is included in the adopted FY 2003/2004 Park Acquisition Millage;

RESOLVED That the City will be required to deed 1/6 of its mineral rights to the State in perpetuity and limit its mineral rights activity on land adjacent to the project area;

RESOLVED That the Mayor and Council approve a project budget of \$1,274,000.00 with up to \$687,960.000.00 to be reimbursed from the State for the life of the project; and

RESOLVED That Mayor and City Council approve the project agreement between the City and the Michigan Department of Natural Resources for the acquisition of an addition to Dolph Park and authorize the Mayor and City Clerk to sign the agreement that is approved as to substance by the City Administrator and to form by the City Attorney.

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

On roll call, the vote was as follows:

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

Nays, 0.

The Mayor declared the motion carried.

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**R-288-7-03 APPROVED
RESOLUTION TO APPROVE THE PURCHASE OF TWO MID-SIZE CARS AND
ONE FULL-SIZE CAR - OAKLAND COUNTY BID**

Whereas, The Safety Services Area, Fire Division needs two vehicles;

Whereas, Competitive bids were received by the State of Michigan, Oakland County, and Macomb County;

Whereas, Signature Ford of Perry, Michigan, submitted the lowest responsible bid to Macomb County at \$52,692.00;
Whereas, Fire Division funds are insufficient for this purchase, but sufficient funds are available in the Motor Equipment Fund, fund balance, and the Fire Division will repay the Motor Equipment Fund one-fifth of \$52,692.00 over five fiscal years, beginning fiscal year 2003/04; and
Whereas, Signature Ford received Human Rights approval on January 28, 2003;
RESOLVED, That City Council approve the issuance of a purchase order to Signature Ford in the amount of \$52,692.00 for the purchase of one 2004 Ford Explorer and one 2004 Ford Excursion from the Motor Equipment Fund, fund balance with the funds to be available until expended without regard to fiscal year, with one-fifth of said amount to be reimbursed to the Motor Equipment Fund from the Fire Divisions operating budget over five fiscal years, beginning fiscal year 2003/04;
RESOLVED, That the vehicles being replaced, nos. 1004 and 1007, be sold at the next City vehicle auction; and
RESOLVED, That the City Administrator be authorized to take the necessary actions to implement this resolution.
Council Member Teall moved, seconded by Council Member Herrell that the resolution be adopted.
On a voice vote, the Mayor declared the motion carried.

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R-289-7-03 APPROVED**

**RESOLUTION TO APPROVE THE PURCHASE OF TWO MID-SIZE CARS
AND ONE FULL-SIZE CAR - OAKLAND COUNTY BID**

Whereas, The Safety Services Area, Fire Division needs three vehicles;
Whereas, Competitive bids were received by the State of Michigan, Oakland County, and Macomb County;
Whereas, Joe Panian Chevrolet of Southfield, Michigan, submitted the lowest responsible bid to Oakland County at \$42,308.00;
Whereas, Fire Division funds are insufficient for this purchase, but sufficient funds are available in the Motor Equipment Fund, fund balance, and the Fire Division will repay the Motor Equipment Fund one-fifth of \$42,308.00 over five fiscal years, beginning fiscal year 2003/04; and
Whereas, Joe Panian Chevrolet received Human Rights approval on December 5, 2002;
RESOLVED, That City Council approve the issuance of a purchase order to Joe Panian Chevrolet in the amount of \$42,308.00 for the purchase of two 2004 Chevrolet Malibu cars and one 2004 Chevrolet Impala car from Motor Equipment Fund, fund balance with the funds to be available until expended without regard to fiscal year, with one-fifth of said amount to be reimbursed to the Motor Equipment Fund from the Fire Divisions operating budget over five fiscal years, beginning fiscal year 2003/04;
RESOLVED, That the vehicles being replaced, nos. 0106, 1000 and 1001, be sold at the next City vehicle auction; and
RESOLVED, That the City Administrator be authorized to take the necessary actions to implement this resolution.
Council Member Easthope moved, seconded by Council Member Teall that the resolution be adopted.
On a voice vote, the Mayor declared the motion carried.

