

REGULAR SESSION - SEPTEMBER 8, 1992

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

Council stood for one moment of silence.

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

ROLL CALL OF COUNCIL

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

ABSENT : 0.

INTRODUCTIONS

LETTER OF RESIGNATION FROM COUNCILMEMBER COLEMAN

Mayor Brater announced that Council has received a letter of resignation from Councilmember Coleman, which has been placed on file with the City Clerk. Ms. Coleman will resign during the meeting prior to consideration of the resolution to appoint her successor. (See Resolution No. R-451-9-92)

PUBLIC COMMENTARY - RESERVED TIME

MIKE GARFIELD - RECYCLE ANN ARBOR

Mike Garfield, 734 Spring St., representing Recycle Ann Arbor, spoke in support of the Administrator's proposed refinancing package for Recycle Ann Arbor, and reported that RAA has successfully carried through the City's request to reorganize its debt and clean up its operations. Mr. Garfield stated that the combined total of RAA's refinanced collection and processing contracts is still \$600,000 less than the next lowest bid.

DAVID RAAFLAUB - FREEDOM AND THE ENVIRONMENT

David Raaflaub, 1402 Edgewood, expressed concern that government is the largest polluter in the country, yet seems to be exempt from responsibility. Mr. Raaflaub spoke in support of separating Recycle Ann Arbor from the Ecology Center to help the Ecology Center regain its independence by rejecting

Council - September 8, 1992

government funds.

DAVE DEMPSEY - RECYCLE ANN ARBOR

Dave Dempsey, 120 Grand, Lansing, MI, representing Clean Water Action in Michigan, urged Council's support of continued operation of Recycle Ann Arbor.

Mr. Dempsey stated that this community-based recycling program has long been a leader in the state and is the key to assuring that the solid waste problem in the City is successfully and economically managed in the future.

DAN EZEKIEL - RECYCLE ANN ARBOR

Dan Ezekiel, 610 W. Liberty St., stated that the pioneering effort of Recycle Ann Arbor is due in part to the efforts of Ann Arbor citizens as well as the bipartisan leadership that helped in its beginnings. Mr. Ezekiel objected that recycling has now become a partisan football, and stated that he is looking forward to the return of bipartisan leadership in Ann Arbor's solid waste reduction efforts.

DENVER NELSON - RECYCLE ANN ARBOR

Denver Nelson, representing the Nelson Paper Company of Romulus, MI., stated that his company has been marketing Recycle Ann Arbor's products for the last 20 years, and that Recycle Ann Arbor is one of the most successful facilities in the country. Mr. Nelson reported that plastic jug recycling is not profitable at this time and that the markets for other material are recessed because more communities are recycling.

LAURA DESCHAMPS - WEST PARK

Laura Deschamps, 313 N. Seventh St., representing area residents and day care centers, stated that residents are unable to use West Park because of the drinking, drug traffic and disorderly conduct activities in the park. Ms. Deschamps reported that current laws are not being enforced by the police and requested a one-year alcohol ban to try to control the problem.

JIM HUDLER - RECYCLE ANN ARBOR

Jim Hudler, 17165 Fahrner Rd., Chelsea, MI., representing the Libertarian Party, spoke in opposition to the City's bail-out of Recycle Ann Arbor because it rewards incompetence and wastes taxpayers' money. Mr. Hudler spoke in support of a Libertarian candidate, Glenn Mensching, to replace First Ward Councilmember Coleman who is resigning.

RALPH SMITH - HOMELESS

Ralph Smith, 2760 Nixon Rd., expressed concern that the Hurricane Andrew disaster has increased homelessness in the country. Rev. Smith requested that Council take a leadership role in helping the homeless and that all citizens

take part by volunteering to help homeless people.

PUBLIC HEARINGS

BRIARWOOD RESIDUAL PARTIAL LOT 10 REZONING (ORDINANCE NO. 55-92)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 2.5 acres from AG (Agriculture-Open Space District) and R4B (Multiple-Family Dwelling District) to O (Office District), Briarwood Residual Partial Lot 10, southwest corner of South Main Street and Eisenhower Parkway. Notice of public hearing was published August 15, 1992.

The following persons appeared:

Earl Ophoff of Beckett and Raeder, Inc., representing the developer, stated that the proposed rezoning is consistent with land use patterns in the area and will allow the construction of a medical office facility and a branch bank.

David Raaflaub, 1402 Edgewood, suggested that Council rezone West Park to allow tenting for the homeless and mobile homes for emergency housing. Mr. Raaflaub stated that government should use its power in this manner as a creative solution to the homeless problem which would not involve a lot of taxpayer money.

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

BRIARWOOD RESIDUAL PARTIAL LOT 10 SITE PLAN

A public hearing was conducted on the proposed Briarwood Residual Partial Lot 10 Site Plan, 2.5 acres, southwest corner of South Main Street and Eisenhower Parkway. Notice of public hearing was published September 1, 1992.

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

552, 560 AND 564 SOUTH MAIN STREET REZONING (ORDINANCE NO. 56-92)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.41 acre from C3 (Fringe Commercial District) to C2B (Business Service District), 552, 560 and 564 South Main Street. Notice of public hearing was published August 15, 1992.

The following persons appeared:

Karen Hart, City Planning Director, explained that this rezoning was one part of a two-part proposal. Ms. Hart stated that the rezoning of the property on Madison Street was rejected by the Planning Commission, but that the rezoning of the Main Street property was approved by the

Council - September 8, 1992

Commission.

Rich Henes of Cornerstone Design, representing the developer, stated that he would be available to answer questions from Council.

Michael Sasson, 902 Baldwin Ave., spoke in opposition to the proposal, and stated that the residential character of the neighborhood should be preserved.

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

REVISIONS TO LAND DEVELOPMENT REGULATIONS AND GUIDELINES FOR PROTECTION OF NATURAL FEATURES

A public hearing was conducted on the proposed revisions to the Land Development Regulations and Guidelines for the Protection of Natural Features. Notice of public hearing was published September 1, 1992.

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

DEVONSHIRE SQUARE REVISED SITE PLAN

A public hearing was conducted on the proposed Devonshire Square Revised Site Plan, 2.38 acres, northwest corner of Washtenaw Avenue and Huron Parkway. Notice of public hearing was published September 1, 1992.

The following person appeared:

Van Hunsberger of Van Curler Associates, representing the petitioner, stated that he would be available to answer questions from Council.

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

FOXTRIDGE SOUTH SITE CONDOMINIUM SITE PLAN

A public hearing was conducted on the proposed Foxridge South Site Condominium Site Plan, 4.54 acres, south side of Dhu Varren Road, west of Nixon Road. Notice of public hearing was published September 1, 1992.

The following person appeared:

Larry Campbell of Midwestern Consulting, representing the petitioner, stated that he would be available to answer questions from Council.

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

PROPOSED GELMAN SCIENCES, INC. AGREEMENT

A public hearing was conducted on the proposed Resolution Regarding Gelman Sciences, Inc. Agreement. Notice of public hearing was published September 7, 1992.

The following persons appeared:

Myung Raymond, 611 Sunset Rd., representing neighbors, expressed concern that citizens were only given three days to examine the proposed agreement. Ms. Raymond stated that residents deeply resented Gelman's tactics and found it ironic that the clean-up technology first advocated by the neighborhood group has now proven to be effective and economical.
(Statement on file in the City Clerk's Office)

Douglas Kelley, 910 Sunset Rd., continued reading from the statement presented by Ms. Raymond. Mr. Kelley recommended that an environmental lawyer be secured to review the agreement and any modifications proposed in the future. Mr. Kelley expressed concern with enforcement of the agreement's terms if the political landscape should change and stated that the neighbors would continue their vigilance over this agreement.

Natasha Raymond, 930 Loyola Dr., continued reading from the statement presented by Myung Raymond. Ms. Raymond expressed concern that many residents along the discharge route continue to have problems with sewage backups and requested that the Council work toward solving this problem.

Kurt Zimmer, 1306 E. Stadium Blvd., stated that differences in dioxane levels in the proposed agreement as compared to the previous proposal are insignificant, and pointed out that common household products also contain dioxane.

Robert Eckstein, 1345 Kuehnle Ave., explained that differences in toxicity levels between the two proposals were insignificant and that lower levels would not mean less risk. Mr. Eckstein stated that even some foods have similar dioxane levels.

Laura Deschamps, 313 N. Seventh St., requested that the swampy water in West Park be tested for contamination. Ms. Deschamps expressed concern with the black oily sludge present in the water.

Bruce Laidlaw, 1907 Austin Ave., representing Gelman Sciences, stated that the proposed agreement with Gelman Sciences provides a high protection level for the City with minor risk and urged its approval.

Bob Buker, Vice-President of Gelman Sciences, urged Council's approval of the proposed agreement which would allow Gelman to begin cleanup of the contaminated groundwater moving into the Ann Arbor area. Mr. Buker stated that the proposal is built on a strong foundation of public input and disagreed with neighborhood groups that more public process is needed.

Griffith Dick, 600 Westwood Ave., urged approval of the agreement. Mr. Dick stated that it is more important for the situation to be wrapped up than to prolong the start of the cleanup because of insignificant differences in toxicity levels which involve no risk.

Emily Salvette, 1026 Greenhills Dr., representing the Libertarian Party of Washtenaw County, spoke in support of the agreement but disagreed with the prolonged process by which the cleanup came about. Ms. Salvette stated that a quicker and more satisfactory solution would have resulted if residents in the affected area had worked out an agreement directly with Gelman Sciences for clean up and restitution.

Tracey Easthope, 734 Spring St., representing the Ecology Center, the Sierra Club, and the Huron River Watershed Council, spoke in support of the proposed agreement which meets her organizations' goals of treating dioxane to the lowest possible levels. Ms. Easthope objected to the inadequate opportunity for public review and revision of the agreement, and expressed concern with existing sanitary sewer line problems in the affected area and the unresolved issue of the core contamination on the Gelman Sciences site.

Charles Gelman, 2685 Hawthorn Rd., spoke in support of the agreement which will allow the cleanup of the groundwater plume. Mr. Gelman expressed hope that the agreement might herald a new era of cooperation between environmental organizations, industry and city government.

Pat Ryan, 303 Wildwood Ave., representing the Northwest Ann Arbor Coalition of Neighborhoods, spoke in support of the agreement but objected to the inadequate opportunity for public review of the proposal.

Ms. Ryan expressed concern with the lack of safeguards for citizens and the disproportionate risk for residents along the discharge route. Ms. Ryan requested a public meeting before the agreement is signed, review of the agreement by an environmental attorney, clarification of citizen liability, and solutions to sewer performance problems before pumping begins. Ms. Ryan stated that group members will continue their oversight to make sure that the terms of the agreement are implemented.

Ellen McGee, 205 Westwood Ave., expressed concern with the sewer backup problems in her home and requested that Council consider the lack of adequate review of the proposal by Ann Arbor citizens. Ms. McGee emphasized the need for environmental legal counsel to review the agreement and the need for monitoring the terms of the agreement.

Andrew Gulvezan, 2167 Medford Rd., expressed concern with contamination from sewer backups in the affected area.

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

APPROVAL OF AGENDAAGENDA APPROVED WITH CHANGES

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

APPOINTMENT OF FIRST WARD COUNCILMEMBER

Move to end of Motions & Resol's.: Resolution to Appoint First Ward Councilmember (Councilmember Hunter)

CONSENT AGENDA

Delete: Resolution Accepting Warranty Deed from Guenther Building Company (Foxfire) (8 Votes Required)

Delete: Resolution Accepting Grant of Easement for Road Right-of-Way from Art Van Furniture, Inc. (8 Votes Required)

Delete: Resolution Accepting Conservation and Public Access Easements from Art Van Furniture, Inc. (8 Votes Required)

Delete: Resolution Accepting Utility Easement from Art Van Furniture, Inc. (8 Votes Required)

MOTIONS AND RESOLUTIONS

Delete: Resolution to Approve the Purchase of 5 Sites for New Development of 23 Public Housing Units (Councilmember Nicolas) (Tabled August 17, 1992) (8 Votes Required) (**Rescheduled for October 5, 1992**)

Delete: Resolution to Increase Membership on the Human Rights Commission from 7 to 9 Members (Mayor Brater) (**Scheduled for September 21, 1992 under Ordinances-First Reading**)

Add Sponsors & move to end of Motions & Resol's.: Resolution Regarding Omnibus Budget Reconciliation - Recycle Ann Arbor Bail-Out (Councilmembers Nicolas ~~and~~, Fink, **ZIMMER AND DODGE**)

Delete: Resolution to Engage in Mediation With State Court Administrative Office to Resolve the Facilities Needs in the 15th District Court

Council - September 8, 1992

(Councilmember Zimmer)

Delete: Resolution to Prohibit Possession or Consumption of Alcoholic Beverages in West Park for a Period of One Year

Add: Resolution Supporting Michigan State House Bill 4340, Tax Foreclosure Prevention Legislation (Mayor Brater)

On a voice vote the Chair declared the motion carried.

