

EXECUTIVE SESSION - MARCH, 7, 1994

The executive session of the Ann Arbor City Council was called to order at 7:05 p.m. in the City Hall Council Chamber by Mayor Ingrid B. Sheldon.

ROLL CALL OF COUNCIL

PRESENT : Councilmembers Larry Hunter, Tobi Hanna-Davies, Jane Lumm, Robert C. Grady, Ulrich Stoll, Peter Nicolas, Julie Creal, David F. Stead, Mayor Ingrid B. Sheldon, 9.

ABSENT : Councilmembers Peter Fink, Thais Anne Peterson, 2.

MOTION TO CONVENE

Councilmember Hanna Davies moved and Councilmember Grady supported that an executive session of Council be convened for the purpose of a strategy session regarding the negotiation of collective bargaining agreements.

On a voice vote the Mayor declared the motion carried.

ADJOURNMENT

Councilmember Stead moved and Councilmember Hanna-Davies supported that the executive session of Council be adjourned and that the regular session of Council be convened.

On a voice vote, the Mayor declared the motion carried and the executive session adjourned at 7:42 p.m.

Janet L. Chapin
Acting Clerk of the Council
Recording Secretary

REGULAR SESSION - MARCH 7, 1994

The regular session of the Ann Arbor City Council was called to order at 7:42 p.m. in the City Hall Council Chamber by Mayor Ingrid B. Sheldon.

Council stood for one moment of silence.

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

ROLL CALL OF COUNCIL

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

ABSENT : 0.

INTRODUCTIONS

ARTRAIN MONTH PRESENTATION

Mayor Sheldon introduced Artrain Executive Director Deborah Polich-Swain, Board Chairman Ronald Wisner, and President David Griffith, and presented a proclamation dedicating March as Artrain Month in Ann Arbor. The proclamation recognizes the Artrain for establishing a permanent home in Ann Arbor.

PUBLIC COMMENTARY - RESERVED TIME

DAVID FANTERA - PROPOSAL A

David Fantera, 2367 Twin Lakes, Ypsilanti, Chairman of the Washtenaw County Republican Party, spoke in opposition to the proposed resolution opposing Proposal A on the March 15 special election ballot. Mr. Fantera stated that the information in the resolution is inaccurate and that it is inappropriate for City Council to take a formal position on an issue before the voters of Ann Arbor.

GERRY KELLEY - HURON HIGH SCHOOL

Gerry Kelley announced that a group of parent volunteers from Huron High School is organizing the first annual all-night senior party to provide a drug-free graduation night

celebration. Mr. Kelley stated that the event requires the support of the entire community, financially or through service.

KRIS OLSSON - WELLHEAD PROTECTION PROGRAM

Kris Olsson, representing the Huron River Watershed Council, spoke in support of the proposed resolution directing the City to participate in the Regional Drinking Water Wellhead Protection Program. Ms. Olsson stated that the program will help protect Ann Arbor's drinking water wells from possible contamination or problems of quantity.

KERMIT SCHLANSKER - ENERGY

Kermit Schlansker, 2960 Marshall St., expressed concern with possible environmental catastrophes, such as the lack of fuel, caused by society's wasteful and unproductive practices. Mr. Schlansker recommended that local governments establish federations to deal with these national problems since state and federal governments are incapable of doing so.

PUBLIC HEARINGS

ANDRES ZONING (ORDINANCE NO. 4-94)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 1.57 acres from TWP (Township District) to R1C (Single-Family Dwelling District), Andres property, 335 Pinewood Street. Notice of public hearing was published February 19, 1994.

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

BOULARD ZONING (ORDINANCE NO. 5-94)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.22 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Boulard property, 367 Pinewood Street. Notice of public hearing was published February 19, 1994.

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

CRAWFORD ZONING (ORDINANCE NO. 6-94)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.93 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Crawford property, 1985 Upland Drive. Notice of public hearing was published February 19, 1994.

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

GERICH ZONING (ORDINANCE NO. 7-94)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.28 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Gerich property, 580 Allison Drive. Notice of public hearing was published February 19, 1994.

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

GRAY ZONING (ORDINANCE NO. 8-94)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.41 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Gray property, 361 Barber Avenue. Notice of public hearing was published February 19, 1994.

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

HOGAN ZONING (ORDINANCE NO. 9-94)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.44 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Hogan property, 3822 Platt Road. Notice of public hearing was published February 19, 1994.

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

KANG ZONING (ORDINANCE NO. 10-94)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.92 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Kang property, 1928 and 1938 Upland Drive. Notice of public hearing was published February 19, 1994.

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

KANG LAND DIVISION

A public hearing was conducted on the proposed Kang Land Division, 0.92 acre, 1928 and 1938 Upland Drive. Notice of public hearing was published February 28, 1994.

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

LAKE ZONING (ORDINANCE NO. 11-94)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of

0.21 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Lake property, 3101 Dexter Road. Notice of public hearing was published February 19, 1994.

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

PACKARD HILLS WATER SYSTEM ZONING (ORDINANCE NO. 12-94)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.14 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Packard Hills Water System property, 1859 Robert Street. Notice of public hearing was published February 19, 1994.

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

TOWNSEND AND BOTTUM ZONING (ORDINANCE NO. 13-94)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 6.89 acres from TWP (Township District) to MI (Limited Industrial District) and O (Office District), Townsend and Bottum property, 2245 South State Street. Notice of public hearing was published February 19, 1994.

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

PROCEDURE FOR DIVISION OF PLATT LOTS (ORDINANCE NO. 29-94)

A public hearing was conducted on the proposed amendment to Chapter 57, Section 5:124 - Clarify the Procedure for the Division of Platted Lots. Notice of public hearing was published February 28, 1994.

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

EARLE BUILDING REVISED SITE PLAN

A public hearing was conducted on the proposed Earle Building Revised Site Plan, 0.2 acre, 121 West Washington Street. Notice of public hearing was published February 28, 1994.

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

PACKARD COMMUNITY CLINIC SITE PLAN

A public hearing was conducted on the proposed Packard Community Clinic Site Plan, 0.26 acre, 3174 Packard Road. Notice of public hearing was published February 28, 1994.

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

TAXICAB ORDINANCE (ORDINANCE NO. 16-94)

A public hearing was conducted on the proposed amendment to Chapter 85 - Taxicabs. This ordinance would add a definition for transfers of taxicab licenses and would prohibit smoking while the vehicle is carrying a fare. Notice of public hearing was published February 19, 1994.

The following person appeared:

Gerry Lutz, Taxicab Board Chairman, stated that the Taxicab Board concurs with the Police Department's request to exclude applicants with any felony conviction, rather than just excluding those with felony convictions involving violence. Mr. Lutz reported that research indicates that Ann Arbor's taxicab ordinance requirements are lenient compared to other Michigan cities.

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

APPROVAL OF AGENDAAGENDA APPROVED WITH CHANGES

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

MOTIONS AND RESOLUTIONS

Substitute: Resolution Concerning Recommendations of the Natural Features Ordinance Committee (Councilmembers Grady, Hanna-Davies, Stead) (Postponed February 23, 1994)

Delete: Resolution Regarding the Ann Arbor YMCA (Councilmember Hunter)

Add & Revise: Resolution Regarding Fiscal Year 1994-95 Budget Development Process (Councilmember ~~S Lumm~~, **CREAL, FINK AND NICOLAS**)

Add: Resolution Regarding the City Attorney's Evaluation (Councilmembers Hunter and Peterson)

CLERK'S REPORT

Add: Communication from the Ann Arbor Taxicab Board regarding proposed Taxicab Ordinance revision (Ordinance No. 16-94) - File.

Add: Communication from Ann Arbor Farmers' Market Commission regarding parking proposal for Farmers' Market/ Kerrytown area - File.

Councilmember Lumm moved that the following resolution be deleted from the agenda:

Delete: Resolution Regarding Parking Rates for First Centrum Corporation, Inc. (Councilmembers Hanna-Davies, Hunter, Lumm, Nicolas) (Postponed February 14 and February 23, 1994)

On a voice vote the Mayor declared the motion carried.

The question being approval of the agenda as moved by Councilmember Hunter with the deletion of the Resolution Regarding Parking Rates for First Centrum Corporation, Inc.