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R-290-7-03 APPROVED**

**RESOLUTION TO APPROVE A SIX-MONTH EXTENSION OF THE COMPREHENSIVE RECYCLING DROP-OFF
FACILITY LETTER OF
AGREEMENT WITH WASHTENAW COUNTY AND
APPROPRIATION OF FUNDS RECEIVED**

Whereas, City Council approved a one-year agreement with Washtenaw County in June 2002 for operation of a Regional Drop-off Station located on City property along Ellsworth Road;
Whereas, The agreement provided for extension of the agreement upon mutual agreement of the respective governments;
Whereas, The resolution approved by City Council in June 2002 did not specifically authorize the extension period; and

Whereas, Washtenaw County has authorized \$30,000.00 in operational support for the Regional Drop-off Station until at least December 31, 2003;
RESOLVED, That City Council approves a six-month extension of the Comprehensive Drop-off Station Letter of Agreement with Washtenaw County;
RESOLVED, That the City Administrator be authorized and directed to execute the extension agreement as approved; and
RESOLVED, That the \$30,000.00 provided to the City for this purpose be appropriated to the Solid Waste 2003/04 operating budget.
Council Member Easthope moved, seconded by Council Member Teall that the resolution be adopted. On a voice vote, the Mayor declared the motion carried.

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R-291-7-03 APPROVED

SPECIAL ASSESSMENT RESOLUTION NO. 1 - DESIGN SERVICES FOR NEWPORT SANITARY SEWER EXTENSION

Whereas, Council deems it necessary to acquire and construct the following improvement: Newport Sanitary Sewer Extension, DISTRICT NO. 482; FILE NO. 2003-046; described as: Construction of Newport Sanitary Sewer Extension, along Newport Road between Alexandria Blvd. and Bird Road to serve City parcels not currently served;
RESOLVED, That

1. The City Administrator be directed to have prepared plans and specifications for said improvement project, and an estimate of the cost thereof;
2. The City Administrator be directed to file a report of same with the City Clerk, including a recommendation as to what proportion of the cost should be paid by special assessment and what part, if any, should be a general obligation of the City, the number of installments in which the assessments may be paid, and the land which should be included in the special assessment district;
3. The City Clerk shall present said report to the Council and make it available for public examination;
4. The sum of \$28,000.00 be appropriated for the planning and design of said project, such sum being advanced from the sewage disposal system unobligated fund balance pending the sale of appropriate sewer revenue bonds;
5. Any unspent portion of said sum be re-appropriated and re-advanced as above for said project for succeeding fiscal years until bonds are sold and the general fund reimbursed, or until said project is officially closed; and
6. Council declares its intent to issue bonds to pay all or part of the cost of such improvement project, funding reserves, paying for credit enhancement, and the cost of issuance of such bonds (either initially or ultimately), provided that such bonds are issued in conformity with applicable State statutes and all documents, provisions, and details pertaining to such bonds are acceptable to and approved by this Council and provided, further, that such bonds can be sold.

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

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

R-292-7-03 APPROVED

RESOLUTION APPROVING A THREE-PHASE APPROACH TO DEVELOP THREE CITY OWNED PROPERTIES WEST OF MAIN STREET

Whereas, In 2000 the Ann Arbor City Council and Downtown Development Authority resolved to replace the existing First and Washington parking structure with a mixed use building that was to contain 200 public parking spaces;
Whereas, A development agreement between LibertyFirst, the DDA and the City was approved in 2002 and terminated in 2003 before a site plan could be developed;
Whereas, Community input was elicited from area stakeholders and other members of the public about their development goals for the DDA District area west of Main Street;
Whereas, It was recommended that developing the First and William, S. Ashley, and First and Washington sites in a coordinated plan providing public parking, residential, retail, and other commercial uses would

best serve community needs; and

Whereas, Based on this and other input, the DDA voted to recommend a three-phase development approach for three City-owned properties west of Main Street as follows:

Phase I: Build a public parking structure on First and William with an access point on S. Ashley Street. This project may include relocating the Allen Creek drain (or finding another solution to provide for its long-term maintenance needs), and partnering with the Ann Arbor Railroad to enable the deck to utilize air rights to span the tracks. Phase I would be undertaken as soon as possible to anticipate the impending closure of the First and Washington parking structure.