Councilmember Zimmer moved that the following resolution be added to the agenda:

Add: Resolution to Accept Resignation of Councilmember Ann Marie Coleman (Councilmember Zimmer)

On a voice vote the Chair declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF AUGUST 17 APPROVED

Councilmember Coleman moved that the regular session minutes of August 17, 1992 be approved as presented.

On a voice vote the Chair declared the motion carried.

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-400-9-92 APPROVED

RESOLUTION TO APPROVE REVISIONS TO LAND
DEVELOPMENT REGULATIONS AND GUIDELINES FOR
THE PROTECTION OF NATURAL FEATURES

A communication was received from the City Planning Commission transmitting its recommendation of technical denial (5 years, 0 days) of the proposed revisions to the Land Development Regulations and Guidelines for the Protection of Natural Features.

Whereas, The adoption of Chapter 60, Wetlands and Watercourses Preservation Ordinance, has necessitated revisions to the Land Development Regulations and Guidelines for the Protection of Natural Resources; and

Whereas, The Ann Arbor City Planning Commission, on August 11, 1992, voted 5-0 in favor of said revisions;

RESOLVED, That the Mayor and City Council hereby approve the revisions to the Land Development Regulations and Guidelines for the Protection of Natural Resources.

R-401-9-92 APPROVED

RESOLUTION TO APPROVE ANDRES ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Andres Annexation, 1.57 acres, 335 Pinewood.

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

Whereas, Barbara Miller Andres is the owner of said property; and

Whereas, It is the desire of Barbara Miller Andres 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 Scio, Washtenaw County, Michigan, be detached from said Township of Scio and annexed to the City of Ann Arbor, to wit:

Lots 78, 79, 80 and 81 of the Evergreens Subdivision, Washtenaw County, Michigan, including adjacent Pinewood, Parkwood and Valley Drive rights-of-way.

R-402-9-92 APPROVED

RESOLUTION TO APPROVE ARGONAUT REALTY ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Argonaut Realty Annexation, 0.41 acre, 410 Rose Drive.

Council - September 8, 1992

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

Whereas, Argonaut Realty/General Motors Corporation is the owner of said property; and

Whereas, It is the desire of Argonaut Realty/General Motors Corporation 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 Scio, Washtenaw County, Michigan, be detached from said Township of Scio and annexed to the City of Ann Arbor, to wit:

Lots 159 and 160 of the Evergreens Subdivision, Washtenaw County, Michigan.

R-403-9-92 APPROVED

RESOLUTION TO APPROVE BOULARD

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Boulard Annexation, 0.22 acre, 367 Pinewood.

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

Whereas, Charles and Linda Boulard are the owners of said property; and

Whereas, It is the desire of Charles and Linda Boulard 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 Scio, Washtenaw County, Michigan, be detached from said Township of Scio and annexed to the City of Ann Arbor, to wit:

Lot 71 of the Evergreens Subdivision, Washtenaw County, Michigan, including adjacent Pinewood right-of-way.

R-404-9-92 APPROVED

RESOLUTION TO APPROVE GEBHARDT ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Gebhardt Annexation, 0.22 acre, 350 Barber.

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

Whereas, David and Sherry Gebhardt are the owners of said property; and

Whereas, It is the desire of David and Sherry Gebhardt 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 Scio, Washtenaw County, Michigan, be detached from said Township of Scio and annexed to the City of Ann Arbor, to wit:

Lots 117 and 118 of the Evergreens Subdivision, Washtenaw County, Michigan, including adjacent Barber Avenue and Parkwood Street rights-of-way.

R-405-9-92 APPROVED

RESOLUTION TO APPROVE GRAY ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Gray Annexation, 0.41 acre, 361 Barber.

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

Whereas, Charles Gray is the owner of said property; and

Whereas, It is the desire of Charles Gray 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 Scio, Washtenaw County, Michigan, be detached from said Township of Scio and annexed to the City of Ann Arbor, to wit:

Lots 178 and 180 of the Evergreens Subdivision, Washtenaw County, Michigan, including adjacent Barber Avenue and Kingwood Street rights-of-way.

R-406-9-92 APPROVED

RESOLUTION TO APPROVE GREENE/SELL ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Greene/Sell Annexation, 0.33 acre, 366 Pinewood.

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

Whereas, Wilma Greene and Lisa Sell are the owners of said property; and

Whereas, It is the desire of Wilma Greene and Lisa Sell 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 Scio, Washtenaw County, Michigan, be detached from said Township of Scio and annexed to the City of Ann Arbor, to wit:

Lot 35 and the north half of Lot 33 of the Evergreens Subdivision, Washtenaw County, Michigan, including adjacent Pinewood Street right-of-way.

R-407-9-92 APPROVED

RESOLUTION TO APPROVE ISSEL ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Issel Annexation, 0.56 acre, 415 Pinewood.

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

Whereas, Louis and Barbara Issel are the owners of said property; and

Whereas, It is the desire of Louis and Barbara Issel 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 Scio, Washtenaw County, Michigan, be detached from said Township of Scio and annexed to the City of Ann Arbor, to wit:

Lots 60, 62 and 64 of the Evergreens Subdivision, Washtenaw County, Michigan, including adjacent Pinewood and Kingwood Streets rights-of-way.

R-408-9-92 APPROVED

RESOLUTION TO APPROVE ROTH ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Roth Annexation, 0.22 acre, 342 Pinewood.

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

Whereas, Ulla Roth is the owner of said property; and

Whereas, It is the desire of Ulla Roth 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 Scio, Washtenaw County, Michigan, be detached from said Township of Scio and annexed to the City of Ann Arbor, to wit:

Lot 27 of the Evergreens Subdivision, Washtenaw County, Michigan, including adjacent Pinewood Street right-of-way.

R-409-9-92 APPROVED

RESOLUTION TO APPROVE SCHICK ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Schick Annexation, 0.79 acre, 84 Valhalla.

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, Helmut and Cheri Schick are the owners of said property; and

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

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

Lot 12

Commencing at the N 1/4 post of Section; thence 89E56' E 591.30 feet in N line of Section; thence S 2E07'30" W 433.75 feet; thence W 262 feet for place of beginning; thence N 2E07'30" E 54.46 feet; thence W 80 feet; thence N 2E07'30" E 100 feet; thence Northeasterly in arc of curve right of radius 25.95 feet central angle of 87E45' thence W 59.27 feet; thence S 2E10' W 9.76 feet; thence W 59.77 feet southeasterly in arc of curve right, radius 24.06 feet central angle of 92E12' thence S 2E12 W 77.07 feet; thence N 86E16' W 107.51 feet; thence S 73.75 feet; thence E 250.84 feet to place of beginning, being part of the NE 1/4 of Section 5, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan.

Lot 13

Commencing at the north quarter post of Section 5, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan; thence N 89E56' east along the north line of said section 591.3 feet; thence S 2E07'30" W 254.19 feet; thence S 89E56' W 262.0 feet for a place of beginning; thence S 2E07'30" W 125.0 feet; thence S 89E56' W 80.0 feet; thence N 2E07'30" E 100 feet to a point of curve of a circular curve to the right of radius 25.98 feet; thence northerly and easterly in the arc of said circular curve through a central angle of 87E48' to a point of tangency; thence N 89E56' E 55.0 to the place of beginning, being a part of the northeast quarter of Section 5, T3S, R6E, Meridian of Michigan.

R-410-9-92 APPROVED

RESOLUTION TO APPROVE WESLEY ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Wesley Annexation, 0.44 acre, 330 Barber.

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

Whereas, James and Ollie Wesley are the owners of said property; and

Whereas, It is the desire of James and Ollie Wesley 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;

Council - September 8, 1992

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

Lots 109, 111, 113 and 115 of the Evergreens Subdivision, Washtenaw County, Michigan, including adjacent Barber Avenue and Valley Drive rights-of-way.

R-411-9-92 APPROVED

RESOLUTION TO APPROVE WISEMAN ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Wiseman Annexation, 0.88 acre, 3786 Platt Road.

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, Don and Cheryl Wiseman and Esther C. Lentz are the owners of said property; and

Whereas, It is the desire of Don and Cheryl Wiseman and Esther C. Lentz 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:

Commencing 80 rods north of the SE corner of said Section 10, T3S, R6E; thence south 112 feet for a Place of Beginning; thence south 48.49 feet; thence west 176.12 feet; thence south 23.61 feet; thence west 180 feet; thence south to the right-of-way of Michigan Highway Department; thence northwesterly 255.65 feet along the highway right-of-way to a point directly west of point of beginning; thence east 568.64 feet to point of beginning, and being in the Township of Pittsfield, County of Washtenaw, State of Michigan, and including adjacent Platt Road right-of-way.

R-412-9-92 APPROVED

RESOLUTION TO AWARD CONTRACT TO MARGOLIS NURSERY FOR SOUTH MAPLE PARK IMPROVEMENTS - BID NO. 2332

Whereas, The 1989-94 Park Rehabilitation and Development Millage includes \$70,000.00 for South Maple Park improvements;

Whereas, The improvements are a result of a consensus plan resulting from appropriate public meetings;

Whereas, Margolis Nursery has submitted the lowest responsible bid for South Maple Park in the amount of \$44,200.00; and

Whereas, The Personnel/Human Rights Department approved said company on June 2, 1992;

RESOLVED, That the Mayor and City Council approve awarding Bid No. 2332 to Margolis Nursery in the amount of \$44,200.00, and authorize the Mayor and City Clerk to sign the agreement between the City and Margolis Nursery, substantially in the form on file with the City Clerk.

R-413-9-92 APPROVED

RESOLUTION TO APPROVE SERVICE CONTRACT WITH PROJECT GROW COMMUNITY GARDENS

Whereas, The City of Ann Arbor has approved a budget for Project Grow Community Gardens to provide gardening and other services to Ann Arbor residents during FY 1992/93 budget year;

Whereas, Project Grow Community Gardens has contracted with the City in the past to provide gardening services to Ann Arbor residents;

Whereas, \$22,500.00 has been appropriated to Project Grow Community Gardens to provide gardening and other services to Ann Arbor residents during FY 1992/93;

Whereas, Project Grow Community Gardens fulfilled the conditions of its FY 1991/92 contract with the City; and

Whereas, Human Rights approval was obtained on August 26, 1992;

RESOLVED, That the Mayor and City Council approve a service contract with Project Grow Community Gardens in the amount of \$22,500.00, and that the Mayor and Clerk be authorized to sign the agreement in the form substantially on file with the City Clerk; and

RESOLVED, That the Mayor and Council direct the City Administrator to allocated \$22,500.00 from the approved FY 1992/93 budget to Project Grow Community Gardens.

R-414-9-92 APPROVED

RESOLUTION AUTHORIZING WATER MAIN,
SANITARY SEWER, ROAD AND SIDEWALK IMPROVEMENT
CHARGES FOR 2680 DEXTER AVENUE

Whereas, The City has previously constructed a water main, sanitary sewers, storm sewers, roads and sidewalks described as follows:

Water Main: 16" water main in Dexter Road;
Non-Dist.; Job No. A-168;
\$252.83/connection;
2 connections = \$505.66

Sanitary Sewer: 8" sanitary sewer in Dexter Road;
File No. 80239; Dist. No. 430;
\$3,288.81/connection;
2 connections = \$6,577.62

Storm Sewer: 12" storm sewer in Center Drive;
File No. 80071; Dist. No. 80071;
\$0.1989/S.F.;
7,043.52 S.F. = \$1,400.96

Street Construction: Center Drive pavement, curb and gutter;
File No. 80071; Dist. No. 80071;
\$54.7627/L.F.;
132 L.F. = \$7,228.67

Sidewalk: Center Drive sidewalk;
File No. 80071; Dist. No. 80071;
\$14,0723/L.F.;
132 L.F. = \$1,857.54

Whereas, This Council desires, pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, to levy against certain properties their fair share of the cost of said improvements, such fair share not having heretofore been paid nor contracted for;

RESOLVED,

1. That Council hereby levy an improvement charge against the following newly-annexed property which is specially benefitted by the above improvements:

Annexation Address: 2680 Dexter Ave.

City Assessor Code: 08-24-402-016
 Annexation No.: A89-27
 Planning File No.: 8244F13.1 & .2

Lots 198 and 199 of Scioto Hills Subdivision No. 1, Washtenaw County, Michigan, including the adjacent Dexter Road right-of-way. Now situated in the City of Ann Arbor.

2. That the improvement charge so levied be in the amount of \$17,570.45 and be hereby designated as Utilities Improvement Charge No. 589;

3. That said improvement charge be divided into 15 equal installments, the first to be due on October 1, 1992 and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of said improvement charge to bear interest at the rate of 8% per annum commencing October 1, 1992;

4. That the City Clerk be directed and ordered to send a copy of this resolution and give notice by first class mail to the persons chargeable therewith of the amounts hereby determined, and promptly have this resolution recorded in the Office of the Register of Deeds of Washtenaw County, Michigan; and

5. That the improvement charge so levied be invoiced to Donald Ray Monroe and Mae Jean Monroe, 2680 Dexter Avenue, Ann Arbor, Michigan 48103, and be credited in the amounts of \$505.66 to Fund 042-073-7151, \$6,577.62 to

Fund 043-073-7151, \$1,400.96 to Fund 031-073-7151, and \$9,086.21 to Fund 060-019-7151.

