

REGULAR SESSION - FEBRUARY 4, 1991

The regular session of the Ann Arbor City Council was called to order at 7:34 p.m. in the City Hall Council Chamber by Mayor Gerald D. Jernigan.

Council stood for one moment of silence.

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

ROLL CALL OF COUNCIL

PRESENT: Councilmembers Larry Hunter, Ann Marie Coleman, M. Terry Martin, Ingrid B. Sheldon, Elizabeth S. Brater, Nelson K. Meade, Jerry S. Schleicher, Mark Ouimet, Thais Anne Peterson, Joe Borda, Mayor Gerald D. Jernigan, 11.

ABSENT : 0.

INTRODUCTIONS

MANAGEMENT REPORT

Financial Director Dean Moore introduced Ronald Woods and Walter Jones of Coopers & Lybrand, City auditor, who presented the Management Report, as of June 30, 1990, and reviewed the City's audit report and financial statements. Mr. Jones congratulated the City for receiving the certificate of achievement for excellence in financial reporting for its 1989 Comprehensive Annual Report, and commended Council and City administration for showing fiscal restraint and improving the financial condition of the City. ("Report to City Council, June 30, 1990" on file in the City Clerk's Office)

AUDIENCE PARTICIPATION - Reserved Time

HELEN WEST - KLINE'S PARKING STRUCTURE

Helen West, 584 Glendale Cir., representing the Ann Arbor Area Housing Coalition, urged Council to suspend design and engineering for the Kline's parking structure. Ms. West stated that there are greater and more desperate needs in the City than new parking structures, such as the repair of existing parking structures. (Statement on file in the City

Clerk's Office)

KRISTIN HOPPE - HOUSING

Kristin Hoppe, 340 S. Division St., representing the Washtenaw Affordable Housing Corporation and the Ann Arbor Area Housing Coalition, spoke in support of the City having a workable Housing Trust Fund to address some of the housing problems. (Statement on file in the City Clerk's Office)

DAVID NEWELL - "BANKS COUNT MORE THAN PEOPLE"

David Newell, 410 W. Washington St., representing the Homeless Action Committee, read an article from The Ann Arbor News, dated January 11, 1991, entitled "Banks Count More than People". Mr. Newell expressed concern that the government has a greater sense of urgency in preventing a bank from failing than a city.

LARRY FOX - ADVISORY QUESTION ON PARKING STRUCTURES

Larry Fox, 530 S. State St., representing the Homeless Action Committee, stated that it is not in the best interest of the City to continue planning for new parking structures, and that more urgent needs, such as low-income housing, should be addressed. Mr. Fox spoke in favor of placing an advisory question regarding parking structures on the April ballot to give citizens the opportunity to decide whether more parking structures should be built.

JOHN RASMUSSEN - DOWNTOWN PARKING

John Rasmussen, 600 Peninsula Ct., expressed a need for more short-term parking downtown, and stated that one small 60-space surface parking lot could help keep some of the retail space filled. Mr. Rasmussen further stated that 60 spaces could provide parking for as many as 300 customers a day, which would mean more business and jobs downtown.

PUBLIC HEARINGS

MILL CREEK PROPERTY ZONING (ORDINANCE NO. 1-91)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 2.67 acres from UNZ (Unzoned) to R3 (Townhouse District), Mill Creek property, northeast of Stone School Road and Birch Hollow Drive. Notice of public hearing was published January 20, 1991.

There being no one to speak the Chair declared the hearing closed.

SWIFT RUN DRAIN DISTRICT PARCEL ZONING (ORDINANCE NO. 2-91)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 22.33 acres from UNZ (Unzoned) to PL (Public Land District), Swift Run Drain District Parcel, south of Wolverine Drive and west of Platt Road. Notice of public hearing was published January 20, 1991.

There being no one to speak the Chair declared the hearing closed.

KUEBLER LANGFORD PARK ZONING (ORDINANCE NO. 3-91)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 27.5 acres from UNZ (Unzoned) to PL (Public Land District), Kuebler Langford Park, north of M-14 and west of Main Street. Notice of public hearing was published January 20, 1991.

There being no one to speak the Chair declared the hearing closed.

OLD WEST SIDE HISTORIC DISTRICT ORDINANCE (ORDINANCE NO. 4-91)

A public hearing was conducted on the proposed amendment to Title III of the Ann Arbor Register of Historic Places - Revisions to Old West Side Historic District Ordinance. Notice of public hearing was published January 20, 1991.

The following persons appeared:

Steven Goethel, 901 W. Davis Ave., member of the Old West Side Study Committee, spoke in support of the proposal. Mr. Goethel stated that it was time to bring the Old West Side Ordinance up to date to help the Old West Side continue as a viable neighborhood. Mr. Goethel recommended approval of the proposed amendment to require a building permit for accessory structures.

Len Nebrowski, 223 Linda Vista, spoke in opposition to the proposal and expressed concern with the limitations placed on homeowners to improve their property. Mr. Nebrowski expressed further concern with the difficulty of selling property which cannot be updated.

Barbara Murphy, 507 Second St., representing Old West Side Association Board of Directors, spoke in favor of the proposal. Ms. Murphy stated that the Old West Side Historic District Ordinance, which has been in existence since 1978, helped preserve the neighborhood. Ms. Murphy encouraged Council to approve the revisions to clarify the original ordinance.

There being no one else to speak the Chair declared the hearing closed.

PLYMOUTH ROAD IMPROVEMENTS PROJECT SPECIAL ASSESSMENT

A public hearing was conducted on the proposed special assessment for Plymouth Road Improvements Project Phases 1 and 2. Notice of public hearing was published January 25, 1991.

There being no one to speak the Chair declared the hearing closed.

(See Clerk's report for communication from property owner)

INDEPENDENCE BLVD. ROAD IMPROVEMENTS PROJECT SPECIAL ASSESSMENT

A public hearing was conducted on the proposed special assessment for Independence Boulevard Road Improvements Project. Notice of public hearing was published January 25, 1991.

The following persons appeared:

Alan Brown, 1920 Camelot Rd., spoke in opposition to the proposal and expressed concern that the City has not responded to neighborhood suggestions to limit high speed traffic using Independence Blvd. as a through street from Packard to Washtenaw. Mr. Brown stated that the residents do not know what improvements are represented by the proposed special assessment and requested that the information be made accessible.

(Councilmember Meade stated that, before action is taken, a neighborhood meeting will be scheduled with City representatives to provide further information, and that notice of the meeting will be mailed to residents).

Elaine Robinson, 2100 Independence Blvd., spoke in support of the improvements but objected to the high cost of the assessments which most of the residents cannot afford. Ms. Robinson requested that measures be

taken to reduce the assessments and that means be established for controlling speeders on Independence Blvd.