Phase II: Facilitate the construction of a mixed-use building or series of buildings on the S. Ashley (Kline) lot, including retail on the first floor, and office or residential uses above. This project may include at least one level of underground parking.

Phase III: Facilitate the construction of a residential development at First and Washington with a small amount of parking to serve the needs of the building;

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RESOLVED, That the City approve moving forward with the coordinated multi-phase development approach recommended by the Downtown Development Authority for the First and William, South Ashley, and First and Washington sites; and

RESOLVED, That this approval be granted with the understanding that the DDA will work with City Council to ensure that the action plans for each of these sites will contribute to the public good and City planning goals.

Council Member Easthope moved, seconded by Council Member Woods that the resolution be adopted. On a voice vote, the Mayor declared the motion carried.

**R-293-7-03 APPROVED
RESOLUTION TO APPOINT A COUNCIL MEMBER
TO THE PLANNING COMMISSION**

RESOLVED, That City Council appoint Council Member Carlberg to the Ann Arbor Planning Commission to the term of one year.

Council Member Herrell moved, seconded by Council Member Easthope that the resolution be adopted. On a voice vote, the Mayor declared the motion carried.

**R-294-7-03 APPROVED
RESOLUTION FOR COMMUNITY EVENTS FUND
DISBURSEMENTS FROM THE 2003-2004 BUDGET**

Whereas, The Council Community Events Committee met and reviewed funding requests from the community groups; and

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

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RESOLVED, That the Ann Arbor City Council approve the following allocations from the 2003-2004 Community Events Fund:

Main Street Area Association - Rolling Sculpture Car Show, Friday, July 11, 2003 \$525.00 for city fees associated with turning on electricity.

Council Member Higgins moved, seconded by Council Member Teall that the resolution be adopted. On a voice vote, the Mayor declared the motion carried.

**R-296-7-03 APPROVED
RESOLUTION RECOGNIZING HELPSOURCE INC., AS A
NON-PROFIT ORGANIZATION IN THE CITY OF ANN ARBOR**

Whereas, HelpSource Inc., is a non-profit organization;

Whereas, The United States Department of Treasury-Internal Revenue Service recognizes HelpSource, Inc., as a tax-exempt, non-profit organization; and

Whereas, HelpSource, Inc., needs the City to recognize it as a non-profit organization in the community in order to conduct fundraising activities with State approval;

RESOLVED, That the Mayor and City Council recognize HelpSource, Inc., as a non-profit organization in the City of Ann Arbor.

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

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

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SUPERSEDED BY THE FEES SET IN RESOLUTION R-09-231

APPROVED ON JUNE 15, 2009

R-297-7-03 APPROVED

RESOLUTION TO ESTABLISH THE APPLICATION FEES FOR A SMALL WINE MAKER AND A BRANDY MANUFACTURER LICENSE

Whereas, The Michigan Liquor Control Code establishes requirements for Small Wine Maker Licenses and Brandy Manufacturer Licenses;

Whereas, The City has received its first request for approval of a Small Wine Maker license and Brandy Manufacturer License;

Whereas, There is currently no application fee established by City Council for these licenses;

Whereas, City Council by previous resolution established a general policy of conducting a public hearing prior to establishment of fees;

Whereas, City Council may alter its general policy if it deems it appropriate;

Whereas, The applicant has provided the City Administration with information that its ability to produce wine/brandy is impacted by the summer fruit-growing season;

Whereas, The City Administration believes only a limited number of businesses in Ann Arbor would qualify for these licenses at this time; and

Whereas, The Police Department as the primary investigating department and coordinator for other department investigations and recommendations for liquor licenses has reviewed the current application fee process for liquor licenses and has made the following recommendation:

Liquor License Application Fee

A. Single license application for:

Micro-Brewer license \$500.00

Small Wine Maker License \$500.00

Brandy Manufacturer License \$500.00

B. Multiple license application by same applicant and same licensed property

\$500.00 plus \$25.00 for each additional license in this category;

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RESOLVED, That City Council finds based on the impact of delay related to the summer fruit growing season on license applicants and the limited class of eligible license applicants that it is appropriate to except Small Wine Maker License and Brandy Manufacturer License from Council's general policy of public hearings prior to establishment of fees;

RESOLVED, That Liquor License Application Fees for the categories enumerated above are adopted until further action of Council; and

RESOLVED, That should the City Administration determine a future time that the class of potential applicants has increased or the administrative cost associated with the license application has increased/decreased, the City Administrator be directed to bring this matter before Council for further action, including a public hearing on modification of the fee schedule.