R-415-9-92 APPROVED

RESOLUTION AUTHORIZING SANITARY SEWER
 IMPROVEMENT CHARGE FOR 331 BARBER AVENUE

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

Water Main: Being built by the State of Michigan - no water improvement charges are to be levied.

Sanitary Sewer: 8" sanitary sewer in Barber Avenue;
 File No. 91031; Dist. No. 462;
 \$4,322.84/connection;
 2 connections = \$8,645.84

Trunkline West Park Relief \$ 17.41/connection

| | | |
|-----------------|---------------|----------------------------|
| <u>Charges:</u> | Dist. No. 326 | \$ 19.39/connection |
| | Dist. No. 359 | <u>\$ 69.99/connection</u> |
| | | \$106.46/connection |

2 connections = \$212.92

Whereas, This Council desires, pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, to levy against certain properties their fair share of the cost of said improvements, such fair share not having heretofore been paid nor contracted for;

RESOLVED,

1. That Council hereby levy an improvement charge against the following newly-annexed property which is specially benefitted by the above improvements:

Annexation Address: 331 Barber Ave.
City Assessor Code: 08-24-308-006
Annexation No.: A91-36
Planning File No.: 8243E16.1 & .2

Lots 182 and 184 of the Evergreens Subdivision, Scio Township, Washtenaw County, Michigan, including the adjacent portion of Barber Avenue right-of-way. Now situated in the City of Ann Arbor.

2. That the improvement charge so levied be in the amount of \$8,858.76 and be hereby designated as Utilities Improvement Charge No. 586;

3. That said improvement charge be divided into 15 equal installments, the first to be due on October 1, 1992 and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of said improvement charge to bear interest at the rate of 8% per annum commencing October 1, 1992;

4. That the City Clerk be directed and ordered to send a copy of this resolution and give notice by first class mail to the persons chargeable therewith of the amounts hereby determined, and promptly have this resolution recorded in the Office of the Register of Deeds of Washtenaw County, Michigan; and

5. That the improvement charge so levied be invoiced to Craig and Ann Benden, 331 Barber Ave., Ann Arbor, Michigan 48103, and be credited in the amount of \$8,858.76 to Fund 043-073-7151.

RESOLUTION AUTHORIZING SANITARY SEWER
IMPROVEMENT CHARGE FOR 421 BARBER AVENUE

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

Water Main: Being built by the State of Michigan - no
water improvement charges are to be levied.

Sanitary Sewer: 8" sanitary sewer in Barber Avenue;
File No. 88048; Dist. No. 455;
\$6,589.32/connection;
1 connection = \$6,589.32

Whereas, This Council desires, pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, to levy against certain properties their fair share of the cost of said improvements, such fair share not having heretofore been paid nor contracted for;

RESOLVED,

1. That Council hereby levy an improvement charge against the following newly-annexed property which is specially benefitted by the above improvements:

Annexation Address: 421 Barber Ave.
City Assessor Code: 08-24-304-008
Annexation No.: A92-03
Planning File No.: 8243K17.1 & .2

Lot 169 of the Evergreens Subdivision, according to the plat therefore as recorded in Liber 7 of Plats, page 42, Washtenaw County Records, Michigan, including the adjacent Barber Avenue right-of-way. Now situated in the City of Ann Arbor.

2. That the improvement charge so levied be in the amount of \$6,695.78 and be hereby designated as Utilities Improvement Charge No. 588;

3. That said improvement charge be divided into 15 equal installments, the first to be due on October 1, 1992 and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of said improvement charge to bear interest at the rate of 8% per annum commencing October 1, 1992;

4. That the City Clerk be directed and ordered to send a copy of this resolution and give notice by first class mail to the persons chargeable therewith of the amounts hereby determined, and promptly have this resolution

recorded in the Office of the Register of Deeds of Washtenaw County, Michigan;
and

5. That the improvement charge so levied be invoiced to Gordon Boucher and Susan L. Boucher, 421 Barber Ave., Ann Arbor, Michigan 48103, and be credited in the amount of \$6,695.78 to Fund 043-073-7151.

R-417-9-92 APPROVED

RESOLUTION AUTHORIZING WATER MAIN AND
SANITARY SEWER IMPROVEMENT CHARGES FOR
2920 VALLEY DRIVE

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

Water Main: 6" water main in Glenwood;
Non-Dist.; Job No. 80177;
\$2,335.66/connection;
1 connection = \$2,335.66

Sanitary Sewer: 8" sanitary sewer in Glenwood;
Non-Dist.; Job No. 3680;
\$737.26/connection;
1 connection = \$737.26

Grand Total of Improvement Charges = \$3,072.92

Whereas, This Council desires, pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, to levy against certain properties their fair share of the cost of said improvements, such fair share not having heretofore been paid nor contracted for;

RESOLVED,

1. That Council hereby levy an improvement charge against the following newly-annexed property which is specially benefitted by the above improvements:

Annexation Address: 2920 Valley Drive
City Assessor Code: 08-24-405-011
Annexation No.: A91-38
Planning File No.: 8244D3.1 & .2

Lot 22 of the Evergreens Subdivision, Scio Township,

Washtenaw County Records, Michigan, including the adjacent Valley Drive right-of-way. Now situated in the City of Ann Arbor.

2. That the improvement charge so levied be in the amount of \$3,072.92 and be hereby designated as Utilities Improvement Charge No. 590;

3. That said improvement charge be divided into 15 equal installments, the first to be due on October 1, 1992 and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of said improvement charge to bear interest at the rate of 8% per annum commencing October 1, 1992;

4. That the City Clerk be directed and ordered to send a copy of this resolution and give notice by first class mail to the persons chargeable therewith of the amounts hereby determined, and promptly have this resolution recorded in the Office of the Register of Deeds of Washtenaw County, Michigan; and

5. That the improvement charge so levied be invoiced to Ervin K. and Roxie M. Holland-Moritz, 2920 Valley Drive, Ann Arbor, Michigan 48103, and be credited in the amounts of \$2,335.66 to Fund 042-073-7151, and \$737.26 to Fund 043-073-7151.

R-418-9-92 APPROVED

RESOLUTION AUTHORIZING WATER MAIN IMPROVEMENT CHARGE FOR PINE LAKE VILLAGE CO-OPPORTUNITY CENTER, 2400 ADRIENNE

Whereas, The City has previously constructed a water main described as follows:

Water Main: 20" water main in Maple Road; Job No. A-257; \$499.81/connection; 1 connection = \$499.81

Whereas, This Council desires, pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, to levy against certain properties their fair share of the cost of said improvements, such fair share not having heretofore been paid nor contracted for;

RESOLVED,

1. That Council hereby levy an improvement charge against the following newly-annexed property which is specially benefitted by the above

improvements:

Annexation Address: 2400 Adrienne
 City Assessor Code: 08-36-100-006
 Annexation No.: A91-37
 Planning File No.: 8361Y21.1 & .2

TOWNSHIP PARCEL 81-08-36-150-011, ONE (1) ACRE

OLD SID - H 08-036-002-00 SC 36-2 BEG IN N LINE OF SEC AT A
 PT WHICH IS 225 FT W OF NE COR OF SEC, TH W 16 RDS (264 FT)
 ON N LINE OF SEC, TH S 10 RDS (165 FT) ON A LINE PARALLEL
 WITH E LINE OF SEC, TH E 16 RDS (264 FT) ON A LINE PARALLEL
 WITH N LINE OF SEC, TH N 10 RDS (165 FT) TO THE PL OF BEG
 BEING A PART OF NE 1/4 SEC 36, T2S, R5E

TOWNSHIP PARCELS 81-08-36-150-012, 013, 014, 0.22 ACRE EACH

COM AT NE COR OF SEC, TH W 489 FT IN N LINE OF SEC FOR A PL
 OF BEG, TH W 171.0 FT IN N LINE OF SEC, TH S 165 FT, THE E
 171 FT, TH N 165 FT TO THE PL OF BEG, BEING A PART OF NE 1/4
 SEC 36 T2S, R5E. Now situated in the City of Ann Arbor.

2. That the improvement charge so levied be in the amount of \$499.81 and be hereby designated as Utilities Improvement Charge No. 587;

3. That said improvement charge be divided into 15 equal installments, the first to be due on October 1, 1992 and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of said improvement charge to bear interest at the rate of 8% per annum commencing October 1, 1992;

4. That the City Clerk be directed and ordered to send a copy of this resolution and give notice by first class mail to the persons chargeable therewith of the amounts hereby determined, and promptly have this resolution recorded in the Office of the Register of Deeds of Washtenaw County, Michigan; and

5. That the improvement charge so levied be invoiced to Pinelake Village Co-Opportunity Center, 2800 Adrienne, Ann Arbor, Michigan 48103, and be credited in the amount of \$499.81 to Fund 042-073-7151.

R-419-9-92 APPROVED

RESOLUTION AUTHORIZING STORM SEWER IMPROVEMENT
 CHARGE FOR 3123 CHERRY TREE LANE

Whereas, The City has previously constructed a storm sewer described as follows:

Storm Sewer: 48" storm sewer in Packard Road,
Swift Run Drain to Carpenter Road;
Dist. No. 52; Job No. 3548;
\$0.019/S.F.;
8,750 S.F. = \$166.25

Whereas, This Council desires, pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, to levy against certain properties their fair share of the cost of said improvements, such fair share not having heretofore been paid nor contracted for;

RESOLVED,

1. That Council hereby levy an improvement charge against the following newly-annexed property which is specially benefitted by the above improvements:

Annexation Address: 3123 Cherry Tree Lane
City Assessor Code: 12-11-100-120
Annexation No.: A91-01
Planning File No.: 12111U11.1 & .2

Commencing at an iron pipe marking the Northeast corner of Section 11, T3S, R6E, Washtenaw County, Michigan; thence S 88E33'00" W 1,325.69 feet; thence S 00E16'00" E 678.19 feet to an iron pipe for the Place of Beginning; thence continuing S 00E05'00" E 75.00 feet to an iron pipe; thence S 89E39'00" W 163.70 feet; thence N 00E21'00" W 75.00 feet; thence N 89E39'00" E 164.02 feet to the Place of Beginning, being a parcel of land in the E 1/2 of the W 1/2 of the NE 1/4 of Section 11, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan, together with an easement 66 feet in width, running southerly from the S line of Packard Street, the centerline of which runs along the West line of the subject property. Now situated in the City of Ann Arbor.

2. That the improvement charge so levied be in the amount of \$166.25 and be hereby designated as Utilities Improvement Charge No. 591;

3. That said improvement charge be due on October 1, 1992;

4. That the City Clerk be directed and ordered to send a copy of this resolution and give notice by first class mail to the persons chargeable therewith of the amounts hereby determined, and promptly have this resolution

recorded in the Office of the Register of Deeds of Washtenaw County, Michigan;
and

5. That the improvement charge so levied be invoiced to Edward A. Shaffrin, Managing Partner, Windspread Associates, 209 S. Fourth Ave., Suite 1C, Ann Arbor, Michigan 48104, and be credited in the amount of \$166.25 to Fund 031-073-7151.