Joseph Kolling, 1914 Independence Blvd., spoke in support of the improvements but expressed concern with the high cost of the assessments. Mr. Kolling requested that the dead end be restored or stop signs be posted on Independence Blvd. to control traffic after the road is improved. Mr. Kolling further requested that the City consider other options to reduce costs and preserve the neighborhood's yards and trees. (Statement on file in the City Clerk's Office)

Susan Frank, 2500 Gladstone Ave., spoke in opposition to the high cost of the project, and stated that, as the owner of a corner lot, she is already paying for improvements to Gladstone. Ms. Frank further stated that she is not convinced of the accuracy of the project costs, and requested a detailed accounting of the improvements and the factors involved in determining assessments for corner lots. Ms. Frank also expressed concern with traffic using Independence Blvd. as a through street.

James Vanden Bosch, 2500 Kimberly Rd., spoke in opposition to the assessment and expressed concern with the high cost of the project. Mr. Vanden Bosch stated that the deterioration of the road is due to the lack of City maintenance and increased traffic from recent development. Mr. Vanden Bosch further stated that the residents prefer maintaining a quiet setting and that the people who want to keep the street accessible should help pay for the improvements.

Alan Brown, 1920 Camelot Rd., questioned whether this hearing would be the only chance to file an objection, since detailed information on the project is not yet available.

(Acting City Administrator Donald Mason responded that a citizen could file a formal protest with the City any time prior to the confirmation resolution).

There being no one else to speak the Chair declared the hearing closed.

(See Clerk's Report for additional communications from property owners)

WESTOVER HILLS SANITARY SEWER PROJECT SPECIAL ASSESSMENT

A public hearing was conducted on the proposed special assessment for Westover Hills Subdivision Sanitary Sewer Project. Notice of public hearing was published January 25,

1991.

The following persons appeared:

Agnes Kuebler, 263 Westover, objected to the high cost of the project and expressed concern that the proposed assessment is double the amount charged neighbors who had a sewer installed two years ago. Ms. Kuebler stated that residents should have been assessed for sewer at the same time as the majority of the neighborhood. (Statement on file in the City Clerk's Office)

Priscilla Cheever, 267 S. Wagner Rd., objected to the high cost of the project. Ms. Cheever stated that residents should be entitled to the same cost benefits as the other subdivision property owners, since a City engineering error prevented a sewer from being installed at the same time as the rest of the subdivision. (Statement on file in the City Clerk's Office)

There being no one else to speak the Chair declared the hearing closed.

(See Clerk's Report for additional communications from property owners)

HOLLYWOOD DRIVE AND VINE COURT ROAD IMPROVEMENTS PROJECT SPECIAL ASSESSMENT

A public hearing was conducted on the proposed special assessment for Hollywood Drive and Vine Court Road Improvements Project. Notice of public hearing was published January 25, 1991.

The following person appeared:

John Fohrman, President of the Washtenaw Alano Club, 995 N. Maple Rd., spoke in opposition to the proposed assessment. Mr. Fohrman stated that the Alano Club is a non-profit organization and that the assessment would severely impair its ability to stay open. Mr. Fohrman further stated that the proposed improvements are not beneficial to the members of the Alano Club or the community residents who use the facility, and suggested that the developer pay the cost of the improvements. (Statement on file in the City Clerk's Office)

There being no one else to speak the Chair declared the hearing closed.

(See Clerk's Report for additional communication from property owner)

HURON PARKWAY WATER MAIN EXTENSION PROJECT SPECIAL ASSESSMENT

A public hearing was conducted on the proposed special assessment for Huron Parkway Water Main Extension Project. Notice of public hearing was published January 25, 1991.

There being no one to speak the Chair declared the hearing closed.

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

Councilmember Ouimet moved that the agenda be approved with the following changes:

CONSENT AGENDA

Revise: Resolution to Award Contract to Furnish and Deliver Two Lime Slaking Systems at the Water Treatment Plant - Bid No. 2049 (\$105,000.00)

MOTIONS AND RESOLUTIONS

Delete: Resolution Regarding Bid No. 2073 - 116 West William Street and 339 South Ashley Street

Add: Resolution to Approve Contracts for Landfill Related Professional Services (\$175,000.00)

Add: Resolution Ordering Election and Determining Ballot Language for Advisory Question on Parking Structures (Councilmember Coleman)

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Add: Response to Resolution to Prepare Report on Limiting Property Tax Increase, approved January 22, 1991

Add: Ribbons on Main Street Light Poles

Add: Memorial Rock at Corner of Jackson and Dexter Roads

Add: Day Shelter report

Add: Substance Abuse Prevention/Treatment

CLERK'S REPORT

Add: Communication from Andreas and Tatiana Pocsatko, 2110 Independence Blvd., protesting proposed special assessment for Independence Blvd. Road Improvements Project - Assessor, Engineering.

Add: Communication from Gerald and Mary Williams, 212 Westover Ave., protesting proposed special assessment for Westover Hills Subdivision Sanitary Sewer Project - Assessor, Engineering.

Add: Communication from Alan D. Roebuck of Spacemakers, 916 Lennox, protesting proposed special assessment for Hollywood Drive and Vine Court Road Improvements Project - Assessor, Engineering.

Add: Communication from Donald J. Bartolacci, 2504 Powell Ave., protesting proposed special assessment for Independence Blvd. Road Improvement Project - Assessor, Engineering.

Add: Communication from William F. Ager, Jr., 1625 Granger Ave., protesting proposed special assessment for Westover Hills Subdivision Sanitary Sewer Project - Assessor, Engineering.

Add: Communication from Elizabeth A. Bertz, 2014 Independence Blvd., regarding proposed special assessment for Independence Blvd. Road Improvements Project - Assessor, Engineering.

Add: Communication from Robert R. Helber, General Partner of Continental Capital Realty, Inc., 3773 E. Ellsworth Rd., protesting proposed special assessment for Plymouth Road Improvements Project - Assessor, Engineering.

On a voice vote the Chair declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF JANUARY 14 AND 22 APPROVED

Councilmember Coleman moved that the special and working session minutes of January 14, 1991 and the regular session minutes of January 22, 1991 be approved as presented.

On a voice vote the Chair declared the motion carried.

