

REGULAR SESSION - JUNE 15, 1992

The regular session of the Ann Arbor City Council was called to order at 7:34 p.m. by Mayor Elizabeth S. Brater.

Council stood for a moment of silence.

Mayor Brater led the Pledge of Allegiance.

ROLL CALL OF COUNCIL

Present: Councilmembers Larry Hunter, Ann Marie Coleman, Kirk Dodge, Peter Fink, Robert Grady, Nelson Meade, Kurt Zimmer, Peter Nicolas, Thais Anne Peterson, Robert Eckstein, Mayor Elizabeth S. Brater, 11

Absent: 0

INTRODUCTIONS

Mayor Brater noted at this time the departure of Jud Branham, City Government reporter for the Ann Arbor News, to another assignment. The new City Government reporter is John Bebow.

PUBLIC COMMENTARY - RESERVED TIME

KATHY LESEUER - ART FAIR NON-PROFIT

Kathy LeSeuer, 1456 Catalina, an exhibiter in the Art Fair since 1972 with the Michigan Guild and an active participant with various committees on the Art Fair, expressed disappointment over the characterization of the Guild staff because of its decision to place the non-profits booths on Maynard Street. She explained that the decision was based on concerns with traffic congestion and the desire to fulfill the needs of the artists first.

SEAMUS RASTAFARI - HOUSING RIGHTS

Seamus Rastafari, 1105 E. University, said that a decision by the judge is still awaited on the fate of the "Tent City" at Main and Catherine. Rastafari also commented on the frustration and anger of those who are in need of housing affordable to their income level.

MARTIN PERNICK - GELMAN CLEAN-UP

Martin Pernick, 1610 Linwood, professor of Medical History at the University of Michigan, on behalf of the Northwest Ann Arbor Coalition of Neighborhoods, explained opposition to pumping dioxane contaminated water from Gelman Sciences, Inc. through the City's storm drains, and outlined alternatives such as: fully treat the contaminated water on site, treat and discharge through a new dedicated pipe, or treat and discharge the water through the City's sanitary sewer system.

DREW LATHIN - GELMAN CLEAN-UP

Drew Lathin, 304 Wildwood, representing the Northwest Ann Arbor Coalition of Neighborhoods, presented petitions signed by residents concerning the Gelman Clean-up plan. Lathin asked Council to reject the plan proposed by Gelman Sciences for groundwater clean-up and to consider plans that will assure that no further pollution will occur. (The petitions presented were filed with the City Clerk.)

MARIE DEVENEY - GELMAN CLEAN-UP

Marie Deveney, representing the Northwest Ann Arbor Coalition of Neighborhoods, opposed Gelman Sciences plan to discharge polluted water into the City's sewers leading to the Allen Creek Drain. Council was asked to recognize preferable alternatives to treat the water on site and to discharge that water through a dedicated pipe to insure that the contamination will not spread.

JOHN JOURDEN - ART FAIR NON-PROFITS

John Jourden, 2553 Stone, said that with regard to the placement of the non-profits at the Art Fair, the alternative location of William Street if the present site is rejected would be poor because of the size of the area.

BRIAN CHAMBERS - ART FAIR NON-PROFITS

Brian Chambers, 1411 Henry Street, posed the question of whether South University is feasible and workable if the non-profits are placed there during the art fair.

PUBLIC HEARINGS2923 DEXTER ROAD REZONING - ORDINANCE NO. 29-92

A public hearing was conducted on the proposed Amendment to Chapter 55, Rezoning of 0.24 acre from TWP (Township District) to R1D (Single-Family Dwelling District), Graham/Ryan Property, 2923 Dexter Road. (Ordinance No. 29-92)

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

WETLAND AND WATERCOURSES PRESERVATION ORDINANCE NO. 36-92

A public hearing was conducted on the proposed Ordinance to Add A New Chapter 60 to the City Code - Wetlands and Watercourses Preservation Ordinance (Ordinance No. 36-92).

The following person appeared:

Linda Asher, representing the Ecology Center, spoke in support of the ordinance as a way to preserve wetland and wildlife habitats as the City becomes more developed.

There being no else to speak at this public hearing, the Chair declared the hearing closed.

ARBOR LANDINGS APARTMENTS PHASE II REVISED SITE PLAN

A public hearing was conducted on the proposed Arbor Landings Apartments Phase II Revised Site Plan, 39.2 acres, southwest corner of Dexter Road and Rose Drive.

The following person appeared:

Nathan Levine, representing Nathan Levine and Associates, Architects, explained the site plan. The plan was modified to increase the number of 1 bedroom units and decrease the number of 2 bedroom units. The modification will not change the density of the development and will not increase the total number of apartments to be built.

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

ANN ARBOR REGISTER OF HISTORIC PLACES ORDINANCE NO. 38-92

A public hearing was conducted on the proposed Amendment to Chapter 103, Sections 8:408 and 8:409 and Amendment to the Ann Arbor Register of Historic Places, Sections 9:2, 9:3, 10:1 and 12:1 - Establish Individual Historic Properties Study Committee and Correct Property Descriptions Errors (Ordinance No. 38-92).

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

REVISED FEE SCHEDULE FOR PERMITS, INSPECTIONS AND RELATED BUILDING DEPARTMENT FEES

A public hearing was conducted on the proposed Revised Fee Schedule for Permits, Inspections and Related Building Department Fees.

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

APPROVAL OF AGENDAAGENDA APPROVED AS AMENDED

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

ORDINANCES - FIRST READING

Substitute: Amendment to Chapter 18, **SECTION 1:567** - Ordinary Death Benefits Prior to Retirement (Ordinance No. 47-92)

MOTIONS AND RESOLUTIONS

Delete: Resolution to Authorize an Amendment to Professional Services Agreement with Pollack Design Associates, Inc. for Design of Wetland Mitigation for the Fuller/Oakway Project (\$25,000.00) (Tabled June 1, 1992)

Revised: Resolution on Art Fair and Non-Profit Groups (Councilmember Coleman)

Revised: Resolution to Provide Planning Commission Oversight of the Oakway Realignment Project (Councilmember Eckstein **AND DODGE**)

Delete: Resolution for City Hall to comply with the Michigan Clean Indoor Air Act (Councilmember Meade) - rescheduled for July 6, 1992

Delete: Resolution to Approve the Agreement Between the City of Ann Arbor and the Ann Arbor Public Schools

Revised: Resolution to Approve Street Closings and Allocate Community Events Funds for the 1992 Fourth of July Parade (Councilmember Eckstein)

Reconsideration: Resolution Authorizing 1992 Limited Tax Development Bonds (\$3,750,000.00) - Added to Agenda by unanimous consent of Council for reconsideration at the request of Councilmember Fink - previously approved June 1, 1992

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Add: Monthly Statement of Revenues, Expenditures and Changes in Fund Balance, through May 31, 1992, for Series A of the Environmental Bond

Add: Safety Town Sessions

COMMUNICATIONS FROM THE CITY CLERK

Add: Kim Easter - Proud of Ann Arbor's Recycling Program -Referred to City Administrator's Office and Solid Waste Department

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

APPROVAL OF COUNCIL MINUTES

REGULAR SESSION MINUTES APPROVED AS CORRECTED

Councilmember Peterson moved that the minutes be approved with the following corrections to the May 18, 1992 regular session minutes:

INTRODUCTIONS

ANN ARBOR HISTORIC DISTRICT COMMISSION 1992 AWARDS

Ann Arbor Historic District Commission Chair ~~<David>~~ J. MICHAEL Schroer and Historic District Coordinator Louisa Pieper announced....

and

APPROVAL OF AGENDA

Add: Resolution to Clarify Procedure on Gelman Sciences Cleanup Request (Councilmember Peterson and **MAYOR BRATER**)

Councilmember Meade moved that the minutes be approved with the following corrections to the June 1, 1992 regular session minutes:

34-92 APPROVED

PENALTIES FOR PARKING VIOLATIONS

An Ordinance to Amend Section 10:77 and 10:136 of Chapter 126 of Title X of the Code of the City of Ann Arbor

To correct the roll call on this ordinance as follows:

Yeas, Councilmember Hunter, Coleman, ~~<Sheldon>~~, Dodge, EINK, Grady Meade, ~~<Quimet, Zimmer>~~, NICOLAS, Peterson, Eckstein, Mayor Brater,
10

Nays, 0

Absent during vote, Councilmember Zimmer, 1.

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

The question on the floor is approval of the regular session minutes of May 18, 1992 as corrected, continuation of May 26, 1992 as presented and June 1, 1992 as corrected.

On a voice vote, the Chair declared the motion carried and the minutes approved.

CONSENT AGENDA APPROVED

The following Consent Agenda was considered:

R-229-6-92 APPROVED

RESOLUTION TO APPROVE ARBOR LANDINGS APARTMENTS PHASE II REVISED SITE PLAN

A communication was received from the City Planning Commission transmitting its recommendation (Approval - 6 years and 0 days) of the Arbor Landings Apartments Phase II Revised Site Plan, 39.2 acres, southwest corner of Dexter Road and Rose Drive.

Whereas, Arbor Landings Associates has requested revised site plan approval to increase the number of one-bedroom units and decrease the number of two-bedroom units for Phase II of Arbor Landings Apartments;

Whereas, The Ann Arbor City Planning Commission, on May 26, 1992, recommended approval of said request;

RESOLVED, That the Mayor and City Council hereby approves the Arbor Landings Apartments Phase II Revised Site Plan.

R-230-6-92 APPROVED

RESOLUTION TO APPROVE WORDEN PROPERTY ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation (Approval - 6 years and 0 days) of the Worden Property Annexation, 5.06 acres, west side of Stone School Road, south of Packard.

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

Ann Arbor;

Whereas, The City of Ann Arbor is the owner of the property;

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

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

Property located in the Township of Pittsfield, Washtenaw County, Michigan, described as: Commencing at the Southeast corner of Section 4, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan, thence N 01°E 46' 20" W 299.84 feet along the East line of said Section and the centerline of Stone School Road to the Northeast corner "SMOKLER HUTZEL SUBDIVISION NO. 4" as recorded in Liber 19 of Plats, pages 53 and 54, Washtenaw County Records, said point being the POINT OF BEGINNING; thence along said north line in the following courses: S 87°E 30' 05" W 124.61 feet, N 66°E 29' 00" W 603.11 feet and N 40°E 58' 20" W 105.09 feet; thence N 39°E 38' 20" E 366.98 feet; thence N 84°E 57' 15" E 153.95 feet along an existing fence line; thence S 01°E 46' 20" E 339.30 feet; thence N 84°E 57' 15" E 340.45 feet; thence S 01°E 46' 20" E 301.66 feet along the East line of said Section and the centerline of Stone School Road to the Point of Beginning. Being a part of the Southeast 1/4 of Section 4, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan, and containing 5.06 acres of land, more or less. Being subject to the rights of the public over the Westerly 33 feet of Stone School Road. Also being subject to easements and restrictions of record, if any.