R-420-9-92 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICE
OUTSIDE CITY LIMITS TO 335 PINWOOD AVENUE
(LOTS 78, 79, 80 AND 81 OF THE EVERGREENS SUBDIVISION)

Whereas, Barbara A. Andres, owner of the property at 335 Pinewood, has requested on August 25, 1992, that the City extend public water and sewer services for her use to the property in Scio Township prior to the completion of the annexation process;

Whereas, The owner desires 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, In July 1992, Barbara A. Andres petitioned the City for annexation under Planning Department File No. 8243C22.1;

RESOLVED, That the Mayor and Clerk be hereby 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, that the City Clerk be hereby directed and ordered to send a copy of this resolution and the agreements by first class mail to the customer chargeable therewith of the amounts therein determined, and that 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-421-9-92 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICE
OUTSIDE CITY LIMITS TO 342 PINWOOD AVENUE
(LOT 27 OF THE EVERGREENS SUBDIVISION)

Whereas, Ulla Roth, owner of the property at 342 Pinewood, has requested on August 12, 1992, that the City extend public water and sewer services to the property in Scio Township prior to the completion of the annexation process;

Whereas, Ms. Roth desires 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, In July 1992, Ulla Roth petitioned the City for annexation under Planning Department File No. 8244E5.1;

RESOLVED, That the Mayor and Clerk be hereby 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, that the City Clerk be hereby directed and ordered to send a copy of this resolution and the agreements by first class mail to the customer chargeable therewith of the amounts therein determined, and that 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-422-9-92 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICE
OUTSIDE CITY LIMITS TO 380 PINWOOD AVENUE
(LOT 39 OF THE EVERGREENS SUBDIVISION)

Whereas, Hal G. and Marianne T. Marshall, owners of the property at 380 Pinewood, have requested on August 18, 1992, that the City extend public

water and sewer services to the property in Scio Township prior to the completion of the annexation process;

Whereas, The owners 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 29, 1992, Hal G. and Marianne T. Marshall petitioned the City for annexation under Planning Department File No. 8244G2.1 and .2;

RESOLVED, That the Mayor and Clerk be hereby 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, that the City Clerk be hereby directed and ordered to send a copy of this resolution and the agreements by first class mail to the customer chargeable therewith of the amounts therein determined, and that 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-423-9-92 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICE
OUTSIDE CITY LIMITS TO 436 PINWOOD AVENUE
(LOT 45 OF THE EVERGREENS SUBDIVISION)

Whereas, Orrin Inbody, owner of the property at 436 Pinewood, has requested on August 18, 1992, that the City extend public water and sewer services to the property in Scio Township prior to the completion of the annexation process;

Whereas, The owner desires 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 20, 1992, Orrin Inbody petitioned the City for annexation under Planning Department File No. 8244H3.1 and .2;

RESOLVED, That the Mayor and Clerk be hereby 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, that the City Clerk be hereby directed and ordered to send a copy of this resolution and the agreements by first class mail to the customer chargeable therewith of the amounts therein determined, and that 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-424-9-92 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICE
OUTSIDE CITY LIMITS TO 330 BARBER AVENUE
(LOTS 113 AND 115 OF THE EVERGREENS SUBDIVISION)

Whereas, James E. and Ollie W. Wesley owners of the property at 330 Barber Ave., have requested on August 14, 1992, that the City extend public water and sewer services to their property in Scio Township prior to the completion of the annexation process;

Whereas, The owners 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 July 8, 1992, James E. and Ollie W. Wesley petitioned the City for annexation under Planning Department File No. 8243E19.1 and .2;

RESOLVED, That the Mayor and Clerk be hereby 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, that the City Clerk be hereby directed and ordered to send a copy of this resolution and the agreements by first class mail to the customer chargeable therewith of the amounts therein determined, and that 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-425-9-92 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICE
OUTSIDE CITY LIMITS TO 350 BARBER AVENUE
(LOT 117 OF THE EVERGREENS SUBDIVISION)

Whereas, David R. and Sherry L.B. Gebhardt, owners of the property at 350 Barber Ave., have requested on August 13, 1992, that the City extend public water and sewer services to the property in Scio Township prior to the completion of the annexation process;

Whereas, The owners 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 July 17, 1992, David R. and Sherry L.B. Gebhardt petitioned the City for annexation under Planning Department File No. 8243F18.1 and .2;

RESOLVED, That the Mayor and Clerk be hereby 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, that the City Clerk be hereby directed and ordered to send a copy of this resolution and the agreements by first class mail to the customer chargeable therewith of the amounts therein determined, and that 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-426-9-92 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICE
OUTSIDE CITY LIMITS TO 424 PINWOOD AVENUE
(LOTS 41 AND 43 OF THE EVERGREENS SUBDIVISION)

Whereas, Stephen M. Pauley and Arlene B. Malvitz, owners of the property at 424 Pinewood, have requested on August 28, 1992, that the City extend public water and sewer services to the property in Scio Township prior to the completion of the annexation process;

Whereas, The owners 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 20, 1992, Stephen M. Pauley and Arlene B. Malvitz, petitioned the City for annexation under Planning Department File No. 8244H4.1 and .2;

RESOLVED, That the Mayor and Clerk be hereby 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, that the City Clerk be hereby directed and ordered to send a copy of this resolution and the agreements by first class mail to the customer chargeable therewith of the amounts therein determined, and that 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-427-9-92 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM

AA DEVELOPMENT CORPORATION

Whereas, AA Development Corporation, a Michigan corporation, is the owner of property located in the City of Ann Arbor, Washtenaw County, Michigan, and more particularly described as follows:

A 40 foot wide strip of land having a centerline described as follows: Commencing at the Northeast corner of Lot 19 of "UPLANDS" a subdivision of part of the NW 1/4 of Section 22, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan, as recorded in Liber 5 of Plats, Page 41, Washtenaw County Records; thence S 02E18'45" W 65.50 feet along the East line of said Lot 19 to the POINT OF BEGINNING; thence N 88E29'55" W 105.82 feet to the POINT OF TERMINATION;

and

Whereas, Said owner has delivered to the City of Ann Arbor an easement for construction and maintenance of utilities on the above described premises;

RESOLVED, That the City of Ann Arbor hereby accept said easement.

R-428-9-92 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM W. W. GRAINGER, INC.

Whereas, W.W. Grainger, Inc., an Illinois corporation, is the owner of property located in the City of Ann Arbor, Washtenaw County, Michigan, and more particularly described as follows:

LEGAL DESCRIPTION: PARCEL "B"

COMMENCING AT THE S.W. CORNER OF SEC. 4, T3S, R6E, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN; THENCE N 87E09'00" E 1,904.44 FT. ALONG THE S LINE OF SAID SEC 4 TO A POINT ON THE R.O.W. LINE OF THE ANN ARBOR RAILROAD; THENCE N 08E20'00" W 82.13 FT. ALONG SAID R.O.W. LINE TO A POINT ON THE NORTHERLY R.O.W. LINE OF THE EISENHOWER PARKWAY; THENCE S 85E32'50" W 628.68 FT. ALONG SAID R.O.W. LINE TO A POINT ON THE EASTERLY R.O.W. LINE OF BOARDWALK DRIVE (80 FT. WIDE); THENCE N 01E53'00" W 236.00 FT. TO THE POINT-OF-BEGINNING; THENCE CONTINUING N 01E53'00" SEC W 225.00 FT.; THENCE N 88E07'00" E 290.40 FT.; THENCE S 01E53'00" E 225.00 FT; THENCE S 88E07'00" W 290.40 FT. TO THE POINT-OF-BEGINNING. CONTAINING 1.500 AC.

40 FT. WATER MAIN EASEMENT

DESCRIBED AS THE N 40 FT. OF PARCEL "B" DESCRIBED ABOVE.

30 FT. SANITARY SEWER EASEMENT

DESCRIBED AS THE S 30 FT. OF THE N 40 FT. OF THE PARCEL "B" DESCRIBED ABOVE.

and

Whereas, Said owner has delivered to the City of Ann Arbor an easement for construction and maintenance of utilities on the above described premises;

RESOLVED, That the City of Ann Arbor hereby accept said easement.

R-429-9-92 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM
RUDOLF STEINER SCHOOL ASSOCIATION OF ANN ARBOR

Whereas, The Rudolf Steiner School Association of Ann Arbor, a Michigan non-profit corporation, is the owner of property located in the City of Ann Arbor, Washtenaw County, Michigan, and more particularly described as follows:

A 40 foot wide easement for water main the centerline of which is described as follows: Commencing at the N 1/4 corner of Section 18, T2S, R6E, Washtenaw County, Michigan; thence S 89E32' W 472.75 feet along the north line of said Section 18 and the centerline of Newport Road; thence S 0E30' W 33.0 feet for a PLACE OF BEGINNING; thence S 0E30' W 346.57; thence N 80E47'15" E 94.94 feet; thence S 80E47'15" W 94.94 feet; thence S 0E30' W 6.25 feet; thence S 25E58'59" W 130.89 feet; thence S 22E15'02" E 140.97 feet; thence N 67E41'25" E 40.24 feet; thence S 67E41'25" W 40.24 feet; thence N 22E15'02" W 17.11 feet; thence S 67E39'13" W 199.18 feet; thence S 0E30' W 88.94 feet; thence S 44E30' E 99.00 feet; thence S 28E53'15" E 110.74 feet; thence S 36E18'25" E 13.16 feet more or less to be the south line of the Rudolph Steiner School site for a Place of Ending of said centerline of a 40 foot wide water main easement, being a part of the NW 1/4 of Section 18, T2S, R6E, Washtenaw County, Michigan;

and

Whereas, Said owner has delivered to the City of Ann Arbor an easement for construction and maintenance of utilities on the above described premises;

RESOLVED, That the City of Ann Arbor hereby accept said easement.

R-430-9-92 APPROVED

RESOLUTION ACCEPTING GRANT OF EASEMENT FOR ROAD
RIGHT-OF-WAY FROM PHILLIP V. AND MARY B. NAYLOR

Whereas, Phillip V. Naylor and Mary B. Naylor, Husband and Wife, are the owners of property located in the City of Ann Arbor, Washtenaw County, Michigan, and more particularly described as follows:

DESCRIPTION - STADIUM BOULEVARD RIGHT-OF-WAY

Commencing at the North 1/4 corner of Section 31, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N 89E51'00" W 1,087.39 feet along the North line of said Section; thence S 52E39'00" W 113.26 feet to a point on the Easterly right-of-way line of Stadium Boulevard, said point being the POINT OF BEGINNING; thence continuing S 52E39'00" W 40.13 feet to a point on the centerline of Stadium Boulevard; thence along said centerline Northerly 109.46 feet along the arc of a 2,279.67 foot radius circular curve to the right, through a central angle of 02E45'05", having a chord which bears N 31E17'20" W 109.45 feet to a point on the North line of said Section 31; thence S 89E51'00" E 46.36 feet along said North line to a point on the Easterly right-of-way line of Stadium Boulevard; thence along said right-of-way line Southerly 81.04 feet along the arc of a 2,239.67 foot radius circular curve to the left, through a central angle of 02E04'25", having a chord which bears S 31E32'35" E 81.03 feet to the Point of Beginning. Being a part of the Northwest 1/4 of Section 31, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, and containing 3,810 square feet of land, more or less. Being subject to the rights of the public over that portion of Stadium Boulevard as occupied. Also being subject to easements and restrictions of record, if any;

and

Whereas, Said owners have delivered to the City of Ann Arbor an easement for road right-of-way on the above described premises;

RESOLVED, That the City of Ann Arbor hereby accept said easement.

R-431-9-92 APPROVED

Council - September 8, 1992

RESOLUTION ACCEPTING UTILITY EASEMENT FROM
PARKE-DAVIS AND COMPANY

Whereas, Parke-Davis & Company, a Michigan corporation, is the owner of property located in the City of Ann Arbor, Washtenaw County, Michigan, and more particularly described as follows:

Commencing at the North 1/4 corner of Section 22, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N 88E11' E 841.70 feet along the north line of said Section 22; thence South 82.91 feet along the west line of the Parke-Davis - Warner Lambert property for a POINT OF BEGINNING: thence N 88E11' E 102.30 feet to the west line of an exiting sanitary sewer easement for a Place of Ending;

and

Whereas, Said owner has delivered to the City of Ann Arbor an easement for construction and maintenance of utilities on the above described premises;

RESOLVED, That the City of Ann Arbor hereby accept said easement.

R-432-9-92 APPROVED

RESOLUTION TO APPROVE AMENDMENT TO FY 1992-93
AGREEMENT WITH THEOPHILUS S. MC KAYE

Whereas, On July 6, 1992, City Council approved the City of Ann Arbor agreement with Theophilus S. McKaye for rehabilitation assistance to his home at 1609 Traver;

Whereas, The homeowner meets the City's criteria for participation in the Housing Rehabilitation Program and was approved for the amount of \$18,541.00; and

Whereas, The rehabilitation work is nearly completed and an additional amount of \$800.00 to cover the added, unanticipated work discovered upon opening of current work is needed;

RESOLVED, That the Mayor and City Council approve the amendment to the FY 1992-93 City of Ann Arbor agreement with Theophilus S. McKaye in order to increase the agreement amount by \$800.00; and

RESOLVED, That the Mayor and City Clerk be directed to execute the documents necessary to implement this amendment substantially in the form on

file in the Office of the City Clerk.

R-433-9-92 APPROVED

RESOLUTION PROCLAIMING SEPTEMBER 17, 1992
SPECIAL OLYMPICS DAY

Whereas, The Michigan Special Olympics is a year-round community-based sports training and competition program for children and adults with mental retardation;

Whereas, Within Michigan this year, approximately 20,000 athletes with mental retardation will train and compete in Special Olympic programs in more than 300 tournaments and events;

Whereas, The Michigan Special Olympics receives no State or Federal funding and relies solely on contributions of time, materials, and financing from individuals, businesses and organizations throughout the State;

Whereas, During the week of September 12-19, 1992, Michigan Association of Chiefs of Police will be hosting the sixth Annual Law Enforcement and Torch Run for Special Olympics;

Whereas, Community-based Torch Runs will be held throughout Michigan whose purpose is to create public awareness and raise funds for Special Olympics;

Whereas, The Ann Arbor Police Department along with Washtenaw County Sheriff's Department, Michigan State Police, Ypsilanti Police Department, Saline Police Department, Chelsea Police Department, and University of Michigan Department of Public Safety will be conducting the Torch Run in Washtenaw County on Thursday, September 17, 1992; and

Whereas, The City of Ann Arbor's Commission on Disability Issues at its September 16, 1991 meeting endorsed both the concept of the Special Olympics and those who support it;

RESOLVED, That the Ann Arbor City Council proclaim Thursday, September 17, 1992, to be Michigan Special Olympics Day in Ann Arbor; and

RESOLVED, That the Ann Arbor City Council thank the members of the community and Ann Arbor Police Department who are participants in, and have contributed to the Michigan Special Olympics.

