

## **REGULAR SESSION - JULY 19, 1993**

The regular session of the Ann Arbor City Council was called to order at 7:40 p.m. by Mayor Ingrid B. Sheldon.

Council stood for a moment of silence.

Mayor Sheldon led the Pledge of Allegiance.

### **ROLL CALL OF COUNCIL**

Present: Councilmembers Larry Hunter, Tobi Hanna-Davies, Peter Fink, Jane Lumm, Robert Grady, Ulrich Stoll, Peter Nicolas, Julie Creal, Thais Anne Peterson, David Stead, Mayor Ingrid B. Sheldon, 11

Absent: 0

### **INTRODUCTIONS**

Mayor Sheldon and Parks and Recreation Superintendent Ron Olson presented an award to Bryant Community Center Director Carol Hollis, Chair Clinton Smith and all of the members of the Bryant Community Council - recipients of the 1992 Michigan Recreation and Park Association Community Service Award.

### **PUBLIC COMMENTARY - RESERVED TIME**

#### **GEORGE ROGERS - 2551 EMERALD EASEMENT**

George Rogers, 28253 San Marino, Southfield, owner of the property at 2551 Emerald, the subject of an easement resolution on the agenda this date, said that the easement is needed because a small portion of the buildings on the property encroach on the City's sanitary sewer easement. He asked that the clause "holding the City harmless" for damages that may arise during work within the easement, be deleted.

#### **DOROTHY WALKER - AATA RESOLUTION**

Dorothy Walker, 2631 Manchester, member of the Ann Arbor Transportation Authority, opposed the proposed AATA millage resolution. A millage reduction would damage public transportation in Ann Arbor at a time when it is being promoted. Joint operation with other systems is under study and is viewed as a solution to the lack of ridership subsidized by the millage.

**PAUL LAMBERT - NON-PARTISAN ELECTIONS**

Paul Lambert, 201 W. William St., opposed the proposed non-partisan election system initiative because he believed that its enactment would stifle the democratic process.

**LISA SNAPP - TREE HOUSE CONDOMINIUMS**

Lisa Snapp, 719 W. Washington St., opposed the Tree House Condominiums Preliminary and Final Phase PUD 1-year extension. The extension is opposed because of unresolved issues of flooding and improper water retention at the site.

**LARRY FOX - HOUSING**

Larry Fox, 530 S. State St., said that the City Council spending priorities in conjunction with Downtown Development Authority projects are at the expense of providing more tax money for education and social programs such as drug rehabilitation.

**RAY WETZEL - TREE HOUSE CONDOMINIUMS**

Ray Wetzel, 228 Murray Ave., opposed the Tree House Condominium Preliminary and Final Phase PUD 1-year extension because of condominiums size increase, use of french drains for water runoff, and extension time expiration.

**CYNTHIA SMITH - TREE HOUSE CONDOMINIUMS**

Cynthia Smith, 228 Murray Ave., spoke against the 1-year preliminary and final phase PUD extension of the Tree House Condominium project because of many perceived negative issues surrounding the project. The extension of the PUD zoning should be granted for only the one completed building on the property.

**PUBLIC HEARINGS****OAK WAY VACATION**

A public hearing was conducted on the proposed vacation of Oak Way between Fuller Avenue and Glazier Way.

Prior to the public hearing, Mayor Sheldon indicated a consensus among Councilmembers to approve the vacation. The following speakers spoke briefly in deference to anticipated approval of the street vacation. The speakers cited the importance of the vacation to construction of the new Veterans Administration Hospital and accompanying facilities.

Gary Lillie, 5831 Marshall Rd., Scio Twp., Vietnam Veteran, and president of Chapter 310 - Vietnam Veterans of America

Milton Davis, 7275 Pierce Rd., Manchester, MI., Commander of the Washtenaw County Council of Veterans

George Klix, 4360 Squirrel Rd., Bloomfield Twp., MI., AMVETS

Bob Oxenger, 1705 Saunders Crescent, past commander of the American Legion Post 46, and its current adjutant

Ray O'Neill, 9923 Garden, Livonia, MI., veteran

Reuben V. Swisher, 3299 Nordman Road, commander of Washtenaw County Disabled Veterans

Terry Niles, 9131 Hyde Rd., Clark Lake, MI., VA Medical Center Service Officer for the American Legion

Jack McManas, 2803 Boardwalk Dr., veteran

Francis McElroy, 1865 Milkey, Saline, MI., commander of VFW Post 423 in Ann Arbor

Lee Weatherbee, 5454 Witmesi Tree Lane, Chelsea, employee of VA Hospital as Chief of Laboratory Services

Alan Mellow, 3920 Wynnstone Dr., U of M Medical School faculty member and Veterans Administration Hospital staff physician

Ken Huber, 9032 Clover Dr., Milan, MI., veteran

Ethel Potts, 1014 Elder, said that approval of the street vacation should be conditioned upon adherence to the City's Soil and Sedimentation ordinance and grading standards.

Peter Ward, 2416 Fuller Road, supported the Oak Way vacation on condition of adherence to City's ordinances, and preservation of the burr oaks.

A communication was received from MichCon stating "No Objection" to the Oak Way Street Vacation.

There being no further speakers, the Chair declared the hearing closed.

#### FULLER BRIDGE SITE PLAN

A public hearing was conducted on the Fuller Bridge Site Plan, Fuller Road between Maiden Lane and Cedar Bend Drive.

The following persons spoke at this public hearing:

Armin Good, 1885 Fuller Rd., said that current plans to raise the level of the bridge and construct a retaining wall should be engineered to encourage continued recreational use

and to discourage automobile speeding. Thought should be given to further development of the "park and ride" lot.

Ethel Potts, 1014 Elder, expressed disappointment that a hasty decision must be made on the Fuller Road Bridge site plan. Concerns included possible disruption of the river wetland and grading plan conformance to the City ordinance. It was suggested that the resolution be approved contingent upon Planning Commission review of the wetland disruption and authorizing a permit.

David DeVarti, 921 Dewey, asked that the plan be tabled pending review of the entire Fuller Road corridor design. In addition, the request for postponement of the Wetland Mitigation Plan, requested in the site plan approval, is believed to be in violation of the City's ordinance.

#### ANIMAL ORDINANCE

A public hearing was conducted on the proposed Amendment to Chapter 107, Sections 9:45, 9:47, 9:48 and 9:52 - Animal Ordinance (Ordinance No. 25-93)

The following persons spoke at this public hearing:

Christine Lirones, 113 Felch Street, presented a petition signed by 285 citizens opposed to the ordinance. Objections to the ordinance included its perceived vagueness and difficulty of enforcement. (The petitions were filed with the City Clerk.)

Bob Elton, 525 N. Ashley, said that enforcement of the Animal ordinance would be difficult and suggested further study.

Dave Gregorka, 7120 Ivy Drive, who is in favor of the ordinance said that cats should be held to the same standards as dogs, and that the ordinance does not go far enough to deter cat litter in other people's yards.

Loulie Meynard, 1132 Birk, said that she and other neighbors brought this concern to Council because conversations with the offending neighbors did not work.

Janice McDowell, Birk Street resident, said that the ordinance would help the neighborhood cope with the problem of excessive numbers of cats.

There being no further speakers, the Chair declared the hearing closed.

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Council recessed at 9:10 p.m.

Council reconvened at 9:25 p.m.

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**APPROVAL OF AGENDA**

AGENDA APPROVED AS AMENDED

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

**MOTIONS AND RESOLUTIONS**

Add: Resolution to Approve the 1993-94 Community Corrections Plan (Councilmember Peterson)

Add: Resolution Authorizing Termination of a Portion of an Easement and Acceptance of a Grant of Easement from University of Michigan and Industrial Technology Institute

Add: Resolution to Grant Sewer Service outside City Limits to 1940 Chalmers Drive

**CLERK'S REPORT OF COMMUNICATIONS:**

Add: MichCon - "No Objection" to proposed vacation of Oak Way - File

Councilmember Lumm moved to further amend the agenda to add: *"Resolution to Authorize the City Administrator to Contract for Outside Legal Services."*

On roll call the vote was as follows: Yeas, Councilmembers Fink, Lumm, Nicolas, Creal, Mayor Sheldon, 5

Nays, Councilmembers Hunter, Hanna-Davies, Grady, Stoll, Peterson, Stead, 6

The Chair declared the motion defeated.

The question on the floor is approval of the agenda as originally amended, on a voice vote, the Chair declared the motion carried.