On a voice vote the Chair declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF FEBRUARY 7, 9 AND 14 APPROVED

Councilmember Hunter moved that the regular session minutes of February 7, 1994, the special session minutes of February 9, 1994, and the continued regular session minutes of February 14, 1994 be approved, with the following correction to the February 14, 1994 minutes:

R-39-2-94 APPROVED AS AMENDED

RESOLUTION TO AMEND PROFESSIONAL
SERVICES AGREEMENT WITH WASHTENAW ENGINEERING
COMPANY, INC. FOR DESIGN ENGINEERING SERVICES
FOR THE FULLER ROAD PROJECT

...Councilmember <Lumm> **HANNA-DAVIES** moved that the following paragraph be added to the resolution:

RESOLVED, That the City Administrator be directed by City Council to seek substantial funding from the University of Michigan for both the design and the construction....

On a voice vote the Mayor declared the motion carried.

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-59-3-94 APPROVED

RESOLUTION TO APPROVE ETZEL-BELL ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Etzel-Bell Annexation, 0.22 acre, Lot 37 of The Evergreens Subdivision, Pinewood Street.

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, Diane Etzel-Bell is the owner of said property; and

Whereas, It is the desire of Diane Etzel-Bell 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 37, The Evergreens Subdivision, Washtenaw County, Michigan.

R-60-3-94 APPROVED

RESOLUTION TO APPROVE THE EARLE BUILDING REVISED SITE PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Earle Building Revised Site Plan, 0.2 acre, 121 West Washington Street.

Whereas, Cooperative Investment has requested revised site plan approval in order to construct a three-story, 5,213-square foot addition; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of February 15,

1994, recommended approval of said request;

RESOLVED, By the Mayor and City Council that the Earle Building Revised Site Plan be hereby approved.

R-61-3-94 APPROVED

RESOLUTION TO APPROVE PACKARD
COMMUNITY CLINIC SITE PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Packard Community Clinic Site Plan, 0.26 acre, 3174 Packard Road.

Whereas, Packard Community Clinic has requested site plan approval in order to construct a 1,352-square foot addition; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of February 15, 1994, recommended approval of said request;

RESOLVED, By the Mayor and City Council that the Packard Community Clinic Site Plan be hereby approved.

R-62-3-94 APPROVED

RESOLUTION TO APPROVE AGREEMENT WITH
MICHIGAN DEPARTMENT OF TRANSPORTATION FOR
THE FULLER ROAD BRIDGE PROJECT - PHASE II

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

Whereas, This project has been included in the City Capital Improvements Plan as Project No. E16 and the Transportation Improvement Plan; and

Whereas, The estimated cost of the project is \$1,493,117 and is distributed as follows:

Estimated Cost Distribution

Item	State	MBT	City	University	Total
Approach and Bridge Construction	1,000,000	0	30,000 *	30,000 **	1,060,000
MBT Temporary Cable Relocation	0	136,117	0	0	136,117 **
Construction Engineering, Testing and Inspection	0	0	106,000	106,000	212,000
Contingency	<u>0</u>	<u>0</u>	<u>42,500</u>	<u>42,500</u>	<u>85,000</u>
	\$1,000,000	\$136,117	\$178,500	\$178,500	\$1,493,117

* Includes Non-State Participating Work Items, plus 5% local share costs.

** Will be fully reimbursed by the Michigan Bell Telephone Company.

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute contract number 94-0011 with the Michigan Department of Transportation for the Fuller Road Bridge Project, Phase II, over the Huron River;

RESOLVED, That \$357,000 be appropriated from the 1991 Street Millage (Fund 062) for the local share of project costs (\$60,000 for construction; \$212,000 for construction engineering, testing and inspection; and \$85,000 for contingencies) and change orders to be approved by the Administrator;

RESOLVED, That the City Administrator be 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.

R-63-3-94 APPROVED

RESOLUTION TO APPROVE PROFESSIONAL
SERVICES AGREEMENT WITH TESTING ENGINEERS AND
CONSULTANTS, INC. FOR CONSTRUCTION TESTING SERVICES
FOR FULLER ROAD BRIDGE PROJECT - PHASE II

Whereas, It is necessary to employ a qualified professional engineering firm to perform essential construction material testing services for the Fuller Road Bridge Project - Phase II;

Whereas, The firm of Testing Engineers and Consultants, Inc. has demonstrated the required experience, personnel, and competitive fee schedule to perform the work; and

Whereas, The Human Resources Department approved said firm for said work on February 16, 1994;

RESOLVED, That Council authorize a professional services agreement in the standard City form in the amount of \$46,825.00 with Testing Engineers and Consultants, Inc. for construction material testing services for the Fuller Road Bridge Project - Phase II;

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

RESOLVED, That the Mayor and Clerk be 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.

R-64-3-94 APPROVED

RESOLUTION TO APPROVE AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH SPALDING, DE DECKER AND ASSOCIATES, INC. FOR FULLER ROAD BRIDGE PROJECT - PHASE II

Whereas, Council approved the second phase of the Fuller Road Bridge Project on February 7, 1994, and this project is contained in the Capital Improvements Plan as Project No. E16;

Whereas, On July 19, 1993, Council approved Resolution No. R-344-7-93, which approved a professional services agreement with the firm of Spalding, DeDecker, and Associates, Inc. to provide essential construction engineering services; and

Whereas, It has become necessary to modify this agreement to include additional construction engineering services for the Phase II portion of the project;

RESOLVED, That an amendment to the professional services agreement in the amount of \$36,831.82 with Spalding, DeDecker, and Associates, Inc. be approved;

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

RESOLVED, That the Mayor and City Clerk be authorized and directed to sign the agreement after it has been approved as to form by the City Attorney and approved as to

substance by the City Administrator.

R-65-3-94 APPROVED

RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO SUN ENVIRONMENTAL SYSTEMS, INC. AND ESTABLISH A PROJECT BUDGET FOR THE CONSTRUCTION OF PURGE WELL DISCHARGE LINE - BID NO. 2535

Whereas, It is required to construct discharge lines to operate the new purge wells north of the Phase I Landfill;

Whereas, Sun Environmental Systems, Inc. of Southfield, Michigan, has submitted to the City on February 17, 1994 a bid for said work in the total amount of \$21,379.50 which amount is the lowest responsible bid;

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

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

Whereas, The Human Resources Department has, on February 23, 1994, approved said company for said construction project;

RESOLVED, That a contract in the amount of \$21,379.50 be awarded to Sun Environmental Systems, Inc. for the construction of the purge well discharge line;

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

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

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

Section I - Revenue

<u>\$30,380.00</u>	Environmental Bond, Phase I Remediation, Fund 097
\$30,380.00	TOTAL

Section II - Expense

\$21,380.00	Construction contract
6,000.00	Direct labor, material, user fee, etc.
<u>\$ 3,000.00</u>	Contingencies approved by City Administrator
\$30,380.00	TOTAL

R-66-3-94 APPROVED

RESOLUTION NO. 2 - PREPARE ASSESSMENT ROLL
FOR BURTON ROAD WATER MAIN PROJECT

Whereas, The City Council has directed and ordered the City Administrator to have prepared plans, specifications and estimates of cost for a water main described as follows:

Burton Road - Approximately 1,600 LF of 8" water main along Burton Road from Packard Road northerly to an existing 8" water main about 350N south of Eli Drive.