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

Councilmember Brater moved that the following Consent Agenda items be approved as presented:

R-59-2-91 APPROVED

**RESOLUTION TO APPROVE AGREEMENT FOR
REHABILITATION ASSISTANCE TO LILLIAN BOND**

Whereas, The Community Development Department directs the housing rehabilitation program for low income Ann Arbor residents as outlined in the Housing Program Guidelines and accepts applications for rehabilitation assistance;

Whereas, An application was received in November, 1990 from Lillian Bond for rehabilitation assistance to her home located at 1100 Miner;

Whereas, Community Development staff has reviewed all required information submitted by Ms. Bond and has determined her eligible to receive rehabilitation assistance;

Whereas, Community Development staff prepared specifications for the rehabilitation and has received six bids for the work; and

Whereas, Ms. Bond is prepared to enter into a contractor agreement in the amount of \$16,298.00 with the lowest responsible bidder for completion of the rehabilitation work,

RESOLVED, That the Mayor and City Council approve the rehabilitation agreement with Lillian Bond in the amount of \$16,289.00; and

RESOLVED, That the City Council authorize the Mayor and City Clerk to execute the required documents substantially in the form on file in the Office of the City Clerk.

R-60-2-91 APPROVED

RESOLUTION AMENDING 1985 GENERAL
OBLIGATION LIMITED TAX DEVELOPMENT
VARIABLE RATE DEMAND BONDS

Whereas, By Ordinance No. 55-82, adopted November 22, 1982 (the "Ordinance"), the City has adopted a tax increment financing and development plan (the "Plan") for the Ann Arbor Downtown Development District (the "District") as proposed by the Ann Arbor Downtown Development Authority ("DDA") pursuant to Act 197, Public Acts of Michigan, 1975, as amended (the "Act");

Whereas, The City Council has previously determined that it is necessary and appropriate to issue general obligation bonds pursuant to Section 16 of the Act to finance a portion of the project costs of the District (the "Project"), as provided in the Plan;

Whereas, The City Council by resolution duly appointed Ehrlich-Bober & Co., Inc. Remarketing Agent for said bonds;

Whereas, Ehrlich-Bober & Co, Inc. has resigned as Remarketing Agent for the bonds and the City Council by resolution appointed John Nuveen & Co., Inc. to act as successor Remarketing Agent; and

Whereas, It is necessary at this time to amend the resolution adopted December 16, 1985 authorizing the bonds to reflect certain changes concerning the remarketing of the bonds;

RESOLVED, That:

1. Section 2.02(b) of the resolution adopted December 16, 1985 be and is hereby amended to read as follows:

Section 2.02. Interest on Bonds.

(b) Floating Interest Rate: From the date of the first delivery of fully executed and authenticated Bonds to and including January 2, 1986, the Bonds shall bear interest at a rate to be determined pursuant to a supplemental resolution adopted by the City Council. Thereafter, unless the interest rate on the Bonds shall have been established at the Fixed Interest Rate pursuant to Section 2.02(d) hereof, the interest rate borne by the Bonds during each Interest Period shall be determined by the Remarketing Agent as that rate, in its discretion, which, if borne by the Bonds, would in its judgment, having due regard for prevailing financial market conditions, be the interest rate (expressed in integral multiples of one-eighth (1/8) or one twentieth (1/20) of one percent, or any combination thereof)

necessary, to enable the Remarketing Agent to remarket any Bonds delivered for purchase on such date at a purchase price of par plus accrued interest.

Section 2. Conflict. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Section 3. Effective Date. This resolution shall take effect immediately.

R-61-2-91 APPROVED

RESOLUTION TO APPROVE BID FOR COMPUTER PAPER SUPPLIES - BID NO. 2067

Whereas, The computer paper supplies agreement with Moore Business Forms has expired and is currently on a month to month basis at a higher cost;

Whereas, Bids were received in the Purchasing Department on Friday, December 28, 1990 from six bidders on computer paper supplies;

Whereas, Standard Register, Inc. was determined to be the lowest responsible bidder; and

Whereas, Standard Register, Inc. was approved by the Human Rights Department on November 30, 1990;

RESOLVED, That City Council approve a purchase order for computer paper supplies to Standard Register, Inc. in the amount of \$20,339.88, in accordance with the terms of Bid No. 2067;

RESOLVED, That the City Administrator be directed to issue a purchase order to Standard Register, Inc. for computer paper, in accordance with the terms of Bid No. 2067; and

RESOLVED, That the City Administrator may extend this agreement for two six-month periods under the terms of Bid No. 2067.

R-62-2-91 APPROVED

RESOLUTION TO APPROPRIATE FUNDS AND ESTABLISH A BUDGET FOR DESIGN PHASE OF NORTHEAST TRANSMISSION MAIN - DIVISION V

Whereas, It is necessary to complete the Design Phase of Division V - Northeast Transmission Main Project;

Whereas, It is necessary to establish the design budget for the proper completion of this work;

Whereas, This project is to be funded by the Water Revenue Bonds, Series "N" (Fund 099);

RESOLVED, That Council appropriate \$29,500.00 from the Water Revenue Bonds, Series "N" (Fund 099) for the Design Phase of Division V - Northeast Transmission Main Project;

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

Section I - Revenue

\$29,500	From the Water Revenue Bonds, Series "N" (Fund 099)
\$29,500	TOTAL

Section II - Appropriations

\$ 8,000	Design Engineering
\$ 6,500	Consulting
\$ 1,000	City-Owned Vehicles
\$ 2,000	Printing and Binding
\$ 4,000	Materials and Supplies
\$ 8,000	Department Overhead
\$29,500	TOTAL

R-63-2-91 APPROVED

RESOLUTION TO APPROVE HIRING OF CONTRACTOR FOR

BRYANT COMMUNITY CENTER, ELLSWORTH PARK AND STONEYBROOK PARK IMPROVEMENTS - BID NO. 2064

Whereas, The 1989-94 Park Millage Fund (041) includes \$30,000.00 for Bryant Community Center, \$50,000.00 for Ellsworth Park and \$20,000.00 for Stoneybrook Park;

Whereas, The three sites were bid together to obtain the best possible price for the sitework and because the three parks are in the same vicinity;

Whereas, Margolis Nursery Inc. submitted a bid for \$33,197.50 for the sitework at the three sites, which was the lowest responsible bid; and

Whereas, The Personnel/Human Rights Department approved said company on October 10, 1990;

RESOLVED, That the Mayor and City Council approve the recommendation of the City Administrator to award Bid No. 2064 to Margolis Nursery in the amount of \$33,197.50, to authorize the Mayor and City Clerk to sign the agreement on file with the City Clerk, and to appropriate \$33,197.50 from Fund 041 for the life of the project; and

RESOLVED, That the funds be used from the 1989-94 Park Millage Fund to cover the cost of this project.