Councilmember Stoll moved that the "Resolution to Vacate Oak Way" be placed at the head of Motions and Resolutions for action.

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

**APPROVAL OF COUNCIL MINUTES**

MINUTES APPROVED AS PRESENTED

Councilmember Hunter moved that the executive session minutes of June 14, regular session minutes of June 21, executive and regular session minutes of July 6, 1993 be approved.

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

### **CONSENT AGENDA**

#### **CONSENT AGENDA APPROVED**

The following Consent Agenda was considered:

#### **R-316-7-93 APPROVED**

#### **RESOLUTION TO APPOINT ACTING MAYOR**

Whereas, The Mayor, Ingrid B. Sheldon, will be out of town beginning on July 31, 1993;

Whereas, The Mayor pro tem, Thais A. Peterson, will be temporarily out of town on July 31, 1993; and

Whereas, Section 4.3 of the Ann Arbor City Charter establishes a provision for the Ann Arbor City Council to appoint an Acting Mayor;

RESOLVED, That the Mayor and the Ann Arbor City Council hereby appoint Councilmember Larry T. Hunter as Acting Mayor on July 31, 1993 from 5:00 p.m. to 7:00 p.m.

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#### **R-317-7-93 APPROVED**

#### **RESOLUTION TO DESIGNATE OFFICIAL REPRESENTATIVE TO CAST THE VOTE OF THE CITY OF ANN ARBOR AT THE ANNUAL MEETING OF THE MICHIGAN MUNICIPAL LEAGUE**

Whereas, The City of Ann Arbor is currently a member of the Michigan Municipal League;

Whereas, The annual meeting of the members of the Michigan Municipal League will be held on September 9-11, 1993 in Marquette, Mi.;

Whereas, Section 4.4 of the Bylaws of the Michigan Municipal League requires that each member shall, by action of its governing body prior to the annual meeting or any special meeting, appoint one official of such member city or village as its principal official representative to cast the vote of the member at such meeting; and

Whereas, Ingrid B. Sheldon, Mayor of the City of Ann Arbor, will be in attendance at the annual meeting;

RESOLVED, That the Ann Arbor City Council hereby designates Mayor Ingrid B. Sheldon as the City's official representative at the annual meeting of the Michigan Municipal League, September 9-11, 1993.

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R-318-7-93 APPROVED

RESOLUTION TO PURCHASE PROPERTY  
AND CASUALTY INSURANCE FOR FISCAL  
YEAR 1993-94 (\$527,104)

Whereas, Proposals to cover most of the City's insurance property and casualty program were sought, due to changing market conditions and the need to reduce the total cost of risk;

Whereas, Request for Qualifications (RFQ) were sent to interested parties and Request For Proposals (RFP) were distributed to parties qualified to receive the City's property and casualty insurance specifications;

Whereas, After reviewing the submitted insurance programs a composite insurance program is recommended as outlined in Attachment "A" filed with the City Clerk; and

Whereas, The Finance Director and Risk Manager have reviewed the insurance program, the Insurance Board of Administration and City Administrator recommend the purchase of insurance as outlined in Attachment "A";

RESOLVED, That the City Council hereby approves the Fiscal Year 1993-94 Insurance Program as presented in Attachment "A";

RESOLVED, That an amount of \$527,104 be appropriated from the Insurance Fund to pay for the property and casualty insurance costs identified in Attachment "A"; and

RESOLVED, That the City Administrator is authorized to take the necessary

administrative steps to implement this resolution.

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R-319-7-93 APPROVED

RESOLUTION TO APPROVE A THIRD PARTY ADMINISTRATOR FOR MULTI-LINE CLAIMS ADJUSTING (\$29,525+)

Whereas, Due to changing our insurance company for property and casualty insurance coverage the City can no longer use the former insurer's claims service;

Whereas, Request for Proposal (RFP #324) was distributed to interested and qualified third party claims administrators, with Adjusting Services Unlimited Risk Management Services, Ltd. (ASU) submitting the most qualified and lowest price proposal;

RESOLVED, That the Mayor and City Council authorize a professional services agreement in the amount of \$29,525, plus a \$3,000 contingent amount with ASU for services identified in RFP \$324;

RESOLVED, The contract be written for a one (1) year period and may be renewed for two (2) one (1) year periods in the amount of \$29,525 the first year and up to 5% increase the second and third year;

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

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

RESOLVED, That this contract be adopted and funds appropriated from the Insurance Fund.

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R-320-7-93 APPROVED

RESOLUTION TO APPROVE THE PAYROLL/ PERSONNEL SOFTWARE MAINTENANCE CONTRACT (\$25,590.89)

Whereas, The Information Services Division of the Administrative Services Department wishes to renew the Payroll and Personnel Software maintenance contract with Integral Systems;

Whereas, Integral Systems is the sole vendor for the Payroll and Personnel software maintenance; and

Whereas, Integral Systems has been approved by the Personnel/Human Rights Department on May 6, 1993;

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

RESOLVED, That the City Administrator is authorized to issue a purchase order to Integral Systems for the sum of \$25,590.89 for software maintenance.

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R-321-7-93 APPROVED

RESOLUTION TO APPROVE CONTRACT WITH  
ANN ARBOR COMMUNITY CENTER FOR DRUG  
TREATMENT AND REHABILITATION PROGRAM  
(\$20,000)

Whereas, On December 7, 1992 the City Council approved a resolution to accept \$99,058 in drug forfeiture funds through the Ann Arbor Police Department and to approve an expenditure plan;

Whereas, On April 19, 1993 City Council approved a resolution establishing a process for accepting drug forfeiture funds and establishing a spending allocation plan for the use and accounting of those funds;

Whereas, Twenty thousand dollars of drug forfeiture funds may be used for drug treatment and rehabilitation services; and

Whereas, The Ann Arbor Community Center currently administers a drug treatment program;

RESOLVED, That the City of Ann Arbor contract with the Ann Arbor Community Center to provide drug treatment and rehabilitation services for at-risk youth using Police Department drug forfeiture funds totaling \$20,000;

RESOLVED, That the contract be monitored by the Community Development Department;

RESOLVED, That the City Council direct the Mayor and City Clerk to execute the documents necessary to implement this contract substantially in the form on file in the office of the City Clerk; and

RESOLVED, That the City Administrator is authorized to take all administrative actions necessary to implement these actions.

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R-322-7-93 APPROVED

RESOLUTION TO APPROVE AGREEMENT FOR  
PROFESSIONAL ENGINEERING SERVICES WITH ROBERT  
DARVAS ASSOCIATES FOR BANDEMER PARK  
ACCESS BRIDGE RENOVATION (\$16,450)

Whereas, The Phase I site plan for Bandemer Park Master Plan (approved by Council 6-21-93) includes renovation of the existing vehicular access bridge in the Whitmore Lake Road right-of-way, which is the sloe point of public access to Bandemer Park;

Whereas, The Bandemer Park Master Plan was developed in accordance with the N. Main Street/Huron River Corridor Study as approved by City Council in 1989;

Whereas, Renovation of the Bandemer Park access bridge will provide the primary linkage between the northeast area and public riverfront/park developments (Bandemer Park, Hawkins, etc.) identified in the N. Main/Huron River Corridor Study;

Whereas, The engineering consulting firm of Robert Darvas Associates has performed structural analyses and other investigative work associated with the Bandemer Park access bridge and is prepared to complete the construction documents and perform on-site inspections necessary for the aforementioned bridge renovation;

Whereas, Robert Darvas Associates obtained Human Rights approval on July 9, 1993; and

Whereas, The Park Advisory Commission has reviewed the status of the project and has approved a resolution in support of contracting with Robert Darvas Associates to complete the necessary design work and construction supervision for the bridge renovation

project;

RESOLVED, That City Council approve of an "Agreement for Professional Services" in the City's standard form in the amount of \$16,450 with Robert Darvas Associates for structural design, engineering and construction supervision work associated with the Bandemer Park access bridge renovation; and

RESOLVED, That the Mayor and City Clerk are authorized to sign the aforementioned agreement, substantially in the form on file with the City Clerk, and the City Administrator is authorized to take the necessary administrative actions to implement this resolution.