File No. 93028; District No. 93028; and

Whereas, The City Administrator has had the same prepared and has filed the same with the City Clerk together with his recommendations as to what part of the cost thereof should be paid by special assessment and what part should be paid by the City at large, the number of installments in which the special assessments may be paid, and the lands which should be included in the special assessment district; and

Whereas, The same has been presented to the City Council and examined and reviewed by the Council:

RESOLVED,

1. That the plans, specifications, estimate of cost, and the recommendations of the City Administrator be filed with the City Clerk and be available for public examination;

2. That the plans, specifications, estimate of cost, and recommendations of the City Administrator for said improvements as filed with the City Clerk by the City Administrator and presented to the Council be approved;

3. That the City Council hereby determine to proceed with the acquisition and construction of the water main described as follows:

Burton Road - Approximately 1,600 L.F. of 8" water main along Burton Road from Packard Road northerly to an existing 8" water main about 350 ft. south of Eli Drive;

4. That the City Council determine the cost of said improvement, including all incidentals, to be \$167,200.00, and that of said total cost, the sum of \$75,876.84 be paid by special assessment upon the property specially benefited within the City, and that a sum of \$69,514.06 be paid by the City as City share future recoverable (Land inside the City), and the balance of the cost thereof, \$21,809.10 be paid by the City at large;

5. That an amount of \$167,200.00 be advanced from the Water Supply System Fund pending the sale of the appropriate bonds;

6. That the following described lots and parcels of land be designated as constituting the special assessment district against which the cost of said improvement shall be assessed, or against which an improvement charge shall, pursuant to Section 1.278 of the City Code, be levied:

PROPERTY SHARE
(Special Assessment)

<u>ASSESSOR'S</u> <u>CODE</u>	<u>OWNER</u>	<u>FRONTAGE</u>	<u>COST</u>	<u>ESTIMATED</u>
12-02-409-003 Lot 10	Child & Family Service 704 Spring St. Ann Arbor, MI 48103	160.80 ft.		\$ 8,409.84
12-02-409-004 Lot 11	Child & Family Service 2301 Platt Rd. Ann Arbor, MI 48108	129.00 ft.		\$ 6,746.70
12-02-409-005 Lot 12	Child & Family Service 2301 Platt Rd. Ann Arbor, MI 48108	129.00 ft.		\$ 6,746.70
12-02-409-021 Lot 13	Marie Norman 2825 Burton Rd. Ann Arbor, MI 48104	129.00 ft.		\$ 6,746.70
12-02-409-006 Lot 14	Leveille & Pauris 4788 Washtenaw Ave. Ann Arbor, MI 48104	129.00 ft.		\$ 6,746.70
12-02-409-020 Lot 15	Emma Vandenbosch 881 Harwood	129.00 ft.		\$ 6,746.70

Madison Heights, MI 48071

12-02-409-022	Rodney Lotz	258.00 ft.	\$13,493.40
Lots 16 & 17 2725 Burton Rd.			
Ann Arbor, MI 48104			
12-02-409-017	Thomson Mehran	129.00 ft.	\$ 6,746.70
Lot 18	3612 Huron River Dr.		
Ann Arbor, MI 48104			
12-02-409-016	Thomson Mehran	129.00 ft.	\$ 6,746.70
Lot 19	3612 Huron River Dr.		
Ann Arbor, MI 48104			
12-02-409-007	Burton Co-Partnership	129.00 ft.	\$ 6,746.70
Lot 20	3612 Huron River Dr.		
Ann Arbor, MI 48104			
TOTAL			\$75,876.84

CITY SHARE FUTURE RECOVERABLE
(Land inside the City)

ASSESSOR'S			ESTIMATED
<u>CODE</u>	<u>OWNER</u>	<u>FRONTAGE</u>	<u>COST</u>
12-02-408-070	Treml & Griffith	1,329.14 ft.	\$69,514.06
2703 Lillian Rd.			
Ann Arbor, MI 48104			

7. That the City Assessor be hereby directed to prepare a special assessment roll in accordance with the foregoing determinations of the City Council, and to file the same, together with his certificate attached thereto, with the City Clerk for presentation to the City Council.

R-67-3-94 APPROVED

RESOLUTION NO. 3 - SET PUBLIC HEARING DATE
FOR BURTON ROAD WATER MAIN PROJECT

Whereas, The City Council has ordered the City Assessor to prepare a special assessment roll for the purpose of defraying that part of the cost of the following described water main:

Burton Road Water Main, District No. 93028, File No. 93028;

and

Whereas, The City Assessor has prepared said special assessment roll and has the same on file in the Assessor's Office with his certificate attached thereto;

RESOLVED,

1. That said special assessment roll be on file in the Office of the City Assessor and shall be made available for public examination;

2. That the City Council meet on March 21, 1994, at 7:30 p.m., in the City Hall Council Chamber in said city for the purpose of reviewing said special assessment roll;

3. That the City Clerk give notice of said hearing to review the special assessment roll by having notice thereof published in The Ann Arbor News not less than 10 full days prior to the date of hearing, and by mailing notice at least 10 days prior to the date of hearing to the owner of each lot and parcel of land subject to the assessment, as indicated by the records of the City Assessor's Office; and

4. That said notice so published and mailed be in substantially the following form:

NOTICE OF REVIEW OF
SPECIAL ASSESSMENT ROLL

PLEASE TAKE NOTICE That the City Council has caused to be prepared a special assessment roll for the purposes of defraying the private property's share of the cost of water main described as follows:

Burton Road Water Main - approximately 1,600 LF of 8" water main along Burton Road from Packard northerly to an existing 8" water main about 350' south of Eli Drive, District No. 93028, File No. 93028.

TAKE FURTHER NOTICE That the property to be included in said special assessment district is as follows:

ASSESSOR'S CODE

PROPERTY OWNER

PROPERTY SHARE

12-02-409-003	Child & Family Service 704 Spring St. Ann Arbor, MI 48103	\$ 8,409.84
12-02-409-004	Child & Family Service 2301 Platt Rd. Ann Arbor, MI 48108	\$ 6,746.70
12-02-409-005	Child & Family Service 2301 Platt Rd. Ann Arbor, MI 48108	\$ 6,746.70
12-02-409-006	Leveille & Pauris 4788 Washtenaw Ave. Ann Arbor, MI 48104	\$ 6,746.70
12-02-409-007	Burton Co-Partnership 3612 Huron River Dr. Ann Arbor, MI 48104	\$ 6,746.70
12-02-409-016	Thomson Mehran 3612 Huron River Dr. Ann Arbor, MI 48104	\$ 6,746.70
12-02-409-017	Thomson Mehran 3612 Huron River Dr. Ann Arbor, MI 48104	\$ 6,746.70
12-02-409-020	Emma Vandebosch 881 Harwood Madison Heights, MI 48071	\$ 6,746.70
12-02-409-021	Marie Norman 2825 Burton Rd. Ann Arbor, MI 48104	\$ 6,746.70
12-02-409-022	Rodney Lotz 2725 Burton Rd. Ann Arbor, MI 48104	\$13,493.40
	TOTAL PROPERTY SHARE	\$75,876.84

TAKE FURTHER NOTICE That said special assessment roll is on file in the Office of the City Assessor and is available for public examination.

TAKE FURTHER NOTICE That the City Council will meet on March 21, 1994, at 7:30 p.m., in the City Hall Council Chamber, for the purpose of reviewing said special assessment roll. Any person aggrieved by the special assessment roll or the necessity of the improvement may file his/her objections thereto in writing prior to the close of said hearing.

TAKE FURTHER NOTICE That appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the clerk prior to the close of said hearing and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

City Clerk

R-68-3-94 APPROVED

RESOLUTION NO. 3 - SET PUBLIC HEARING DATE
FOR MURRAY COURT WATER MAIN PROJECT

Whereas, The City Council has ordered the City Assessor to prepare a special assessment roll for the purpose of defraying that part of the cost of the following described water main:

Murray Court Water Main, District No. 93103, File No. 93103;

and

Whereas, The City Assessor has prepared said special assessment roll and has the same on file in the Assessor's Office with his certificate attached thereto;

RESOLVED,

1. That said special assessment roll be on file in the Office of the City Assessor

and shall be made available for public examination;

2. That the City Council meet on March 21, 1994, at 7:30 p.m. in the City Hall Council Chamber in said city for the purpose of reviewing said special assessment roll;

3. That the City Clerk give notice of said hearing to review the special assessment roll by having notice thereof published in The Ann Arbor News not less than 10 full days prior to the date of hearing, and by mailing notice at least 10 days prior to the date of hearing to the owner of each lot and parcel of land subject to the assessment, as indicated by the records of the City Assessor's Office; and

4. That said notice so published and mailed be in substantially the following form:

**NOTICE OF REVIEW OF
SPECIAL ASSESSMENT ROLL**

PLEASE TAKE NOTICE That the City Council has caused to be prepared a Special Assessment Roll for the purposes of defraying the private property's share of the cost of water main described as follows:

Murray Court Water Main, District No. 93103, File No. 93103.

TAKE FURTHER NOTICE That the property to be included in said special assessment district is as follows:

<u>ASSESSOR'S CODE</u>	<u>PROPERTY OWNER</u>	<u>PROPERTY SHARE</u>
09-29-209-018	Anderson, Brenda J. 811 Murray Ct. Ann Arbor, MI 48103	\$ 4,000.00
09-29-209-019	Wilton, James V. 513 Oswego St. Ann Arbor, MI 48104	\$ 4,000.00
09-29-209-020	Gage, John P. 819 Murray Ct. Ann Arbor, MI 48103	\$ 4,000.00
	TOTAL PROPERTY SHARE	\$12,000.00

TAKE FURTHER NOTICE That said special assessment roll is on file in the Office of the City Assessor and is available for public examination.