R-231-6-92 APPROVED

RESOLUTION TO GRANT SEWER SERVICE
OUTSIDE CITY LIMITS TO LOTS 198
AND 199 SCIOTO HILLS SUBDIVISION
(2680 DEXTER ROAD)

Whereas, Donald R. and Mae Jean Monroe, owners of the property at 2860 Dexter Road, have requested on March 3, 1992 that the City extend public sewer service for their use to the property in Scio Township prior to the completion of the annexation process;

Whereas, The owners desire to enter into the standard agreement with the City which provides an equitable method of obtaining City services outside of its Corporate Boundaries; and

Whereas, On August 4, 1989 petitioned the City for Annexation under Planning Department file number 9355F13.1 and .2;

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

R-232-6-92 APPROVED

RESOLUTION AMENDING CONTRACT TO
CARLO ENVIRONMENTAL SERVICES FOR
THE UNDERGROUND STORAGE TANK (UST)
PROGRAM (\$58,730.10 INCREASE)

Whereas, The City has a purchase order with Carlo Environmental Services for the Underground Storage Tank (UST) construction work;

Whereas, A release at the 415 West Washington City location caused emergency measures to be taken to mitigate an environmental impairment;

Whereas, Actions taken by staff enabled the City to apply for reimbursement of spent monies under the State of Michigan Underground Storage Tank Financial Assurance Fund (MUSTFA);

RESOLVED, The Purchase Order for Carlo Environmental Services be increased by the amount of \$58,730.10 to a total amount of \$142,922.60; and

RESOLVED, That the City Administrator's file the appropriate invoices for reimbursement of monies spent for site investigation and remediation of contaminated Underground Storage Tank locations.

R-233-6-92 APPROVED

RESOLUTION TO AWARD CONTRACT FOR
BURR OAK PARK SITE IMPROVEMENTS
BID NO. 2274 (\$16,611.49)

Whereas, Two public meetings have been held to obtain neighborhood input regarding improvements to be installed in Burr Oak Park;

Whereas, \$30,000 has been appropriated from the 1989-94 Park Rehabilitation and Development millage (Fund 041) to cover the cost of the proposed improvements; and

Whereas, C & H Landscape, Inc. has submitted the lowest responsible bid for completion of the desired improvements as detailed in Bid No. 2274 and has obtained Human Rights approval as of 5-14-92;

RESOLVED, That the Mayor and City Council approve of awarding Bid No. 2274 to C & H Landscape, Inc. in the amount of \$16,611.49 and authorize the Mayor and City Clerk to sign the contract between the City and C & H Landscape, Inc. substantially in the form on file with the City Clerk, for completion of Burr Oak Park Site Improvements.

R-234-6-92 APPROVED

RESOLUTION INSTITUTING FINE FOR
THE ABANDONMENT OF VEHICLES

Whereas, City Code authorizes the City Administrator to remove abandoned vehicles from public and private property;

Whereas, Costs are incurred by the City in the towing of abandoned vehicles;

Whereas, City Code has been amended such that causing a vehicle to be abandoned is punishable by a civil fine of not less than \$5.00;

Whereas, City Council has the ability to, by resolution, increase the civil fine to a level in excess of \$5.00; and

Whereas, City Council has indicated its intent, in the adoption of the fiscal year

1992-93 City operating budget, to set the civil fine for abandoning a vehicle at \$20.00;

RESOLVED, That the City Council set the civil fine at \$20.00 for the abandonment of a vehicle, as set forth in the provisions of Chapter 10:136 of the City Code, to be effective on July 1, 1992.

R-235-6-92 APPROVED

RESOLUTION TO APPROVE PERMANENT
OUTDOOR ALCOHOLIC BEVERAGE SERVICE
AT 120 E. LIBERTY STREET FOR
CHAMPION HOUSE, INC.

RESOLVED, That the request from the Champion House, Inc. for permanent outdoor service to be located in front of its restaurant located at 120 E. Liberty Street, be approved; and

RESOLVED, That this approval is contingent upon final approval by the Michigan Liquor Control Commission.

R-236-6-92 APPROVED

RESOLUTION TO ACCEPT BOARD OF
INSURANCE ADMINISTRATION MINUTES
OF JUNE 2, 1992 AND TO AUTHORIZE
PAYMENTS

RESOLVED, That the Board of Insurance Administration Minutes of June 2, 1992 be accepted and that the payments therein be authorized.

R-237-6-92 APPROVED

RESOLUTION TO TRANSFER DELINQUENT
ALARM RESPONSE FEES TO THE 1992
CITY TAX ROLL

Whereas, There are unpaid charges for alarm response to properties within the City which are unpaid on 31 December, 1991;

Whereas, This Council did, on December 9, 1974, resolve that notice should be given by first class mail to the owner of such properties of the amount due, and that this Council did intend that such amount would be assessed against such properties as a special assessment unless paid on or before 1 April, 1992;

Whereas, The City Clerk has on file a list of such presently unpaid charges, a copy of which is filed with the City Clerk; and

Whereas, Notice has been sent to all owners of property affected by such delinquent alarm response fees, in accordance with the Council resolution of 9 December, 1974; to advise said property owners of the impending assessment;

RESOLVED, That the City Clerk shall forthwith certify to the City Assessor such unpaid charges and the names of owners of the premise so served; and

RESOLVED, That such charges be levied as special assessments against such owners and premises according to "Schedule A" together with an additional penalty charge of 10% of the total unpaid, as provided in Section 1.292 of the Ann Arbor City Code, and that the City Assessor shall place the same on the next tax roll of the City and that such charges will be collected in the same manner as general City taxes.

R-238-6-92 APPROVED

RESOLUTION TO GRANT WATER AND SEWER
SERVICES OUTSIDE CITY LIMITS TO
LOTS 38 AND 39 HURON RIVER HILLS
(415 BARTON DRIVE)

Whereas, Keith and Sohyila Hampton, owners of the property at 415 Barton Drive, have requested that on May 27, 1992 the City extend public water and sewer services for their use to the property in Ann Arbor Township prior to the completion of the annexation process;

Whereas, The Hampton's desire to enter into the standard agreements with the City which provide an equitable method of obtaining City services outside of its Corporate Boundaries; and

Whereas, On May 27, 1992 petitioned the City for annexation under Planning Department File number 9263A.1 and .2;

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

Councilmember Coleman moved that the Consent Agenda be approved.

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

ORDINANCES - SECOND READING

29-92 APPROVED

GRAHAM/RYAN PROPERTY REZONING

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 is the rezoning of 0.24 acres from TWP (Township District) to R1D (Single-Family Dwelling District), Graham/Ryan Property, 2923 Dexter Road.

Councilmember Coleman moved that the ordinance be approved at second reading.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Coleman, Dodge, Fink, Grady, Meade, Zimmer, Nicolas, Mayor Brater, 9

Nays, 0

Absent for the vote, Councilmembers Peterson, Eckstein, 2

The Chair declared the motion carried.

36-92 APPROVED

WETLANDS AND WATERCOURSES PRESERVATION ORDINANCE

AN ORDINANCE TO ADD A NEW CHAPTER 60 TO TITLE V OF THE CODE OF THE CITY OF ANN ARBOR.

The purpose of this ordinance is to identify, protect and control the use of wetlands and watercourses on both publicly and privately owned lands.

Councilmember Coleman moved that the ordinance be approved at second reading.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Coleman, Dodge, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Eckstein, Mayor Brater, 11
Nays, 0

The Chair declared the motion carried.

38-92 APPROVED

HISTORIC DISTRICT ORDINANCE

AMENDMENT TO CHAPTER 103, SECTION 8:408 AND 8:409, AND AMENDMENT TO THE ANN ARBOR REGISTER OF HISTORIC PLACES, SECTIONS 9:2, 9:3, 10:1 AND 12:1

This amendment would establish an Individual Historic Properties Study Committee and correct property description errors.

Councilmember Coleman moved that the ordinance be approved at second reading.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Coleman, Dodge, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Eckstein, Mayor Brater, 11
Nays, 0

The Chair declared the motion carried.

41-92 APPROVED

SIGN PERMIT AND APPEAL FEES

AN ORDINANCE TO AMEND SECTIONS 5:510 AND 5:516 OF CHAPTER 61 OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

This amendment will remove the fee schedules from the City ordinances and provide for the fees to be established by City Council resolution.

Councilmember Meade moved that the ordinance be approved at second reading.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Coleman, Dodge, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Eckstein, Mayor Brater, 11
Nays, 0

The Chair declared the motion carried.

42-92 APPROVED

GRADING PERMIT/INSPECTION FEES

AN ORDINANCE TO AMEND SECTIONS 5:661 OF CHAPTER 63 OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

This amendment will remove the fee schedules from the City ordinances and provide for the fees to be established by City Council resolution.

Councilmember Meade moved that the ordinance be approved at second reading.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Coleman, Dodge, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Eckstein, Mayor Brater, 11
Nays, 0

The Chair declared the motion carried.

43-92 APPROVED

CONSTRUCTION PERMIT FEES

AN ORDINANCE TO AMEND SECTION 114 OF CHAPTER 98 OF TITLE VIII OF THE CODE OF THE CITY OF ANN ARBOR

This amendment will remove the fee schedules from the City ordinances and provide for the fees to be established by City Council resolution.

Councilmember Coleman moved that the ordinance be approved at second reading.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Coleman, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Eckstein, Mayor Brater, 10
Nays, Councilmember Dodge, 1

The Chair declared the motion carried.

44-92 APPROVED

FEEES FOR MECHANICAL WORK

AN ORDINANCE TO AMEND SECTION M-114 OF CHAPTER 99 OF TITLE VIII OF THE CODE OF THE CITY OF ANN ARBOR

This amendment will remove the fee schedules from the City ordinances and provide for the fees to be established by City Council resolution.

Councilmember Hunter moved that the ordinance be approved at second reading.

On roll call the vote was as follows: Councilmembers Hunter, Coleman, Dodge, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Eckstein, Mayor Brater, 11
Nays, 0

The Chair declared the motion carried.

45-92 APPROVED

FENCE PERMIT FEES

AN ORDINANCE TO AMEND SECTION 8:433 OF CHAPTER 104 OF TITLE VIII OF THE CODE OF THE CITY OF ANN ARBOR

This amendment will remove the fee schedules from the City ordinances and provide for the fees to be established by City Council resolution.

Councilmember Eckstein moved that the ordinance be approved at second reading.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Coleman, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Eckstein, Mayor Brater, 10
Nays: Councilmember Dodge, 1

The Chair declared the motion carried.

46-92 APPROVED

HOUSING INSPECTION AND APPEAL FEES

AN ORDINANCE TO AMEND SECTION 8:511 AND 8:515 OF CHAPTER 105 OF TITLE VIII OF THE CODE OF THE CITY OF ANN ARBOR.