R-64-2-91 APPROVED

RESOLUTION TO AWARD CONTRACT TO FURNISH AND DELIVER TWO LIME SLAKING SYSTEMS AT WATER TREATMENT PLANT - BID NO. 2049

Whereas, It has been found necessary to replace the existing two of the three lime slaking units at the Water Treatment Plant;

Whereas, The Water Treatment Division of the Utilities Department prepared bid specifications and, through the Purchasing Department, solicited bid proposals for the equipment; and

Whereas, On January 9, 1991 the Personnel/Human Rights Department approved Leeds & Northrup for said contract;

RESOLVED, That Council accept the proposal and award a contract to Leeds & Northrup in the amount of \$105,000.00 for furnishing and delivering the equipment at the Water Treatment Plant;

RESOLVED, That Council approve the advance of \$105,000.00 for the Water Supply System Water Treatment Plant Reserve Equipment Replacement account to be later repaid from the Water Revenue Bond Series Q Spring, 1991;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign said contract on forms approved as to form by the City Attorney and approved as to substance by the City Administrator.

R-65-2-91 APPROVED

RESOLUTION TO APPROVE TRANSFER OWNERSHIP
OF A 12-MONTH B-HOTEL RESORT LICENSED BUSINESS
WITH DANCE PERMIT AT 3205-3285 BOARDWALK

RESOLVED, That the request from Marywood Company (a Michigan Corporation) to transfer ownership of a 12-month B-Hotel Resort licensed business with Dance Permit, located at 3205-3285 Boardwalk, Ann Arbor, Michigan, from Pacific Avenue Associates Ltd. and Park Place Ltd. Partnership of Boardwalk, co-licensees (STEP II), be hereby approved.

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

ORDINANCES - Second Reading

1-91 APPROVED

MILL CREEK PROPERTY 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 2.67 acres, located northeast of Stone School Road and Birch Hollow Drive, from UNZ (Unzoned) to R3 (Townhouse District).

Councilmember Peterson moved that the ordinance be adopted at second reading.

On roll call the vote was as follows:

Yeas, Councilmembers Coleman, Martin, Sheldon, Brater, Meade, Schleicher, Ouimet, Peterson, Borda, Mayor Jernigan, 10;

Nays, 0;

Absent during vote, Councilmember Hunter, 1.

The Chair declared the motion carried and the ordinance adopted at second reading.

2-91 APPROVED

SWIFT RUN DRAIN DISTRICT PARCEL 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 22.33 acres, located south of Wolverine Drive and west of Platt Road, from UNZ (Unzoned) to PL (Public Land District).

Councilmember Ouimet moved that the ordinance be adopted at second reading.

On roll call the vote was as follows:

Yeas, Councilmembers Coleman, Martin, Sheldon, Brater, Meade, Schleicher, Ouimet, Peterson, Borda, Mayor Jernigan, 10;

Nays, 0;

Absent during vote, Councilmember Hunter, 1.

The Chair declared the motion carried and the ordinance adopted at second reading.

3-91 APPROVED

KUEBLER LANGFORD PARK 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 27.5 acres, located north of M-14 and west of Main Street, from UNZ (Unzoned) to PL (Public Land District).

Councilmember Brater moved that the ordinance be adopted at second reading.

On roll call the vote was as follows:

Yeas, Councilmembers Coleman, Martin, Sheldon, Brater, Meade, Schleicher, Ouimet, Peterson, Borda, Mayor Jernigan, 10;

Nays, 0;

Absent during vote, Councilmember Hunter, 1.

The Chair declared the motion carried and the ordinance adopted at second reading.

4-91 APPROVED AS AMENDED

OLD WEST SIDE HISTORIC DISTRICT

An Ordinance to Amend Title III of the Ann Arbor Register of Historic Places

This ordinance would revise the Old West Side Historic District regulations to bring them into closer conformance with the City's other residential historic districts.

Councilmember Sheldon moved that the ordinance be adopted at second reading.

Councilmember Peterson moved that Section 3:5 of the ordinance be amended as follows:

3:5. New Construction. No person shall construct a new building ~~other than an accessory structure or a single-family residence on a single lot~~ in the Old West Side Historic District without first obtaining permission from ~~the Historic District Commission and~~ the Building Department. **ALL BUILDINGS OTHER THAN ACCESSORY STRUCTURES SHALL ALSO REQUIRE THE PRIOR APPROVAL OF THE HISTORIC DISTRICT COMMISSION.** In its evaluation of new construction, the Commission shall use the following guidelines in addition to those in Section 3:7:...

On a voice vote the Chair declared the motion carried.

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

Yeas, Councilmembers Coleman, Sheldon, Brater, Meade, Schleicher, Ouimet, Peterson, Borda, Mayor Jernigan, 9;

Nays, Councilmember Martin, 1;

Absent during vote, Councilmember Hunter, 1.

The Chair declared the motion carried and the ordinance adopted at second reading.

ORDINANCES - First Reading

5-91 APPROVED

IMPOUNDING PROCESSING FEE

An Ordinance to Amend Section 10:140
of Chapter 126 of Title X of the Code
of the City of Ann Arbor

This ordinance would establish a vehicle impoundment processing fee of \$10.00 or such other amount established by resolution of the City Council, and would exempt stolen

vehicles from the fee.

Councilmember Schleicher moved that the ordinance be approved at first reading.

On a voice vote the Chair declared the motion carried and the ordinance approved at first reading.

6-91 APPROVED

FAMILY DEFINITION AND RESIDENTIAL OCCUPANCY

An Ordinance to Amend Sections 5.1 and 5:10.2 of Chapter 55 and to Add a New Section 5.7 to Chapter 55 of Title V of the Code of the City of Ann Arbor

This ordinance would define the term "family" for zoning regulation purposes.

Councilmember Sheldon moved that the ordinance be approved at first reading.

On a voice vote the Chair declared the motion carried and the ordinance approved at first reading.

7-91 APPROVED

EMERGENCY ESCAPE WINDOWS

An Ordinance to Amend Section 8:504 of Chapter 105 of Title VIII of the Code of the City of Ann Arbor

This ordinance would eliminate the maximum sill height requirement for emergency escape windows in existing rental residential properties.

Councilmember Sheldon moved that the ordinance be approved at first reading.

On a voice vote the Chair declared the motion carried and the ordinance approved at first reading.

MOTIONS AND RESOLUTIONS

R-66-2-91 APPROVED AS AMENDED

RESOLUTION TO AUTHORIZE AGREEMENTS WITH THE WASHTENAW COUNTY DRAIN COMMISSIONER FOR TRAVER CREEK CULVERT IMPROVEMENT PROJECT

A resolution to authorize agreements with the Washtenaw County Drain Commissioner for the Traver Creek Culvert Improvement Project was considered.

Councilmember Coleman moved that the resolution be adopted.

Councilmember Coleman moved that the last paragraph of the resolution regarding the project budget be deleted.

On a voice vote the Chair declared the motion carried.

The question being the resolution as amended, on a voice vote the Chair declared the motion carried.