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

ORDINANCES - SECOND READING

55-92 APPROVED

BRIARWOOD RESIDUAL PARTIAL LOT 10 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 ordinance would change the zoning of 2.5 acres, located at the southwest corner of South Main Street and Eisenhower Parkway, from AG (Agricultural-Open Space District) and R4B (Multiple-Family Dwelling District) to O (Office District).

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

On roll call the vote was as follows:

Yeas, Councilmembers Hunter, Coleman, Dodge, Fink, Grady, Meade, Zimmer, Nicolas, Eckstein, Mayor Brater, 10;

Nays, 0;

Absent during vote, Councilmember Peterson, 1.

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

56-92 DEFERRED

552, 560 AND 564 SOUTH MAIN STREET 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 ordinance would change the zoning of 0.41 acre, located at 552, 560 and 564 South Main Street, from C3 (Fringe Commercial District) to C2B (Business Service District).

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

Council unanimously agreed to defer consideration of the ordinance for further information. (See Ordinance 56-92 following Ordinances - First Reading)

60-92 APPROVED

DECriminalize VIOLATIONS OF
PORTIONS OF ANIMAL ORDINANCE

An Ordinance to Amend Section 9:52 of Chapter 107
of Title IX of the Code of the City of Ann Arbor

This ordinance would change the penalty for the following infractions of the Animal Ordinance from misdemeanors to civil infractions: 1) The dog is at any time not under reasonable control; 2) the animal causes a noise nuisance; 3) the dog is over 6 months old and is not currently licensed or is not wearing a license tag issued pursuant to this chapter; and 4) the dog (except leader dogs for the blind) discharges its feces on property other than that of its owner and the owner does not immediately removed such feces.

Councilmember Hunter moved that the ordinance be adopted 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 and the ordinance adopted at second reading.

ORDINANCES - FIRST READING

63-92 APPROVED

PROTECTION OF EXISTING TREES AND SHRUBS

An Ordinance to Amend Chapters 57 and 63 of
Title V of the Code of the City of Ann Arbor

This ordinance would regulate the clearing of certain trees and shrubs to minimize soil erosion and sedimentation and would strengthen the City's ability to enforce the regulations.

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

On roll call the vote was as follows:

Yeas, Councilmembers Hunter, Coleman, Dodge, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Eckstein, 10;

Nays, 0;

Absent during vote, Mayor Brater, 1.

The Chair declared the motion carried and the ordinance approved at first reading.

64-92 APPROVED

BENDEN ZONING

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

This ordinance would change the zoning of 0.41 acre, located at 331 Barber, from TWP (Township District) to R1C (Single-Family Dwelling District).

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

On roll call the vote was as follows:

Yeas, Councilmembers Hunter, Coleman, Dodge, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Eckstein, 10;

Nays, 0;

Absent during vote, Mayor Brater, 1.

The Chair declared the motion carried and the ordinance approved at first reading.

65-92 APPROVED

BOUCHER ZONING

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

This ordinance would change the zoning of 0.21 acre, located at 421 Barber, from TWP (Township District) to R1C (Single-Family Dwelling District).

Councilmember Peterson 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.

66-92 APPROVED

FOXRIDGE 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 ordinance would change the zoning of 0.37 acre from PL (Public Land District) to R3 (Townhouse Dwelling District), and would change the zoning of 0.39 acre from R3 to PL, located on Dhu Varren Road west of Nixon Road.

Councilmember Nicolas 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.

67-92 APPROVED

HOLLAND-MORITZ ZONING

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

This ordinance would change the zoning of 0.22 acre, located at 2920 Valley Drive, from TWP (Township District) to R1C (Single-Family Dwelling District).

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.

68-92 APPROVED

MAIN/STADIUM DEVELOPMENT 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 ordinance would change the zoning of 0.56 acre, located at the northwest corner of Main Street and Stadium Boulevard, from R2A (Two-Family Dwelling District) and C3 (Fringe Commercial District) to C1B (Community Convenience Center District).

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.

69-92 APPROVED

MONROE ZONING

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

This ordinance would change the zoning of 0.35 acre, located at 2680 Dexter Road, from TWP (Township District) to R1C (Single-Family Dwelling District).

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.

70-92 APPROVED

PINELAKE VILLAGE CO-OPPORTUNITY CENTER ZONING

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

This ordinance would change the zoning of 1.65 acre, located at 2400 Adrienne Drive, from TWP (Township District) to R4B (Multiple-Family Dwelling District).

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.

71-92 APPROVED

WASHTENAW COUNTY HISTORICAL SOCIETY 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 ordinance would change the zoning of 0.15 acre, located at 500 North Main Street, from PUD (Planned Unit Development District) to Revised PUD Preliminary and Final Phase.

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.

72-92 APPROVED

WESTOVER HILLS SUBDIVISION 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 ordinance would change the zoning of 1.79 acre, Lots 95, 97, 99, 100-104, 106 111-114 of Westover Hills Subdivision, located at Wagner Road and Westover Avenue, from UNZ (Unzoned) to R1D (Single-Family Dwelling District) and PL (Public Land District).

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.

73-92 APPROVED

PASSING OF STOPPED SCHOOL BUSES

An Ordinance to Amend Section 10:17 of Chapter 126 of Title X of the Code of the City of Ann Arbor

This ordinance would bring the City Code into compliance with the state statute

by requiring that a vehicle come to a full stop at least 20 feet from a stopped school bus.

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.

Council unanimously agreed to again consider Ordinance 56-92:

ORDINANCES - SECOND READING (Cont.)

56-92 APPROVED

552, 560 AND 564 SOUTH MAIN STREET 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 ordinance would change the zoning of 0.41 acre, located at 552, 560 and 564 South Main Street, from C3 (Fringe Commercial District) to C2B (Business Service District).

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

On roll call the vote was as follows:

Yeas, Councilmembers Dodge, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Eckstein, Mayor Brater, 9;

Nays, 0;

Absent during vote, Councilmembers Hunter, Coleman, 2.

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

MOTIONS AND RESOLUTIONS

R-434-9-92 APPROVED

RESOLUTION TO APPROVE BRIARWOOD
RESIDUAL PARTIAL LOT 10 SITE PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Briarwood Residual Partial Lot 10

Site Plan, 2.5 acres, southwest corner of South Main Street and Eisenhower Parkway.

Whereas, Beachum and Roeser has requested site plan approval in order to construct a bank and a medical office building; and

Whereas, The Ann Arbor City Planning Commission, on July 14, 1992, recommended approval of said request;

RESOLVED, That the Mayor and City Council hereby approve the Briarwood Residual Partial Lot 10 Site Plan, subject to approval of an administrative lot division prior to the issuance of building permits.

Councilmember Meade moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-435-9-92 APPROVED

RESOLUTION TO APPROVE DEVONSHIRE SQUARE
REVISED SITE PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Devonshire Square Revised Site Plan, 2.38 acres, northwest corner of Washtenaw Avenue and Huron Parkway.

Whereas, Devonshire Associates has requested revised site plan approval in order to construct a 25,000 square foot, one-story retail bookstore; and

Whereas, The Ann Arbor City Planning Commission, on August 25, 1992, recommended approval of said request;

RESOLVED, That the Mayor and City Council hereby approve the Devonshire Square Revised Site Plan.

Councilmember Peterson moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-436-9-92 APPROVED

RESOLUTION TO APPROVE FOXRIDGE SOUTH SITE CONDOMINIUM
SITE PLAN AND SITE DEVELOPMENT AGREEMENT

A communication was received from the City Planning Commission transmitting its

Council - September 8, 1992

recommendation of approval of the proposed Foxridge South Site Condominium Site Plan and Site Development Agreement, 4.54 acres, south side of Dhu Varren Road west of Nixon Road.

Whereas Guenther Building Company has requested site plan approval in order to develop 13 single-family detached site condominium lots;

Whereas, A site development agreement has been prepared for this development; and

Whereas, The Ann Arbor City Planning Commission, on August 25, 1992, recommended approval of said request;

RESOLVED, That the Mayor and City Council hereby approve the Foxridge South Site Condominium Site Plan and Site Development Agreement, subject to the issuance of a Watercourse Use Permit.

Councilmember Peterson moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-437-9-92 APPROVED

RESOLUTION TO APPROVE KAY ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Kay Annexation, 0.25 acre, 2505 Victoria.

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, Thomas and Patricia Kay are the owners of the property; and

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

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

Lot 36 and the south 10 feet of Lot 35, Packard Hills Subdivision, Washtenaw County, Michigan, including adjacent Victoria Avenue right-of-way.

Councilmember Meade moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-438-9-92 APPROVED

RESOLUTION TO APPROVE RFP #297 AND APPROPRIATE FUNDS TO DEVELOP A MASTER PLAN AND IRRIGATION PLAN FOR LESLIE PARK GOLF COURSE

Whereas, The Department of Parks and Recreation has identified long-range improvements for Leslie Park Golf Course in the five-year FY 1992-93 Capital Improvement Plan;

Whereas, A Request for Proposal was solicited to golf course architects to develop a master plan, design improvements, and oversee implementation;

Whereas, The proposal from the firm of Arthur Hills and Associates was selected by the interview panel as the most responsive proposal of the four submitted; and

Whereas, Human Rights approval was obtained on July 20, 1992;

RESOLVED, That the Mayor and Council approve awarding RFP #297 to Arthur Hills and Associates in the amount of \$43,650.00 to complete the golf course master plan and to authorize the Mayor and City Clerk to sign a contract for professional services in a form approved by the City Attorney substantially in the form on file in the City Clerk's Office; and

RESOLVED, That the Mayor and Council appropriate \$43,650.00 from the golf course enterprise fund unreserved cash balance for the master plan and irrigation plan contract.

Councilmember Fink moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

TABLED

RESOLUTION TO APPROVE IMPLEMENTATION OF \$20.00 ANNUAL FEE FOR RESIDENTIAL PARKING PERMITS

Whereas, Section 10:66 of Title X of the City Code, Residential Parking Districts, provides that the City Council may establish permit fees by resolution for residential parking districts; and

Council - September 8, 1992

Whereas, A policy establishing uniform permit fees is in the best interest of the citizens and the City;

RESOLVED, That it is the policy of the Council that residential parking permits require a \$20.00 annual fee.

Councilmember Coleman moved that the resolution be adopted.

Councilmember Hunter moved that the resolution be tabled to the September 21, 1992 regular session of Council for further information concerning costs (as requested at the August 17 Council session) and a policy for residential permits.

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

R-439-9-92 APPROVED

RESOLUTION SUPPORTING ONGOING EFFORTS TO
IMPROVE PARKING AVAILABILITY FOR JACOBSON'S AND
THE STATE STREET AREA RETAILERS

Whereas, It is City Council's desire to promote economic growth and a pleasant environment in Ann Arbor's downtown business districts and to take steps to address and correct any economic deterioration in the City's business districts;

Whereas, The City of Ann Arbor regards Jacobson's as an important business in the downtown and wishes to accommodate Jacobson's needs;

Whereas, The City of Ann Arbor expedited reconstruction of the Maynard parking structure which is a further indication of the City's commitment to its downtown;

Whereas, Efforts are being made to enhance and expand parking availability to the public and to the retail businesses in the State Street Area and the City Administrator has been working with Jacobson's and the State Street merchants to consider options; and

Whereas, The proposed changes regarding parking spaces in the State Street Area are in the public interest;

RESOLVED, That City Council support the City Administrator in his discussions regarding realignment of parking spaces in the State Street Area.

Councilmember Hunter moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-440-9-92 APPROVED

RESOLUTION ADDING CITIZEN-AT-LARGE MEMBERSHIP CATEGORY TO THE INDOOR CLEAN AIR ORDINANCE TASK FORCE

Whereas, The Indoor Clean Air Task Force was created by Council resolution on December 4, 1989;

Whereas, The task force has resumed activity earlier this summer after a period of inactivity;

Whereas, The original membership of the task force comprised representatives of various interest groups and employment categories; and

Whereas, It would be helpful to the work of the task force to enlarge its membership and to add an at-large category to the membership roster;

RESOLVED, That Council approve the appointment of three additional members to the Indoor Clean Air Task Force representing citizens-at-large.

Councilmember Meade moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-441-9-92 APPROVED AS AMENDED

RESOLUTION IN SUPPORT OF URBAN AGENDA: 1996 / ELECTION: 1992

A resolution in support of Urban Agenda: 1996 / Election: 1992 was considered.