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R-323-7-93 APPROVED

RESOLUTION TO GRANT WATER SERVICE  
OUTSIDE CITY LIMITS TO LOT 136 THE  
EVERGREENS SUBDIVISION (3101 DEXTER ROAD)

Whereas, Larry D. Lake, owner of the property at 3101 Dexter Road, on June 28, 1993 has requested that the City extend public water service to his property in Scio Township prior to the completion of the annexation process;

Whereas, Larry D. Lake desires to enter into the standard agreement with the City which provide an equitable method of obtaining City service outside of its corporate boundaries; and

Whereas, On June 28, 1993 Larry D. lake petitioned the City for annexation under Planning Department file number 8243L22.1 and .2.;

RESOLVED, That the Mayor and Clerk are hereby authorized and requested to sign the agreement to allow City water service to the land during the time it is still outside of the corporate limits; that the City Clerk is hereby directed to send a copy of this resolution and the agreement by first class mail to the property owner at 4001 Jackson Road; and that the Utilities Department shall promptly have this resolution and the agreement recorded in the office of the Register of Deeds of Washtenaw County, Michigan.

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R-324-7-93 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE  
ADMINISTRATION MINUTES OF JULY 7, 1993

AND TO AUTHORIZE PAYMENTS

RESOLVED, That the Board of Insurance Administration minutes of July 7, 1993, be accepted and that the payments therein be authorized.

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R-325-7-93 APPROVED

RESOLUTION RECOGNIZING THE MARCH OF DIMES AS A NONPROFIT ORGANIZATION IN THE CITY OF ANN ARBOR

Whereas, The March of Dimes is a nonprofit organization;

Whereas, The State of Michigan Department of Treasury has recognized the March of Dimes as a nonprofit organization by granting it tax exempt status; and

Whereas, The March of Dimes needs the City to recognize it is a nonprofit organization in the community in order to conduct fundraising with State approval;

RESOLVED, That the Mayor and City Council recognize the March of Dimes as a nonprofit organization in the City of Ann Arbor.

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R-326-7-93 APPROVED

RESOLUTION RECOGNIZING THE DEKERS BLUE LINE CLUB AS A NONPROFIT ORGANIZATION IN THE CITY OF ANN ARBOR

Whereas, The Dekers Blue Line Club is a nonprofit organization;

Whereas, The State of Michigan Department of Treasury has recognized the Dekers Blue Line Club as a nonprofit organization by granting it tax exempt status; and

Whereas, The Dekers Blue Line Club needs the City to recognize it as a nonprofit organization in the community in order to conduct fundraising with State approval;

RESOLVED, That the Mayor and City Council recognize the Dekers Blue Line Club as a nonprofit organization in the City of Ann Arbor.

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R-327-7-93 APPROVED

RESOLUTION TO APPROVE LIQUOR LICENSE  
TRANSFER AT 3750 WASHTENAW  
HOLIDAY INN EAST

RESOLVED, That the request from East Hotel, Inc. (Holiday Inn East) to drop the Gollywobbler, Inc. as co-licensee on a 1993 B-Hotel licensed business with Dance-Entertainment Permit, located at 3750 Washtenaw, Ann Arbor, Mi., 48104, Washtenaw County, be approved.

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R-328-7-93 APPROVED

RESOLUTION APPROVING AGREEMENT  
REGARDING SPECIAL ASSESSMENTS  
LAID-LOZELLE PROPERTY

Whereas, The owners of property located in the City of Ann Arbor, Washtenaw County, Michigan identified by Assessor's Code No. 09-20-200-039 and more particularly described as:

Commencing SW corner of Lot 1 Ganzhorn Hills Subdivision; thence N 1E 9' East 334.07 feet for a POINT OF BEGINNING; thence north 54E 14' West 59.58 feet; thence South 35E 46' west 125 feet; thence north 54E 14' west 290.31 feet; thence southwesterly 167.52 feet; northwesterly 72 feet more or less; thence northeasterly 144.11 feet more or less; thence southeast parallel to Sunset deflecting right 36.75 feet; thence north 62E 15' east 111.72 feet; thence north 54E 14' 426.03 feet; thence northerly 462 feet; thence easterly 660 feet; thence southerly 868.17 feet to POINT OF BEGINNING except therefrom the portion granted to Michigan State Highway Department being highway right-of-way part of NW 1/4 of Section 20 T2S R6E, City of Ann Arbor, Washtenaw County Michigan; and

Whereas, The owners have petitioned for a division of the property into two lots and have requested that all existing special assessments be a lien against and be paid by the owners of the above described parcel;

RESOLVED, That all existing special assessments which are a lien against the above described property shall now become a lien against the property described below pursuant to agreement of the owner;

Commencing at the southwest corner of Ganzhorn Hills Subdivision, as recorded in Liber 7 of Plats, page 34, Washtenaw County Records; thence N 01<sup>E</sup> 12' 06" E (recorded as N 01<sup>E</sup> 09' E) 636.95 feet along the west line of said Ganzhorn Hills Subdivision to the PLACE OF BEGINNING; thence S 35<sup>E</sup> 46' 00" W 341.23 feet; thence N 54<sup>E</sup> 14' 00" W 237.43 feet; thence N 62<sup>E</sup> 15' 00" E 88.86 feet; thence N 54<sup>E</sup> 14' 00" W 425.42 feet; thence N 01<sup>E</sup> 14' 05" E 303.51 feet to the south right of way line of Highway M-14; thence S 82<sup>E</sup> 53' 15" E 665.01 feet along said right-of-way to the west line of Ganzhorn Hills Subdivision; thence S 01<sup>E</sup> 12' 06" W 373.17 feet along said west line to the Place of Beginning, being a part of the NW 1/4 Section 20, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, containing 7.40 acres of land more or less, being subject to easements and restrictions of record, if any.

Councilmember Nicolas moved that the Consent Agenda be approved.

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

## **ORDINANCES - SECOND READING**

24-93 APPROVED

### **RETIREMENT SYSTEM REVISIONS**

#### **AN ORDINANCE TO AMEND SECTION 1:559(c), 1:564(3)(4), 1:566(1)(2) OF CHAPTER 18 OF TITLE I OF THE CODE OF THE CITY OF ANN ARBOR.**

This ordinance approves revisions to the Employees' Retirement System to modify the membership in the Retirement System to allow the Mayor's secretary the option of being a member of the retirement system, change the age to which straight life retirement allowance will be adjusted, allow for the payment of residual employee contributions to the estate of the employee upon death, allow for retirement to revert to straight life option if the death of the beneficiary precedes the retiree, and provide for compliance with certain claims under court awards or orders.

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

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Fink, Lumm, Grady, Stoll, Nicolas, Creal, Peterson, Stead, Mayor Sheldon, 11  
Nays, 0

The Chair declared the motion carried.

25-93 TABLED

ANIMALS

AN ORDINANCE TO AMEND SECTIONS 9:45, 9:47, 9:48 AND 9:52 OF CHAPTER 107 OF TITLE IX OF THE CODE OF THE CITY OF ANN ARBOR.

This ordinance defines ownership of stray animals and defines "sanitation nuisance" in conjunction with animals.

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

Councilmember Grady moved that the ordinance be tabled until August 2, 1993, for further information on enforceability of the ordinance.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Lumm, Grady, Stoll, Peterson, Stead, 7  
Nays, Councilmembers Fink, Nicolas, Creal, Mayor Sheldon, 4

The Chair declared the motion carried and the ordinance tabled.

**MOTIONS AND RESOLUTIONS**

R-329-7-93 APPROVED

RESOLUTION VACATING OAK WAY

Whereas, There has been presented to the City a written request for the vacation of Oak Way between Fuller Road and Glazier Way; and

Whereas, The Council appointed 7:30 p.m. on the 19th day of July, 1993, in the Council Chamber, City Hall, Ann Arbor, Michigan as the time and place where the Council would meet to hear objections to the vacating, discontinuing and abandoning Oak Way;

RESOLVED, That the Ann Arbor City Council, after hearing and considering all matters brought before it, does hereby grant the request to vacate, discontinue and abandon Oak Way which is located in the City of Ann Arbor, Washtenaw County, Michigan and more particularly described as follows:

All that portion of Oak Way between Fuller Road and Glazier Way according

to the plat thereof as recorded in Liber 9 of Plats, page 56, Washtenaw County Records.

Councilmember Hunter moved that the resolution be approved.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Fink, Lumm, Grady, Stoll, Nicolas, Creal, Peterson, Stead, Mayor Sheldon, 11  
Nays, 0

The Chair declared the motion carried.

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R-330-7-93 APPROVED AS AMENDED

RESOLUTION CONSENTING TO THE GRANTING OF AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE TO DIGITAX, INC. BY PITTSFIELD TOWNSHIP

Councilmember Lumm moved that the resolution be approved.