The resolution as adopted reads as follows:

R-66-2-91

RESOLUTION TO AUTHORIZE AGREEMENTS WITH THE WASHTENAW COUNTY DRAIN COMMISSIONER FOR TRAVER CREEK CULVERT IMPROVEMENT PROJECT

Whereas, It is necessary to improve the Traver Creek Culvert which passes under Plymouth Road and the Ann Arbor Railroad;

Whereas, It is desirable to perform the culvert improvements prior to the reconstruction of the adjacent portion of Plymouth Road;

Whereas, On June 22, 1990 the City petitioned the Washtenaw County Drain Commission (WCDC) to immediately perform the culvert improvements as a special assessment project;

Whereas, The WCDC has received approval from the Traver Creek Statutory Drain Board to perform the culvert improvements;

Whereas, The WCDC intends to sell bonds to finance the culvert project and to levy assessments against benefiting parties;

Whereas, Temporary advancement of funds to the WCDC from the City for pre-bonding expenditures is necessary to facilitate the expedition of the culvert project;

Whereas, Formal agreements are necessary to outline the responsibilities of the City and WCDC with respect to:

- construction management by the City of the culvert project,
- re-payment by the WCDC for said management,
- temporary advancement by the City of pre-bonding expenditures incurred by the WCDC on the culvert project,
- reimbursement of said pre-bonding expenditures by the WCDC;

Whereas, These agreements have been reviewed and approved by the City Attorney's Office; and

Whereas, On November 29, 1990 these agreements were approved by the Traver Creek Statutory Drain Board, and subsequently executed by the Washtenaw County Drain Commissioner;

RESOLVED, That Council authorize two agreements with the Traver Creek Drain Crossing Project Drainage District as follows:

1. A professional services agreement for the City to act as Construction Manager of the Traver Creek Drain Crossing Project under Plymouth Road and the Ann Arbor Railroad, with compensation to the City by the Drain Project in the estimated amount of \$102,500.00,
2. A contract for the City to provide temporary advancement of pre-bonding expenses to the Traver Creek Drain Crossing Project Drainage District in the estimated total amount of \$885,500.00, with reimbursement to the City of all advanced funds upon bond sale by the WCDC; and

RESOLVED, That the Mayor and Clerk be hereby authorized and directed to execute the agreements after approval as to substance by the Acting City Administrator.

TABLED

RESOLUTION REGARDING VEHICLE TOWING FOR STREET MAINTENANCE PURPOSES

Whereas, It is sometimes necessary for the City to remove vehicles from City streets in order to efficiently pursue scheduled maintenance activities;

Whereas, Public notification of such activities is necessary to ensure that minimal disruption and minimal inconvenience results to our citizens during such maintenance activities; and

Whereas, The large student population results in many vehicles being left unattended on City streets during time periods when the University of Michigan is not in session, such as holidays, vacations, and break periods;

RESOLVED, That the City Administrator be directed to refrain from scheduling any maintenance vehicle towing during time periods when the University of Michigan is not in session, except for emergency vehicle towing necessary for the safety, security, and overall quality of life of the community, and any such scheduled vehicle towing be noticed five calendar days in advance.

Councilmember Coleman moved that the resolution be adopted.

Councilmember Borda moved that the resolution be tabled to the February 21, 1991 regular session of Council, when the Transportation Director would be available to answer questions.

On a voice vote the Chair declared the motion carried and the resolution tabled.

The Chair declared a recess at 9:15 p.m.

The Chair again called the meeting to order at 9:25 p.m.

DEFERRED

RESOLUTION TO RETAIN LAW FIRM FOR PURSUING
INSURANCE CLAIMS REGARDING THE LANDFILL

Councilmember Schleicher moved that the Resolution to Retain a Law Firm for Pursuing Insurance Claims Regarding the Landfill be moved to the end of the agenda for consideration, following an executive session on the matter.

On a voice vote the Chair declared the motion carried and the resolution deferred.

DELETED

RESOLUTION TO APPOINT AN ANTI-SUBSTANCE ABUSE COORDINATOR
AND
RESOLUTION REGARDING TOWING ON PRIVATE PROPERTY

Councilmember Schleicher moved that the Resolution to Appoint an Anti-Substance Abuse Coordinator and the Resolution Regarding Towing on Private Property be deleted from the agenda.

On a voice vote the Chair declared the motion carried and the resolutions deleted.

R-67-2-91 APPROVED

RESOLUTION DECLARING PARTNERS FOR EXCELLENCE
WEEK, FEBRUARY 25 - MARCH 1, 1991

Whereas, The Partners for Excellence Program of the Ann Arbor Public Schools, the business education partnership program of the district, has been in existence for five years;

Whereas, There are twenty-seven partnerships between community businesses and organizations and individual schools, district departments or the entire district;

Whereas, These partnerships have resulted in enhanced classroom experiences for students, increased understanding and cooperation between business and education;

Whereas, More than 700 volunteers have devoted in excess of 4,000 hours during the existence of the program;

Whereas, The students and the Ann Arbor Public Schools have been the recipients of services and materials from businesses and community partners;

Whereas, The Partners for Excellence Program and five of its partnerships have received distinguished partnership awards from the Michigan Department of Education; and

Whereas, The City of Ann Arbor has formed a partnership with the Ann Arbor Public Schools;

RESOLVED, That the City of Ann Arbor declare February 25 - March 1, 1991 Partners for Excellence Week in Ann Arbor.

Councilmember Coleman moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-68-2-91 APPROVED

RESOLUTION TO APPROVE EXTENSION OF TERMS OF HOUSING POLICY BOARD MEMBERS

Whereas, The City of Ann Arbor created a Housing Policy Board as part of its adoption of the City's Housing Policy on July 17, 1989;

Whereas, At its January 16, 1991 meeting the Housing Policy Board unanimously requested City Council action to permit it to include a provision in its bylaws to permit members' terms to continue after expiration until the members are reappointed or replaced by the City Council; and

Whereas, The City Attorney has advised that such an extension requires authorization through a resolution by the City Council as the appointing body;

RESOLVED, That City Council authorize the Housing Policy Board to include within its bylaws, the provision that "members may continue serving after expiration of their term until they have either been reappointed or replaced."

Councilmember Coleman moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-69-2-91 APPROVED

RESOLUTION TO REVIEW ASSESSMENTS OF UNDEVELOPED LAND

Whereas, The City of Ann Arbor and the Ann Arbor School District depend upon real estate taxes for a significant portion of their financial support;

Whereas, The Park Advisory Commission members have observed there is often a significant difference between the City's assessed value of underdeveloped or undeveloped property and the price asked of the Park Advisory Commission for the same property;

Whereas, Equity should govern the assessment of all real estate in the City of Ann Arbor; and

Whereas, The under-evaluation of the underdeveloped and undeveloped real estate can be remedied through re-assessment of the real estate in question;

RESOLVED, That the City Council instruct the City Assessor to immediately begin the re-assessment of all underdeveloped and undeveloped real estate within the City of Ann Arbor to ensure the assessed value reflects current values, with the re-assessment to be concluded by July 1, 1991.