This amendment will remove the fee schedules from the City ordinances and provide for the fees to be established by City Council resolution.

Councilmember Coleman moved that the ordinance be approved at second reading.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Coleman, Grady, Meade, Zimmer, Nicolas, Peterson, Eckstein, Mayor Brater, 9
Nays, Councilmembers Dodge, Fink, 2

The Chair declared the motion carried.

37-92 APPROVED

APPOINTMENT OF DEPARTMENT HEADS

AN ORDINANCE TO AMEND SECTION 1:101 OF CHAPTER 5 OF TITLE I OF THE CODE OF THE CITY OF ANN ARBOR.

This amendment provides that Department Heads be appointed by the City Council upon the recommendation of the City Administrator, and that Department Heads be responsible to the City Administrator.

Councilmember Dodge moved that the ordinance be approved at second reading.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Coleman, Dodge, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Eckstein, Mayor Brater, 11
Nays, 0

The Chair declared the motion carried.

39-92 TABLED

VEHICLE IMPOUNDMENTS FROM PRIVATE PROPERTY

AN ORDINANCE TO AMEND SECTION 10:137 OF CHAPTER 126 OF TITLE X OF THE CODE OF THE CITY OF ANN ARBOR

This amendment would provide that a business impounding a vehicle transmit that information to the City in person, and upon releasing a vehicle to notify the City within one hour. Notification of the release may be by phone.

Councilmember Coleman moved that the ordinance be approved at second reading.

Councilmember Coleman moved that ordinance be tabled for further study of the procedure to determine if it can be streamlined through the use of a fax machine at the police desk.

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

ORDINANCES - FIRST READING

47-92 SUBSTITUTE APPROVED

ORDINARY DEATH BENEFITS PRIOR TO RETIREMENT

This amendment would provide that if a member of the Retirement System dies prior to retirement, on or after December 1, 1990, and there is no retirement allowance payable under this section, that a lump sum equal to 80 percent of the actuarial present value of the deceased member's accrued retirement allowance be paid to the member's legal representative.

Councilmember Coleman 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.

48-92 APPROVED

ATWELL-HICKS, INC. REZONING

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 amendment would rezone 2.0 acres of land from R1A/B (Multiple-Family Dwelling District) to Preliminary Phase PUD (Planned Unit Development), Atwell-Hicks, Inc., 1241 South Maple Road. (Planning Commission Recommendation: Denial - 4 yeas and 2 nays)

Councilmember Coleman 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.

49-92 APPROVED

FIRST MARTIN CORPORATION REZONING

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 is the rezoning of 0.26 acre from C2A (Central Business District) to C2B/R (Business Service/Residential District), First Martin Corporation, northeast corner of Ashley and Huron Streets. (Planning Commission recommendation: Approval - 6 yeas and 0 nays)

Councilmember Dodge 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

TABLED

RESOLUTION TO ESTABLISH A TRANSPORTATION TASK FORCE

Whereas, The City of Ann Arbor is experiencing increasing problems with traffic congestion and parking;

Whereas, Portions of all of the City's major arteries are now at or over capacity and expected to be worse by the end of the decade;

Whereas, The Ann Arbor City Council has accepted a Transportation Plan which calls for the avoidance of road widening as a solution to these problems and instead reduced dependency on the single occupancy vehicle through increased use of mass transit, carpooling, bicycles and other means of transportation;

Whereas, To achieve such goals, the citizens of Ann Arbor must make choices that involve major life style changes;

Whereas, A staff Implementation Committee exists and could be complemented by a citizens board which could help study ways to achieve citizen actions and participation to further the goals of the plan; and

Whereas, The City Council wishes to support the efforts of the Ann Arbor Transportation Authority and its Transportation Plan Implementation Committee in implementing the Transportation Plan;

RESOLVED, That the Ann Arbor City Council establishes a Transportation Task Force to help achieve reduced reliance on the single occupancy vehicle, to advise the Mayor and Council on transportation policy, and to help achieve implementation of the Transportation Plan through citizen involvement; and

RESOLVED, That this task force will consist of the following fifteen (15) positions:

- 3 representatives of the business community, including at least 2 from the downtown area, and at least 1 employee,
- 1 representative of the University of Michigan
- 1 representative of the University of Michigan student community
- 1 representative of the AATA

- 1 member of the Transportation Plan Implementation Committee
- 1 representative of the Bicycle Coordinating Committee
- 1 specialist in Conservation Behavior
- 1 specialist in energy and air pollution policy
- 1 representative of parents of Ann Arbor school children
- 2 citizens-at-large
- 2 city councilmembers

Councilmember Coleman moved that the resolution be approved.

Councilmember Hunter moved that the resolution be tabled to July 6, 1992 pending consideration of adding representatives from the Transportation Department to the membership composition.

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

REVISED R-239-6-92 APPROVED

RESOLUTION ON ART FAIR AND NON-PROFIT GROUPS

Councilmember Coleman moved that the resolution be approved.

Councilmember Zimmer moved that the resolution be amended in the second to the last paragraph as follows:

Be It Further Resolved, That in these and future negotiations the existing Mayor's Art Fair Committee is to recognize ~~<two>~~ **ONE** spokes~~<people>~~**PERSON** elected by the Committee for Washtenaw Non-profits' as full decision making members of the Mayor's Art Fair Committee.

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

Councilmember Fink moved that the resolution be amended in the third from last paragraph as follows:

Be It Further Resolved, That negotiations for a permanent non-profit booth site will start after this year's fair (1992), and they will include locating the non-profit booths ~~<along a major pedestrian thoroughfare of the Art Fair;>~~ **TO A MUTUALLY ACCEPTABLE LOCATION;**

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

The question on the floor is approval of the resolution as revised, on roll call the vote was as follows: Yeas, Councilmembers Hunter, Coleman, Grady, Meade, Zimmer, Peterson, Eckstein, Mayor Brater, 8
Nays, Councilmembers Dodge, Fink, Nicolas, 3

The Chair declared the motion carried.

Following is the resolution as revised:

R-239-6-92

RESOLUTION ON ART FAIR AND NON-PROFIT GROUPS

Whereas, The Ann Arbor Art Fair involves considerable time, energy and direct service from the City;

Whereas, Non-profit citizen organizations in the Art Fair have democratic rights guaranteed under the federal and state constitutions;

Whereas, An important component of the Art Fair is the opportunity for a variety of non-profit groups to share their perspectives and ideas with the many people who attend this civic event;

Whereas, For the past several years, non-profits have been moved without their informed involvement or consultation in the process; and

Whereas, The Ann Arbor City Council values and affirms the importance of the work of non-profits in this community, and recognizes that they are an essential part of the Art Fair;

RESOLVED, That the Ann Arbor City Council believes that non-profits have been placed in a place that is unacceptable because it is not on a main pedestrian thoroughfare for the Art Fair;

RESOLVED, that the City Council agrees to recognize the Committee for Washtenaw Non-profits as the sole representative of the non-profits in matters concerning the Art Fair;

RESOLVED, That the Mayor's Art Fair Committee is instructed to work with the Committee for Washtenaw Non-profits, city departments and a representative from U-M in locating their booth-space on South University for only this year's Art Fair;

RESOLVED, That negotiations for a permanent non-profit booth site will start after this year's fair (1992), and they will include locating the non-profit booths along a major pedestrian thoroughfare of the Art Fair;

RESOLVED, That the Committee for Washtenaw Non-Profits will recommend to the Mayor and City Council two of its members to represent it on the Mayor's Art Fair Committee; and

RESOLVED, That recommendations for street use for future Art Fairs, including the placement of non-profits, are to be made by the Mayor's Art Fair Committee with final decisions made by the City Council.

REVISED R-240-6-92 APPROVED

RESOLUTION TO PROVIDE PLANNING COMMISSION
OVERSIGHT OF THE OAKWAY REALIGNMENT PROJECT

Whereas, The City of Ann Arbor has a policy requiring a review of significant public projects such as this;

Whereas, The proposed realignment will divide a wetland unknown at the time the proposal was first brought to City Council, creating unanticipated environmental impact and uncompensated for mitigation costs;

Whereas, The mitigation of the wetland disturbance (replacement) will affect City parkland;

Whereas, Surface runoff passing through a former University of Michigan dump site containing toxic wastes will also enter the replacement wetland;

Whereas, The proposed design will widen Fuller Road and add up to four new traffic lights;

Whereas, The initial design submitted to and approved by City Council did not clearly indicate that road widening was proposed; and

Whereas, The City anticipates conducting a transportation/traffic study of the area immediately to the east of the realignment, and this proposed realignment, widening, and signalization will very clearly impact traffic volumes and patterns prior to the Huron River Corridor Study's completion;

RESOLVED, That the Mayor and City Council of Ann Arbor recommends that the Ann Arbor City Planning Commission fully examine the environmental, transportation (including pedestrian and bicycle traffic), recreational, neighborhood and community impacts of the Oakway Realignment Project; and

RESOLVED, That staff shall not present Council with plans advancing the construction of the Oakway Realignment Project prior to completion of the Planning Commission review and Commission recommendation to Council. Design Activities are exempt.

Councilmember Eckstein moved that the resolution be approved.

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

R-241-6-92 APPROVED

RESOLUTION TO APPROVE THE 1992 ANN ARBOR JAYCEES CARNIVAL

Whereas, The Ann Arbor Jaycees have requested permission to hold a carnival at the Pioneer High School parking lot from July 15-19, 1992;

Whereas, The City Code of ordinances prohibits such amusements without the permission of the City Council, and is subject to the conditions established by Council;

Whereas, The event sponsor has requested that the City support this event by appropriating funds from the 1992-1993 Community Events Budget for payment of the extra costs for services provided by the following department: Police \$3,600

RESOLVED, That the Ann Arbor Jaycees shall be permitted to conduct a carnival at the Pioneer High School parking lot from July 15 through July 19, 1992;

RESOLVED, That the following constitute the conditions under which permission is granted to hold the event:

1. Noise emitting from the operations of the carnival shall not exceed 80 decibels measured at the property line;
2. The carnival shall operate only between the hours indicated on the Special Events Permit;
3. The Police Department may require certain machines to cease operation if excessive noise complaints are received;
4. Evidence of proper insurance liability protection shall be submitted and approved by the City Attorney;
5. Vendors of food and/or drink shall be properly licensed to insure sanitary conditions of products consumed by the public;

- 6. Proper fire lanes shall be maintained at all times;
- 7. Electrical connections shall be made by a licensed electrician;
- 8. The event sponsors shall clear the parking lot and surrounding area of any debris resulting from the operation of the carnival upon termination of the event.
- 9. All other concerns shall be regulated by the City Administrator and the Ann Arbor Police Department;

RESOLVED, That the City of Ann Arbor support the event in the amount of up to \$3,600 for reimbursement of City expenditures with funds to be appropriated from the 1992-1993 Community Events Budget; and

RESOLVED, That permission may be revoked at any time for good cause by the City Administrator, the Chief of Police or City Council.