Councilmember Grady moved that the resolution be adopted.

Council unanimously agreed that the last paragraph of the resolution be amended as follows:

RESOLVED, That a copy of this resolution be forwarded to each Presidential campaign, and to all municipalities in Wayne, Oakland, ~~and~~ Macomb, **AND WASHTENAW** Counties.

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

The resolution as adopted reads as follows:

R-441-9-92

RESOLUTION IN SUPPORT OF
URBAN AGENDA: 1996 / ELECTION: 1992

Whereas, The National League of Cities' Invest in Hometown America Agenda was established to inform and educate the Presidential candidates on issues of importance and concerns to the nation's cities;

Whereas, The Agenda outlines the needs of urban America and emphasizes the interrelationships between our nation's urban centers and their suburbs and rural areas;

Whereas, The Political Science Department of Wayne State University is sponsoring an Urban Agenda: 1996 / Election: 1992 Project in cooperation with the National League of Cities' Invest In Hometown America Agenda;

Whereas, Wayne State University has held several citizens' conventions in past months for the purpose of Voter Registration and Education and addressing further issues facing the nation's cities; and

Whereas, The Urban Agenda: 1996 / Election: 1992 Project has invited the Presidential candidates to appear in Detroit prior to the November 3, 1992 presidential election, to be interviewed on their views regarding issues of importance to the Urban Agenda;

RESOLVED, That the Ann Arbor City Council does hereby adopt and recommend the Urban Agenda: 1996 / Election: 1992 Project to all candidates for the Office of the Presidency;

RESOLVED, That the Ann Arbor City Council does hereby urge the Presidential candidates to come to Detroit in the Fall of 1992 to address this Urban Agenda and discuss their qualifications for the Presidency; and

RESOLVED, That a copy of this resolution be forwarded to each Presidential campaign and to all municipalities in Wayne, Oakland, Macomb and Washtenaw Counties.

R-442-9-92 APPROVED

RESOLUTION TO AWARD CONSTRUCTION CONTRACT AND
TO ESTABLISH PROJECT BUDGET FOR NORTH EAST HIGH
SERVICE PUMPS REPLACEMENT PROJECT - BID NO. 2305

Whereas, It is necessary to replace the north east high service pumps at the Water Treatment Plant;

Whereas, Of the eight bids received, Shmina Construction Company has submitted the lowest and responsible bid for said work in the amount of \$704,000.00;

Whereas, Shmina Construction Company has been approved by the Personnel/Human Rights Department on August 13, 1992; and

Whereas, The Contractual proposal specifies the services to be performed by said company, and payments to be made by the City, and all are agreeable to the City;

RESOLVED, That the Council accept the bid proposal and award a contract to Shmina Construction Company in the amount of \$704,000.00 for replacement of the east high service pumps at the Water Treatment Plant;

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

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 the fiscal year:

Section I - Revenue

| | |
|---|------------------|
| Water Revenue Bond Series P (sold 1990) | \$ 943,000.00 |
| Interim Advance from Water Supply System Fund | <u>76,500.00</u> |
| | \$1,019,500.00 |

Section II - Expenditure

| | | |
|---|---------------|------------------|
| Construction | \$ 704,000.00 | |
| Design Engineering (including Consulting) | | 120,000.00 |
| Construction Engineering (including Consultant) | | 85,000.00 |
| Testing | | 10,000.00 |
| Contingencies approved by City Administrator | | 55,000.00 |
| Miscellaneous Costs | | 7,000.00 |
| Bond Overhead Charges | | <u>38,000.00</u> |
| Total | | \$1,019,500.00 ; |

and

RESOLVED, That \$76,500.00 of the project's budget be financed by an interim advance from the Water Supply System Fund to be repaid by a future Water Revenue Bond.

Councilmember Hunter moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-443-9-92 APPROVED AS AMENDED

RESOLUTION APPROVING RECYCLE ANN ARBOR
CONTRACT AMENDMENTS

A resolution approving Recycle Ann Arbor contract amendments was considered.

Councilmember Peterson moved that the resolution be adopted.

Councilmember Peterson moved that the following language be inserted before the last paragraph of the resolution:

RESOLVED, That the City Administrator be supported in making intradepartmental expenditure adjustments within the Solid Waste budget, and be authorized to make the appropriate interdepartmental budgetary transfers for implementation of this restructuring program as shown in the letter dated September 8, 1992:

- Intradepartmental expenditure adjustments as shown in Categories 1, 2, 4 and 6;
- Interdepartmental transfers to Solid Waste budget as listed below:

| | |
|--------------|---|
| \$100,000.00 | Transfer from Non-Departmental "Public Housing" (Program reduction) |
| \$15,000.00 | Transfer from Human Resources Department Payroll Accounts (Human Resources Director salary budgeted for full year -- actual hire anticipated 11/1/92) |
| \$6,000.00 | Transfer from Planning Department Payroll Accounts (Anticipated savings resulting from retirement/ promotion activity and re-hire at entry level) |
| \$4,000.00 | Transfer from City Administrator's Office (Assistant to the City Administrator salary budgeted for full year -- |

Payro

anticipated hire Winter, 1993)

Councilmember Fink moved that the resolution be amended by adding the following language:

RESOLVED, That the separation of Recycle Ann Arbor and the Ecology Center take place by June 30, 1993, pursuant to a resolution of intent approved by the Ecology Center;

RESOLVED, That acceptance of the contract changes by Recycle Ann Arbor and the Ecology Center, and the payment that will go to the Ecology Center as a result of the changes, will settle all existing claims of the Ecology Center on Recycle Ann Arbor.

With unanimous consent of Council, Recycle Ann Arbor Board Chairman David Stead answered questions concerning RAA's debt.

Councilmember Dodge moved that the following language be added to the resolution to replace the language in Councilmember Fink's amendment:

RESOLVED, That the City will not accept as an obligation the \$125,000 of "sweat equity" that has yet to be resolved between the Ecology Center and Recycle Ann Arbor.

Councilmember Zimmer moved that the following language be added to the resolution to replace Councilmember Dodge's amendment:

RESOLVED, That by acceptance of this resolution, the Ecology Center and Recycle Ann Arbor agree that when and if the separation of Recycle Ann Arbor and the Ecology Center occurs, no payments will be made for sweat equity, historical development, nor any other nonspecific services.

The motion died for lack of support.

After further discussion, Councilmember Dodge's amendment was withdrawn.

The question being Councilmember Peterson's amendment, on a voice vote the Chair declared the motion carried.

Councilmember Nicolas moved that the following paragraph be added to the resolution:

RESOLVED, That the City of Ann Arbor not in any way be obligated to reimburse Recycle Ann Arbor for any payments related to the sweat equity issue which it may agree to make to the Ecology Center.

On a voice vote the Chair declared the motion carried.

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

Yeas, Councilmembers Hunter, Coleman, Dodge, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Eckstein, Mayor Brater, 11;

Nays, 0.

The Chair declared the motion carried.

The resolution as adopted reads as follows:

R-443-9-92

RESOLUTION APPROVING RECYCLE ANN ARBOR
CONTRACT AMENDMENTS

Whereas, Recycle Ann Arbor (RAA) has a long history of providing quality recycling services to the City of Ann Arbor;

Whereas, RAA has made substantial efforts to prove itself as a competitive bidder with a collection bid that was less than half of the cost of the next lowest bidder, saving the City \$1.4 million per year;

Whereas, RAA has implemented the recommendations outlined by Plante and Moran as outlined in its May 22, 1992 financial report;

Whereas, RAA has negotiated a payment plan with over 90% of its outstanding creditors;

Whereas, RAA does not have the facility or the current cash flow to perform major maintenance and repairs on the City-owned recycling vehicles;

Whereas, It is in the interest of the City of Ann Arbor for RAA to continue providing recycling services; and

Whereas, RAA received Human Rights approval on July 6, 1992;

RESOLVED, That up to \$542,554.00 in payments be made to or on behalf of RAA in fiscal year 1992/93 as outlined below:

Approved June 1, 1992

| | | |
|----|------------------------------------|--------------|
| 1) | Truck lease pmts./processing pmts. | \$239,057.00 |
| 2) | Capital Improvements | 65,000.00 |

Additional Funding

| | | |
|----|-----------------------------|-----------|
| 3) | Recycling truck maintenance | 37,500.00 |
|----|-----------------------------|-----------|

| | | |
|----|-----------------------------------|--------------|
| | (to City Fleet Services) | |
| 4) | 92/93 debt restructuring payments | 200,997.00 |
| | TOTAL | \$542,554.00 |

RESOLVED, That City Fleet Services perform major maintenance and repairs on the City recycling trucks, with the first \$37,500.00 to be paid by the City and the balance to be paid by RAA;

RESOLVED, That the debt restructuring payments be made as follows:

Tier 1:

\$115,347.00 for unnegotiable debt paid before October 15, 1992 and payments for essential services that must be paid between October 15, 1992 and June 30, 1993;

Tier 2:

\$72,321.00 in payments to debtors that have agreed to accept \$.50 on the dollar for payments as of October 15, 1992;

Tier 3:

\$71,088.00 in payments to debtors that have agreed to be paid in 48 monthly installments beginning in October, 1992 (92/93: \$13,329.00; balance: \$57,759.00);

RESOLVED, That in future fiscal years \$57,759.00 be included in the annual budget request for the department to pay for the balance of the RAA debt package at the rate of \$1,481.00 per month through September, 1996;

RESOLVED, That the City Administrator be authorized to execute the necessary amendments to RAA's contracts with provisions to insure uninterrupted recycling service and payments to RAA's debtors;

RESOLVED, That the City Administrator be supported in making intradepartmental expenditure adjustments within the Solid Waste budget, and be authorized to make the appropriate interdepartmental budgetary transfers for implementation of this restructuring program as shown in the letter dated September 8, 1992:

- Intradepartmental expenditure adjustments as shown in Categories 1, 2, 4 and 6;
- Interdepartmental transfers to Solid Waste budget as listed below:

| | | |
|-----------------|---------------------|---|
| Housing" | \$100,000.00 | Transfer from Non-Departmental "Public |
| | | (Program reduction) |
| | \$15,000.00 | Transfer from Human Resources Department |

Payroll Accounts

(Human Resources Director salary budgeted for full year -- actual hire anticipated 11/1/92)

\$6,000.00

Transfer from Planning Department Payroll Accounts

(Anticipated savings resulting from promotion activity and re-hire at entry level)

retirement/

\$4,000.00

Transfer from City Administrator's Office Payroll Accounts

(Assistant to the City Administrator salary budgeted for full year -- anticipated hire Winter, 1993)

RESOLVED, That the Mayor and City Clerk be authorized to sign such contracts on behalf of the City of Ann Arbor; and

RESOLVED, That the City of Ann Arbor not in any way be obligated to reimburse Recycle Ann Arbor for any payments related to the sweat equity issue which it may agree to make to the Ecology Center.

R-444-9-92 APPROVED

RESOLUTION REGARDING GELMAN SCIENCES, INC. AGREEMENT

Whereas, After five years of litigation, representatives of the State of Michigan and Gelman Sciences, Inc. (GSI) have requested the assistance of the City of Ann Arbor in implementing their plan to resolve the litigation and to clean up contaminated groundwater, wetlands and soils originating from the GSI manufacturing facilities at 600 South Wagner Road;

Whereas, The Office of the Attorney General, the Michigan Department of Natural Resources (MDNR) and GSI maintain that a plume of contaminated groundwater originating from GSI facilities has entered the corporate boundaries of the City of Ann Arbor, is spreading at the rate of over one foot per day, and is contaminating residential drinking wells;

Whereas, The Office of the Attorney General, the MDNR and GSI have requested the use of the Ann Arbor sanitary sewer system as a conduit for carrying groundwater contaminated with 1,4-Dioxane from a purge well in the Evergreen Subdivision to the receiving water named Huron River;

Whereas, The Utilities Department of the City of Ann Arbor has informed representatives of the Attorney General of Michigan and the MDNR that based upon current scientific information, the wastewater treatment plant cannot treat the 1,4-Dioxane; and that the polluted groundwater from the Evergreen

Subdivision will "pass through" the plant before discharge to the Huron River; and

Whereas, GSI has requested a permit from the City of Ann Arbor to install and operate a groundwater purge well, a groundwater monitoring well and appurtenances in the Evergreen Street and Valley Drive rights-of-way;

RESOLVED, That the City Administrator be authorized to issue the permit requested by GSI for treatment and disposal of contaminated groundwater from the Evergreen plume only, subject to the following written agreements or provisions which protect the City of Ann Arbor from potential litigation and liability associated with the cleanup plan proposed by GSI and to protect citizens' health, property, and the environment:

- a) An Industrial Users Permit (IUP) specifying that GSI shall treat purged groundwater from the Evergreen Subdivision to the sanitary sewer when 1,4-Dioxane concentrations reach 25 ppb at the Evergreen purge well. GSI shall not be permitted to discharge to the sanitary sewer after the concentration reaches 25 ppb unless UV/Oxidation treatment is operating in a manner acceptable to the City of Ann Arbor. The IUP shall include the following standards for 1,4-Dioxane in the treated purge well discharge to the sanitary sewer:

For the first 90 days after treatment is operating:

75 ppb daily maximum
50 ppb monthly average

For the next 90 days after the initial period:

60 ppb daily maximum
30 ppb monthly average

Thereafter, subject to modification by permit review:

30 ppb daily maximum
10 ppb monthly average

The Utilities Department shall determine a flow limit for discharge from the Evergreen purge well based upon a purge well pump test to be conducted by GSI. A characterization analysis of the discharge from the Evergreen purge well shall be performed to determine if any other constituents are present in the discharge which will need to be monitored and treated as part of the IUP.