TAKE FURTHER NOTICE That the City Council will meet on March 21, 1994, at 7:30 p.m., in the City Hall Council Chambers, for the purpose of reviewing said special assessment roll. Any person aggrieved by the special assessment roll or the necessity of the improvement may file his/her objections thereto in writing prior to the close of said hearing.

TAKE FURTHER NOTICE That appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the clerk prior to the close of said hearing and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

City Clerk

R-69-3-94 APPROVED

RESOLUTION TO APPROVE AGREEMENT WITH
TELECOMMUNICATIONS CONSULTANT

Whereas, The City of Ann Arbor has employed Donald Eschelbach as a part-time telecommunications consultant since July, 1986 in the Purchasing Division of Administrative Services;

Whereas, Mr. Eschelbach has successfully performed all of the services requested of him in an efficient and cost-effective manner; and

Whereas, Mr. Eschelbach is willing to serve as our telecommunications consultant for one year at the rate of \$18.57 per hour, 8 hours per day, approximately 4-1/2 days per week;

RESOLVED, That City Council award this one-year contract for telecommunications technician - consultant to Donald Eschelbach in the amount of \$35,000.00 per year; and

RESOLVED, That the Mayor and City Clerk be 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.

Source of Funds: Purchasing Division - 1993/94 approved budget

R-70-3-94 APPROVED

RESOLUTION TO INCREASE PURCHASE ORDER
FOR ICE CONTROL SALT - BID NO. 2456

Whereas, The City places salt on major and local streets during the winter months in response to snow and ice accumulation;

Whereas, The Transportation Department uses ice control salt in substantial compliance with the standards of practice endorsed by the National Salt Institute with care given to achieving the balance between traffic safety and environmental effects;

Whereas, Competitive bids were sought for the supply of ice control salt and Morton International, Inc. submitted the lowest responsible bid;

Whereas, Morton International, Inc. received Human Rights approval on March 1, 1994, and

Whereas, Sufficient funds have been budgeted in the Transportation Division's Major and Local Streets to fund the proposed expenditures; and

Whereas, Purchase Order R-391-9-93 was authorized in the amount of \$203,400 (7500 tons @ \$27.12/ton);

RESOLVED, That Council approve the increase of \$27,120.00 for the purchase of up to 1,000 additional tons of ice control salt with Morton International, Inc. in the amount of \$27.12 per ton, in accordance with the terms of Bid No. 2456.

R-71-3-94 APPROVED

RESOLUTION TO INCREASE PURCHASE ORDER
FOR GRAVEL AND SAND - BID NO. 2416

Whereas, The City of Ann Arbor Purchasing Division received proposals in response to Bid No. 2416 "Operating Materials - 22A Gravel, Class II Sand, ...";

Whereas, Niethammer Transport, Inc. was the lowest responsible bidder for 22A gravel and Class II sand;

Whereas, On February 9, 1994 the Human Resources Department approved Niethammer Transport, Inc. to provide these services;

Whereas, A purchase order in the amount of \$14,000.00 was issued to Niethammer Transport, Inc. to supply the estimated amounts of these two materials to the Utilities Department; and

Whereas, Due to a colder than average winter, resulting in a higher than average number of water main breaks, the Utilities Department's consumption of 22A gravel and Class II sand has increased;

RESOLVED, That Council approve a change order in the amount of \$14,000.00 to Purchase Order S4-1349-76 to Niethammer Transport, Inc. for 22A gravel and Class II sand, resulting in a total purchase order amount of \$28,500.00; and that the City Administrator be directed to authorize a change order in the amount of \$14,000.00 for 22A gravel and Class II sand.

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

ORDINANCES - SECOND READING

4-94 APPROVED

ANDRES 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 1.57 acre, located at 335 Pinewood Street, from TWP (Township District) to R1C (Single-Family Dwelling District).

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

On roll call the vote was as follows:

Yeas, Councilmembers Grady, Stoll, Nicolas, Stead, Hunter, Hanna-Davies, Fink, Lumm, Mayor Sheldon, 9;

Nays, 0;

Absent during vote, Councilmembers Creal, Peterson, 2.

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

5-94 APPROVED

BOULARD 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 367 Pinewood Street, from TWP (Township District) to R1C (Single-Family Dwelling District).

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

On roll call the vote was as follows:

Yeas, Councilmembers Grady, Stoll, Nicolas, Stead, Hunter, Hanna-Davies, Fink, Lumm, Mayor Sheldon, 9;

Nays, 0;

Absent during vote, Councilmembers Creal, Peterson, 2.

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

6-94 APPROVED

CRAWFORD 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 0.93 acre, located at 1985 Upland Drive, from TWP (Township District) to R1C (Single-Family Dwelling District).

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

On roll call the vote was as follows:

Yeas, Councilmembers Grady, Stoll, Nicolas, Stead, Hunter, Hanna-Davies, Fink, Lumm, Mayor Sheldon, 9;

Nays, 0;

Absent during vote, Councilmembers Creal, Peterson, 2.

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

7-94 APPROVED

GERICH 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 0.28 acre, located at 580 Allison Drive, from TWP (Township District) to R1C (Single-Family Dwelling District).

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

On roll call the vote was as follows:

Yeas, Councilmembers Grady, Stoll, Nicolas, Stead, Hunter, Hanna-Davies, Fink, Lumm, Mayor Sheldon, 9;

Nays, 0;

Absent during vote, Councilmembers Creal, Peterson, 2.

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

8-94 APPROVED

GRAY 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 361 Barber Avenue, from TWP (Township District) to R1C (Single-Family Dwelling District).

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

On roll call the vote was as follows:

Yeas, Councilmembers Grady, Stoll, Nicolas, Stead, Hunter, Hanna-Davies, Fink, Lumm, Mayor Sheldon, 9;

Nays, 0;

Absent during vote, Councilmembers Creal, Peterson, 2.

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

9-94 APPROVED

HOGAN 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 0.44 acre, located at 3822 Platt Road, from TWP (Township District) to R1C (Single-Family Dwelling District).

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

On roll call the vote was as follows:

Yeas, Councilmembers Grady, Stoll, Nicolas, Stead, Hunter, Hanna-Davies, Fink, Lumm, Mayor Sheldon, 9;

Nays, 0;

Absent during vote, Councilmembers Creal, Peterson, 2.

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

10-94 APPROVED

KANG 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 0.92 acre, located at 1928 and 1938 Upland Drive, from TWP (Township District) to R1C (Single-Family Dwelling District).

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

On roll call the vote was as follows:

Yeas, Councilmembers Grady, Stoll, Nicolas, Stead, Hunter, Hanna-Davies, Fink, Lumm, Mayor Sheldon, 9;

Nays, 0;

Absent during vote, Councilmembers Creal, Peterson, 2.

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

11-94 APPROVED

LAKE 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 3101 Dexter Road, from TWP (Township District) to R1C (Single-Family Dwelling District).

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

On roll call the vote was as follows:

Yeas, Councilmembers Grady, Stoll, Nicolas, Stead, Hunter, Hanna-Davies, Fink, Lumm, Mayor Sheldon, 9;

Nays, 0;

Absent during vote, Councilmembers Creal, Peterson, 2.

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

12-94 APPROVED

PACKARD HILLS WATER SYSTEM 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 0.14 acre, located at 1859 Robert Street, from TWP (Township District) to R1C (Single-Family Dwelling District).

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

On roll call the vote was as follows:

Yeas, Councilmembers Grady, Stoll, Nicolas, Stead, Hunter, Hanna-Davies, Fink, Lumm, Mayor Sheldon, 9;

Nays, 0;

Absent during vote, Councilmembers Creal, Peterson, 2.

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

13-94 APPROVED

TOWNSEND AND BOTTUM ZONING

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

This ordinance would change the zoning of 6.89 acres, located at 2245 South State Street, from TWP (Township District) to M1 (Limited Industrial District) and O (Office District).