Councilmember Stead moved that the resolution be amended as follows:

Change Title:

Resolution ~~<Consenting>~~ to DENY The Granting of An Industrial Facilities Exemption Certificate to Digitax, Inc. by Pittsfield Township

Change 5th Paragraph:

Resolved, That the Ann Arbor City Council hereby ~~<consents to>~~ DENIES the granting of said Industrial Facilities Exemption Certificate pursuant to said public act to Digitax, Inc. FOR THE FOLLOWING REASONS:

- ∃ A TAX BASE IS NEITHER CREATED NOR MAINTAINED WITHIN THE CITY OF ANN ARBOR;
- ∃ OTHER SITES WITHIN THE CITY OF ANN ARBOR ARE AVAILABLE FOR DEVELOPMENT; AND

Add Final Paragraph:

RESOLVED, THAT IT IS THE SENTIMENT OF CITY COUNCIL THAT TAX ABATEMENTS ARE NOT SOUND PUBLIC POLICY.

On roll call on the amendment the vote was as follows: Yeas, Councilmembers Hunter,

Hanna-Davies, Grady, Stoll, Nicolas, Creal, Peterson, Stead, 8  
Nays, Councilmembers Fink, Lumm, Mayor Sheldon, 3

The Chair declared the motion carried.

The question under consideration is approval of the resolution as amended, on roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Grady, Stoll, Nicolas, Creal, Peterson, Stead, 8  
Nays, Councilmembers Fink, Lumm, Mayor Sheldon, 3

The Chair declared the motion carried.

Following is the resolution as approved:

R-330-7-93

RESOLUTION TO DENY THE GRANTING OF AN  
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE TO  
DIGITAX, INC. BY PITTSFIELD TOWNSHIP

Whereas, Digitax, Inc. has notified the City of Ann Arbor that because of its need for additional space, it wishes to vacate its current location at 3001 S. State Rd., in Ann Arbor by November of 1993;

Whereas, Digitax, Inc. has stated its intent to obtain an Industrial Facilities Exemption Certificate for its new facility to be located at 4420 Varsity Drive in Pittsfield Township, Washtenaw County, Michigan;

Whereas, The Place of employment of 30 Digitax, Inc. employees will be transferred from the City of Ann Arbor to Pittsfield Township; and

Whereas, Before Pittsfield Township can approve a tax abatement under Michigan Public Act 198 of 1974 as amended, the City Council of Ann Arbor must consent by resolution to the granting of the Certificate;

RESOLVED, That the Ann Arbor City Council hereby denies the granting of said Industrial Facilities Exemption Certificate pursuant to said public act to Digitax, Inc. for the following reasons:

- ⊖ A tax base is neither created nor maintained within the City of Ann Arbor;
- ⊖ Other sites within the City of Ann Arbor are available for development; and

RESOLVED, That it is the sentiment of the City Council that tax abatements are not sound public policy.

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R-331-7-93 APPROVED

RESOLUTION CONCERNING STATUS REPORT BY THE NATURAL FEATURES ORDINANCE COMMITTEE

Whereas, The Natural Features Ordinance Committee, established by City Council resolution on July 15, 1991, is charged to review the proposed Natural Features Ordinance on May 17, 1989;

Whereas, Pursuant to Committee recommendations, City Council approved the Wetlands and Watercourses Preservation Ordinance (Chapter 60) on June 15, 1992; revisions to Land Development Regulations, by resolution on September 8, 1992; and amendments to the Subdivision and Land Use Control Ordinance (Chapter 57) and to the Soil Erosion and Sedimentation Control Ordinance (Chapter 63) on October 5, 1992;

Whereas, The Natural Features Ordinance Committee has continued to review the proposed 1989 Natural Features Ordinance and the preceding ordinances and resolution; and

Whereas, The Natural Features Ordinance Committee can recommend to City Council further actions consistent with its charge and with the community's interest in preserving its heritage of natural features for future generations;

RESOLVED, That the Natural Features Ordinance Committee report the status of its deliberations and recommendations to City Council at a Working Session of the Council and the Committee on Monday, September 13, 1993, beginning at 7:00 p.m.; and

RESOLVED, That appropriate members of city staff from Planning, Building, Engineering, and Parks (including the City Forester) review the September 13 status report and recommendations of the Natural Features Ordinance Committee and that they report the results of their review to Council at the second regularly scheduled Council meeting in October 1993.

Councilmember Grady moved that the resolution be approved.

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

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Councilmember Creal exited the meeting at 11:30 p.m.

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TABLED

RESOLUTION REQUESTING COST ESTIMATES FOR  
GROUNDWATER TREATMENT AT ANN ARBOR LANDFILL

Whereas, Vinyl Chloride and 1,4-dioxane are present in the groundwater outside the boundaries of the Ann Arbor landfill;

Whereas, Vinyl Chloride is considered a carcinogen by the state of Michigan and 1,4-dioxane is a suspected carcinogen;

Whereas, The City of Ann Arbor is currently pumping both significant concentrations of vinyl chloride and 1,4-dioxane through the City's sanitary sewer system to the City's wastewater treatment facility;

Whereas, The current treatment process to reduce the concentration of vinyl chloride to acceptable levels is evaporation from the City sewers and wastewater treatment facility into the atmosphere;

Whereas, The City's wastewater treatment facility is currently unable to effectively treat 1,4-dioxane which is discharged into the City sewer system from the Ann Arbor landfill which means this pollutant is discharged directly into the Huron River;

Whereas, There are tested and effective pretreatment systems for 1,4-dioxane offered by several different vendors; and

Whereas, There is a growing body of scientific evidence that cumulative exposure to low levels of toxins may be damaging to public health. In response, the International Joint Commission on the Great Lakes recommended that governments "take every available action to stop the inflow of persistent toxic substances into the Great Lakes environment;"

RESOLVED, That the City Council appropriates up to \$75,000 from the Environmental Bond funds to investigate and evaluate pretreatment systems for 1,4-dioxane and vinyl chloride based upon pilot field tests conducted by qualified vendors; and

RESOLVED, That the administration report back to the City Council within five months the results of the pilot field tests including the design and capital costs, operating and maintenance costs and the capabilities of the best available pretreatment

technologies.

Councilmember Stead moved that the resolution be approved.

Councilmember Stead moved that the resolution be tabled until August 2, 1993 to provide information on the status of groundwater tests, to determine if the resolution is consistent with the City's testing plans, and to receive further background information from staff.

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

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## DEFEATED

### RESOLUTION ORDERING ELECTION AND DETERMINING BALLOT QUESTION FOR CHARTER AMENDMENT REGARDING FUNDS FOR PUBLIC TRANSIT

RESOLVED, That the Ann Arbor City Council proposes that the City Charter be amended by amending § 8.18, which shall read as follows:

#### **Funds for Public Transit**

SECTION 8.18. In addition to any other amount which the City is authorized to raise by general tax upon real and personal property by this Charter or any other provision of law, the City shall annually levy a tax of ONE AND ONE-HALF MILLS AND MAY LEVY UP TO two and fifteen/one hundreds mills on all taxable real and personal property situated within the City for the purpose of providing funds for operating and equipping a public transportation system for the City;

RESOLVED, That November 2, 1993 is designated as the day for holding an election on the proposed Charter Amendment;

RESOLVED, That the Clerk shall submit a copy of the proposed amendment to the Attorney General and the Governor of Michigan and shall perform all other acts required by law for holding the election;

RESOLVED, That the proposed Charter amendment shall appear on the ballot in the following form, together with the following statement of purpose:

#### ANN ARBOR CITY CHARTER AMENDMENT ALLOWING REDUCTION OF THE TAX FOR PUBLIC TRANSIT

**Shall the Charter be amended to permit the City to reduce the current**

**annual tax of two and fifteen/one hundreds mills for funding public transit?**

**Γ Yes**

**Γ No**

PURPOSE OF AMENDMENT

**The amendment would give the City Council the option of reducing the tax to be levied to raise funds for public transit.**

RESOLVED, That the proposed Charter amendment and the proposed ballot question, along with the statement of purpose, shall be published in full not fewer than two times in *The Ann Arbor News*.

Councilmember Nicolas moved that the resolution be approved.

Councilmember Fink moved that the resolution be tabled pending a working session and final vote prior to September 2, 1993.

On roll call the vote was as follows: Yeas, Councilmembers Fink, Lumm, Nicolas, 3  
Nays, Councilmembers Hunter, Hanna-Davies, Grady, Peterson, Stead, Mayor Sheldon, 6  
Absent for the vote: Councilmember Stoll, 1

The Chair declared the motion defeated.