Councilmember Coleman moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-70-2-91 APPROVED

RESOLUTION TO AWARD BID NO. 2066 FOR LESLIE PARK GOLF COURSE CLUBHOUSE RENOVATION

Whereas, The City of Ann Arbor contracted with Herrmann and Associates Architects to design the renovation of the Leslie Park Golf Course Clubhouse;

Whereas, The City of Ann Arbor bid the renovation as Bid No. 2066;

Whereas, Baseline Constructors of Chelsea, Michigan, presented the lowest responsible bid; and

Whereas, Human Rights approval was obtained on September 20, 1990;

RESOLVED, That the Mayor and Council approve the recommendation of the City Administrator to award Bid No. 2066 to Baseline Constructors in the amount of \$178,180.00 and authorize the Mayor and City Clerk to sign the agreement with Baseline Constructors substantially in the form on file with the City Clerk; and

RESOLVED, That the funds be appropriated for the life of the project from the Golf Course Enterprise Fund (Fund 047) Unreserved Retained Earnings to cover this project.

Councilmember Sheldon moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-71-2-91 APPROVED

RESOLUTION TO ENTER INTO CONTRACTS FOR ACQUISITION OF HARDWARE AND APPROVAL TO PROCURE OPERATING SYSTEM SOFTWARE AND HARDWARE MAINTENANCE FOR DISTRICT COURT CASE MANAGEMENT SYSTEM

Whereas, the Fifteenth District Court currently leases mainframe information services from the Supreme Court's Office of Systems Management at an approximate cost of \$38,000.00 annually;

Whereas, The Supreme Court is encouraging local courts to maintain their own data to maximize flexibility, to reduce costs and to provide for more efficient use of the state's

resources;

Whereas, District Court will acquire at no cost, case processing software developed by the Supreme Court's Office of Systems Management which was designed to run on IBM AS/400 computers;

Whereas, The cost of providing maintenance for the hardware necessary for the 15th District Court's Case Processing System for the next five years is less expensive if it is purchased at a fixed rate as a one-time expense;

Whereas, Over a five-year period, the cost of acquiring hardware, operating system software and maintenance contract is less than continuing to lease mainframe data services from the State; and

Whereas, The Ann Arbor City Council approved funding for a District Court Case Management System as part of the City's Information Services Strategic Plan by approving \$71,600.00 in the FY 1990-91 budget for this purpose;

RESOLVED, That the Ann Arbor City Council authorize the Mayor and Clerk to sign agreements that substantially conform to documents currently on file in the Clerk's Office for items included below and further authorize the City Administrator to issue purchase orders in the amounts shown below for the following items:

- 1. A five-year hardware maintenance agreement between IBM and the 15th District Court \$15,509.00
- 2. Purchase of operating system software for AS/400 \$12,461.00
- 3. An Installment Payment Agreement between IBM and 15th District Court to finance hardware \$75,535.00
- 4. A financing Agreement between IBM and 15th District Court for parallel cables, connectors and emulation devices. \$ 3,612.00

Councilmember Schleicher moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-72-2-91 APPROVED

RESOLUTION TO APPROVE HOUSING PROGRAM GUIDELINES AS REVISED

Whereas, The Community Development Department has complied with the Housing Rehabilitation Program Guidelines initially approved September, 1981 and revised in June, 1984 for the operation of its housing programs;

Whereas, Because of the adoption of the City's Housing Policy, changes in federal programs, the decreasing availability of federal and state funding, changing local conditions, and other program variations, many elements of the Guidelines are in need of revision;

Whereas, The Community Development Department staff has revised the Guidelines to update programs and more accurately reflect current operating procedures and policies as defined by local, state, and federal regulations; and

Whereas, The Community Development Waiver and Review Board has reviewed and recommended approval of the revised Housing Program Guidelines;

RESOLVED, That the Mayor and City Council approve the Housing Program guidelines as revised January, 1991 for use by the Community Development Department.

Councilmember Coleman moved that the resolution be adopted.

Councilmember Borda moved that the definition of "Cooperative" on page 25 of the Housing Program Guidelines be amended as follows:

Cooperative: A housing, nonprofit organization legally constituted as a cooperative **OR OTHER NONPROFIT ORGANIZATION**

On a voice vote the Chair declared the motion carried.

Councilmember Martin moved that the resolution be tabled for further review.

The tabling motion died for lack of support.

The question being the resolution with the amended Housing Program Guidelines, on a voice vote the Chair declared the motion carried.

R-73-2-91 APPROVED AS AMENDED

RESOLUTION TO APPROVE JONES DRIVE/LEAIRD DRIVE/
PLYMOUTH ROAD INTERSECTION DESIGN

A resolution to approve the Jones Drive/Leaird Drive/Plymouth Road intersection design was considered.

Councilmember Coleman moved that the resolution be adopted.

Councilmember Coleman moved that the last paragraph of the resolution be amended as follows:

RESOLVED, That Council approve the design of the Jones Drive/Leaird Drive/Plymouth Road intersection as detailed on the "Jones Drive - Leaird Drive - Paving and Grading Plan" prepared by Midwestern Consulting, Inc. and dated January 8, 1991, **AND THAT THE PROPOSALS ON PAGES 2 AND 3 OF THE ATTACHED LETTER, DATED FEBRUARY 3, 1991, FROM THE NEIGHBORHOOD RESIDENTS BE CONSIDERED FOR INCORPORATION INTO THE PROJECT.**

On a voice vote the Chair declared the motion carried.

The question being the resolution as amended, on a voice vote the Chair declared the motion carried.

The resolution as adopted reads as follows:

R-73-2-91

RESOLUTION TO APPROVE THE JONES DRIVE/LEAIRD DRIVE
PLYMOUTH ROAD INTERSECTION DESIGN

Whereas, On March 20, 1989, Council approved the design of the Plymouth Road Reconstruction Project with the exception of the Jones Drive/Leaird Drive/Plymouth Road intersection pending further review by the Planning Commission; and

Whereas, On January 24, 1991, the Planning Commission recommended Council approval of the design of this intersection;

RESOLVED, That Council approve the design of the Jones Drive/Leaird

Drive/Plymouth Road intersection as detailed on the "Jones Drive - Leaird Drive - Paving and Grading Plan" prepared by Midwestern Consulting, Inc. and dated January 8, 1991, and that the proposals on pages 2 and 3 of the attached letter, dated February 3, 1991, from the neighborhood residents be considered for incorporation into the project.

