

REGULAR SESSION - MAY 2, 1994

The regular session of the Ann Arbor City Council was called to order at 7:37 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 Tobi Hanna-Davies, Patricia Vereen-Dixon, Peter Fink, Jane Lumm, Ulrich Stoll, Haldon L. Smith, Peter Nicolas, Julie Creal (entered at 9:45 p.m.), Christopher Kolb, David F. Stead, Mayor Ingrid B. Sheldon, 11.

ABSENT : 0.

INTRODUCTIONS

PRESENTATION ON GLOBAL CITIZENSHIP

Mayor Sheldon introduced high school students Hanna Miller and Catharine Dann, members of Global Citizenship, who compiled a resource book for high school students to promote volunteerism in the community. The booklet is sponsored by the Washtenaw United Way and Ann Arbor Community Foundation Youth Council and is distributed to area schools and libraries. (Booklet on file in the City Clerk's Office)

DISTINGUISHED BUDGET PRESENTATION AWARD

City Administrator Gatta introduced Susan Kopinski, President of the Michigan Municipal Finance Officers Association, who presented the Government Finance Officers Association's Distinguished Budget Presentation Award to Budget Director Alan Burns and Finance Director Dean Moore. This is the second consecutive year that the City of Ann Arbor has received the award.

PUBLIC COMMENTARY - RESERVED TIME**BOB SKUGGEN - FIREWORKS**

Bob Skuggen, representing Gelman Sciences Inc., 600 S. Wagner Rd., stated that Charles Gelman has offered to pay for Ann Arbor's Fourth of July fireworks celebration as part of Gelman Sciences' 35th anniversary. Mr. Skuggen reported that finding a site for the fireworks display has been a problem and requested the City's help in identifying an appropriate site.

CHARLES GELMAN - FIREWORKS

Charles Gelman, Gelman Sciences Inc. Board Chairman, 600 S. Wagner Rd., stated that his company would like to sponsor a Fourth of July fireworks display, which has the support of volunteers from many community groups, businesses and government agencies. Mr. Gelman asked the City for all the support it can give for the event.

HENRY GERSHOWITZ - FIREWORKS

Henry Gershowitz, 2019 Winsted Blvd., expressed dismay that Ann Arbor has not celebrated Independence Day in recent years. He asked that the City assist Charles Gelman in locating an area suitable for fireworks so that the community can join in a Fourth of July celebration this year.

KATHERINE FUNK - ANN ARBOR SUMMER FESTIVAL CITY FUNDING

Katherine Funk, 400 Fourth St., #150, Executive Director of the Ann Arbor Summer Festival, urged Council's support of the festival's 1994 funding request, and stated that the funds will be used for the free outdoor programs at the Top of the Park. Ms. Funk pointed out that the festival's yearly request for \$15,000.00 has not changed since its first season in 1984, even though cost have escalated.

MARGARET MASSIALAS - ANN ARBOR SUMMER FESTIVAL CITY FUNDING

Margaret Massialas, 3187 Plymouth Rd., Ann Arbor Summer Festival Board Member, thanked the City for its past support of the Summer Festival and urged Council's support of this year's request for funding.

KENT HYNE - TAXATION

Kent Hyne, 123 Worden Ave., expressed concern with Ann Arbor's increasing taxation. Mr. Hyne stated that the problem stems from Ann Arbor government going beyond basic services and into areas such as recycling, which should be handled by private business.

JACK BARRY - FIREWORKS

Jack Barry, 307 Potter Ave., spoke in support of Gelman Sciences' sponsorship of the Fourth of July fireworks and submitted a petition from Allmendinger Park neighborhood residents who favor Pioneer High School as the site for the Fourth of July fireworks display. (Petition on file in the City Clerk's Office).

JOHN NORTON - MENTAL HEALTH

John Norton, 1010 Arbordale St., #9, reported that he has recently been appointed to the Advisory Board of Community Mental Health, and that one issue concerning the organization is the lack of adult foster care homes in the area.

SUSAN MC GEE - DOMESTIC VIOLENCE

Susan McGee, 1455 South Blvd., Executive Director of the Domestic Violence Project, Inc./Safe House, stated that domestic violence should be a major priority of the City and expressed concern with the funding cuts proposed for the Domestic Violence Project. Ms. McGee reported that murders from domestic violence have increased in Michigan and submitted a list of victims compiled by the Domestic Violence Project. (List on file in the City Clerk's Office).

PUBLIC HEARINGS

CONCORDIA RESOURCE CENTER ADDITION SITE PLAN

A public hearing was conducted on the proposed Concordia Resource Center Addition Site Plan, 62.59 acres, 3773 Geddes Road. Notice of public hearing was published April 25, 1994.

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

LLOYD LAND DIVISION

A public hearing was conducted on the proposed Lloyd Land Division, 0.35 acre, 1123 Pontiac Trail. Notice of public hearing was published April 25, 1994.