Councilmember Fink moved that the resolution be approved.

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

TABLED

RESOLUTION TO REDUCE RECYCLING COSTS

Whereas, The Council has frequently expressed its desire to provide basic city services at the minimal possible cost;

Whereas, Recycling of household and commercial materials is a basic city service;

Whereas, City staff has determined that there are independent firms who can process recyclables at \$10 per ton versus the current \$33 per ton; and

Whereas, Such a savings represents over \$200,000 per year and potentially more than 2,000,000 over a ten year contract period;

RESOLVED, That the Council instructs the City Administrator to enter a formal bid process for the processing of recyclables which would provide the city with the greatest possible cost savings, and requests that the Administrator review the impact on the financial operations of Recycle Ann Arbor should an award be made to the low bidder; and

RESOLVED, That the Administrator continue on a month to month agreement with Recycle Ann Arbor for processing under the terms approved by the City Council on June 1, 1992.

Councilmember Dodge moved that the resolution be approved.

Councilmember Meade moved that the resolution be tabled pending outcome of the City's amended contract with Recycle Ann Arbor.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Coleman, Grady, Meade, Peterson, Eckstein, Mayor Brater, 7
Nays, Councilmembers Dodge, Fink, Zimmer, Nicolas, 4

The Chair declared the motion carried and the resolution tabled.

R-242-6-92 APPROVED

RESOLUTION TO AUTHORIZE THE CITY ADMINISTRATION
TO EXECUTE THE RENEWAL OF HEALTH CARE
CONTRACTS (ESTIMATED AT \$5,190,370.00)

Whereas, The City provides Health Care Insurance coverage to City employees in accordance with Personnel Rules and Regulations and various labor contracts at an estimated annual cost of approximately \$5,190,370;

Whereas, The contracts with Blue Cross Blue Shield, Blue Care Network, Care Choices and M-Care are due for renewal on July 1, 1992;

Whereas, Renewal monthly rates for Blue Cross Blue Shield of Michigan increased approximately 8.6%, Blue Care Network increased 7%, M-Care increased 9%, and Care Choices increased 7% over last years quoted rates;

RESOLVED, That the City Administrator is authorized to execute the renewal of the contracts with Blue Cross Blue Shield, Blue Care Network, M-Care and Care Choices for a one year period beginning July 1, 1992, at the monthly rates as quoted in Appendix "A" filed with the City Clerk.

Councilmember Eckstein moved that the resolution be approved.

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

R-243-6-92 APPROVED

RESOLUTION TO AWARD A CONSTRUCTION CONTRACT
TO WESTERN WATERPROOFING COMPANY, INC.
AND ESTABLISH A PROJECT BUDGET FOR THE
1992 PARKING STRUCTURE REPAIR PROJECT
BID NO. 2288 (\$2,793,900)

Whereas, It has been found necessary to restore two municipal parking structures at Fourth and William, and Maynard;

Whereas, Western Waterproofing Co., Inc. of Livonia, Michigan has submitted to the City on June 4, 1992, a bid for said work in the total amount of \$2,154,725.50 which amount is the lowest responsible bid;

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

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

Whereas, The Personnel/Human Rights Department has, on June 5, 1992, approved said company for said construction project;

RESOLVED, That a contract in the amount of \$2,154,725.50 be awarded to Western Waterproofing Co., Inc. for the construction of the 1992 Parking Structure Repair Project (Bid No. 2288);

RESOLVED, That the Mayor and City Clerk are hereby authorized and directed to sign said contract on forms approved as to form by the City Attorney, and approved as to substance by the City Administrator;

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

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

1992 PARKING STRUCTURE REPAIR PROJECT

Section I - Revenue

\$1,890,636	Ann Arbor Building Authority Limited Tax Bonds, Series 1992-A
<u>903,264</u>	General Obligation Bonds, Series B (carry over from 1991)
2,793,900	TOTAL; and

Section II - Expense

\$2,155,000	Construction
201,500	Design and Construction Engineering; and Testing (previously approved by Council; Resolution Number R-67-2-92)
50,000	Construction Engineering (City Personnel)
172,400	Contingencies approved by the City Administrator
125,000	Miscellaneous Costs
<u>90,000</u>	Bond Overhead Charge
\$2,793,900	TOTAL

Councilmember Hunter moved that the resolution be approved.

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

R-244-6-92 APPROVED

RESOLUTION TO APPROVE CONTRACT WITH
BROWNING-FERRIS INDUSTRIES (BFI) FOR
SOLID WASTE DISPOSAL SERVICES
(\$1,440,000) (RFP NO. 295)

Whereas, The City solicited proposals for the long-term disposal of its solid waste under Request for Proposals Number 295;

Whereas, Five proposals were received;

Whereas, Both five and ten year prices were sought;

Whereas, Browning-Ferris Industries of Southeastern Michigan (BFI) submitted the lowest five and ten year prices;

Whereas, In addition to the lowest overall prices, BFI offers substantial environmental protection at its Arbor Hills facility;

Whereas, Its location within Washtenaw County avoids future jurisdictional disputes with surrounding counties or the State of Michigan on the export of Ann Arbor's solid waste outside of Washtenaw County;

Whereas, The prices received by BFI over ten years are stable and predictable; and

Whereas, BFI received Human Rights approval on May 7, 1992;

RESOLVED, That the Mayor and City Clerk are authorized to sign a contract with BFI for ten years of disposal capacity at the prices stated by BFI in their proposal submittal dated March 24, 1992;

RESOLVED, That the City's street sweepings will be accepted for disposal by BFI at the same rates as quoted above;

RESOLVED, That BFI will accept the City's wastewater treatment ash and sludge conforming to BFI's testing standards; and

RESOLVED, That this Agreement shall take effect retroactive to May 1, 1992 and continue through June 30, 2002.

Councilmember Hunter moved that the resolution be approved.

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

R-245-6-92 APPROVED

RESOLUTION TO APPROVE FISCAL YEAR 1992-93
CITY GENERAL FUND HUMAN SERVICES AND
ECONOMIC DEVELOPMENT ALLOCATIONS (\$621,000.00)

Whereas, The Human Services Task Force has recommended the allocation of specific General Fund amounts for the following organizations for the FY 1992-93 program year; and

Whereas, The Personnel and Human Rights Department has reviewed and approved these contractors;

RESOLVED, That the Mayor and City Council approve the allocation of FY 1992-93 General Funds to the following agencies in the following amounts and authorize the Community Development Department to negotiate contractual agreements with subgrantees in accordance with the City's purchasing procedures;

RESOLVED, That the Mayor and City Council authorize the transfer of allocations of the General Fund Human Service Budget as follows:

<u>AGENCY</u>	<u>AMOUNT</u>
Ann Arbor Community Center	\$6,500
Ann Arbor Community Development Corporation	5,000
Ann Arbor Housing Commission	5,000
Ann Arbor Parks Department/Bryant	8,000

Ann Arbor Tenants Union	4,000
Arrowwood Hills Cooperative	10,000
Assault Crisis Center	5,000
Center for Occupational & Personalized Education	19,000
Catholic Social Services	30,500
Child and Family Services	5,000
Community Action Network	55,000
Community Learning Post	5,000
Corner Health Center	7,500
Domestic Violence Project	30,000
Fair Housing Center of Washtenaw County	5,000
Food Gatherers	17,500
Green Glacier Community Center	12,000
Network for Equal Economic Development	6,000
Ozone House	21,000
Packard Community Clinic	30,000
Peace Neighborhood Center	60,000
Pinelake Village Cooperative	23,000
Project Transition	7,000
SOS Community Crisis Center	44,000
Salvation Army	20,000
Second Baptist Human Services	8,000
Shelter Association	105,000
St. Andrew's Breakfast Program	8,000
Student Advocacy Center	5,000
Trailblazers	9,000
Washtenaw Development Council	<u>45,000</u>
 Total	 <u>\$621,000</u>

RESOLVED, That all human service programs funded by the General Fund shall give priority in targeting services to very low income families and individuals; and

RESOLVED, That all subgrantees be required to report progress in providing these services on a quarterly basis and that subgrantees be monitored by the Community Development Department.

Councilmember Hunter moved that the resolution be approved.

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

R-246-6-92 APPROVED

RESOLUTION TO TRANSFER APPROPRIATIONS TO VARIOUS DEPARTMENTS (\$236,500)

Whereas, It is necessary to balance Departmental Expenditures with their Appropriations in order for these Departments not to exceed their Budget for 1991-1992;

RESOLVED, That the following existing General Fund appropriations be transferred as listed below:

<u>From Account</u>	<u>Amount</u>	<u>To Account</u>	<u>Amount</u>
Contingency	\$37,232	Controller	\$33,000
Contingency Pay Raises	87,028	Treasurer	7,000
Transfer to Solid Waste	112,340	Police	53,500
		Engineering	30,100
		Planning	77,000
		District Court	36,000

Total	<u>\$236,600</u>	Total	<u>\$236,600</u>

Councilmember Meade moved that the resolution be approved.

Council recessed at 10:35 p.m. and reconvened at 10:40 p.m.

Councilmember Dodge moved to amend the resolution by removing the Planning Department account from the appropriation list and to consider it separately.

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

The question on the floor is approval of the resolution as presented, on roll call the vote was as follows: Yeas, Councilmembers Hunter, Coleman, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Eckstein, Mayor Brater, 10
Nays, Councilmember Dodge, 1

The Chair declared the motion carried.

RESOLUTION TO AUTHORIZE THE CITY ADMINISTRATOR
TO EXECUTE THE RENEWAL CONTRACT WITH
METROPOLITAN LIFE INSURANCE COMPANY
(ESTIMATED AT \$215,490.00)

Whereas, The City provides Group Life Insurance to City employees in accordance with Personnel Rules and Regulations and various labor contracts at an estimated annual cost of approximately \$215,490; and

Whereas, The contract with Metropolitan Life Insurance Company is due for renewal on July 1, 1992;

RESOLVED, That the City Administrator is authorized to execute the renewal of the contract with Metropolitan Life Insurance Company for a one year period beginning on July 1, 1992 at the monthly rates as reflected below:

Basic Life	.340 per \$1000
OPTC Lice	.320 per \$1000
Retired Life	3.590 per \$1000
1500 Dep. Life	.530 per employee
6000 Dep. Life	2.950 per employee

Councilmember Hunter moved that the resolution be approved.