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

On roll call the vote was as follows:

Yeas, Councilmembers Grady, Stoll, Nicolas, Stead, Hunter, Hanna-Davies, Fink, Lumm, Mayor Sheldon, 9;

Nays, 0;

Absent during vote, Councilmembers Creal, Peterson, 2.

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

29-94 APPROVED

PROCEDURE FOR DIVISION OF PLATTED LOTS

An Ordinance to Amend Section 5:124 of Chapter 57 of Title V of the Code of the City of Ann Arbor

This ordinance would clarify procedures for the division of platted lots.

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

On roll call the vote was as follows:

Yeas, Councilmembers Grady, Stoll, Nicolas, Stead, Hunter, Hanna-Davies, Fink, Lumm, Mayor Sheldon, 9;

Nays, 0;

Absent during vote, Councilmembers Creal, Peterson, 2.

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

15-94 POSTPONED

REMOVE RESTRICTIONS ON POLITICAL SIGNS

An Ordinance to Amend Sections 5:506 and 5:507 of Chapter 61 of Title V of the Code of the City of Ann Arbor

This ordinance would modify the distance a political sign may be erected from a polling place, would remove the time limitation for political signs erected at a polling place, and would remove political signs from the list of prohibited signs.

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

Councilmember Grady moved that the ordinance be postponed to the March 21, 1994 regular session of Council.

On a voice vote the Mayor declared the motion carried and the ordinance postponed at second reading.

16-94 APPROVED

TAXICABS

An Ordinance to Amend Chapter 85 of
Title VII of the Code of the City of Ann Arbor

This ordinance would add a definition for transfers of taxicab licenses and would prohibit smoking while the vehicle is carrying a fare.

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

Councilmember Grady moved that Section 7:164 be amended as follows:

7:164. Smoking Prohibited.

No person shall smoke in a <vehicle which is carrying a fare> **TAXICAB**.

After further discussion, the amendment was withdrawn.

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

Yeas, Councilmembers Grady, Stoll, Nicolas, Creal, Peterson, Stead, Hunter, Fink, Lumm, Mayor Sheldon, 10;

Nays, Councilmember Hanna-Davies, 1.

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

ORDINANCES - FIRST READING

None.

MOTIONS AND RESOLUTIONS

R-72-3-94 APPROVED

RESOLUTION TO APPROVE KANG LAND DIVISION

A communication was received from the City Planning Commission transmitting its recommendation of technical denial (5 yeas, 0 nays) of the proposed Kang Land Division, 0.92 acre, 1928 and 1938 Upland Drive.

Whereas, Bo Kang has requested land division approval in order to divide a 40,243-square foot parcel on Upland Drive into two separate parcels; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of May 18, 1993, recommended approval of said request;

RESOLVED, By the Mayor and City Council that the Kang Land Division be hereby approved.

Councilmember Lumm moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-73-3-94 APPROVED AS AMENDED

RESOLUTION CONCERNING RECOMMENDATIONS OF
THE NATURAL FEATURES ORDINANCE COMMITTEE

A resolution concerning the recommendations of the Natural Features Ordinance Committee was considered.

Councilmember Stead moved that the resolution be adopted.

Councilmember Creal moved that the seventh paragraph of the resolution be amended as follows:

RESOLVED, That the Committee be further charged to assess the nature and feasibility, **INCLUDING COMMENTS OF CITY STAFF**, of natural features ordinances, regulations, or guidelines, which may include such concepts as...

On a voice vote the Mayor declared the motion carried.

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

The resolution as adopted reads as follows:

R-73-3-94

RESOLUTION CONCERNING RECOMMENDATIONS OF
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 of 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, In July 1993, the Council charged the Natural Features Ordinance Committee to report in fall 1993 the status of its continued review and deliberations to date concerning the previously proposed Natural Features Ordinance and the just noted

ordinances and resolution; and

Whereas, The Natural Features Ordinance Committee did report to Council on November 1, 1993, and requested, among other things, that Council reaffirm the Committee's charge of July 15, 1991, so the Committee can recommend to City Council further actions consistent with that charge and with the community's interest in preserving its heritage of natural features for future generations;

RESOLVED, That the role of the Natural Features Ordinance Committee, created by Council resolution of July 15, 1991, be reaffirmed;

RESOLVED, That the Natural Features Ordinance Committee make specific recommendations to Council within sixty days for revisions to existing ordinances, regulations, and guidelines that reconcile conflicting or unenforceable aspects of them, and Council may refer these recommendations to the Planning Commission for its review;

RESOLVED, That the Committee be further charged to assess the nature and feasibility, including comments of City staff, of natural features ordinances, regulations, or guidelines, which may include such concepts as natural features districts for the protection, management, enjoyment, identification, and controlled use of woodlands, landmark trees, and hedgerows; and

RESOLVED, That the Natural Features Ordinance Committee further deliberate, with appropriate members of City staff from Planning, Building, Engineering, Parks (including the City Forester), and City Attorney's Office participating as requested by the Committee, in order to make recommendations to the City Council within six months and Council may refer these recommendations to the Planning Commission for its review in FY 1994-95.

R-74-3-94 APPROVED

RESOLUTION TO APPROVE GENERAL FUND AGREEMENT WITH THE ANN ARBOR YMCA

Whereas, The Ann Arbor YMCA provides 100 single room occupancy (SRO) units available to very low income residents;

Whereas, The City assisted the Ann Arbor YMCA with the residence addition project in order to meet a community need relating to the provision of affordable housing; and

Whereas, The request from the YMCA was reviewed by the Housing Policy Board

with a recommendation to not approve additional funding to the YMCA;

RESOLVED, That City Council approve the General Fund Agreement with the Ann Arbor YMCA in the amount of \$12,471.00 using General Funded Housing Trust Funds within the Community Development Budget;

RESOLVED, That the YMCA continue to work on the special conditions outlined and provide the information required to the City Administrator on a monthly basis; and

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

Councilmember Nicolas moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

(See motion to reconsider this resolution, prior to motion to recess the meeting until March 14, 1994)

TABLED

RESOLUTION AUTHORIZING AMENDMENT TO
NON-UNION PAY SCHEDULES TO INCORPORATE
FISCAL YEAR 1993-94 SALARY ADJUSTMENT

Whereas, The City Administrator traditionally recommends to City Council, on or about July 1, a yearly adjustment to the non-union pay schedules to allow for a non-union pay increase;

Whereas, The amount of this increase historically follows a pattern set by the result of union labor contracts and is solely dependent upon the economic health of the City;

Whereas, City Council approved a two (2) percent non-union pay increase in the 1992-1993 Fiscal Year; and

Whereas, On-going contract negotiations have forced a delay of this recommendation until this date;

RESOLVED, That the City Administrator be authorized to take all administrative action to amend all non-union pay schedules to incorporate a three (3) percent non-union pay increase in FY 1993-1994; and

RESOLVED, That these increases be retroactive to July 1, 1993.

Councilmember Nicolas moved that the resolution be adopted.

Councilmember Hunter moved that the resolution be tabled indefinitely.

On roll call the vote was as follows:

Yeas, Councilmembers Grady, Stoll, Peterson, Stead, Hunter, Hanna-Davies, 6;

Nays, Councilmembers Nicolas, Creal, Fink, Lumm, Mayor Sheldon, 5.

The Mayor declared the motion carried and the resolution tabled.

R-75-3-94 APPROVED

RESOLUTION TO OPPOSE PROPOSAL A

Whereas, Proposal A, a proposal to raise the state sales tax from 4 to 6 percent, is being promoted by Governor Engler as a way to change the taxing system in Michigan;

Whereas, An alternate proposal enacted by the State Legislature would rely on increasing the income tax if Proposal A fails;

Whereas, The income tax is a progressive tax while the sales tax is a regressive tax, disproportionately affecting lower income people, including low-income seniors and renters;

Whereas, The sales tax is not deductible from the federal income tax, and the shift to the sales tax would result in an estimated \$296 million dollars leaving the State of Michigan, because of lost deductibility;

Whereas, Governor Engler is touting the increased sales tax as a way of reaping additional revenues from tourists, but 90 percent of Michigan tourists come from within the State;

Whereas, Revenues from sales tax are not likely to increase as steadily or reliably as revenues from income tax, raising the possibility that funding for schools and other governmental purposes may fall short;

Whereas, Governor Engler's plan removes the constitutional guarantee of sending 12.5 percent of sales tax to the cities as state share revenue, thus further endangering the stressed budget of the City of Ann Arbor and other Michigan cities;

Whereas, This proposal will adversely affect employers in the City of Ann Arbor, especially small businesses; and

Whereas, Governor Engler's proposal does not include a guarantee for state payment of shortfalls for projects funded under TIFA (Tax Increment Finance Act), which might force the City to come up with additional funding to complete all Downtown Development Authority projects that are currently funded in this way, since it is unclear what Governor Engler's intentions are in case of shortfalls;

RESOLVED, That the Ann Arbor City Council oppose the passage of Governor Engler's Proposal A tax plan;

RESOLVED, That the Ann Arbor City Council advise the citizens of the City of Ann Arbor that the passage of Proposal A will further jeopardize the precarious fiscal condition of the City of Ann Arbor and may necessitate a local tax increase to maintain existing City services; and

RESOLVED, That a copy of this resolution, with a roster of the Council vote, be forwarded to Governor Engler and our state legislators.