The question under consideration is approval of the resolution, on roll call the vote was as follows: Yeas, Councilmembers Lumm, Nicolas, 2  
Nays, Councilmembers Hunter, Hanna-Davies, Fink, Grady, Stoll, Peterson, Stead, Mayor Sheldon, 8

The Chair declared the motion defeated.

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**R-322-7-93 APPROVED**

**RESOLUTION TO AWARD CONTRACT FOR THE BROADWAY  
SITWORK PROGRAM NO. 9023.2 (\$141,500)**

Whereas, The Broadway public housing site at 1504, 1506 and 1508 Broadway needs major rehabilitation;

Whereas, The Department of Housing and Urban Development, through the Comprehensive Improvement Assistance Program, has provided funds for this project

based on their acceptance of the required documents;

Whereas, The Ann Arbor Housing Commission, through its architectural firm, has prepared plans and specifications which resulted in the submission of bids;

Whereas, ABC Paving Company of Trenton, Michigan has submitted the lowest responsive bid of \$141,500 for the Broadway Sitework Program; and

Whereas, ABC Paving Company has received Human Rights Approval from the City of Ann Arbor;

RESOLVED, That the Mayor and City Clerk be authorized to execute the contract that is substantially in the form of that on file with the City Clerk, for up to \$141,500.

Councilmember Hunter moved that the resolution be approved.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Fink, Lumm, Grady, Stoll, Nicolas, Peterson, Stead, Mayor Sheldon, 9  
Nays, 0  
Absent for the Vote: Councilmember Hunter, 1

The Chair declared the motion carried.

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R-333-7-93 APPROVED

RESOLUTION TO ACCEPT GRANT OF UP TO \$5,500  
AND APPROPRIATE TO 1993-94 POLICE OVERTIME ACCOUNT

Whereas, The Michigan Office of Highway Safety Planning is implementing a Community Wide Youth Impaired Driving Program in Washtenaw County;

Whereas, The Washtenaw County Sheriffs Department is the coordinating agency in this county wide endeavor;

Whereas, The Ann Arbor Police Department is a participant in the Washtenaw County-Community Wide Youth Impaired Driving Program;

Whereas, The grant provides federal funds to reimburse overtime expenses for participating agencies;

Whereas, The local expenses under this grant are billed to, and funds disbursed by, the Washtenaw County Sheriff; and

Whereas, The overtime expenses under this grant were not included in the 1993-94 police overtime budget;

RESOLVED, That the compensation received under this grant is accepted as revenue (010-031-6999) and appropriated to the police department budget (010-031-0160-1401)

Councilmember Hunter moved that the resolution be approved.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Fink, Lumm, Grady, Stoll, Nicolas, Peterson, Stead, Mayor Sheldon, 9

Nays, 0

Absent for the Vote: Councilmember Hunter, 1

The Chair declared the motion carried.

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R-334-7-93 APPROVED

RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF  
ORDINANCE NO. 24-93 - RETIREMENT SYSTEM

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

RESOLVED, That the publication of ordinance 24-93 shall be by the following summary:

AN ORDINANCE TO AMEND SECTION 1:599(c), 1:564(3)(4), 1:566(1)(2) OF CHAPTER 18 OF TITLE I OF THE CODE OF THE CITY OF ANN ARBOR.

Ordinance 24-93 revises Chapter 18 - Employees' Retirement System - of the City Code. The revisions modify the membership in the Retirement System to allow the Mayor's secretary the option of membership in the retirement system, change the age to which straight life retirement allowance will be adjusted, allow for the payment of residual employee contributions to the estate of the employee upon death, allow for retirement to revert to straight life option if the death of the beneficiary precedes the retiree, and provide for compliance with certain claims under court awards or orders.

The complete text of this ordinance is available at the office of the City Clerk.

Councilmember Hunter moved that the resolution be approved.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Fink, Lumm, Grady, Stoll, Nicolas, Peterson, Stead, Mayor Sheldon, 9

Nays, 0

Absent for the Vote: Councilmember Hunter, 1

The Chair declared the motion carried.

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R-335-7-93 APPROVED

RESOLUTION ACCEPTING UTILITY, ROADWAY AND  
CONSERVATION EASEMENTS FROM ART VAN FURNITURE, INC.

Whereas, Art Van Furniture, Inc. a Michigan corporation, is the owner of property located in the City of Ann Arbor, Washtenaw County, Michigan and more particularly described as follows:

WATERMAIN

A 40 foot water main easement whose centerline is described as beginning at a point distant S87<sup>E</sup> 25' 50" W 1001.60 feet along the South line of Section 5, 33.00 feet N 02<sup>E</sup> 34' 10" W, 27.06 feet N 07<sup>E</sup> 18' 40" E from the southeast corner of Section 5, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan and proceeding N 82<sup>E</sup> 41' 20" W 44.00 feet; thence S 88<sup>E</sup> 15' 50" W 122.76 feet; thence N 01<sup>E</sup> 44' 10" W 76.00 feet; thence N 88<sup>E</sup> 15' 50" E 30.00 feet to the POINT OF ENDING.

### ROADWAY

Commencing at the southeast corner of Section 5, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S 87<sup>E</sup> 25' 50" W 928.60 feet along the south line of said section to the POINT OF BEGINNING; thence continuing S 87<sup>E</sup> 25' 50" W 268.00 feet, thence N 01<sup>E</sup> 44' 10" W 33.00 feet, thence N 87<sup>E</sup> 25' 50" E 267.52 feet; thence S 02<sup>E</sup> 34' 10" E 33.00 feet to the POINT OF BEGINNING. Containing 0.2028 acres.

## CONSERVATION AND PUBLIC ACCESS

### LEGAL DESCRIPTION PARCEL I

Commencing at the Southeast corner of Section 5, T8S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence South 87 degrees 25 minutes 50 seconds west 928.60 feet along the south line of said section to point of beginning; thence continuing south 87 degrees 25 minutes 50 seconds west 268.00 feet along said south line; thence north 01 degree 44 minutes 10 seconds west 660.02 feet; thence north 87 degrees 25 minutes 50 seconds east 348.00 feet; thence south 02 degrees 34 minutes 10 seconds east 152.37 feet; thence southerly 173.26 feet along the arc of a 470.00 foot radius circular curve to the right, through a central angle of 21 degrees 07 minutes 20 seconds having a chord which bears south 07 degrees 59 minutes 30 seconds west 172.28 feet; thence south 18 degrees 33 minutes 10 seconds west 100.68 feet; thence southerly 99.53 feet along the arc of a 270.00 foot radius circular to the left, through a central angle of 21 degrees 07 minutes, 20 seconds, west 98.97 feet; thence S 02 degrees, 34 minutes 10 seconds east 137.66 feet to the point of beginning, being a part of the southeast 1/4 of Section 5, T8S, R6E, City of Ann Arbor, Washtenaw County, Michigan and containing 4.713 acres of land more or less. Being subject to the rights of the public over the northerly 33 feet of Eisenhower Boulevard. Also being subject to easements and restrictions of record, if any.

### CONSERVATION AND PUBLIC ACCESS EASEMENT NO. 1

Commencing at the Southeast corner of Section 5, T8S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence south 87 degrees, 25 minutes, 50 seconds west 1196.60 feet along the south line of said section and north 01 degree 44 minutes 10 seconds west 620.0 feet to the point of beginning and proceeding thence north 01 degree 44 minutes 10 seconds west 40.00 feet; thence north 87 degrees 25 minutes, 50 seconds east 348.00 feet; thence south 02 degrees 34 minutes 10 seconds east 40.00 feet; thence south 87 degrees 25 minutes 50 seconds west 348.58 feet to the point of beginning.

CONSERVATION AND PUBLIC ACCESS EASEMENT NO. 2

Commencing at the southeast corner of Section 5, T8S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence South 87 degrees 25 minutes 50 seconds west 1196.60 feet along the south line of said section and north 01 degree 44 minutes 10 seconds west 234.02 feet to the point of beginning and proceeding thence north 01 degree 44 minutes 10 seconds west 386.00 feet; thence north 87 degrees 25 minutes 50 seconds east 70.00 feet; thence south 15 degrees 00 minutes 30 seconds east 108.93 feet; thence south 15 degrees 19 minutes 40 seconds west 67.03 feet; thence south 60 degrees 00 minutes 00 seconds west 20.00 feet; thence south 01 degree 44 minutes 10 seconds east 55.00 feet; thence south 19 degrees 00 minutes 00 seconds west 163.00 feet to the point of beginning.