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

R-248-6-92 APPROVED

RESOLUTION TO APPROVE APPROPRIATION OF
HYDROPOWER OPERATING FUNDS FOR THE
SETTLEMENT OF THE DYNAMIC CONSTRUCTION
COMPANY LAWSUIT (\$105,000)

Whereas, The Dynamic Construction Company filed a lawsuit (CC 81-91), against the City of Ann Arbor, due to a construction contract dispute regarding work at the Barton Hydroelectric Dam;

Whereas, Settlement of the lawsuit was negotiated by the City Attorney's Office in the amount of \$105,000; and

Whereas, The Insurance Board of Administration authorized the settlement of the suit in the amount of \$105,000 at their May 5, 1992 meeting and payments are to be made from the Hydropower Operating Fund;

RESOLVED, That City Council appropriate \$105,000 from the unreserved retained earnings of the Hydropower Operating Fund for this settlement.

Councilmember Eckstein moved that the resolution be approved.

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

R-249-6-92 APPROVED

RESOLUTION TO APPROVE PURCHASE OF DATA
BASE MANAGEMENT SYSTEM (\$69,184)
BID NO. 2297

Whereas, The City of Ann Arbor has an Information Services Strategic Plan (ISSP) to guide investment in information technology for the six year period commencing in 1989;

Whereas, A goal of the ISSP is to increase the efficiency and effectiveness of City services through the use of information technology;

Whereas, The ISSP recommends the development of a distributed computing environment in which a city-wide data communications system connects all computers and implements the cooperative processing of applications and the sharing of data;

Whereas, A Data Base Management System (DFMS) is a key technology necessary to implement a distributed computing environment;

Whereas, The Information Services Division of the Administrative Services Department has prepared implementation plans, equipment specifications, bid documents, and other technical elements necessary to implement a Data Base Management System;

Whereas, Bid Number 2297:Data Base Server, was sent to all qualified vendors and a government price quotation was solicited from Sybase, Inc.;

Whereas, Technology Partners/Connecting Point, at \$22,284, Computerland of Southfield, at \$3,191, and MicroAge, At \$3,174, were determined to be the lowest responsible bidders on Bid Number 2297;

Whereas, Technology Partners/Connecting Point, Computerland of Southfield, and MicroAge all received Human Rights approval on June 1, 1992, and Sybase, Inc. received Human Rights Approval on June 5, 1992; and

Whereas, Funding for the Data Base Management System is included in the FY 91-92 operating budget of the Information Services Department;

RESOLVED, That the recommendation of the City Administrator be approved and

that Bid Number 2297 be awarded and purchase orders issued to Technology Partners/Connecting Point in the amount of \$22,284, to Computerland of Southfield in the amount of \$3,191, to MicroAge in the amount of \$3,174, and to Sybase, Inc. in the amount of \$40,535.

Councilmember Coleman moved that the resolution be approved.

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

R-250-6-92 APPROVED

RESOLUTION AUTHORIZING TRANSFER OF \$40,885.92
FROM THE STREET MILLAGE FUND TO THE
MAJOR STREET FUND

Whereas, The cost incurred in installing traffic signals as part of the Plymouth Road reconstruction project amounts to \$40,885.92 during fiscal year 1991/1992;

Whereas, This cost was charged to the Major Street Fund; and

Whereas, The cost of installing the traffic signals is part of the cost of the Plymouth Road project which is financed by the Street Millage Fund 062;

RESOLVED, that \$40,885.92 be transferred from the Street Millage Fund 062 to the Major Street Fund 021.

Councilmember Meade moved that the resolution be approved.

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

R-251-6-92 APPROVED

RESOLUTION TO APPROVE ACCEPTANCE AND APPROPRIATION
OF SMALL BUSINESS ADMINISTRATION MATCHING GRANT
FOR STREET TREE PLANTING
(TOTAL PROJECT COST: \$20,000)

Whereas, Public trees contribute numerous amenities to the beauty of our City, and the comfort of our citizens:

Whereas, It is important to provide work opportunities to local small businesses in our community;

Whereas, The City Forestry Division of the Department of Parks and Recreation received a grant from the Small Business Administration through the State Department of Natural Resources to plant street trees along two major entry ways to the City; and

Whereas, The City's commitment to the project includes in-kind services of Forestry Division Staff persons to care for the trees;

RESOLVED, That Mayor and City Council approve acceptance of the Federal Grant Funds totalling \$10,000 as well as the local matching donations of \$2,000 from Global ReLeaf of Michigan, Inc., and \$2,000 from the Dean Fund budget; and

RESOLVED, That Mayor and City Council appropriate \$2,000 matching donation from Global ReLeaf of Michigan, \$2,000 Special Planting allocation from the Dean Fund, and the \$10,000.00 total in Federal Small Business Administration matching funds for the street tree planting project proposed for N. Main Street and Miller Road.

Councilmember Dodge moved that the resolution be approved.

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

R-252-6-92 APPROVED

RESOLUTION TO AUTHORIZE A PURCHASE ORDER
TO CARRIER AND GABLE, INC. FOR THE PURCHASE
OF A TRAILER MOUNTED CRACK SEALING SYSTEM AND MATERIAL
(\$15,942.00) BID NO. 2280 AND 2281

Whereas, Bids for the purchase of a trailer mounted crack sealing system (Bid No. 2281) and for the hot modified rubberized asphalt material (Bid No. 2280) were received on May 15, 1992;

Whereas, Carrier and Gable, Inc. of Farmington Hills, Michigan, has submitted bids in the amounts of \$11,942 and \$4,000 respectively; and

Whereas, Carrier and Gable, Inc. received Human Rights approval on June 2, 1992;

RESOLVED, That a purchase order for the equipment and the material be issued to Carrier and Gable, Inc. the lowest responsible bidder, in the amount of \$15,942.

Councilmember Grady moved that the resolution be approved.

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

R-253-6-92 APPROVED

RESOLUTION TO APPROPRIATE FUND BALANCE FOR
THE ANN ARBOR COMMISSION ON DISABILITY ISSUES
(\$3,200)

Whereas, The Ann Arbor Commission on Disability Issues was created by a City Council resolution on November 4, 1969 to promote and advocate for equal opportunities for all individuals with physical, mental and/or emotional disabilities;

Whereas, In previous years the City of Ann Arbor has set aside City General Fund monies to assist the Commission in meeting the needs of people with disabilities; and

Whereas, As of June 30, 1992 a fund balance of approximately \$3,200 will exist in the Disabilities Issues Fund; and

Whereas, The Ann Arbor Commission on Disability Issues supports the appropriation of the remaining fund balance from FY 1991-92 to FY 1992-93;

RESOLVED, That the Mayor and City Council do hereby appropriate the estimated unexpected FY 1991-92 balance of \$3,200 from the Disability Issues Fund and amend the FY 1992-93 Community Development budget.

Councilmember Grady moved that the resolution be approved.

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

DEFEATED

RESOLUTION REGARDING BASKETBALL EQUIPMENT IN
PUBLIC RIGHT-OF-WAY
(\$300 REIMBURSEMENT EACH LOCATION)

Whereas, On April 9, 1992, City Council directed the City Administrator, by resolution, to determine whether 11 known locations of basketball equipment in the public right-of-way present a risk to public safety;

Whereas, The City Administrator has met with representatives of the Risk Management Office, City Attorney's Office, and Transportation Division; and

Whereas, Staff has determined that the 11 known locations of basketball equipment in the public right-of-way do, indeed, pose a risk to public safety and the safety and well-being of City employees;

RESOLVED, That the City Administrator enforce the provisions of Chapter 47 of the City Code, including the prohibition of placement of basketball equipment in the public right-of-way;

RESOLVED, That all owners of basketball equipment in the public right-of-way remove this equipment in an expeditious manner; and

RESOLVED, That owners of basketball equipment in the right-of-way who were granted permission by the former Transportation Director, James Valenta, to construct said equipment, be reimbursed, upon presentation of appropriate documentation of cost, for up to \$300 for costs incurred in the removal of this equipment. Claims pertaining to this issue should be directed to the Risk Management Office and will be paid from Transportation Division accounts.

Councilmember Grady moved that the resolution be approved.

On roll call the vote was as follows: Yeas, Councilmembers Meade, Zimmer, Eckstein, 3 Nays, Councilmembers Hunter, Coleman, Dodge, Fink, Grady, Nicolas, Peterson, Mayor Brater, 8

The Chair declared the motion defeated.

R-254-6-92 APPROVED

RESOLUTION ADOPTING A REVISED FEE SCHEDULE FOR PERMIT AND INSPECTION FEES, APPEAL FEES, AND RELATED BUILDING DEPARTMENT FEES

Whereas, The current fee structure does not fully cover the Building Department's cost to provide inspection, appeal board, and related services;

Whereas, The City with the assistance of the Consulting Firm of David M. Griffith and Associates Limited, has analyzed the aforesaid fees and has recommended revised fees to more fully recover costs; and

Whereas, The 1992-93 fiscal year budget, approved by City Council, incorporated increases in revenue from permit, inspection and related fees;

RESOLVED, That the fee schedule, as filed with the City Clerk, is approved; and

RESOLVED, That these charges become effective July 1, 1992.

Councilmember Coleman moved that the resolution be approved.

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

R-255-6-92 APPROVED

RESOLUTION TO APPROVE DONATION OF ANN ARBOR
POLICE DEPARTMENT D.A.R.E. PROGRAM
(DRUG AWARENESS RESISTANCE EDUCATION)

Whereas, The Ann Arbor Police Department is involved in teaching Drug Awareness Resistance Education to fifth grade students in all public elementary schools in the City; and

Whereas, Community support for the program is high and donations to help support the program have been offered;

RESOLVED, That the City of Ann Arbor accept the donation for the D.A.R.E. program and that such donations be appropriated to the Police Department budget.

Councilmember Eckstein moved that the resolution be approved.

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

R-256-6-92 APPROVED

RESOLUTION FOR GRANT APPLICATION FOR SOFTWARE
MODIFICATION MICHIGAN INCIDENT CRIME REPORTING PROGRAM

Whereas, The police Department is required to modify computer software to comply with new Uniform Crime Reporting standards as mandated by the Federal Government and for reimbursement;

Whereas, The Police Department intends to submit a grant proposal application to the Michigan State Police for the purpose of reimbursing the Police Department for the cost of modifying its software that generates the data for the Michigan Incident Crime Reporting Program;

RESOLVED, That the Police Department may submit a grant request for the new computer software, to the Michigan State Police, in the amount of \$3,290, and upon receipt of an award, the funds will be appropriated to the Police budget 010-031-0121-2650 for purchase of the software.

Councilmember Coleman moved that the resolution be approved.