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

WENDY'S RESTAURANT REVISED SITE PLAN

A public hearing was conducted on the proposed Wendy's Restaurant Revised Site Plan, 1.01 acres, 3100 Boardwalk. Notice of public hearing was published April 25, 1994.

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

CRANBROOK ALTERNATIVE LIVING SERVICES SITE CONDOMINIUM PLANNED PROJECT SITE PLAN

A public hearing was conducted on the proposed Cranbrook Alternative Living Services Site Condominium Planned Project Site Plan, 6.35 acres, north side of Eisenhower Parkway, west of South Main Street. Notice of public hearing was published April 25, 1994.

The following person appeared:

Paul Raeder of Beckett and Raeder, Inc., representing the petitioner, reported that the proposal consists of a 28-unit, assisted-living facility, which is significantly less dense than the original proposal for the site. Mr. Raeder stated that the facility will be an asset to the streetscape of Eisenhower Parkway and to the City.

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

PROPOSED 1994-1995 CITY OF ANN ARBOR BUDGET

A public hearing was conducted on the proposed 1994-1995 City of Ann Arbor Budget. Notice of public hearing was published April 25, 1994.

The following persons appeared:

Bonnie Billups, Jr., 1529 Geneva Rd., urged Council to include Peace Neighborhood Center in the FY 1994-95 funding from CDBG or City General funds. Mr. Billups stated that the center provides a valuable service for youth in the community by offering an alternative to crime and substance abuse.

Richard Ballard, 848 Florence, urged funding for Peace Neighborhood Center and its summer day camp program. Mr. Ballard stated that the Center has supported the community for over 20 years and asked that Council continue its support.

David Garvin, Director of Alternatives to Domestic Aggression Program, expressed concern with the proposed funding cuts for domestic violence organizations and urged Council to make domestic violence a priority.

Dawn Adam, Director of Trailblazers, 218 N. Division St., encouraged Council to continue funding programs that provide both housing and supportive services to mental health consumers in the community.

David Raaflaub, representing the Libertarian Party, urged privatization of public services to reduce costs to taxpayers. He recommended that City Council decrease the millage by 1 mill and cut the proposed budget by 1%. Mr. Raaflaub also proposed a freeze on acquiring parkland in fiscal year 1994-95 to help cut costs.

Laurie Young, 1506 Broadway St., expressed concern with the proposed funding cuts for domestic violence agencies. Ms. Young stated that a price cannot be placed on life and that the City must insure the continuation of these agencies.

Michael Young, 2693 Arrowwood Trail, representing Arrowwood Hills Cooperative Board of Directors, encouraged Council to provide for a safe and affordable City when considering the budget.

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

(Note: At the May 5, 1994 budget review session, Mayor Sheldon announced that the public hearing would be continued at the May 16 regular session of Council).

PROPOSED INCREASE IN PROPERTY TAXES (TRUTH IN TAXATION AMENDMENT)

A public hearing was conducted on the proposed increase of .7259 mills in the 1994 operating tax millage rate above the Truth in Taxation rate of 15.3068 mills. The operating tax rate for 1993 was 15.4724 mills. The proposed operating tax rate for 1994 is 16.0327 mills which is a proposed increase of .5603 mills. If adopted, the proposed additional millage will increase operating revenues from ad valorem property taxes by 4.7%. Notice of public hearing was published April 25, 1994.

The following person appeared:

David Raaflaub, representing the Libertarian Party, spoke in opposition to a millage increase and encouraged Council to decrease the millage.

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

WATER SERVICE CHARGES (ORDINANCE NO. 33-94)

A public hearing was conducted on the proposed amendment to Chapter 29, Section 2:63 - Water Service Rate Increase. Notice of public hearing was published April 25, 1994.

The following person appeared:

Michael Young, 2693 Arrowwood Trail, representing Arrowwood Hills Cooperative Board of Directors, expressed concern for the residents who cannot afford the proposed rate increase and requested a cap on increases for low-income residents.

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

STORMWATER SERVICE CHARGES (ORDINANCE NO. 34-94)

A public hearing was conducted on the proposed amendment to Chapter 33, Sections 2:203 and 2:204 - Stormwater Service Rate Increase. Notice of public hearing was published April 25, 1994.

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

STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS

A public hearing was conducted on the proposed Fiscal Year 1994-1995 Statement of Community Development Objectives and Projected Use of Funds. Notice of public hearing was published April 25, 1994.

The following persons appeared:

Paul Dannels, 204 Chapin St., representing the Inter-Faith Hospitality Network, which provides housing and meals for homeless families, requested consideration of grant funds for his organization. Mr. Dannels explained that the organization's financial needs are of great concern since its free housing space at the YMCA may soon be lost.

Michael Young, 2693 Arrowwood Trail, representing Arrowwood Hills Cooperative Board of Directors, encouraged Council to expand its definition of affordable housing and create more housing. Mr. Young stated that many people cannot afford to live in the City and that more available affordable housing would maintain Ann Arbor's diversity.

Terry Drent, Executive Director of Washtenaw County Council on Aging, reported that his organization requested City funding after receiving cuts in United Way funds. Mr. Drent expressed concern that only a portion of the requested City funding for the organization's various programs has been recommended.