Councilmember Hunter moved that the resolution be adopted.

Councilmember Fink moved that a substitute resolution regarding Proposal A be placed on the table for consideration. (For substitute resolution language see the following amendment proposed by Councilmember Nicolas)

After further discussion, the motion to substitute was withdrawn.

Councilmember Nicolas moved that the original resolution be amended as follows:

RESOLUTION ~~<TO OPPOSE>~~ **REGARDING** PROPOSAL A

~~<Whereas, Proposal A, a proposal to raise the state sales tax from 4 to 6 percent, is being promoted by Governor Engler as a way to change the taxing system in Michigan;~~

~~Whereas, An alternate proposal enacted by the State Legislature would rely on increasing the income tax if Proposal A fails;~~

~~Whereas, The income tax is a progressive tax while the sales tax is a regressive tax, disproportionately affecting lower income people, including low income seniors and renters;~~

~~Whereas, The sales tax is not deductible from the federal income tax, and the shift~~

~~to the sales tax would result in an estimated \$296 million dollars leaving the State of Michigan, because of lost deductibility;~~

~~—Whereas, Governor Engler is touting the increased sales tax as a way of reaping additional revenues from tourists, but 90 percent of Michigan tourists come from within the State;~~

~~—Whereas, Revenues from sales tax are not likely to increase as steadily or reliably as revenues from income tax, raising the possibility that funding for schools and other governmental purposes may fall short;~~

~~—Whereas, Governor Engler's plan removes the constitutional guarantee of sending 12.5 percent of sales tax to the cities as state share revenue, thus further endangering the stressed budget of the City of Ann Arbor and other Michigan cities;~~

~~—Whereas, This proposal will adversely affect employers in the City of Ann Arbor, especially small businesses; and~~

~~—Whereas, Governor Engler's proposal does not include a guarantee for state payment of shortfalls for projects funded under TIFA (Tax Increment Finance Act), which might force the City to come up with additional funding to complete all Downtown Development Authority projects that are currently funded in this way, since it is unclear what Governor Engler's intentions are in case of shortfalls;>~~

WHEREAS, RESIDENTS OF ANN ARBOR HAVE RECEIVED CONFLICTING INFORMATION FROM SPECIAL INTEREST GROUPS IN SUPPORT OF AND AGAINST PROPOSAL A;

WHEREAS, SUCH INFORMATION HAS CLOUDED THE FACTS, DONE A DISSERVICE TO THE RESIDENTS OF ANN ARBOR, AND HAS MADE IT DIFFICULT FOR PEOPLE TO DECIDE WHETHER TO VOTE FOR OR AGAINST PROPOSAL A;

WHEREAS, BOTH PROPOSALS REPLACE LOST REVENUES TO SCHOOLS AND DIFFER PRIMARILY IN THE SOURCE OF REPLACEMENT REVENUES; AND

WHEREAS, CITY COUNCIL SHOULD BE ABOVE THE FRAY AND PROVIDE USEFUL INFORMATION ON THE BALLOT PLAN AS WELL AS THE STATUTORY PLAN SO THAT THE CITIZENS OF ANN ARBOR CAN MAKE AN INFORMED DECISION BASED ON UNBIASED INFORMATION;

~~<RESOLVED, That the Ann Arbor City Council oppose the passage of Governor Engler's Proposal A tax plan;~~

~~—RESOLVED, That the Ann Arbor City Council advise the citizens of the City of Ann~~

~~Arbor that the passage of Proposal A will further jeopardize the precarious fiscal condition of the City of Ann Arbor and may necessitate a local tax increase to maintain existing City services; and~~

~~RESOLVED, That a copy of this resolution, with a roster of the Council vote, be forwarded to Governor Engler and our state legislators.>~~

RESOLVED, THAT THE ANN ARBOR CITY COUNCIL DIRECT THE CITY ADMINISTRATOR TO PLACE DETAILS OF BOTH THE STATUTORY PLAN AND THE BALLOT PLAN ON CABLE ACCESS CHANNEL 11 SO THAT RESIDENTS OF THE CITY OF ANN ARBOR MAY RECEIVE UNBIASED INFORMATION ABOUT THE PROPOSAL PRIOR TO THE MARCH 15 SPECIAL ELECTION; AND

RESOLVED, THAT THE ANN ARBOR CITY COUNCIL DIRECT THE CITY ADMINISTRATOR TO PLACE A REMINDER TO VOTE IN THE SPECIAL ELECTION ON CABLE CHANNEL 10.

Councilmember Hunter moved that the resolution be amended by deleting the new language and restoring the original language.

After further discussion, Councilmember Hunter's motion was withdrawn.

Councilmember Grady moved that the fifth paragraph of the resolution be amended as follows:

RESOLVED, That the Ann Arbor City Council direct the City Administrator to place details of both the statutory plan and the ballot plan on cable access Channel 11 so that residents of the City of Ann Arbor may receive <unbiased> information about the proposal prior to the March 15 special election;

On roll call the vote was as follows:

Yeas, Councilmembers Grady, Stoll, Peterson, Stead, Hunter, Hanna-Davies, Fink, Mayor Sheldon, 8;

Nays, Councilmembers Nicolas, Creal, Lumm, 3.

The Mayor declared the motion carried.

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

Yeas, Councilmembers Nicolas, Creal, Mayor Sheldon, 3;

Nays, Councilmembers Grady, Stoll, Peterson, Stead, Hunter, Hanna-Davies, Fink, Lumm, 8.

On a voice vote the Mayor declared the motion defeated.

The question being the resolution with the original language, on roll call the vote was as follows:

Yeas, Councilmembers Grady, Stoll, Peterson, Stead, Hunter, Hanna-Davies, 6;

Nays, Councilmember Creal, Fink, Lumm, Mayor Sheldon, 4.

Absent during vote, Councilmember Nicolas, 1.

The Mayor declared the motion carried.

R-76-3-94 APPROVED

RESOLUTION TO APPROVE FY 1994 HOME PROGRAM DESCRIPTION FOR SUBMISSION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Whereas, The National Affordable Housing Act of November, 1990 requires that communities expecting to receive federal funds complete a Comprehensive Housing Affordability Strategy (CHAS) which has been submitted to the Department of Housing and Urban Development (HUD) and approved on February 4, 1994;

Whereas, The City has been designated a Participating Jurisdiction by the Department of Housing and Urban Development and must submit a HOME Program Description to HUD in order to receive \$507,000 of FY 1994 HOME funds; and

Whereas, The Housing Policy Board at its meeting on February 16, 1994 recommended City Council approval of the HOME Program Description;

RESOLVED, That City Council approve the FY 1994 HOME Program Description substantially in the form on file in the Office of the City Clerk for submission to the Department of Housing and Urban Development; and

RESOLVED, That City Council authorize the Mayor and City Clerk to execute any required program documents and upon approval by the Department of Housing and Urban Development, the City Council accept the \$507,000 allocation to be available until expended without regard to fiscal year.