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

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

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

COUNCIL MEMBER HIGGINS

Council Member Higgins and Council Member Easthope were in Lansing, Michigan last week speaking to legislatures about full funding for fire protection and said that the City may not be given the same funding as before. She recommended that Council bring forth a resolution asking Governor Granholm to place this on the priority list of her budget.

COUNCIL MEMBER REID

Council Member Reid requested that a resolution be prepared for the July 21, 2003 Council meeting regarding the passing of former Chief Schmidt expressing condolences to the family and appreciation for his many years of service rendered to the City of Ann Arbor.

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**COMMUNICATIONS FROM THE MAYOR
ANNOUNCEMENTS**

Mayor Hieftje announced that at the next regular session of Council, a motion to allocate approximately \$5,000.00 towards the regional planning effort would be given. He said that this would help pay for a facilitator to come in do study work.

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the June 16, 2003 regular session of Council:

Commission on Disability Issues

Clark B. Schuler (Re-appointment)

2666 White Oak Drive

Ann Arbor, MI 48103

Term: July 7, 2003 - June 18, 2006

Helen Elisa Meador (Re-appointment)

P.O. Box 7488

Ann Arbor, MI 48107

Term: July 7, 2003 - April 2, 2006

Local Officer's Compensation Commission

Michael Schippani

1401 Culver

Ann Arbor, MI 48103

Term: July 7, 2003 - September 30, 2009

Park Advisory Commission

Linda Berauer (Replacing Stephen Rapundalo)

421 Third Street

Ann Arbor, MI 48103

Term: July 19, 2003 - July 18, 2006

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Janet Cohen (Re-appointment)

1230 Morehead Ct.

Ann Arbor, MI 48103

Term: July 17, 2003 - July 16, 2006

Planning Commission

James Carl D'Amour (Filling the place of Chris Graham)

1523 Natalie Lane # 204

Ann Arbor, MI 48105

Term: July 7, 2003 - June 30, 2006

Jennifer Hall (Filling the place of Kristen Gibbs)

1402 Culver Road

Ann Arbor, MI 48103

Term: July 7, 2003 - June 30, 2006

Ethel K. Potts (Filling the place of Scott Wade)

1014 Elder

Ann Arbor, MI 48103

Term: July 7, 2003 - June 30, 2006

Zoning Board of Appeals

Charles A. Carver (Re-appointment)

527 Galen Circle

Ann Arbor, MI 48103

Term: July 7, 2003 - July 9, 2006

Zachary P. Mintzias (Replacing Ethel Potts)

603 Lawrence Street

Ann Arbor, MI 48104

Term: July 21, 2003 - August 19, 2004

Council Member Easthope moved, seconded by Council Member Johnson that Council concur with the recommendations of the Mayor.

Council Member Carlberg moved, seconded by Council Member Easthope to separate the Planning Commission appointments and vote on that commission separately.

Council Member Lowenstein moved, seconded by Council Member Johnson to vote on each individual on the Planning Commission separately.

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

Council Member Lowenstein moved, seconded by Council Member Johnson that Council concur with the recommendations of the Mayor and approve the appointment of Ethel K. Potts.

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

Council Member Groome moved, seconded by Council Member Johnson that Council concur with the recommendations of the Mayor and approve the appointment of Jennifer Hall.

On roll call, the vote was as follows:

Yeas, Council Members Groome, Johnson, Teall, Easthope, Woods, Mayor Hieftje, 6;

Nays, Council Members Lowenstein, Reid, Carlberg, Herrell, Higgins, 5.

The Mayor declared the motion carried.

Council Member Groome moved, seconded by Council Member Johnson that Council concur with the recommendations of the Mayor and approve the Appointment of James Carl D'Amour.

On roll call, the vote was as follows:

Yeas, Council Members Groome, Johnson, Lowenstein, Teall, Higgins, Easthope, Woods, Mayor Hieftje, 8;

Nays, Council Members Reid, Carlberg, Herrell, 3.

The Mayor declared the motion carried.