R-74-2-91 APPROVED

RESOLUTION TO AUTHORIZE PROFESSIONAL SERVICES AGREEMENTS WITH G. R. KUNKLE ASSOCIATES, INC., THE TRAVERSE GROUP, INC., AND HARZA ENVIRONMENTAL SERVICES, INC. FOR PREPARATORY DESIGN FOR GROUNDWATER REMEDIATION PROGRAM, SOIL AND SEDIMENT STUDY AND FINAL CLOSURE OF PHASE II AT CITY OF ANN ARBOR LANDFILL

Whereas, It is necessary to:

1. Implement a remediation program to correct the existing Phase I groundwater contamination in an expeditious manner,
2. Characterize the chemical condition of the soils and sediments in the vicinity of the Swift Run Drain,
3. Place an engineered final cover over the completed cells of Phase II of the landfill;

Whereas, G.R. Kunkle & Associates, Inc. and Harza Environmental Services, Inc. were selected during formal Request for Proposal (RFP) processes to conduct the first and third projects mentioned above, respectively;

Whereas, The Traverse Group, Inc. had prepared a work plan for the second project, which was recently approved by the MDNR;

Whereas, All three consultants have been approved by the Personnel/Human Rights Department; and

Whereas, The professional service agreements have been approved as to form by the City Attorney;

RESOLVED, That City Council authorize professional services agreements with G.R. Kunkle & Associates, Inc., The Traverse Group, Inc., and Harza Environmental

Services, Inc., to conduct the Preparatory Design for Groundwater Remediation, the Soil and Sediment Study, and the Preparatory Design for the Final Closure of Landfill Phase II, respectively;

RESOLVED, That the following budget be approved for the life of the project, with any unobligated balance being reappropriated for succeeding fiscal years until the project is officially closed.

Section I - Revenue

\$175,175.00	1990 Environmental Bond Issue, Series A
\$175,175.00	TOTAL

Section II - Expenditure

\$ 63,345.00	G.R. Kunkle & Assoc., Inc. - Groundwater Remediation
17,405.00	Traverse Group, Inc. - Soil and Sediment Study
78,500.00	Harza Environmental Services, Inc. - Phase II Closure
<u>\$ 15,925.00</u>	City engineering, project management, and administration
\$175,175.00	TOTAL; and

RESOLVED, That the Mayor and Clerk be hereby authorized and directed to sign said agreements after approval as to substance by the City Administrator.

Councilmember Sheldon moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

DEFEATED

RESOLUTION ORDERING ELECTION AND DETERMINING BALLOT LANGUAGE FOR ADVISORY QUESTION ON PARKING STRUCTURES

RESOLVED, That the Ann Arbor City Council submit an advisory question to the voters regarding parking structures;

RESOLVED, That April 1, 1991 be designated as the day for holding an election on the advisory question; and

RESOLVED, That the advisory question appear on the ballot in the following form:

ADVISORY QUESTION ON PARKING STRUCTURES

Shall public tax money be used for the building of new parking structures, including the Kline's structure, during the next five years? Yes No

Councilmember Coleman moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmember Hunter, Coleman, Brater, Peterson, 4;

Nays, Councilmembers Martin, Sheldon, Meade, Schleicher, Ouimet, Borda, Mayor Jernigan, 7.

The Chair declared the motion defeated.

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

FEBRUARY 21, 1991 REGULAR SESSION:

Resolution to Procure a Materials Recovery Facility (MRF) for the City of Ann Arbor (Councilmember Brater)

REPORT ON TAX LIMITATION

Councilmember Ouimet suggested that Councilmembers submit questions concerning the report on tax limitation to the City Administrator or himself.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Jernigan recommended the following appointments at the January 22, 1991 regular session of Council:

ANN ARBOR SUMMER FESTIVAL, INC. BOARD OF DIRECTORS

John K. Lawrence
2972 Hickory Lane
Term: 2/4/91 to 11/19/93

David B. Wierman
5865 Michael Rd. South
Term: 2/4/91 to 11/19/91

Ann Sneed Schriber
2116 Dorset Rd.
Term: 2/4/91 to 11/19/91

BOARD OF CANVASSERS

Leah Gunn (Democrat member)
1308 E. Stadium Blvd.
Term: 2/4/91 to 12/31/95

Carolyn Farmer (Republican member)
2173 Delaware Dr.
Term: 2/4/91 to 12/31/95

SOLID WASTE COMMISSION

Dave Tiedgen (Chamber of Commerce Representative)
14240 N. Territorial Rd.
Gregory, MI
Term: 2/4/91 to 2/3/93

HOUSING POLICY BOARD

Robert Gillett (reappointment)
2022 Day St.
Term: 2/4/91 to 2/3/94

Kate Warner (reappointment)
1804 Linwood Ave.

Term: 2/4/91 to 2/3/94

Sinclair Powell (reappointment)
8 Ruthven Pl.
Term 2/4/91 to 2/3/94

**COMMUNITY DEVELOPMENT CITIZEN PARTICIPATION EXECUTIVE
COMMITTEE**

William L. Cash (reappointment)
2105 Pauline Ct.
Term: 2/4/91 to 2/3/93

Colleen McGee (reappointment)
501 Miner St.
Term: 2/4/91 to 2/3/93

Councilmember Coleman moved that Council concur with the recommendations of the Mayor.

On a voice vote the Chair declared the motion carried.

NOMINATION PLACED ON TABLE

Mayor Jernigan placed the following nomination on the table for approval at a later date:

EMPLOYEES' RETIREMENT SYSTEM BOARD

Larry Hahn (reappointment)
1524 Brookfield Dr.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

DAY SHELTER

Acting City Administrator Donald Mason stated that the report he distributed on the day shelter includes notice of a tour of the shelter on February 14 and a communication from the Building Director estimating repair costs. Mr. Mason stated that a recommendation concerning repairs may be presented at the next session of Council.

CHRISTMAS TREE PICK-UP

Mr. Mason reported that the Transportation Director has indicated that the remaining Christmas trees left at curbside will soon be picked up.