Whereas, Said owner has delivered easements to the City of Ann Arbor for construction and maintenance of utilities; a road right-of-way; and a conservation and public access easement in the above described premises;

RESOLVED, That the City of Ann Arbor hereby accepts said easements.

Councilmember Hunter moved that the resolution be approved.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Fink, Lumm, Grady, Stoll, Nicolas, Peterson, Stead, Mayor Sheldon, 9

Nays, 0

Absent for the Vote: Councilmember Hunter, 1

The Chair declared the motion carried.

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R-336-7-93 APPROVED

RESOLUTION APPROVING PARTIAL RELEASE OF SANITARY SEWER EASEMENT AT 2551 EMERALD

Whereas, A sanitary sewer easement recorded in Liber 1322, page 542, Washtenaw County Records conveyed certain rights to the City over property located in the City of Ann Arbor, Michigan which is described as:

Lot 140 Kimberly Hills as recorded in Liber 3 of Plats page 32, Washtenaw County Records;

and

Whereas, It has been determined that the existing house and garage encroach into the City's easement;

RESOLVED, That the City releases all the rights it acquired in an easement recorded in Liber 1322, page 542, Washtenaw County Records to the owner, only for that portion of the easement premises which are described as follows:

Commencing at the northwest corner of Lot 140 of "Kimberly Hills", a subdivision of part of the west 1/2 of Section 3 Pittsfield Township, T3S, R6E, Washtenaw County, Michigan, recorded in Liber 3 of Plats, Page 32; thence southerly 7.5 feet along the west line of said Lot 140; thence easterly, parallel to the north line of said Lot 140, and along the southerly line of a sanitary sewer easement recorded in Liber 1322 page 542 - 544 approximately 25.3 feet to the westerly wall of an existing detached garage structure at 2551 Emerald Avenue for the Point of Beginning; thence northerly 1.00 feet along the westerly wall of said garage structure to the northwest corner of the garage; thence along the northerly wall to the northeast corner of said garage; thence southerly and parallel to the west line of said Lot 140, 0.73 feet to the southerly line of said sanitary sewer easement; thence westerly along the southerly line of said sanitary sewer easement to the Point of Beginning for the Point of Ending.

Also,

Commencing at the northwest corner of Lot 140 of "Kimberly Hills", a subdivision of part of the west 1/2 of Section 3 Pittsfield Township, T3S, R6E, Washtenaw County, Michigan, recorded in Liber 3 of Plats Page 32; thence southerly 7.5 feet along the west line of said Lot 140; thence easterly, parallel to the north line of said Lot 140, and along the southerly line of a sanitary sewer easement recorded in Liber 1322, Page 542 - 544, approximately 51.4 feet to the westerly wall of an existing house structure at 2551 Emerald Avenue for the Point of Beginning; thence northerly 0.55 feet along the westerly wall of said house structure to the northwest corner of the house; thence along the northerly wall to the northeast corner of said house; thence

southerly and parallel to the west line of said Lot 140, 0.12 feet to the southerly line of said sanitary sewer easement; thence westerly along the southerly line of said sanitary sewer easement to the Point of Beginning for the Point of Ending.

RESOLVED, That the Mayor and Clerk are authorized to execute an agreement for the partial release of the easement after approval as to form by the City Attorney and as to substance by the City Administrator.

Councilmember Hunter moved that the resolution be approved.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Fink, Lumm, Grady, Stoll, Nicolas, Peterson, Stead, Mayor Sheldon, 9

Nays, 0

Absent for the Vote: Councilmember Hunter, 1

The Chair declared the motion carried.

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R-337-7-93 APPROVED

RESOLUTION AUTHORIZING PURCHASE OF PLYMOUTH ROAD RIGHT-OF-WAY FROM MICHIGAN DEPARTMENT OF TRANSPORTATION

Whereas, The City of Ann Arbor needs to acquire an easement in the parcel of land described below for the Plymouth Road right-of-way:

Commencing at the easterlymost corner of Lot 12 of Assessor's Plat No. 48, as recorded in Liber 16 of Plats, page 55, 56 and 57, Washtenaw County Records (said corner also being the intersection of the westerly right of way line of Barton Drive and the northerly right of way line of the Ann Arbor Railroad), thence along said northerly right of way line of the Ann Arbor Railroad N 50E 23' 30" E, 123.01 feet; thence S 39E 36' 30" E, 100.00 feet to a point on the southerly right of way line of the Ann Arbor Railroad (also being the northerly right of way line of Plymouth Road, 100 feet wide), thence N 50E 23' 30" E, 539.31 feet, thence easterly approximately 960 feet along said southerly right of way line of the Ann Arbor Railroad (also being the northerly right of way of Plymouth Road, 100 feet wide), to the easterly limit of the Ann Arbor Railroad property and the POINT OF BEGINNING;

thence deflecting to the left 90E and continuing 15.00 feet;

thence easterly 60.00 feet parallel to and 15.00 from the

southerly right of way line of the MDOT Railroad;

thence deflecting to the right 90° and continuing 15.00 feet, to a point on the southerly right of way line of the MDOT Railroad;

thence westerly 60.00 feet along said southerly right of way line of the MDOT Railroad to the POINT OF BEGINNING, containing 900 square feet or 0.021 acres of land more or less. Subject to easements and restrictions of record, if any; and

Whereas, The owner, the Michigan Department of Transportation, has agreed to sell the easement to the City for \$810;

RESOLVED, That this Council approves the acquisition of an easement in the above described parcel for \$810 and the Mayor and City Clerk are authorized to execute the documents necessary for the transfer; and

RESOLVED, That the funds for the acquisition shall come from funds previously appropriated for the acquisition of Right-of-Way for Plymouth Road.

Councilmember Hunter moved that the resolution be approved.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Fink, Lumm, Grady, Stoll, Nicolas, Peterson, Stead, Mayor Sheldon, 9  
Nays, 0  
Absent for the Vote: Councilmember Hunter, 1

The Chair declared the motion carried.

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R-338-7-93 APPROVED

RESOLUTION APPROVING THE WASHTENAW COUNTY/  
CITY OF ANN ARBOR COMMUNITY CORRECTIONS APPLICATION  
FOR FUNDS 1993-1994

Whereas, On August 6, 1989, by resolution 89-0219, the Washtenaw County Board of Commissioners established, in conjunction with the Ann Arbor City Council, a city/county Community Corrections Advisory Board pursuant to PA 511 of 1988;

Whereas, In November 1989, The Community Corrections Advisory Board held its

first meeting and has continued to meet on a monthly basis;

Whereas, Ann Arbor City Council approved the Washtenaw County/City of Ann Arbor Community Corrections Strategic Plan;

Whereas, Applications for 1993-94 funds are due August 1, 1993;

Whereas, The members of the Washtenaw County/City of Ann Arbor Community Corrections Advisory Board recommend approval of the 1993-94 application for funds and amendments to the Strategic Plan;

Whereas, The Plan has successfully assisted in diverting non-violent offenders from jail, provided treatment and educational services to reduce recidivism, improved jail utilization, reduced jail overcrowding, and increased efficiency in the use of corrections funds; and

Whereas, Recent changes have led to a closer relationship to the courts and probation department and a more effective use of community corrections staff and resources;

RESOLVED, That the Ann Arbor City Council approves the Washtenaw County/City of Ann Arbor Community Corrections FY 1993-94 application for funds and amendments to the Strategic Plan, and recommends forwarding the application to the State Board of Community Corrections.

Councilmember Hunter moved that the resolution be approved.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Fink, Lumm, Grady, Stoll, Nicolas, Peterson, Stead, Mayor Sheldon, 9  
Nays, 0  
Absent for the Vote: Councilmember Hunter, 1

The Chair declared the motion carried.