Council Member Higgins moved, seconded by Council Member Carlberg that the appointment of Zachary P. Mintias replacing Ethel Potts to the Zoning Board of Appeals be approved at tonight's meeting.

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

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NOMINATIONS PLACED ON TABLE

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

Ann Arbor Building Authority

Brenda Smith, Finance Director

100 N. Fifth

Ann Arbor, MI 48104

Term: July 21, 2003 - June 30, 2009

Local Officers Compensation Commission

David A. DeVarti

1231 Baldwin Ave

Ann Arbor, MI 48104

Term: July 21, 2003 - September 30, 2009

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

ANNOUNCEMENT

Roger W. Fraser, City Administrator, announced that he would be out of town on July 21, 2003 and that Sue F. McCormick, Director of Water Utilities, would be present at the regular session of Council on July 21, 2003.

REPORTS SUBMITTED

City Administrator Roger Fraser submitted the following reports for information of Council (Reports on file in the City Clerk's Office):

- 1. Downtown Building Heights - Downtown Development Authority - Susan Pollay, Executive Director**
- 2. Amendments to Sections R2:1, R2:6 and R2:8 of the Solid Waste Regulations Related to Chapter 26 of Title II of the Code of the City of Ann Arbor to Mandate the Recycling of Computers, Televisions and**

Monitors - Solid Waste - Bryan C. Weinert, Interim Director

3. Section 8 Award for Mill Creek Townhouses Decoupling and Special Fees - Housing Commission - Elizabeth A. Lindsley, Executive Director

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COMMUNICATIONS FROM THE CITY ATTORNEY

REPORT ON COMPLETED ANNEXATIONS

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

Completion of two annexations from Pittsfield Township:

1. Turk Property, 0.11 acre, 2919 Shady Lane
2. Prior Property, 0.12 acre, 2971 Shady Lane

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

1. Communication from Mary Beth Lake, AmeriCorps Volunteer with the Michigan Groundwater Stewardship Program Regarding Educational Opportunities on Groundwater Protection.
2. Communication from Washtenaw Community College Regarding Information on Modification of the 2003 Ad Valorem Tax Levy for the WCC District.
3. Communication from the Washtenaw Intermediate School District Regarding the 2003 Tax Rate Request for the Washtenaw Intermediate School District (WISD).
4. Communication from Teri Williams of the Ann Arbor School System (AAPS) thanking the City Clerk and Staff for Assistance During the School Election.

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5. Communication from the Michigan Municipal League regarding Official Notice to Member Cities and Villages of the Michigan Municipal League - Annual Meeting to be Held September 17-19, 2003.
6. Communication from the Washtenaw County Office of County Treasurer regarding a List of Foreclosed Properties and Notice of Public Auction - Catherine McClary, Washtenaw County Treasurer.
7. Communication from the State of Michigan (Before the Michigan Public Service Commission) regarding Notice of Public Hearing for the Electric Customers of the Detroit Edison Company - July 16, 2003.
8. Communication from the Michigan Uniform Emergency Code regarding Notice of Public Forum on the Michigan Energy Code - July 23, 2003.
9. Communication from Comcast Cable regarding Price Increases - Effective August 2003.

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

1. Community Development Block Grant Executive Committee - May 13, 2003
2. Ann Arbor Housing Commission - May 21, 2003
3. Ann Arbor Transportation Authority - May 21, 2003
4. Ann Arbor Employees' Retirement System - May 15, 2003
5. Ann Arbor Retiree Health Care Benefit Plan and Trust (V.E.B.A.) - May 15, 2003
6. Ann Arbor Building Authority - May 22, 2002
7. Human Rights Commission - April 23 and May 28, 2003

Council Member Johnson moved, seconded by Council Member Woods that the Clerk's Report be accepted.

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

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PUBLIC COMMENTARY - GENERAL

THOMAS PARTRIDGE - HELP FOR THE CITY'S MIDDLE CLASS

Thomas Partridge, 100 S. 4th Avenue, #1010, asked that Council help the city's middle class and most vulnerable citizens by helping senior citizens in Courthouse Square.

ADJOURNMENT

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

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 1:55 a.m.

**Kathleen M. Root
Clerk of the Council
Anissa R. King
Recording Secretary**