Councilmember Creal moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-77-3-94 APPROVED

RESOLUTION TO AWARD CONTRACT FOR RIVERSIDE PARK SHORELINE RESTORATION - BID NO 2532

Whereas, "Riverside Park Shoreline Stabilization," is identified in Year 1 of the 1989-94 Park Rehabilitation and Development Millage;

Whereas, Competitive bids were received by the Purchasing Department on February 10, 1994, with Morrison Building Restoration, Inc. being the lowest responsible

bidder at \$56,600.00; and

Whereas, Morrison Building Restoration, Inc. has received approval from the City Human Resources Department as of February 28, 1994;

RESOLVED, That the total project budget for the Riverside Park Shoreline Restoration Project be \$65,000.00, as appropriated under the FY 1993/94 budget for the life of the project;

RESOLVED, That a contract in the amount of \$56,600.00 be awarded to Morrison Building Restoration, Inc. for construction of Riverside Park Shoreline Stabilization, in response to Bid No. 2532; and

RESOLVED, That the Mayor and City Clerk be authorized and directed to sign said contract with Morrison Building Restoration, Inc., substantially in the form on file with the City Clerk, and that the City Administrator be authorized to take the necessary administrative actions to implement this resolution.

Councilmember Lumm moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-78-3-94 APPROVED

RESOLUTION TO PARTICIPATE IN THE REGIONAL DRINKING WATER WELLHEAD PROTECTION PROGRAM

Whereas, Groundwater provides 10 million gallons a day of the overall total 50 million gallons a day maximum capacity for Ann Arbor Water Supply System and the remaining 40 million gallons is the maximum which is permitted to be drawn from the Huron River;

Whereas, The Ann Arbor Water Supply System services a population of 120,000 people in the City of Ann Arbor, Scio Township and Ann Arbor Township;

Whereas, The public drinking water wells are a crucial component to the City's drinking water supply system that provide a clean, reliable, emergency source of water;

Whereas, Groundwater is withdrawn from 3 wells located in the southern portion of the City Airport property and 2 wells located on Montgomery Street;

Whereas, The costs of prevention of contamination of the wells is far outweighed by

the costs of remediating their contamination or of obtaining an alternate water supply in the event of contamination;

Whereas, The City of Ann Arbor has a history of supporting environmental initiatives/efforts to preserve clean drinking water/public health of its citizens; and

Whereas, The Huron River Watershed Council has received a grant from the W.K. Kellogg Foundation, of Kalamazoo, Michigan, to facilitate the development of a regional wellhead protection plan for the Ann Arbor Water Supply System;

RESOLVED, That Council direct the City to actively participate in this regional wellhead protection program for the protection of its public drinking water supply wells; and that City staff and departments actively participate with the County, Pittsfield Township, Scio Township and the Huron River Watershed Council to develop the Wellhead Protection Plan to implement this program.

Councilmember Stead moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-79-3-94 APPROVED AS AMENDED

RESOLUTION MODIFYING ACTIVITIES AND MAKEUP OF THE STREET ADVISORY COMMITTEE

A resolution modifying the activities and makeup of the Street Advisory Committee was considered.

Councilmember Grady moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the last paragraph of the resolution be amended as follows:

RESOLVED, That membership on the Committee consist of: two Councilmembers (as co-chairs), each from different wards and, if possible, from different caucuses; ~~two~~ **THREE** lay citizens; the Public Services Director; and such staff as the Director deems advisable. Terms shall be two years, staggered.

On a voice vote the Mayor declared the motion carried.

The question being the resolution as amended, on a voice vote the Mayor declared the

motion carried.

The resolution as adopted reads as follows:

R-79-3-94

RESOLUTION MODIFYING ACTIVITIES AND MAKEUP
OF THE STREET ADVISORY COMMITTEE

Whereas, Public Services Department personnel have the requisite expertise to satisfy the purposes of the Street Advisory Committee, as demonstrated by proficiency in street construction and maintenance programs, and also, public bidding processes are adequate to those purposes;

Whereas, It is demonstrably difficult to solicit participation of citizens with the special qualifications currently required for appointment to the Committee;

Whereas, The Committee's activities have evolved to review, on an as needed basis, broader and non-technical street and sidewalk maintenance matters, such as street snow and leaf removal, sidewalk snow removal, and sidewalk maintenance and repair;

Whereas, These activities require principally common sense and views reflecting the interests of the community rather than technical expertise; and

Whereas, These activities usefully provide lay person and constituent views to technical staff and, through the Committee, to Council;

RESOLVED, That the purpose of the Street Advisory Committee be changed as follows: To review staff plans and programs in the following areas: road improvements under the road improvement millage and state-federal matching funds; sidewalk maintenance and repairs; street leaf and snow removal; and sidewalk snow removal;

RESOLVED, That the Committee meet three times a year: December/January to review road improvement and sidewalk repair plans; August/September to review leaf removal plans; and October/November to review snow removal plans. Other meetings may be convened as needed; and

RESOLVED, That membership on the Committee consist of: two Council-members (as co-chairs), each from different wards and, if possible, from different caucuses; three lay citizens; the Public Services Director; and such staff as the Director deems advisable. Terms shall be two years, staggered.

R-80-3-94 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM
GUENTHER BUILDING COMPANY - OAKBROOK VILLAS

Whereas, Guenther Building 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:

DESCRIPTION OF OAKBROOK VILLAS
VARIABLE WIDTH SANITARY SEWER EASEMENT

Variable width sanitary sewer easement, the centerline of which is described as follows:

Commencing at the East 3 Corner of Section 6, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S 00E 18N 35" E 732.07 feet along the east line of said Section 6 to a point on the centerline of Ann Arbor-Saline Road; thence N 43E 32N 25" E 1024.47 feet along said centerline and the northwesterly line of Cranbrook Subdivision as recorded in Liber 26 of Plats, pages 16-20, Washtenaw County Records, Washtenaw County, Michigan; thence S 39E 35N 40" E 1017.26 feet along the northeasterly line of said Cranbrook Subdivision; thence N 88E 15N 00" E 57.53 feet along the north line of said subdivision; thence S 46E 20N 00" E 304.80 feet; thence S 43E 40N 00" W 131.00 feet; thence S 46E 20N 00" E 7.60 feet; thence S 43E 45N 34" W 15.48 feet for a **PLACE OF BEGINNING**; thence along the centerline of a 32 foot wide sanitary sewer easement the following 5 courses: S 46E 14N 32" E 416.13 feet; thence S 14E 40N 46" E 118.67 feet; thence S 68E 18N 30" W 232.94 feet to a Point "A"; thence continuing S 68E 18N 30" W 14.65 feet; thence S 78E 49N 32" W 182.61 feet; thence along the centerline of a 44 foot wide sanitary sewer easement the following 4 courses: N 54E 40N 33" W 217.83 feet; thence N 43E 22N 07" W 19.07 feet to a Point "B"; thence continuing N 43E 22N 07" W 183.22 feet; thence N 43E 20N 00" E 427.30 feet for a Place of Ending.

Also, BEGINNING at said Point "A"; thence along the centerline of a 30 foot wide sanitary sewer easement N 11E 10N 28" W 68.28 feet; thence along the centerline of a 36 foot wide sanitary sewer easement N 46E 20N 00" W 377.11 feet for a Place of Ending.

Also, BEGINNING at said Point "B"; thence along the centerline of a 44 foot wide sanitary sewer easement S 42E 57N 47" W 140.31 feet for a Place of Ending.

DESCRIPTION OF OAKBROOK VILLAS
40 FOOT WIDE WATER MAIN EASEMENT

A 40_N wide water main easement, the centerline of which is described as follows:

Commencing at the East 3 corner of Section 6, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S 00_E 18_N 35" E 732.07 feet along the east line of said Section 6 to a point on the centerline of Ann Arbor-Saline Road; thence N 43_E 32_N 25" E 1024.47 feet along said centerline and the northwesterly line of Cranbrook Subdivision as recorded in Liber 26 of Plats, pages 16-20, Washtenaw County Records, Washtenaw County, Michigan; thence S 39_E 35_N 40" E 1017.26 feet along the northeasterly line of said Cranbrook Subdivision; thence N 88_E 15_N 00" E 57.53 feet along the north line of said subdivision; thence S 46_E 20_N 00" E 95.80 feet along the northeasterly line of Lot 7 of said Cranbrook Subdivision; thence S 46_E 50_N 10" W 65.03 feet; thence S 07_E 01_N 10" E 97.90 feet; thence S 43_E 20_N 00" W 16.92 feet for a **PLACE OF BEGINNING**; thence S 46_E 40_N 00" E 48.37 feet to a Point "A"; thence N 43_E 20_N 00" E 17.59 feet; thence S 46_E 20_N 00" E 512.95 feet; thence S 07_E 21_N 20" E 20.59 feet to a Point "B"; thence continuing S 07_E 21_N 20" E 75.48 feet; thence S 26_E 23_N 40" W 96.30 feet; thence S 71_E 23_N 40" W 153.23 feet to a Point "C"; thence continuing S 71_E 23_N 40" W 74.81 feet; thence 303.04 feet along the arc of a 280.00 foot radius curve to the right, chord bearing N 77_E 36_N 00" W 288.47 feet; thence N 46_E 35_N 40" W 66.88 feet; thence N 47_E 49_N 12" W 45.28 feet to a Point "D"; thence N 43_E 11_N 37" W 33.18 feet; thence N 46_E 35_N 40" W 51.62 feet; thence 33.83 feet along the arc of a 327.00 foot radius circular curve to the right, chord bearing N 43_E 37_N 50" W 33.82 feet; thence N 40_E 40_N 00" W 30.12 feet; thence N 43_E 20_N 00" E 45.50 feet to a Point "E"; thence continuing N 43_E 20_N 00" E 209.78 feet to a Point "F" thence continuing N 43_E 20_N 00" E 226.42 feet to said Point "A" and a Place of Ending.