For the initial period without treatment, sampling will occur daily until the concentration of dioxane in the effluent is 25 ppb. After UV/Oxidation Treatment begins, sampling will be required on a

daily basis for a minimum of 3 months and will continue thereafter on a monthly basis, or more often as determined by the Utilities Director, until the City of Ann Arbor determines that the treatment technology is meeting the discharge standards specified above. Effluent samples will be split at any time at the request of the City of Ann Arbor.

GSI agrees to submit all operating data required by the Consent Judgement to the City of Ann Arbor.

Flow sensors shall be placed in the sanitary sewer to trigger automatic shutoff of the GSI purge whenever flow levels exceed an established level that would result in sewer backups or leaks from the sanitary sewer.

The Utilities Department shall review GSI's IUP on the same schedule as the NPDES permit for the Ann Arbor POTW.

- b) A letter from the Director of the MDNR indicating the State of Michigan will enforce the conditions of the Industrial Users Permit and all other requirements deemed necessary by the City of Ann Arbor. The letter must recognize the City's right to stop the discharge of 1,4-Dioxane from the purge well without cause. These conditions shall be made enforceable as part of any Consent Judgement entered between GSI and the State of Michigan. The letter must also acknowledge MDNR's position that this discharge will not adversely impact the City's land application program for sewage sludge;
- c) An agreement between GSI and the City regarding a monitoring program for the Evergreen purge well, the Huron River outfall and sampling of the sludge for landfilling or land application. GSI must agree to pay for all sampling and analysis, including the use of an independent laboratory for split samples on a monthly basis or as often as required by the Director of the Utilities Department.

GSI must also acknowledge the City's right to stop the discharge without cause and agrees to submit an application to the DNR for a permit for the discharge of 1,4-Dioxane to groundwater within 90 days after the UV/oxidation treatment is operating; and that the data related to this application including cost information and any work plans shall be submitted to the City;
- d) An indemnification agreement between GSI and the City backed by a letter of credit of \$500,000.00 to indemnify the City of Ann Arbor against any and all costs and damages associated with the proposed discharge; and these funds may also be used to defend the City of Ann Arbor against any legal actions on the part of GSI against the City related to the proposed discharge;

- e) A sewer pipe capacity allocation report by the Utilities Department to determine how the discharge from the Evergreen Subdivision will impact the future sewer capacity of Scio Township and the City of Ann Arbor;
- f) Permits for the use of the public right-of-way for monitoring wells, discharge piping, and appurtenances at locations and for uses acceptable to the City;

RESOLVED, That the discharge flow shall be metered and GSI shall pay the standard City of Ann Arbor sewer system connection permit charge and rate for the volume of groundwater discharged from the purge well in the Evergreen Subdivision; and

RESOLVED, That the City Administrator and City Attorney be authorized to negotiate appropriate agreements, indemnifications and letters consistent with this resolution.

Councilmember Eckstein moved that the resolution be adopted.

Councilmember Peterson moved that the resolution be tabled to the September 21, 1992 regular session of Council to allow more time for citizens to review the agreement.

The motion died for lack of support.

The question being the resolution as presented, 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.

R-445-9-92 APPROVED

RESOLUTION TO APPROVE PURCHASE ORDER TO
 DUNCAN INDUSTRIES FOR PURCHASE AND MAINTENANCE
 OF PARKING METER MECHANISMS

Whereas, The City Council approved a parking rate increase on March 24, 1986, and said increase required the replacement of parking meter mechanisms;

Whereas, Duncan Industries agreed to replace the meter mechanisms in a

staged program consisting of 1,711 mechanical-type mechanisms to facilitate the rate change;

Whereas, 1,711 mechanical-type mechanisms would be replaced by electronic meter mechanisms through a three-year leasing program approved by Council June 2, 1986, with a three-year option to extend the lease;

Whereas, In 1989, due to budget restraints, the City exercised the option to extend the lease agreement an additional three years through June 30, 1992;

Whereas, Said extension has expired and staff has negotiated a purchase agreement for 1,711 electronic meter mechanisms at \$56.00 per mechanism and 1,711 mechanical mechanisms currently in use throughout the System for \$17.02 per mechanism as well as a two-year maintenance agreement at \$8.00 per year per mechanism for the electronic meters and \$4.00 per mechanism for the mechanical meters; and

Whereas, Duncan Industries received Human Rights approval on March 16, 1992, and funds were appropriated in the 1992/93 Parking Systems operating budget;

RESOLVED, That City Council authorize a purchase order to Duncan Industries in the amount of \$166,000.00 for the purchase and maintenance of parking meter mechanisms.

Councilmember Eckstein moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-446-9-92 APPROVED

RESOLUTION FOR SUPPLEMENTAL APPROPRIATION TO AMEND
FY 1992-93 COMMUNITY DEVELOPMENT DEPARTMENT BUDGET

Whereas, The Community Development Department's Fiscal Year 1992-93 Budget as submitted was based upon revenue projections done in January, 1992;

Whereas, Actual revenue figures are now available from several special revenue fund balances; and

Whereas, These changes in revenues have a significant impact on the Community Development Department's Fiscal Year 1992-93 budget;

RESOLVED, That the following shall constitute the revised portion of the Community Development Department's 1992-93 Budget:

| <u>Source of Funds</u> | | <u>Supplemental Appropriation</u> | |
|---|------------|-----------------------------------|----------|
| ANN ARBOR HOUSING TRUST FUND | | | |
| Prior Year Residual | | | |
| carried forward | \$17,100 | | |
| Transfer from General | | | |
| Fund | 50,000 | | |
| Prior Year Residual | | | |
| carried forward | 28,141 | Housing Trust Fund | \$95,241 |
| COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING | | | |
| Prior Year Surplus | (\$ 7,731) | | |
| Transfer from CDBG | | | |
| Rehab II (Fund OJC) | 53,479 | | |
| Rental Rehab Program | | | |
| Income | \$1,221 | CDBG Housing | \$46,969 |
| COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT | | | |
| Prior Year Fund Residual | \$4,015 | CDBG Entitlement | \$4,015 |
| ANN ARBOR ASSISTANCE FUND | | | |
| Prior Year Fund Residual | \$402 | Ann Arbor Assistance | |
| | | Fund | \$402 |
| COMMISSION ON DISABILITY ISSUES | | | |
| Prior Year Fund Residual | \$888 | Comm. on Disability | |
| | | Issues | \$888 |
| GENERAL FUND | | | |
| Prior year Residual | \$500 | General Fund - Community | |
| | | Development | \$500 |

RESOLVED, That the Mayor and Council do hereby amend the FY 1992-93 Community Development Budget to correspond to the above listed changes.

Councilmember Hunter moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Hunter, Coleman, Dodge, Fink, Grady, Meade, Zimmer, Peterson, Mayor Brater, 9;

Nays, 0;

Absent during vote, Councilmembers Nicolas, Eckstein, 2.

The Chair declared the motion carried.

R-447-9-92 APPROVED

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICES AGREEMENT
FOR GENERAL ENGINEERING ASSISTANCE DURING CONSTRUCTION
OF NORTH EAST HIGH SERVICE WATER PUMPS REPLACEMENT

Whereas, It is necessary to retain Camp Dresser & McKee for general engineering assistance during construction of the north east high service pumps replacement at the Water Treatment Plant;

Whereas, Camp Dresser & McKee has submitted a proposal in the amount of \$54,500.00 to provide the said engineering services; and

Whereas, On July 14, 1992 the Personnel/Human Rights Department approved Camp Dresser & McKee to perform said contract;

RESOLVED, That the Council accept the proposal and award a contract to Camp Dresser & McKee in the amount of \$54,500.00 for general engineering assistance during construction of the north east high service pumps replacement at the Water Treatment Plant;

RESOLVED, That \$54,500.00 be appropriated from Water Revenue Bond Series P to be expended and available for the life of the project without regard to fiscal year; and

RESOLVED, That the Mayor and City Clerk be authorized and directed to sign the professional service agreement, approved as to form by the City Attorney and approved as to substance by the City Administrator.

Councilmember Peterson moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

DEFEATED

RESOLUTION TO APPROPRIATE FUNDS FOR
CITY HALL BUILDING IMPROVEMENTS

Whereas, Structural modifications to City Hall will be needed to be in compliance with the Americans with Disability Act (ADA), Michigan Indoor Clean Air Act, Security of City Hall after 5 p.m. and on weekends, and the reorganization of the administrative functions of the Police Department;

Whereas, It is estimated the necessary structural building changes will cost \$44,000.00 and funds will need to be appropriated from the General Fund unreserved fund balance; and

Whereas, Once funds are appropriated staff will secure bids for the structural modifications for the first floor lobby area and the environmentally separate smoking room on the second floor of City Hall;

RESOLVED, That \$44,000.00 be appropriated from the General Fund unreserved fund balance and placed in the Administrative Services facilities structures and improvements account, for City Hall structural renovations of the lobby area and second floor.

Councilmember Fink moved that the resolution be adopted.

Councilmember Nicolas moved that the resolution be tabled to allow the City Administrator to come up with budget cuts to cover the cost of the improvements.

After further discussion, the tabling motion was withdrawn.

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

Yeas, Councilmembers Hunter, Coleman, Grady, Meade, Peterson, Eckstein, Mayor Brater, 7;

Nays, Councilmembers Dodge, Fink, Nicolas, 3;

Absent during vote, Councilmember Zimmer, 1.

The Chair declared the motion defeated. (Eight votes are required)

R-448-9-92 APPROVED

RESOLUTION TO APPROVE AMENDMENT TO HOUSING TRUST FUND AGREEMENT WITH SHELTER ASSOCIATION OF ANN ARBOR FOR 532 NORTH MAIN STREET

Whereas, A request was received in July, 1992 from the Shelter Association of Ann Arbor for financial assistance to be used for capacity building and staff support for Avalon, its spinoff housing development

organization;

Whereas, The Shelter Association will be transferring the building currently undergoing rehabilitation to Avalon;

Whereas, Avalon will own and manage existing permanent housing units currently being rehabilitated by the Shelter Association as well as develop additional affordable housing within the City;

Whereas, The Housing Policy Board at its meeting on July 15, 1992 recommended the approval of the amendment to City Council;

RESOLVED, That City Council approve the amendment to the Ann Arbor Housing Trust Fund Agreement with the Shelter Association of Ann Arbor in the amount of \$19,000.00 to be used for staff costs for Avalon; and

RESOLVED, That City Council authorize the Mayor and City Clerk to execute the Housing Trust Fund amendment substantially in the form on file in the Office of the City Clerk.

Councilmember Coleman moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-449-9-92 APPROVED

RESOLUTION TO APPROVE A NEW LEASE AGREEMENT
WITH ANN ARBOR COMMUNITY CENTER FOR USE OF
NORTHSIDE COMMUNITY CENTER

Whereas, The Department of Parks and Recreation has reviewed alternatives to operate the Northside Community Center;

Whereas, The Department goals included development of a comprehensive plan for Northside which resulted in definitive public service goals and objectives;

Whereas, The original plan was based on a cooperative planning effort by staff representatives of the Parks and Recreation, Community Education and Recreation, Community Development, Northside School Administration and Arrowwood Hills who have identified the need for outreach, counseling and direct services to low-income residents in the Northside Area;

Whereas, An agreement has been developed for the Ann Arbor Community Center to provide these services as an extension of its service system; and

Whereas, An agreement has been in effect since October of 1990 between the City of Ann Arbor and Ann Arbor Community Center, and has been successful;

RESOLVED, That the Mayor and City Clerk approve the lease agreement for the use of Northside Community Center, 809 Taylor, Ann Arbor, with the Board of the Ann Arbor Community Center to begin August 18, 1992 and terminate June 30, 1996, and authorize the Mayor and City Clerk to execute the lease agreement substantially in the form on file in the Office of the City Clerk.

Councilmember Coleman moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Hunter, Coleman, Dodge, Fink, Grady, Meade, Nicolas, Peterson, Eckstein, Mayor Brater, 10;

Nays, 0;

Absent during vote, Councilmember Zimmer, 1.

The Chair declared the motion carried.

R-450-9-92 APPROVED

RESOLUTION REGARDING APPOINTMENT OF CITY TREASURER

RESOLVED, That Brenda L. Smith be appointed to the position of City Treasurer.