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

R-257-6-92 APPROVED

RESOLUTION REGARDING THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES PROPOSED MODIFICATION OF WASTEWATER TREATMENT PLANT DISCHARGE PERMIT

Whereas, In an attempt to partially address algae blooms and to aid in preventing further deterioration of Ford and Belleville Lakes, the Michigan Department of Natural Resources (MDNR) proposes to modify the Ann Arbor Wastewater Treatment Plant's National Pollutant Discharge Elimination System (NPDES) discharge permit to impose a more stringent interim total phosphorus limit of 0.6 mg/L as a rolling 12 month average plus retain the existing permit's 1.0 mg/L monthly average limit;

Whereas, The MDNR bases this permit modification on goals they have established to protect the designated downstream uses of Ford and Belleville Lakes;

Whereas, Recent studies have shown that the Ann Arbor Wastewater Treatment Plant contributes approximately 22% of the phosphorus in the Huron River at the inlet to Ford Lake and 78% is from other point and non-point sources;

Whereas, After the inlet to Ford Lake there are other significant phosphorus inputs to Ford and Belleville Lakes, and there are significant concentrations of phosphorus in the sediments of the Huron River and these lakes to cause persistent water quality problems;

Whereas, The Ann Arbor Wastewater Treatment Plant was designed to treat an average flow of 29.5 MGD and to reliably meet a monthly discharge limit of 1.0 mg/L of phosphorus, and MDNR has used the actual discharge concentrations for the past three years' average treatment flows of approximately 19 MGD to propose this 0.6mg/L additional limit;

Whereas, MDNR plans to develop a phosphorus load reduction strategy in 1993 to include information regarding all point and non-point phosphorus contributions to the receiving water, the cause and effect of these contributions, and a cost/benefit

analysis of the alternative best management practices to control phosphorus from point and non-point sources;

Whereas, Based upon an average flow rate of 19 MGD projected for FY 92/93, it is estimated that the initial increased costs to reliably comply with this more stringent limit is approximately \$40,000 in additional capital costs and \$200,000 in operations and

maintenance costs per year for additional chemicals and sludge disposal; and at a design flow of 29.5 MGD, and assuming no additional capital costs are required, the additional operations and maintenance costs are estimated to be \$290,000 per year; and

Whereas, The City has the following concerns relative to the proposed interim phosphorus limit and to future proposed limits:

- ⊘ That these limits do not adversely impact the Plant's effective capacity to treat less than 29.5 MGD and to be in consistent compliance with its NPDES permit; to retain our capacity to provide sewage disposal services to our present and future service areas;
- ⊘ That MDNR not use current operational discharge levels at less than the design flow of 29.5 MGD as a basis to specify compliance limits;
- ⊘ That MDNR define and follow a technically and objectively sound methodology for the development and application of a cost effective phosphorus allocation strategy that addresses all of the point and non-point sources in the watershed and not just the City of Ann Arbor's discharges; and that this strategy be coordinated through the County Drain Commissioner's office;
- ⊘ That any phosphorus allocation strategy and attendant expenditures be scientifically demonstrated to have a measurable and appreciable water quality benefit such as water clarity, human health, taste and odor, and fisheries; and
- ⊘ That goals established by MDNR for the Ford and Belleville Lake/impoundments should be realistically attainable and financially feasible; and

RESOLVED, That Council directs the City Administrator to give official notice to the Michigan Department of Natural Resources and the Michigan Water Resources Commission of the above concerns.

Councilmember Peterson moved that the resolution be approved.

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

R-258-6-92 APPROVED

RESOLUTION TO ESTABLISH A SAFE CELEBRATION TASK FORCE

Whereas, The City of Ann Arbor from time to time may be the location of celebrations surrounding athletic events and other activities;

Whereas, There is a desire among Ann Arbor citizens and the City Council that such celebrations be safe;

Whereas, Some recent celebrations have culminated in unsafe situations necessitating intervention by the Ann Arbor Police Department;

Whereas, In recent incidents, such as the aftermath of the NCAA Basketball Championship Game, some citizens have questioned the appropriateness of actions taken by the Ann Arbor Police Department, while others have expressed support for these actions; and

Whereas, The Ann Arbor Police Department and City Council are committed to working cooperatively with Ann Arbor citizens, and in the interest of promoting the health, safety, and welfare of the citizens of Ann Arbor;

RESOLVED, That the Ann Arbor City Council establishes a Safe Celebration Task Force in order to offer an opportunity for concerned parties to discuss these issues and to seek more satisfactory outcomes and safer celebrations.

Councilmember Coleman moved that the resolution be approved.

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

R-259-6-92 APPROVED

RESOLUTION TO APPROVE STREET CLOSINGS AND ALLOCATE
COMMUNITY EVENTS FUNDS FOR THE 1992
FOURTH OF JULY PARADE

Whereas, The City has received a request from the Fourth of July Parade Committee to hold a parade in the City of Ann Arbor on Independence Day, Saturday, July 4, 1992;

Whereas, The sponsor encourages and allows all groups to participate (space permitting), so long as they adhere to the historic theme and context of the event;

Whereas, It will be necessary to close the following streets from 8:00 a.m. to 1:00 p.m. to allow for adequate staging and cleanup time:

- East University from South University to Hill Street
- Tappan from South University to Hill Street
- South University from South State Street to Church Street
- North University from South State Street to South Thayer Street

and the following streets commencing at 10:00 a.m. for the parade itself:

- State Street from South University to Liberty
- Liberty Street from State Street to Main Street
- Main Street from Liberty Street to William Street
- William Street from Main Street to State Street;

Whereas, The sponsor agrees to obtain the necessary city permits and to indemnify the City against any claim as a result of their sponsorship of this event; and

Whereas, the sponsor has further requested that the City support this event by appropriating funds from the 1992-93 Community Events Budget for payment of the extra costs for services to be provided by the following departments:

Police Department	\$2,880.00
Solid Waste Department	200.00
Transportation Department (Barricades)	450.00
TOTAL	\$3,530.00

and waive the following Transportation Department fees:

Meter Bag Deposit	3,810.00
Meter Bag Fees (\$3,810.00 if not holiday)	<u>0.00</u>
TOTAL	\$3,810.00

RESOLVED, That the Mayor and City Council of Ann Arbor approve the Independence Day Fourth of July Parade;

RESOLVED, That the Mayor and City Council of Ann Arbor approve the time and route of the parade and necessary street closings; and

RESOLVED, That the Mayor and City Council of Ann Arbor waive the Meter Bag Deposit and Meter Bag Fees and allocate up to \$4,000 from the Community Events Budget for the reimbursement of costs incurred by the Police Department, Solid Waste Department, and Transportation Department (barricades only).

Councilmember Eckstein moved that the resolution be approved.

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

R-213-6-92 RECONSIDERED AND APPROVED

RESOLUTION AUTHORIZING 1992 LIMITED TAX DEVELOPMENT
BONDS (\$3,750,000)

Whereas, Pursuant to an ordinance duly adopted (the "Ordinance"), this Council has approved a tax increment finance and development plan (said plan hereinafter referred

to as the "Plan") for the Downtown Development Area ("Development Area") as proposed by the City of Ann Arbor Downtown Development Authority (the "DDA") pursuant to Act 197, Public Acts of Michigan, 1975, as amended (the "Act"); and

Whereas, It is the determination of the City Council that at this time limited tax general obligation bonds in the principal amount of not to exceed Three Million Seven Hundred Fifty Thousand Dollars (\$3,700,000) should be issued for the purpose of paying part of the project costs within the Development Area for certain public improvements with the Development Area (the "Project").

RESOLVED, That:

1. That DDA has estimated in the Plan that the estimated tax increment revenue of the Development Area, commencing with the year beginning July 1, 1992, will be as shown on Exhibit A attached hereto and by this reference made a part hereof, which estimate is hereby approved and adopted by this City Council.

2. Bonds of the City of Ann Arbor, County of Washtenaw, State of Michigan (the "City"), designated 1992 LIMITED TAX DEVELOPMENT BONDS (the "Bonds") are authorized to be issued in the aggregate principal sum of Three Million Seven Hundred Fifty Thousand Dollars (\$3,750,000) for the purpose of paying part of the costs of the Project, including the costs incidental to the issuance, sale and delivery of the bonds. The issue shall consist of Bonds in fully-registered form of the denomination of \$5,000, or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, numbered in order of registration, dated as of July 1, 1992, or such later date as this Council shall determine in the resolution approving the sale of the Bonds. The Bonds shall bear interest, mature, and be payable at the times and in the manner set forth in Sections 7 and 8 hereof.

The Bonds shall be subject to redemption at the times and prices set forth in Sections 7 and 8 hereof.

Interest shall be payable to the registered owner of record as of the 15th day of the month preceding each interest payment date. The record date of determination of registered owner for the purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practices in the future. Interest shall be payable by check or draft drawn on the Transfer Agent (as hereinafter defined) mailed to the registered owner at the registered address, as shown on the registration books of the City maintained by the Transfer Agent. The principal of the bonds shall be payable upon presentation and surrender to the Transfer Agent.

A bank or trust company located in Michigan and qualified to act as bond registrar, paying agent and transfer agent shall be appointed to serve as bond registrar, paying agent and transfer agent (the "Transfer Agent") for this issue. The City Controller is hereby authorized to select and appoint the Transfer Agent. The City Controller is hereby authorized to execute one or more agreements with the Transfer Agent on behalf of the City. The City Clerk is hereby authorized to insert the name of the Transfer Agent in the

form of notice of sale set forth in Section 8 hereof before publication. The City reserves the right to replace the Transfer Agent at any time upon written notice to the registered owners of record of the Bonds not less than sixty (60) days prior to an interest payment date.

3. The Bonds of this issue shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and Clerk and shall have the seal of the City, or a facsimile thereof, printed or impressed on the Bonds. No Bond shall be valid until authenticated by an authorized officer or representative of the Transfer Agent. The Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the purchaser or other person in accordance with instructions from the City Treasurer or the City Controller upon payment of the purchase price for the Bonds in accordance with the bid therefor when accepted.

4. The Transfer Agent shall keep the books of registration for this issue on behalf of the City. Any Bond may be transferred upon such registration books by the registered owner of record, in person or by the registered owner's duly authorized attorney, upon surrender of the bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond or Bonds shall be surrendered for transfer, the City shall execute and the Transfer Agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The Transfer Agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

Unless waived by any registered owner of bonds to be redeemed, official notice of redemption shall be given by the Transfer Agent on behalf of the City. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers (and in the case of partial redemption, the called amounts of each certificate); the place where bonds called for redemption are to be surrendered for payment; and that interest on bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date.

In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

5. The Bonds shall be issued in anticipation of and payable in the first instance from payments required to be made by the DDA from tax increment revenues (the "Tax Increment Revenue Payments") pursuant to the Plan and a resolution adopted by the DDA (the "DDA Resolution"), which Tax Increment Revenue Payments are anticipated to be in amounts sufficient to pay principal of and interest on the Bonds. In addition, the City hereby pledges its full faith and credit for the prompt payment of the Bonds. Should the Tax Increment Revenue Payments at any time be insufficient to pay principal of and interest on the bonds as the same become due, then the City shall advance as a first budget

obligation from any funds available therefor, or, if necessary, levy taxes upon all taxable property in the City subject to applicable constitutional and statutory limitations, such sums as may be necessary to pay said principal and interest. The City shall be reimbursed for any such advance by the DDA from tax increment revenues of the DDA as provided in the DDA Resolution. The Treasurer is authorized and directed to open a separate depository account with a bank or trust company designated by the City Council to be known as 1992 DOWNTOWN DEVELOPMENT BONDS, DEBT RETIREMENT FUND (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal or and interest on the Bonds as they mature. Into said fund there shall be placed the accrued interest and premium, if any, received at the time of delivery of the Bonds. In addition, there shall be paid into the fund the Tax Increment Revenue Payments as received from the DDA each year until the amount on hand in the Debt Retirement Fund, together with any amounts on hand in the Debt Retirement Fund available for payment of current principal and interest on the Bonds, is equal to all payments of principal and interest coming due on the Bonds prior to the next collection of taxes.