Also, BEGINNING at said Point "B"; thence N 82_E 38_N 40" E 34.19 feet for a Place of Ending.

Also, BEGINNING at said Point "C"; thence 47.90 feet along the arc of a 245.00 foot radius curve to the left, chord bearing N 17_E 03_N 19" W 47.82 feet to a Point "G"; thence continuing along the arc of said curve 101.24 feet, chord bearing N 34_E 29_N 41" W 100.52 feet; thence N 46_E 20_N 00" W 403.42 feet to said Point "F" and a Point of Ending.

Also, BEGINNING at said Point "G"; thence N 67_E 20_N 37" E 40.00 feet for a Place of Ending.

Also, BEGINNING at said Point "D"; thence S 43E 24N 20" W 136.28 feet for a Place of Ending.

Also, BEGINNING at said Point "E"; thence N 39E 12N 52" W 104.92 feet for a Place of Ending.

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.

Councilmember Hunter moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

POSTPONED

RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 15-94 - REMOVE RESTRICTIONS ON POLITICAL SIGNS

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

RESOLVED, That the publication of Ordinance 15-94 be by the following summary:

Ordinance 15-94 revises Chapter 61 - Sign Ordinance of the City Code. The revisions modify the distance a political sign may be erected from a polling place, remove the time limitation for political signs erected at a polling place, and remove political signs from the list of prohibited signs.

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

Councilmember Hanna-Davies moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the resolution be postponed to the March 21, 1994 regular session of Council for consideration following approval of the ordinance at second reading.

On a voice vote the Mayor declared the motion carried and the resolution postponed.

R-81-3-94 APPROVED

RESOLUTION AUTHORIZING SUMMARY PUBLICATION
OF ORDINANCE NO 16-94 - TAXICABS

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

RESOLVED, That the publication of Ordinance 16-94 be by the following summary:

Ordinance 16-94 amends Chapter 85 (Taxicabs) of the City Code. The revisions add a definition for transfers of taxicab licenses and prohibit smoking while the vehicle is carrying a fare.

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

Councilmember Stead moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

DEFEATED

RESOLUTION REGARDING FISCAL YEAR 1994-95
BUDGET DEVELOPMENT PROCESS

Whereas, Development of the City's 1994/1995 budget has begun, and the Administrator has indicated a potential revenue/expenditure gap of about \$2 million;

Whereas, City Council, in its budget deliberations, would benefit from a better understanding of fund surpluses and balances, including existing balances, levels deemed prudent, and the role of surpluses in the budgeting process;

Whereas, A primary objective of any municipality is to deliver quality services, cost-effectively;

Whereas, Personnel costs are a significant portion of the City's expenditures and managing the City budget bottom-line requires managing personnel costs; and

Whereas, Attrition is defined as employees who retire or resign voluntarily, and does not mean layoffs;

RESOLVED, That the 1994/1995 budget material presented by the Administrator to

Council clearly identify the recommended average percentage property tax increases by classification, and rationale for the budgeted fund balance level;

RESOLVED, That the Administrator provide City Council a report on how an attrition plan, targeted at reducing City staff by 3 to 5%, could best be implemented and managed, including potential inhibitors, advantages and disadvantages, required actions for implementation, and estimates of cost savings; and

RESOLVED, That this report be provided at the same time the Administrator submits his budget to Council.

Councilmember Lumm moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Nicolas, Creal, Fink, Lumm, Mayor Sheldon, 5.

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

The Mayor declared the motion defeated.

R-82-3-94 APPROVED AS AMENDED

RESOLUTION REGARDING THE CITY ATTORNEY'S ANNUAL EVALUATION

A resolution regarding the City Attorney's annual evaluation was considered.

Councilmember Peterson moved that the resolution be adopted.

The sponsors of the resolution agreed to delete the following language from the communication regarding the rating system:

~~<Attached is the evaluation form as adopted by a consensus of the City Attorney Review Committee.>~~

~~The rating system is on a five-point scale. Number (5) is the highest and number (1) is the lowest. <(Note: scores should be recorded on a continuum format, therefore fractions as well as whole numbers will be recorded).>...~~

(Communication and evaluation form on file in the City Clerk's Office)

Councilmember Grady moved that the fourth and fifth paragraphs of the resolution be amended as follows:

RESOLVED, That the Mayor and Council complete the confidential evaluation no later than <March 14> **MARCH 28**, 1994; and

RESOLVED, That, at the request of the City Attorney, an executive session be held to discuss the results of this confidential evaluation at 6:30 p.m. on <March 21> **APRIL 4**, 1994.

On a voice vote the Mayor declared the motion carried.

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

Yeas, Councilmembers Grady, Stoll, Peterson, Stead, Hunter, Hanna-Davies, Fink, Mayor Sheldon, 8;

Nays, Councilmembers Nicolas, Creal, Lumm, 3.

The Mayor declared the motion carried.

The resolution as adopted reads as follows:

R-82-3-94

RESOLUTION REGARDING THE CITY ATTORNEY'S ANNUAL EVALUATION

Whereas, The City Attorney's contract provides for an annual evaluation; and

Whereas, Such evaluation has not been performed;

RESOLVED, That the Mayor and Council complete the confidential evaluation no later than March 28, 1994; and

RESOLVED, That, at the request of the City Attorney, an Executive Session be held to discuss the results of this confidential evaluation at 6:30 p.m. on April 4, 1994.

RECONSIDERED

RESOLUTION TO APPROVE GENERAL FUND AGREEMENT WITH THE ANN ARBOR YMCA - \$12,471.00

Whereas, The Ann Arbor YMCA provides 100 single room occupancy (SRO) units available to very low income residents; and

Whereas, The City assisted the Ann Arbor YMCA with the residence addition project in order to meet a community need relating to the provision of affordable housing; and

Whereas, The request from the YMCA was reviewed by the Housing Policy Board with a recommendation to not approve additional funding to the YMCA;

RESOLVED, That City Council approve the General Fund Agreement with the Ann Arbor YMCA in the amount of \$12,471.00 using General Funded Housing Trust Funds within the Community Development Budget;

RESOLVED, That the YMCA continue to work on the special conditions outlined and provide the information required to the City Administrator on a monthly basis; and

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

Councilmember Stoll moved that the resolution be placed on the table for reconsideration and adoption.

On roll call the vote was as follows:

Yeas, Councilmember Grady, Stoll, Peterson, Stead, Hunter, Hanna-Davies, Fink, 7;

Nays, Councilmembers Nicolas, Creal, Lumm, Mayor Sheldon, 4.

The Mayor declared the motion carried.

Councilmember Hunter moved that the fourth paragraph of the resolution be amended as follows:

RESOLVED, That City Council approve the General Fund Agreement with the Ann Arbor YMCA in the amount of \$12,471.00 using ~~General Funded Housing Trust Funds~~ **THE GENERAL FUND FUND BALANCE**;

MEETING RECESSED

Councilmember Stead moved that the regular session of Council be recessed until 7:30

p.m., Monday, March 14, 1994, to consider the Resolution to Approve General Fund Agreement with the Ann Arbor YMCA and the other remaining agenda items.

On a voice vote the Mayor declared the motion carried and the meeting recessed at 12:01 a.m.

W. Northcross
Clerk of the Council

Janet L. Chapin
Recording Secretary