REPORTS SUBMITTED

Acting City Administrator Mason submitted the following reports for information of Council:

1. Council Session Schedule - February, 1991
2. Northeast Plaza Addition/Homewood Suites Telephone Complaint
3. Handicapper Transportation Information
4. Update on Main Street Excavation
5. Management Report - Coopers and Lybrand
6. Resource Recovery Program Logo
7. Estimated Cost of Bond Issuance - Series A
8. Response to Resolution to Prepare Report on Limiting Property Tax Increase, approved January 22, 1991
9. Ribbons on Main Street Light Poles
10. Memorial Rock at corner of Jackson and Dexter Roads
11. Day Shelter report
12. Substance Abuse Prevention/Treatment

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

COMMUNICATIONS FROM THE CITY ATTORNEY

ANNEXATIONS FROM ANN ARBOR TOWNSHIP

Mr. Laidlaw reported that six lots on Newport Road are now annexed to the City from Ann Arbor Township as a result of a Circuit Court decision, unless the court overturns the annexation on appeal. Mr. Laidlaw further reported that township action to stop the

Mitchell property annexation was granted, pending final outcome of the appeal.

COMMUNICATIONS FROM COUNCIL

None.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from Madeline Shiel, 1130 Elmwood Dr., protesting Wagner Property Zoning (Ordinance No. 74-90, approved 1/22/91) - Planning.
2. Communication from Bevelyn B. Bradley, Saginaw City Clerk, transmitting resolution urging Michigan State Legislature to consider modification of the Plant Rehabilitation and Industrial Development Act - Assessor.
3. Communication from Michigan Liquor Control Commission transmitting notice of "Denial of a Request for a License" for Perry Drug Store, Inc., northwest corner of Washtenaw Ave. and Huron St. - Police.
4. Communication from Andreas and Tatiana Pocsatko, 2110 Independence Blvd., protesting special assessment for Independence Blvd. Road Improvements Project - Assessor, Engineering.
5. Communication from Gerald and Mary Williams, 212 Westover, protesting proposed special assessment for Westover Hills Subdivision Sanitary Sewer Project - Assessor, Engineering.
6. Communication from Alan D. Roebuck of Spacemakers, 916 Lennox, protesting proposed special assessment for Hollywood Drive and Vine Court Road Improvements Project - Assessor, Engineering.
7. Communication from Donald J. Bartolacci, 2504 Powell Ave., protesting proposed special assessment for Independence Blvd. Road Improvement Project - Assessor, Engineering.
8. Communication from William F. Ager, Jr., 1625 Granger Ave., protesting proposed special assessment for Westover Hills Subdivision Sanitary Sewer Project -

Assessor, Engineering.

9. Communication from Elizabeth A. Bertz, 2014 Independence Blvd., regarding proposed special assessment for Independence Blvd. Road Improvements Project - Assessor, Engineering.
10. Communication from Robert R. Helber, General Partner of Continental Capital Realty, Inc., 3773 E. Ellsworth Rd., protesting proposed special assessment for Plymouth Road Improvements Project - Assessor, Engineering.

The following minutes were received for file:

1. Planning Commission - December 11, 1990
2. Building Board of Appeals - March 27, July 24, September 6, October 23, November 27, 1990
3. Ann Arbor Commission on Handicapper Concerns - December 17, 1990
4. Housing Policy Board - January 16, 1991
5. Kline's Lot Housing Committee - January 24 and January 29, 1991

Councilmember Schleicher moved that the Clerk's Report be accepted.

On a voice vote the Chair declared the motion carried.

AUDIENCE PARTICIPATION - General

MIKE - DAY SHELTER

Mike, an Ann Arbor resident, expressed concern with the dilapidated condition of the day shelter for the homeless, located on South Ashley Street, and requested that the shelter be demolished and rebuilt.

EMMA TURNER - PRIVATIZING TRASH COLLECTION

Emma Turner, 2130 Winewood Ave., expressed concern that privatizing solid waste collection would result in fees for trash pick-up and costly cleanup of dump sites created by

people unwilling to pay for the service.

RECESS FOR EXECUTIVE SESSION

Councilmember Martin moved that the meeting be recessed to hold an executive session for the purpose of discussion with the City Attorney on the hiring of a law firm for pursuing landfill insurance claims.

On roll call the vote was as follows:

Yeas, Councilmembers Hunter, Martin, Sheldon, Brater, Meade, Schleicher, Ouimet, Peterson, Borda, Mayor Jernigan, 10;

Nays, 0;

Absent during vote, Councilmember Coleman, 1.

The Chair declared the motion carried and the meeting recessed at 11:03 p.m.

Councilmember Coleman moved that the regular session of Council be reconvened.

On a voice vote the Chair declared the motion carried and the meeting reconvened at 11:30 p.m.

MOTIONS AND RESOLUTIONS (Cont.)

R-75-2-91 APPROVED AS AMENDED

RESOLUTION TO RETAIN LAW FIRM FOR PURSUING INSURANCE CLAIMS REGARDING LANDFILL

The Resolution to Retain the Law Firm of Hooper, Hathway, Price, Beuche and Wallace for Pursuing Insurance Claims Regarding the Landfill was considered.

Councilmember Coleman moved that Resolution-Option B be adopted.

Councilmember Peterson moved that the following language be added to the resolution:

RESOLVED, That the appointment of the firm be subject to review by the City Council after a period of three months and on a quarterly basis

thereafter; and

RESOLVED, That no more than \$50,000.00 be allocated to this retention without additional City Council approval.

On a voice vote the Chair declared the motion carried.

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

Yeas, Councilmembers Coleman, Martin, Sheldon, Brater, Meade, Peterson, Borda, Mayor Jernigan, 8;

Nays, Councilmembers Hunter, Schleicher, Ouimet, 3.

The Chair declared the motion carried.

The resolution as adopted reads as follows:

R-75-2-91

RESOLUTION RETAINING LAW FIRM FOR PURSUING
INSURANCE CLAIMS REGARDING THE LANDFILL

Whereas, The City Attorney has advised that the City may be entitled to compensation from former insurance companies for the City's expenses in cleaning up environmental damage caused by the landfill;

Whereas, The City Attorney has advised that pursuing such claims would require the assistance of a private law firm having experience in processing such claims; and

Whereas, The law firm of Hooper, Hathaway, Price, Beuche & Wallace has significant experience in pursuing such claims and has been recommended by the City Attorney;

RESOLVED, By the City Council that the City Attorney be authorized to retain the firm of Hooper, Hathaway, Price, Beuche and Wallace for the above described purpose. The firm will be paid on an hourly basis at its normal rate for services. Such payment will be made monthly on the basis of services rendered and expenses incurred. Until another source for payment is identified, payment will be made out of the Insurance Fund;

RESOLVED, That the appointment of the firm be subject to review by the City Council after a period of three months and on a quarterly basis thereafter; and

RESOLVED, That no more than \$50,000.00 be allocated to this retention without additional City Council approval.

ADJOURNMENT

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

On a voice vote the Chair declared the motion carried and the meeting adjourned at 11:40 p.m.

W. Northcross
Clerk of the Council

Janet L. Chapin
Recording Secretary