6. The Treasurer shall deposit the accrued interest and premium, if any, received upon sale of the bonds in the Debt Retirement Fund and shall deposit the balance of the proceeds in a Construction Fund which shall be established by the City for the Project. Money in the Construction Fund shall be used by the City solely for payment of costs of the Project, or payment or redemption of the Bonds.

7. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF WASHTENAW

CITY OF ANN ARBOR
1992 LIMITED TAX DEVELOPMENT BOND

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
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Registered Owner:

Principal Amount:

KNOW ALL MEN BY THESE PRESENTS, that the CITY OF ANN ARBOR, County of Washtenaw, State of Michigan (the "City"), acknowledges itself to owe and for value received hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Maturity Date specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon until paid from the Date of Original Issue specified above or such later date to which interest has been paid, at the Interest Rate per annum specified above, payable on March 1, 1993 and semiannually thereafter. Principal of this bond is

payable upon presentation and surrender of this bond at _____ office of _____, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner not less than sixty (60) days prior to an interest payment date (the "Transfer Agent"). Interest on this bond is payable to the person or entity which is registered owner of record as of the 15th day of the month preceding the interest payment date as shown on the registration books of the City kept by the Transfer Agent, by check or draft mailed by the Transfer Agent to the registered owner of record at the registered address. Principal of and interest on this bond are payable in the first instance from tax increment revenue payments received by the City from the City of Ann Arbor Downtown Development Authority. In addition, for prompt payment of this bond, both principal and interest, the full faith, credit and resources of the City are hereby irrevocably pledged. In case of insufficiency of the tax increment revenue payments for the payment of the principal of and interest on this bond, the City is obligated to pay the same as a first budget obligation from its general funds or from any taxes which it may levy within applicable constitutional and statutory tax limitations.

This bond is one of a series of bond aggregating the principal sum of \$3,750,000, issued pursuant to Act 197, Public Acts of Michigan, 1975, as amended, and a resolution duly adopted by the City Council of the City for the purpose of paying part of the costs of public improvements in the Downtown Development Area in the City as described in the Tax Increment Finance and Development Plan of the City of Ann Arbor Downtown Development Authority (the "Authority"). The Bonds are issued in anticipation to tax increment revenue payments from the Authority to the City and the City has pledged its full faith and credit, subject to applicable constitutional and statutory tax limitations, as additional security therefor.

Bonds of this issue maturing in the years 1995 to 2002, inclusive, are not subject to redemption prior to maturity.

Bonds or portions of bonds in multiples of \$5,000 of this issue maturing in the years 2003 and thereafter shall be subject to redemption, at the option of the City, in such order as the City shall determine and within any maturity by lot, on any interest payment date on or after September 1, 2002, at par and accrued interest to the date fixed for redemption plus a premium expressed as a percentage of par as follows:

1 1/2% of the principal amount of each bond or portion thereof called for redemption on or after September 1, 2002, but prior to September 1, 2003;

1% of the principal amount of each bond or portion thereof called for redemption on or after September 1, 2003, but prior to September 1, 2004;
and

1/2 of 1% of the principal amount of each bond or portion thereof called for redemption on or after September 1, 2004, but prior to September 1, 2005.

No premium shall be paid on any bond or portion thereof called for redemption on or

after September 1, 2005.

In case less than the full amount of an outstanding bond is called for redemption the Transfer Agent upon presentation of the bond called in part for redemption shall register, authenticate and deliver to the registered owner a new bond in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given to the holders of bonds to be redeemed by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered owner at the address of the registered owner as shown on the registration books of the City. No further interest on bonds called for redemption shall accrue after the date fixed for redemption, whether presented for redemption or not, provided the City has money available for such redemption.

This bond is transferable only upon the registration books of the City kept by the Transfer Agent by the registered owner of record in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the resolution authorizing this bond, and upon the payment of the charges, if any, therein prescribed.

This bond is payable out of the Debt Retirement Fund of the City for this issue, and it is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this bond and the series of bonds of which this is one, exist and have done and performed in regular and due form and time as required by law, and that the total indebtedness of the City, including this bond, does not exceed any constitutional or statutory debt limitation.

This bond is not valid or obligatory for any purpose until the Transfer agent's Certificate of Authentication on this bond has been executed by the Transfer Agent.

IN WITNESS WHEREOF, the City of Ann Arbor, County of Washtenaw, State of Michigan, by its City Council, has caused this bond to be signed in the name of the City by the facsimile signatures of its Mayor and City Clerk and a facsimile of its corporate seal to be printed hereon, all as of the Date of Original Issue.

CITY OF ANN ARBOR
County of Washtenaw
State of Michigan

By
Its Mayor

(SEAL)
Countersigned

City Clerk

(Form of Transfer Agent's Certificate of Authentication)

DATE OF REGISTRATION:

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within-mentioned resolution.

_____, Michigan,
Transfer Agent

By
Authorized

[Bond printer to insert form of assignment]

8. Upon receipt of an order of approval of the Bonds from the Michigan Department of Treasury, or an order excepting the Bonds from prior approval, the Clerk shall publish notice of sale of the Bonds in the Detroit Legal News, Detroit, Michigan, or the Daily Bond Buyer, New York, New York, or other authorized newspaper, at least seven (7) full days before the date fixed for the sale of the Bonds, which notice of sale shall be in substantially the following form:

OFFICIAL NOTICE OF SALE

\$3,750,000

CITY OF ANN ARBOR

County of Washtenaw, State of Michigan

1992 LIMITED TAX DEVELOPMENT BONDS

SEALED BIDS for the purchase of the above bonds will be received by the undersigned at the City offices located at 100 N. Fifth Avenue, Ann Arbor, Michigan 48107-8647, on _____, the ____ day of _____, 1992, until ____ o'clock __.m., Eastern Daylight Time, at which time and place said bids will be publicly opened and read.

Sealed bids will also be received on the same date and until the same time by an agent of the undersigned at the office of the Municipal Advisory Council of Michigan, Suite 1445, First National Building, Detroit, Michigan 48226, when, simultaneously, the bids will be opened and read.

The City Council will meet at 7:30, on that date at the City offices, to consider the award or rejection of bids.

BOND DETAILS: Said bonds will be registered bonds of the denomination of \$5,000 or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, originally dated July 1, 1992, numbered in order of registration, and will bear interest from their date payable on March 1, 1993, and semiannually thereafter.

The bonds will mature on the 1st day of September of each of the years, as follows:

<u>Year</u>	<u>Amount</u>
1995 through 1998, inclusive	\$100,000
1999 through 2004, inclusive	325,000
2005 through 2008, inclusive	350,000

PRIOR REDEMPTION: Bonds of this issue maturing in the years 1994 to 2002, inclusive, are not subject to redemption prior to maturity.

Bonds or portions of bonds in multiples of \$5,000 of this issue maturing in the years 2003 and thereafter shall be subject redemption, at the option of the City, in such order as the City shall determine and within any maturity by lot, on any interest payment date on or after September 1, 2002, at par and accrued interest to the date fixed for redemption plus a premium expressed as a percentage of par as follows:

1 1/2% of the principal amount of each bond or portion thereof called redemption on or after September 1, 2002, but prior to September 1, 2004;

1% of the principal amount of each bond or portion thereof called for redemption on or after September 1, 2003, but prior to September 1, 2004;
and

1/2 of 1% of the principal amount of each bond or portion thereof called for redemption on or after September 1, 2004, but prior to September 1, 2005.

No premium shall be paid on any bond or portion thereof called for redemption on or after September 1, 2005.

In case less than the full amount of an outstanding bond is called for redemption, the transfer agent upon presentation of the bond called in part for redemption shall register, authenticate and deliver to the registered owner a new bond in the principal amount of the

portion of the original bond not called for redemption.

Notice of redemption shall be given to the holders of bonds to be redeemed by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered owner at the address of the registered owner as shown on the registration books of the City. No further interest payable on bonds called for redemption shall accrue after the date fixed for redemption, whether presented for redemption or not, provided by the City has money available for such redemption.

INTEREST RATE AND BIDDING DETAILS: The bonds shall bear interest at a rate or rates not exceeding 9% per annum, to be fixed by the bids therefor, expressed in multiples of 1/8 or 1/20 of 1%, or both. The interest on any one bond shall be at one rate only and all bonds maturing in any one year must carry the same interest rate. THE INTEREST RATE BORNE BY BONDS MATURING IN ANY YEAR ON OR AFTER THE YEAR 2004 SHALL NOT BE AT A RATE LOWER THAN THE RATE BORNE BY BONDS MATURING IN THE PRECEDING YEAR. The difference between the highest and lowest interest rates bid shall not exceed 2%. No proposal for the purchase of less than all of the bonds or at a price less than 98.5% of their par value will be considered.

TRANSFER AGENT AND REGISTRATION: Principal and interest shall be payable at _____, Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner of record not less than 60 days prior to an interest payment date. Interest shall be paid by check or draft mailed to the registered owner of record as shown on the registration books kept by the transfer agent as of the 15th day prior to an interest payment date. The bonds will be transferred only upon the registration books of the City kept by the Transfer agent.

PURPOSE AND SECURITY: The bonds are issued pursuant to Act 197, Public Acts of Michigan, 1975, as amended, in anticipation of the collection of certain tax increment revenue payments from the City of Ann Arbor Downtown Development Authority (the "Authority") for the purpose of financing improvements in the Downtown Development Area as described in the Authority's Development and Tax Increment Financing Plan. The bonds will pledge the full faith and credit of the City as additional security for payment of the principal and interest thereon, and pursuant to such pledge, should funds primarily pledged be insufficient for payment, the City is obligated to make such payment as a first budget obligation from general funds or from any taxes which it may levy within applicable constitutional and statutory limitation. The rights or remedies of bondholders may be affected by bankruptcy, insolvency, fraudulent conveyance or other laws affecting creditors' rights generally, now existing or hereafter enacted, and by the application of general principles of equity including those relating to equitable subordination.