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R-339-7-93 APPROVED

RESOLUTION AUTHORIZING TERMINATION OF A PORTION OF  
EASEMENT AND ACCEPTANCE OF A GRANT OF EASEMENT  
FROM THE UNIVERSITY OF MICHIGAN INDUSTRIAL  
TECHNOLOGY INSTITUTE

Whereas, The City has an easement for the construction and maintenance of

sanitary sewers which is recorded in Liber 871, Page 41 Washtenaw County Records;

Whereas, The City now desires to vacate that portion of the easement which is described as follows:

Commencing at the southeast corner of Section 22, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan; thence west in the south line of the section 280.31 feet; thence deflecting 70<sup>E</sup> 55' 10" to the right 139.97 feet; thence on the same course 1786.15 feet; thence N 39<sup>E</sup> 38' 40" E 181.81 feet; thence east 225 feet; thence north 1180 feet to the POINT OF BEGINNING; thence east 858 feet to the POINT OF TERMINATION; and

Whereas, The Regents of the University of Michigan and Industrial Technology Institute have agreed to grant the City a new easement which will replace that portion of the previously referred to easement which is being vacated;

RESOLVED, That the City hereby relinquishes all its rights in the portion of the easement recorded in Liber 871, Page 41, Washtenaw County Records which is described above and the Mayor and City Clerk are authorized to execute documents to grant the release; and

RESOLVED, That the City accepts an easement for sanitary sewers described as follows:

Easement "A" = 30-Foot Wide Sanitary Sewer Easement

A 30-foot wide strip of land situated in the East 1/2 of Section 22 and the West 1/2 of Section 23, Town 2 South, Range 6 East, City of Ann Arbor, Washtenaw County, Michigan, the centerline of which is described as follows: Commencing at the East 1/4 corner of said Section 22, thence north 01<sup>E</sup> 12' 15" West 178.31 feet along the East line of said Section; thence North 47<sup>E</sup> 28' 39" East 354.87 feet to the POINT OF BEGINNING; thence South 47<sup>E</sup> 28' 29" West 415.27 feet; thence South 50<sup>E</sup> 00' 23" West 166.82 feet; thence North 85<sup>E</sup> 39' 46" West 442.69 feet to a point on the Easterly right-of-way line of Huron Parkway, said point being the POINT OF TERMINATION; and

A 30-foot wide strip of land situated in the East 1/2 of Section 22, Town 2 South, Range 6 East, City of Ann Arbor, Washtenaw County, Michigan the centerline of which is described as follows: Commencing at the East 1/4 corner of said Section 22, thence North 01<sup>E</sup> 12' 15" West 178.31 feet along the East line of said Section; thence South 47<sup>E</sup> 28' 29" West 60.40 feet to the POINT OF BEGINNING; thence North 09<sup>E</sup> 12' 43" West 199.20 feet to the POINT OF TERMINATION.

Councilmember Hunter moved that the resolution be approved.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Fink, Lumm, Grady, Stoll, Nicolas, Peterson, Stead, Mayor Sheldon, 9  
Nays, 0  
Absent for the Vote: Councilmember Hunter, 1

The Chair declared the motion carried.

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R-340-7-93 APPROVED

RESOLUTION TO GRANT SEWER SERVICE TO 1940 CHALMERS DRIVE

Whereas, The Washtenaw County Department of Environmental Services has inspected the property at 1940 Chalmers and has found its septic system field is saturated and nearing failure; and the owners have been ordered to stop discharge to the septic system;

Whereas, Daniel M. London and Kymberlie B. London, owners of the property at 1940 Chalmers Drive, on June 29, 1993 have requested that the City extend public sewer service to their property in Ann Arbor Township prior to the completion of the annexation process;

Whereas, Daniel M. London and Kymberlie B. London desire to enter into the standard agreement with the City which provide an equitable method of obtaining City service outside of its corporate boundaries; and

Whereas, On June 29, 1993 Daniel M. London and Kymberlie B. London petitioned the City for annexation under Planning Department File numbers 9353D23.1;

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

Councilmember Hunter moved that the resolution be approved.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Fink, Lumm, Grady, Stoll, Nicolas, Peterson, Stead, Mayor Sheldon, 9

Nays, 0

Absent for the Vote: Councilmember Hunter, 1

The Chair declared the motion carried.

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R-341-7-93 APPROVED

RESOLUTION TO APPROVE TREEHOUSE CONDOMINIUMS  
PRELIMINARY AND FINAL PHASE PUD 1-YEAR EXTENSION  
(1.57 Acre, east side of Mulholland Avenue,  
north of West Liberty Street)

Councilmember Lumm moved that the resolution be approved.

Councilmember Fink moved that the resolution be amended to add a fourth condition as follows:

- 4) A SCHEDULE OF CONSTRUCTION BE INCORPORATED IN THE SITE DEVELOPMENT AGREEMENT.

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

Councilmember Fink moved that the resolution be tabled to August 2, 1993.

On roll call the vote was as follows: Yeas, Councilmembers Fink, Lumm, 2

Nays, Councilmembers Hanna-Davies, Grady, Stoll, Nicolas, Peterson, Stead, Mayor Sheldon, 7

Absent for the vote: Councilmember Hunter, 1

The Chair declared the motion defeated.

The question under consideration is approval of the resolution as amended, on roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Fink, Lumm, Grady, Stoll, Nicolas, Mayor Sheldon, 7

Nays, Councilmembers Peterson, Stead, 2

Absent for the vote: Councilmember Hunter, 1

The Chair declared the motion carried.

Following is the resolution as approved:

R-341-7-93

RESOLUTION TO APPROVE TREEHOUSE CONDOMINIUMS  
PRELIMINARY AND FINAL PHASE PUD 1-YEAR EXTENSION  
(1.57 Acre, east side of Mulholland Avenue,  
north of West Liberty Street)

Whereas, Jack Schwarcz has requested a one-year extension for the Treehouse Condominiums Preliminary and Final Phase PUD in order to complete the project; and

Whereas, City departments have reviewed and commented on this request;

RESOLVED, That the Treehouse Condominiums Preliminary and Final Phase PUD One-Year Extension is hereby approved, contingent upon the following conditions being met prior to issuance of necessary permits:

- 1) The site development agreement must be signed by the petitioner.
- 2) The site plan must be revised to indicate natural features and floodplain limits, a natural features protection plan, a tree replacement plan for an existing landmark tree that has died since construction started, and a soil erosion control plan. In addition, the screened dumpster needs to be relocated out of the floodway.
- 3) A \$40,000 cash bond must be provided to cover the costs of completing improvements or restoring the site. The bond will be held until all improvements shown on the site plan are completed and certificates of occupancy are issued for all three duplex units.
- 4) A schedule of construction be incorporated in the site development agreement.

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R-342-7-93 APPROVED

RESOLUTION TO APPROVE FULLER BRIDGE SITE PLAN

A communication was received from the City Planning Commission transmitting its recommendation (Denial - 4 years and 1 nay) of the Fuller Bridge Site Plan, Fuller Road between Maiden Lane and Cedar Bend Drive.

Whereas, The City of Ann Arbor Public Services Department has requested site plan approval for Phase I of the Fuller Bridge construction project and postponement of a wetland mitigation plan until Phase II;

Whereas, The Ann Arbor City Planning Commission, on July 13, 1993, recommended denial of said request;

RESOLVED, That the Fuller Bridge (Phase I) Site Plan and postponement of the wetland mitigation plan requirement until Phase II design review are hereby approved.

Councilmember Stoll moved that the resolution be approved.

On roll call the vote was as follows: Yeas, Councilmembers Fink, Lumm, Grady, Stoll, Nicolas, Peterson, Stead, Mayor Sheldon, 8  
 Nays, Councilmember Hanna-Davies, 1  
 Absent for the Vote: Councilmember Hunter, 1

The Chair declared the motion carried.

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R-343-7-93 APPROVED

RESOLUTION TO APPROVE AGREEMENT WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION FOR THE FULLER ROAD BRIDGE PROJECT, PHASE I (\$1,525,554 TOTAL PROJECT COST)

Whereas, The Michigan Department of Transportation has allocated funds for the construction of a new bridge over the Huron River on Fuller Road;

Whereas, This project has been included in the City Capital Improvements plan and Transportation Improvement Plan;

Whereas, The estimated cost of the project is \$1,544,885 and is distributed as follows:

Estimated Cost Distribution

<u>Item</u>	<u>State</u>	<u>City</u>	<u>University</u>	<u>Total</u>	
Approach and Bridge Construction	\$1,021,053	\$37,396Γ	\$37,396Γ	\$1,095,845	
Construction Engineering and Testing, including City time.	0	\$86,445	\$86,445	\$172,890	
Design Engineering	0	\$95,000	\$95,000	\$190,000	*

Contingency	<u>      0</u>	<u>  \$43,075</u>	<u>  \$43,075</u>	<u>  \$86,150</u>
	\$1,021,053	\$261,916	\$261,916	\$1,544,885

\*Previously appropriated by Council Resolution No. R-12-1-93  
 †Includes non-State participating work items, plus 5% local share costs.