Councilmember Fink moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

TABLED

RESOLUTION SUPPORTING MICHIGAN STATE HOUSE BILL 4340, TAX FORECLOSURE PREVENTION LEGISLATION

Whereas, House Bill 4340, which is in the House Taxation Committee, will reduce the threat of tax foreclosure to senior citizens due to their inability to pay property tax;

Whereas, HB 4340 will support continuity of neighborhoods by helping seniors to stay in their neighborhoods;

Whereas, HB 4340 helps senior citizens to maintain their dignity and independence;

Whereas, HB 4340 gives senior citizens the ability to better allocate their resources for health maintenance and basic needs by deferring the immediate tax burden;

Whereas, HB 4340 will reduce the drain on community resources which have been used to help reduce tax foreclosure;

Whereas, HB 4340 will amend the General Property Tax Act, Sec. 60 of Act 206 of 1893;

Whereas, HB 4340 seeks to establish a low-interest (6%) lien on the property for the amount of unpaid taxes, which can be obtained when the property is sold;

Whereas, The problem of tax foreclosure due to increasing property taxes affects both seniors and non-senior homeowners; and

Whereas, Maintaining homeownership among low-income persons provides housing essential to those families and also provides diversity to our community;

RESOLVED, That the City Council of the City of Ann Arbor express its general support for House Bill 4340 of 1992;

RESOLVED, That the City Council of the City of Ann Arbor express its support for an amendment to HB 4340 to extend its benefits of tax foreclosure prevention to low-income homeowners regardless of age; and

RESOLVED, That the City Administrator be directed to send copies of this Resolution to State Representatives and to other municipalities to encourage their support for the passage of this bill.

Councilmember Dodge moved that the resolution be adopted.

Councilmember Fink moved that the resolution be tabled to the September 21, 1992 regular session of Council to allow review of the legislation.

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

R-451-9-92 APPROVED

RESOLUTION TO ACCEPT RESIGNATION OF

COUNCILMEMBER ANN MARIE COLEMAN

Whereas, Councilmember Ann Marie Coleman has submitted her resignation effective today, September 8, 1992;

Whereas, The City Charter states, "A resignation from office shall become effective immediately upon the acceptance thereof...by the Council in the case of elective officers." (Section 12.11);

Whereas, Council cannot appoint a new councilmember until a vacancy occurs; and

Whereas, Council needs to appoint a replacement to allow it to continue doing business as it has been;

RESOLVED, That the Ann Arbor City Council accept the resignation of Councilmember Ann Marie Coleman from Council and thank her for her years of service to this city.

Councilmember Hunter moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-452-9-92 APPROVED

RESOLUTION TO APPOINT FIRST WARD COUNCILMEMBER

Councilmember Hunter moved that Tobi Hanna-Davies be appointed First Ward Councilmember to fulfill the remaining term of Ann Marie Coleman who resigned.

Councilmember Dodge moved that Howard King be appointed to fulfill the remaining term of First Ward Councilmember.

Councilmember Dodge's motion died for lack of support.

The question being the appointment of Tobi Hanna-Davies, on roll call the vote was as follows:

Yeas, Councilmembers Hunter, Grady, Meade, Zimmer, Peterson, Eckstein, Mayor Brater, 7;

Nays, Councilmembers Dodge, Fink, 2;

Absent during vote, Councilmember Nicolas, 1.

The Chair declared the motion carried and Tobi Hanna-Davies appointed First Ward Councilmember.

The resolution as adopted reads as follows:

R-452-9-92 APPROVED

RESOLUTION TO APPOINT FIRST WARD COUNCILMEMBER

Whereas, Ann Marie Coleman, representative of the First Ward, has resigned her council seat, effective September 8, 1992; and

Whereas, The Ann Arbor City Charter requires that the City Council appoint a representative for a vacant council seat;

RESOLVED, That the Mayor and Council of Ann Arbor hereby approve the appointment of Tobi Hanna-Davies to fulfill the remaining months of Ann Marie Coleman's term, ending April 5, 1993.

DEFEATED

RESOLUTION REGARDING OMNIBUS BUDGET
RECONCILIATION - RECYCLE ANN ARBOR BAILOUT

Whereas, The Ann Arbor City Council passed resolutions on April 20, 1992, May 18, 1992, and June 1, 1992, authorizing extraordinary payments to the Ecology Center ("EC") and Recycle Ann Arbor ("RAA") totaling approximately \$324,000.00, of which \$65,000.00 was for capital improvements;

Whereas, The EC and RAA have negotiated agreements with their creditors that require payments of \$255,500.00 for past due accounts and they are requesting that contracts with the City be amended to provide funds to make these payments;

Whereas, It is prudent to determine the financial condition of RAA as a separate entity from any of its related companies prior to advancing any monies or amending any contracts between the EC and RAA, and the City of Ann Arbor;

Whereas, Recycle Ann Arbor and the Ecology Center started as two separate organizations and merged, as equals, in 1981. Now the Ecology Center seems to feel that they are primarily responsible for recycling in Ann Arbor and that those who worked for recycling while RAA and EC were merged were actually working for the Ecology Center rather than for Recycle Ann Arbor. They feel that they are entitled to compensation for the development of RAA before they will allow it to become a separate entity, and once again control its own destiny;

Whereas, The 1992/1993 city budget has been adopted with concern for both the level of spending and the maintenance of fund balance, as outlined in the "Resolution Regarding Fund Balance" (adopted by City Council on June 1, 1992);

and

Whereas, The Solid Waste budget has already absorbed the first \$324,000.00 in the EC and RAA bailout, and further reductions in the Solid Waste budget in order to finance the bailout would result in draconian reductions in the provision of essential city services, such as weekly trash pick-up;

RESOLVED, That an agreement be created and approved by Recycle Ann Arbor, the Ecology Center and the City of Ann Arbor to sever the Ecology Center's control of Recycle Ann Arbor. This will include the following:

- 1) The transfer of all assets and liabilities relating to recycling activities from the Ecology Center to Recycle Ann Arbor. This shall include, but not be limited to, the Ecology Center's recycling contracts with the City of Ann Arbor and all tangible property at the Ellsworth Rd. and South Industrial Highway sites. It shall exclude all employment related claims whether asserted or unasserted.
- 2) Recycle Ann Arbor's Articles of Incorporation and bylaws will be changed to make it a membership organization open to the public and controlled solely by its members. The Ecology Center will not be a member of Recycle Ann Arbor for at least six months after the date of separation.
- 3) The Ecology Center shall provide Recycle Ann Arbor with a duplicate of the information currently maintained relating to its members and volunteers.
- 4) An agreement between the Ecology Center and Recycle Ann Arbor that states that neither organization will charge the other for any goods or services and that no payments will be made from one to the other until after the final separation occurs and any debts incurred prior to the separation shall be fully forgiven.
- 5) The current Recycle Ann Arbor board will continue as an interim board until a permanent board can be appointed by Recycle Ann Arbor's members. The interim board will take no actions which are not directly related to the day-to-day operation of Recycle Ann Arbor and will call a membership meeting to appoint a permanent board within six months of Recycle Ann Arbor's separation from the Ecology Center.

RESOLVED, That once an agreement of separation is created and implemented, the City will pay \$216,693.00 to the creditors of Recycle Ann Arbor to settle its past debts as shown on the payment schedule on file in the City Clerk's Office. Any deviation from the payment schedule will result in the City of Ann Arbor rescinding its offer to pay these debts. The Ecology

Center will continue to be fully liable to its creditors;

RESOLVED, That the City adopt the following plan for repayment of RAA's outstanding debt:

- Part 1) \$107,662.00 for unnegotiable debt that must be paid before October 15, 1992 and payments for essential services that must be paid between October 15, 1992 and June 30, 1992.
- Part 2) \$33,479.00 in payments to debtors that have agreed to accept \$0.50 on the dollar for payments as of October 15, 1992.
- Part 3) \$75,552.00 in payments to debtors that have agreed to be paid in 48 monthly installments beginning in October, 1992;

and

RESOLVED, That the \$216,693.00 bailout be financed by the following reductions in general fund spending, which will not require any layoffs:

- 1) **Eliminate Human Rights Investigator Position (\$18,096.00):** This position was not recommended by the City Administrator, was added to the budget by the Council, and is an unfilled position.
- 2) **Eliminate City Planner Position (\$20,935.00):** This position was not recommended by the City Administrator, was added to the budget by the Council, and is an unfilled position.
- 3) **Eliminate Police Clerk Typist Position (\$22,945.00):** This is a new position which was added in the City Administrator's budget and which has not yet been filled.
- 4) **Eliminate Internal Auditor Contract (\$30,000.00):** This item was not recommended by the City Administrator and has not yet been spent.
- 5) **Eliminate (part of) Public Housing Improvements (\$114,717.00):** This item was not recommended by the City Administrator, no analysis is available for the use of this spending, and it appears as though no new housing will be built this fiscal year.
- 6) **Reduce Mayor and Council Budget by 5% (\$10,000.00):** This is a leadership by example.

Councilmember Peterson moved that the resolution be adopted.

On a voice vote the Chair declared the motion defeated.

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM THE MAYOR

SEWER BACKUPS

Mayor Brater requested further information concerning the sewer backups.

APPOINTMENTS APPROVED

Mayor Brater recommended the following appointments at the August 17, 1992 regular session of Council:

ANN ARBOR ENERGY COMMISSION

Wayne Appleyard (reappointment)
17540 Sharon Valley
Manchester, MI 48158
Term: 9/8/92 to 9/8/95

Donald A. Siekmeier (reappointment)
2680 Craig Rd.
Term: 9/8/92 to 9/8/96

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

On a voice vote the Chair declared the motion carried.

NOMINATIONS PLACED ON TABLED

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

INDOOR CLEAN AIR TASK FORCE

Robert Gunn (citizen-at-large)
1308 E. Stadium Blvd.

Council - September 8, 1992

John Frohna, M.D. (health professional representative)
3418 Edgewood

David Gurk (citizen-at-large)
2042 Charlton, #305

ANN ARBOR ENERGY COMMISSION

Paul Ganz (to fulfill membership requirements)
Manger, Government/Community Relations
Michigan Consolidated Gas Company
841 Broadway
Term: 9/21/92 to 9/21/95

COUNCIL CALL-IN

Mayor Brater announced that the Council Call-In scheduled for Wednesday, September 9, from 6:30 to 8:00 p.m., will be staffed by Councilmember Grady, and that the Council Call-In scheduled for September 16 will be staffed by Councilmember Hunter.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

City Administrator Gatta submitted the following reports for information of Council:

1. Status of storm water management system as it impacts Leslie Park Golf Course
2. Construction Vehicles Obstructing Traffic
3. Traffic Control on South Main Project
4. Jaycees Summer Carnival
5. Rezoning of 552, 560 and 564 South Main Street
6. Traffic Signal at Fuller and Mitchell Field
7. Report from Housing Commission on Status of Five Housing Sites
8. Update on Employee Benefits Issues

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

COMMUNICATIONS FROM THE CITY ATTORNEYREPORTS SUBMITTED

City Attorney Elizabeth Schwartz submitted the following reports which are on file in the City Clerk's Office:

1. Completed annexation of the Benden property, 331 Barber (Lots 182 and 184 of the Evergreens Subdivision), from Scio Township; and
2. Handgun Legislation.

COMMUNICATIONS FROM COUNCIL

None.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from Congressman William D. Ford regarding social security tax exemption for election officials and poll workers - File.
2. Communication from Ingrid Scholz, Council President of Lord of Light Lutheran Church, 801 S. Forest Ave., in support of the Domestic Partnership Ordinance -File.
3. Communication from Gerald J. Matuszak, 4820 Vorhies Rd., in opposition to proposed Ordinance 56-92 (552, 560 and 564 S. Main St. Rezoning) - Planning.
4. Communication from John Williams, 3017 Wolverine, in opposition to proposed development near Scarlett-Mitchell Woods - File.
5. Communication from the Human Rights Commission transmitting proposed revisions to Human Rights Ordinance - File.

The following minutes were received for file:

1. Housing Board of Appeals - June 2, 1992
2. Planning Commission - July 14 and July 28, 1992
3. Human Services Task Force - July 13, 1992
4. Ann Arbor Transportation Authority - June 17 and June 30, 1992

72

Council - September 8, 1992

5. Historic District Commission - July 9, 1992
6. Zoning Board of Appeals - May 20 and June 17, 1992
7. CDBG Waiver and Review Board - August 24, 1992

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

On a voice vote the Chair declared the motion carried.

PUBLIC COMMENTARY - GENERAL

ANDREW GULVEZAN - BUS SHELTER

Andrew Gulvezan, 2167 Medford Rd., expressed concern that no enclosed bus shelter exists at the Briarwood Mall.

ADJOURNMENT

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

On a voice vote the Chair declared the motion carried and the meeting adjourned at 12:24 a.m.

W. Northcross
Clerk of the Council

Janet L. Chapin
Recording Secretary