GOOD FAITH: A certified or cashier's check in the amount of \$37,500, drawn upon an incorporated bank or trust company and payable to the order of the City Treasurer must accompany each bid as a guarantee of good faith on the part of the bidder, to be forfeited as liquidated damages if such bid be accepted and the bidder fails to take up and pay for

the bonds. No interest shall be allowed on the good faith checks, and checks of the unsuccessful bidders will be promptly returned to each bidder's representative or by registered mail. The good faith check of the successful bidder may be immediately cashed, in which event payment for the balance of the purchase price of the bonds shall be made at closing.

AWARD OF BONDS: The Bonds will be awarded to the bidder whose bid produces the lowest interest cost computed by determining, at the rate or rates specified in the bid, the total dollar value of all interest on the bonds from _____, 1992, to their maturity and deducting therefrom any premium or adding thereto any discount.

TAX MATTERS: In the opinion of bond Counsel, assuming compliance with certain covenants, interest on the bonds is excluded from gross income for federal income tax purposes, as described in the opinion, and the bonds and interest thereon are exempt from all taxation in the State of Michigan except inheritance taxes and taxes on gains realized from the sale, payment or other disposition thereof.

CERTIFICATE REGARDING "ISSUE PRICE": The successful bidder will be required to furnish, prior to the delivery of the bonds, a certificate in a form acceptable to bond counsel as to the "issue price" of the bonds within the meaning of Section 1273 of the Internal Revenue Code of 1986, as amended.

LEGAL OPINION: Bids shall be conditioned upon the unqualified approving opinion of Miller, Canfield, Paddock and Stone, attorneys of Detroit, Michigan, a copy of which opinion will be printed on the reverse side of each bond and the original of which will be furnished without expense to the purchaser of the bonds at the delivery thereof. The fees of Miller, Canfield, Paddock and Stone for services rendered in connection with such approving opinion are expected to be paid from bond proceeds. Except to the extent necessary to issue its unqualified approving opinion as to validity of the above bonds, Miller, Canfield, Paddock and Stone has not been requested to examine or review and has not examined or reviewed any financial documents, statements or materials that have been or may be furnished in connection with the authorization, issuance or marketing of the bonds, and accordingly will not express any opinion with respect to the accuracy or completeness of any such financial documents, statements or materials.

DELIVERY OF BONDS: The City will furnish bonds ready for execution at its expense. Bonds will be delivered without expense to the purchase at Detroit, Michigan, or such other place to be agreed upon. The usual closing documents, including a certificate that no litigation is pending affecting the issuance of the bonds, will be delivered at the time of delivery of the bonds. If the bonds are not tendered for delivery by twelve o'clock noon, Eastern _____ Time, on the 45th day following the date of sale, or the first business day thereafter if said 45th day is not a business day, the successful bidder may on that day, or any time thereafter until delivery of the bonds, withdraw his proposal by serving notice of cancellation, in writing, on the undersigned in which event the City Treasurer shall promptly return the good faith deposit. Payment for the bonds shall be made in Federal Reserve Funds. Accrued interest to the date of delivery of the bonds shall be paid by the purchaser at the time of delivery. Unless the purchaser furnishes the transfer agent with a

list giving the denominations and names in which it wishes to have the certificates issued within 10 business days of the sale of the bonds, the bonds may be delivered in the form of a single certificate for each maturity registered in the name of the purchaser.

CUSIP NUMBERS: It is anticipated that CUSIP identification numbers will be printed on the bonds, but neither the failure to print such number on any bonds nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with terms of the purchase contract. All expenses in relation to the printing of CUSIP numbers on the bonds shall be paid for by the City, except that the CUSIP Service Bureau charge for the assignment of such numbers shall be the responsibility of and shall be paid for by the purchaser.

ADDITIONAL INFORMATION: Additional information may be obtained from Stauder Barch & Associates, Inc., 3938 Research Park Drive, Ann Arbor, Michigan 48108 (Telephone: (313-668-6723)).

OFFICIAL STATEMENT: A copy of the Official Statement may be obtained by contacting Stauder Barch & Associates, 3938 Research Park Drive, Ann Arbor, Michigan 48108, telephone (313) 668-6688. The Official Statement is in a form deemed final as of its date by the City for purposes of SEC Rule 15c-12(b)1, but is subject to revision, amendment and completion of a final Official Statement. The successful bidder shall supply to the City, within twenty-four hours after the award of the bonds, all pricing information and any underwriter identification determined by the City to be necessary to complete the Official Statement.

The City will furnish to the successful bidder, at no cost, a reasonable number of copies of the final Official Statement within seven business days after the award of the bonds. Additional copies will be supplied upon the bidder's agreement to pay the cost of the City for those additional copies.

The City shall deliver, at closing, an executed certificate to the effect that as of the date of delivery the information contained in the Official Statement, including revisions, amendments and completions as necessary, relating to the City and the bonds is true and correct in all material respects, and that such Official Statement does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading.

THE RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

ENVELOPES containing the bids should be plainly marked "proposal for 1992 Limited Tax Development Bonds."

Clerk

_____ City

9. The estimated period of usefulness of the proposed Project is hereby

declared to be not less than twenty (20) years and its total cost is estimated to be not less than Three Million Seven Hundred Fifty Thousand Dollars (\$3,750,000).

10. The City agrees, to the extent permitted by law, to take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended, including but not limited to actions relating to the rebate of arbitrage earnings and the expenditure and investment of Bond proceeds and money deemed to be Bond proceeds.

11. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

RESOLUTION DECLARED ADOPTED.

W. Northcross, City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Ann Arbor, County of Washtenaw, State of Michigan, at a regular meeting held on June 15, 1992, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

W. Northcross, City Clerk

Councilmember Fink, having voted on the prevailing side, moved that council reconsider this resolution approved on June 1, 1992.

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

Councilmember Fink asked for and received the unanimous consent of Council to change his "yes" vote to "abstain" to avoid a possible conflict of interest because he owns two properties within the DDA area.

The question being approval of the resolution, on a voice vote, the Chair declared the motion carried, noting Councilmember Fink's abstention.

REPORTS FROM COUNCIL COMMITTEES

Community Corrections Advisory Committee

Councilmember Peterson reported that the Community Corrections Advisory Committee is

in the process of formulating plans for the coming year. Lynn Parks, staff person, will attend the next Council caucus to make a presentation. The plan was distributed to Councilmembers.

Council Rules Committee

Councilmember Hunter said that the Council Rules Committee will study the "Public Commentary" section of the agenda. Suggestions were requested to be submitted in writing.

Special Liquor Committee

Councilmember Hunter said that there will be several meetings of the Special Liquor Committee called at the end of the month.

City Administrator Evaluation Committee

Councilmember Coleman announced that a meeting of the City Administrator Evaluating Committee would be scheduled soon. Input on the evaluation process was encouraged.

COUNCIL PROPOSED BUSINESS

JULY 6, 1992

Resolution to Reduce Recycling Costs (Councilmembers Dodge, Zimmer, Nicolas and Fink)

COMMUNICATIONS FROM THE MAYOR

Mayor Brater asked for confirmation of the following appointments placed in nomination at the last Council meeting:

BICYCLE COORDINATING COMMITTEE

William A. Miller (replacing Sanderson Palmer at term expiration)
2591 Valley Drive
Term: 06-15-92 to 06-15-95

Jim Grove (reappointment)
1224 Packard
Term: 06-15-92 to 06-15-95

COMMUNITY DEVELOPMENT WAIVER AND REVIEW BOARD

Patricia Dufek (reappointment)
2024 Vinewood
Term: 06-15-92 to 06-15-94

Terry Alexander (reappointment)
2030 Miller

Term: 06-15-92 to 06-15-94

HOUSING BOARD OF APPEALS

Millicent Empedocles (reappointment)

1308 Granger

Term: 06-15-92 to 06-30-95

Annette Law (replacing Eric Ebel at term expiration)

408 Hill, #7

Term: 06-15-92 to 06-30-95

Councilmember Hunter moved that Council concur in the recommendations of the Mayor.

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

Council Call-in

Mayor Brater announced the next Council Call-In would be hosted by Councilmember Dodge on Wednesday, from 6:30 until 8:00 p.m.

Council Retreat

Mayor Brater said that Council met in a retreat with the City's Department Heads on the previous Friday to exchange communications on how the City can work more smoothly. It was a very productive afternoon and in the spirit of that retreat items were removed from the agenda that may need more work. A meeting of the "Committee of the Whole" will be scheduled for June 24 to discuss several items before they are considered at the next Council meeting.

MICHIGAN DEPARTMENT OF NATURAL RESOURCES MEETING

Mayor Brater said that the MDNR has expressed an interest in discussing with Council the Gelman Clean-up. Because the presentation may be a lengthy one, suggestions from Councilmembers were requested for desired meeting time. The proposed method of clean-up has caused some concern in the Community. The Mayor expressed interest in hearing the full range of alternatives.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Gatta presented the following communications for the information of Council:

1. Stormwater Service and Improvement Charges
2. Summary of City Department Activities for the Third Quarter (January-March), 1992

3. Report on Money Spent by the City since 1985 to Install and Operate the 800 MHz Trunked Radio System
4. Use of Empty Lot on Ashley Street by Local Businesses
5. Community High Parking Lot
6. Police Department review of the Griffith Fee Study
7. Curb Cuts for Wheelchair Access
8. Drexel Burnham Lambert
9. Hydrant Flushing Program
10. Refuse Containers After Collection
11. Fencing around Allen's Creek Drain Discharge
12. Monthly Statement of Revenues, Expenditures and Changes in Fund Balance, through May 31, 1992, for Series A of the Environmental Bond
13. Safety Town Sessions

City Administrator Gatta received requests for information and reports on other subjects.

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

Councilmember Hunter announced that the Annual Softball Game will be held on June 29 at Virginia Park.

Councilmember Hunter commended City Clerk Northcross for the new lighting in the Council Chamber.

Mayor Brater announced the U.S. Conference of Mayors to be held in Houston, Texas, at the end of the week regarding federal issues and funding for those programs. The Mayor was named as chair of the National Advisory Council on Composting.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were received:

1. Washtenaw County Department of Public Works transmitting Amendment to the Washtenaw County Act 641 Solid Waste Management Plan Update of 1989 - Referred to Solid Waste and Assistant City Administrator Environmental Services
2. Michigan Department of Natural Resources Public Notice of Application received from Dhu Varren on the Park Condominium for Permit to Excavate into Traver Creek - Referred to Engineering and Planning Department
3. Daniel Peski - City's ticketing practices - File
4. Kim Easter - Proud of Ann Arbor's Recycling Program - Referred to City Administrator's Office and Solid Waste Department

The following minutes were received and are filed with the City Clerk:

1. Housing Policy Board - May 20, 1992
2. Ann Arbor Energy Commission - May 14, 1992
Councilmember Grady moved that the Clerk's Report be approved.

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

PUBLIC COMMENTARY - GENERAL

None.

ADJOURNMENT

There being no further business, Councilmember Coleman moved that the meeting be adjourned.

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

W. Northcross
Clerk of the Council

Linda J. Wise
Recording Secretary