RESOLVED, That the Mayor and City Clerk are authorized and directed to execute contract number 93-1131 with the Michigan Department of Transportation for the Fuller Road Bridge Project, Phase I, over the Huron River;

RESOLVED, That \$333,832 be appropriated from the 1991 Street Millage (Fund 062) for the local share of project costs \$74,792 for construction, \$172,890 for construction engineering and testing, and \$86,150 for change orders to be approved by the Administrator);

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

RESOLVED, That any unobligated balance of the above appropriated funds be re-appropriated for succeeding fiscal years until the project is officially closed.

Councilmember Nicolas moved that the resolution be approved.

On roll call the vote was as follows: Yeas, Councilmembers Fink, Lumm, Grady, Stoll, Nicolas, Peterson, Stead, Mayor Sheldon, 8  
 Nays, Councilmember Hanna-Davies, 1  
 Absent for the Vote: Councilmember Hunter, 1

The Chair declared the motion carried.

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R-344-7-93 APPROVED

RESOLUTION TO APPROVE PROFESSIONAL SERVICES AGREEMENT  
 WITH SPALDING, DEDECKER, AND ASSOCIATES, INC. FOR  
 CONSTRUCTION ENGINEERING SERVICES FOR FULLER  
 ROAD BRIDGE PROJECT - PHASE I (\$137,889.89)

Whereas, It is necessary to employ a qualified professional engineering consulting firm to perform essential construction management, inspection, and staking services for the

Fuller Road Bridge Project - Phase I;

Whereas, The firm of Spalding, DeDecker, and Associates, Inc. has demonstrated the required experience, personnel and competitive fee schedule to perform the work;

Whereas, The Personnel/Human Rights Department approved said firm for said work on July 19, 1993;

Whereas, On July 19, 1993, with the approval of the agreement with the Michigan Department of Transportation, Council appropriated sufficient funds to cover the cost of said professional services;

RESOLVED, That Council authorize a professional services agreement in the standard City form in the amount of \$137,889.89 with Spalding, DeDecker, and Associates, Inc. for construction management, inspection, staking and testing services for the Fuller Road Bridge Project - Phase I;

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

RESOLVED, That the Mayor and Clerk are authorized and directed to execute said agreement after approval as to form by the City Attorney and approval as to substance by the City Administrator.

Councilmember Nicolas moved that the resolution be approved.

On roll call the vote was as follows: Yeas, Councilmembers Fink, Lumm, Grady, Stoll, Nicolas, Peterson, Stead, Mayor Sheldon, 8  
Nays, Councilmember Hanna-Davies, 1  
Absent for the Vote: Councilmember Hunter, 1

The Chair declared the motion carried.

## **COMMUNICATIONS FROM THE MAYOR**

### **APPOINTMENTS**

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

#### **PARK ADVISORY COMMISSION**

Kim C. Waldo, (to replace Austin Anderson upon term expiration)  
3423 Charing Cross Road

Term: 7-19-93 to 7-19-96

Councilmember Stead moved that Council concur in the recommendation of the Mayor.

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

Mayor Sheldon asked that the Council Rules be waived in order to consider the following appointments this date:

CITY PLANNING COMMISSION

Michael J. Rein (replacing Julie Creal as citizen representative)  
605 Hidden Valley Dr.  
Term: 07-19-93 to 06-30-94

HOUSING BOARD OF APPEALS

Ann Smith (reappointment)  
11 Ridgemor Dr.  
Term: 7-19-93 to 6-30-96

SOLID WASTE COMMISSION

Donald H. Gray (reappointment as Civil Engineering Representative)  
1704 Morton Ave.  
Term: 8-2-93 to 8-2-95

Mike Garfield (to fill vacancy as Recycling Industry representative)  
734 Spring St.  
Term: 8-2-93 to 8-2-95

Kevin Vander Tuig (to fill citizen-at-large vacancy)  
1545 Sheridan Dr.  
8-2-93 to 8-2-95

Councilmember Stead moved that the Council Rules be waived in order to vote on the above appointments this date.

On roll call the vote was as follows: Yeas, Councilmembers Fink, Lumm, Grady, Stoll, Nicolas, Peterson, Stead, Mayor Sheldon, 8  
Nays, Councilmembers Hanna-Davies, 1  
Absent for the Vote: Councilmember Hunter, 1

The Chair declared the motion carried.

The question under consideration is approval of the appointments recommended by Mayor

Sheldon.

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

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

TAXICAB BOARD

Gerald Lutz (reappointment)  
252 Crest St.  
Term: 8-2-93 to 4/96

AIRPORT ADVISORY COMMITTEE

Robert G. Smith (reappointment)  
1207 Ardmoor  
Term: 8-2-93 to 8-2-96

CITY/COUNTY COMMUNITY CORRECTIONS BOARD

Hon. John B. Collins, District #14B (reappointment)  
7200 S. Huron River Dr.  
Ypsilanti, MI. 48197  
Term: 8-2-93 to 8-2-95

Hon. Nancy Francis, Judge of Probate Court (reappointment)  
Juvenile Division  
2270 Platt Rd.  
Term: 8-2-93 to 8-2-95

Hon. Melinda Morris, Judge of Circuit Court (reappointment)  
101 E. Huron St., P.O. Box 8645  
Term: 8-2-93 to 8-2-95

Douglas Smith, Ann Arbor Police Chief (reappointment)  
100 N. Fifth Ave., P.O. Box 8647  
Term: 8-2-93 to 8-2-95

MICHIGAN COMMUNITY THEATER BOARD LIAISON

Robert C. Grady, Councilmember  
3290 Charing Cross Rd.  
Term: 8-2-93 to 4/94

ZONING BOARD OF APPEALS

Al Raymond (reappointment)  
2375 Mershon Dr.  
Term: 8-2-93 to 8-2-96

RECREATION ADVISORY COMMISSION

Steve Sheldon (reappointment)  
2352 Pinecrest Ave.  
Term: 9-1-93 to 8-31-96

AIRPORT ADVISORY COMMITTEE

Robert G. Smith (reappointment)  
1207 Ardmoor  
Term: 8-2-93 to 8-2-96

ANN ARBOR TRANSPORTATION AUTHORITY

Chris Grant (to replace Richard Beaupre upon term expiration)  
581 Huntington Dr.  
Term: 8-2-93 to 8-2-98

Chris Vaughan (to replace Gary Hentz upon term expiration)  
2836 Briarcliff  
Term: 8-2-93 to 8-2-98

**MEETING RECESSED**

Councilmember Grady moved that the meeting be recessed and be reconvened at 5:30 p.m., Tuesday, July 20, 1993, in the City Hall Council Chamber to consider the following remaining items on the agenda:

**MOTIONS AND RESOLUTIONS**

Resolution to Approve Professional Services Contract Amendment No. 1 and Establish a Project Budget for Phase 2 of the Process Control and Data Management Project, RFP No. 290 (\$538,000)  
**(Requires 8 Votes)**

Resolution to Approve Amendments to the Collective Bargaining Agreement Between the City of Ann Arbor and the Police Clerical Unit of Local 214 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America

Resolution Regarding the Procurement of the Materials Recycling Facility (Councilmembers Stead, Peterson, Stoll, Grady, Hunter, Hanna-Davies)

E - REPORTS FROM COUNCIL COMMITTEES

COUNCIL PROPOSED BUSINESS

F - COMMUNICATIONS FROM THE MAYOR

G - COMMUNICATIONS FROM THE CITY ADMINISTRATOR

- G-1 Monthly Statement of Revenues, Expenditures and Changes in the Fund Balance, through June 30, 1993, for Series A/B/C of the Environmental Bond
- G-2 Revenue/Expenditure Gap Analysis
- G-3 Federal Family and Medical Leave Act of 1993

H - COMMUNICATIONS FROM THE CITY ATTORNEY

COMMUNICATIONS FROM COUNCIL

I & J - CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were received: (I)

- I-1 Pittsfield Charter Township notice of public hearing on Digitax, Inc. Industrial Development District - File
- I-2 Saint Thomas The Apostle Church expressing gratitude for the Paige Street Resurfacing - Engineering and File

I-3 MichCon - No Objection to Oak Way Vacation - reported under  
Public Hearing - File

The following minutes were received and filed with the City Clerk: (J)

J-1 Ann Arbor Energy Commission - June 10, 1993

J-2 Ann Arbor Historic District Commission - June 10, 1993

#### PUBLIC COMMENTARY - GENERAL

#### ADJOURNMENT

On a voice vote, the Chair declared the motion carried unanimously and the meeting was recessed at 2:17 a.m.

Winifred W. Northcross  
Clerk of the Council

Linda J. Wise  
Recording Secretary