Chuck Keefer, 266 Crest Ave., Executive Director of the SOS Community Crisis Center, stated that his organization continues to document the growing

need for assistance among families and individuals throughout the community. Mr. Keefer requested that the City invest in human service as an investment in the vitality and viability of the community. (SOS "1993 Annual Activity Summary - Crisis Services" on file in the City Clerk's Office)

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

CHANGES TO PARKING VIOLATION FINE SCHEDULE

A public hearing was conducted on the proposed changes to the parking violation fine schedule which would increase fines beginning July 1, 1994. Notice of public hearing was published April 25, 1994.

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

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

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

APPROVAL OF COUNCIL MINUTES

Revise: Regular Session of April 18, 1994

CONSENT AGENDA

Delete: Resolution to Approve Lloyd Land Division, 0.35 acre, 1123 Pontiac Trail (Planning Commission recommendation: Approval - 9 years, 0 nays)

MOTIONS AND RESOLUTIONS

Revise: Resolution to Approve Professional Services Agreement with Whitworth Borta, Inc. and Establish Project Design Budget for Engineering Design of Repairs and Rehabilitation Improvements at the Ann Arbor Municipal Airport <(\$17,500.00)> **(\$97,381.71)**

Add: Resolution Regarding A Delay in Hiring New Employees (Councilmember Stead)

COMMUNICATIONS FROM THE CITY ATTORNEY

Add: Airport Collections

On a voice vote the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF APRIL 11 AND 18 APPROVED

Councilmember Stoll moved that the special session minutes of April 11, 1994 and the regular session minutes of April 18, 1994 be approved as presented.

On a voice vote the Mayor declared the motion carried.

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-156-5-94 APPROVED

RESOLUTION TO APPROVE CONCORDIA RESOURCE CENTER ADDITION SITE PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Concordia Resource Center Addition Site Plan, 62.59 acres, 3773 Geddes Road.

Whereas, Lutheran Church (Missouri Synod) has requested site plan approval in order to construct a two-story, 4,570-square foot addition; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of April 19, 1994, recommended approval of said request;

RESOLVED, By the Mayor and City Council that the Concordia Resource Center Addition Site Plan be hereby approved, subject to the petitioner supplying the City with the necessary Private Property Consent Forms to allow towing from fire lanes.

R-157-5-94 APPROVED

RESOLUTION TO APPROVE HURON PARKWAY WOODS ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Huron Parkway Woods Annexation, 18.68 acres, east side of Huron Parkway, north of Kendrick Street.

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

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

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

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

Parcel I

Land in Township of Ann Arbor, County of Washtenaw and State of Michigan, being a part of the east half of the southwest quarter of Section 35, and described as lying easterly of Huron Parkway and northerly of land described in Liber 1378, Page 468, Washtenaw County Records. Being a part of the southwest 1/4 of Section 35, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan, commencing at the South 1/4 corner, Section 35, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N 1° 04' 10" E 963.80 feet along the N-S 1/4 line of said Section for a PLACE OF BEGINNING; thence N 88° 51' W 224.53 feet; thence 75.66 feet along the arc of a 160-foot radius circular curve to the right, chord bearing N 75° 18' 10" W 74.96 feet; thence along the east line of Huron Parkway (120 feet wide) in the following two courses: 1306.64 feet along the arc of a 939.86-foot radius circular curve to the left, chord bearing N 7° 02' 50" W 1203.92 feet and N 46° 52' 30" W 720.85 feet; thence S 89° 49' E 1002.71 feet along the E-W 1/4 line of said Section (as monumented) to the center of said Section 35; thence S 1° 04' 10" W 1708.21 feet along the N-S 1/4 line of said Section to the Place of Beginning, being a part of the East 1/2 of the SW 1/4 of said Section 35, being subject to a right-of-way for The Detroit Edison Company, as recorded in Liber 1 of Grants, Page 46, Washtenaw County

Records.

Parcel II

Land in the Township of Ann Arbor, County of Washtenaw, and State of Michigan, to-wit: Lots 102, 103, 104 and 105, Washtenaw Hills Estates Number One, as recorded in Liber 8 of Plats, Page 32, Washtenaw County Records.

R-158-5-94 APPROVED

RESOLUTION TO APPROVE WENDY'S RESTAURANT
REVISED SITE PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Wendy's Restaurant Revised Site Plan, 1.01 acres, 3100 Boardwalk.

Whereas, Stanton & Associates, Inc. has requested site plan approval in order to construct a one-story, 1,479-square foot addition; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of April 19, 1994, recommended approval of said request;

RESOLVED, By the Mayor and City Council that Wendy's Restaurant Revised Site Plan be hereby approved.

R-159-5-94 APPROVED

RESOLUTION TO AUTHORIZE CONTRACT RENEWAL WITH
WOLVERINE CONTRACTING FOR CONCRETE REPAIR FOR
VARIOUS LOCATIONS - BID NO. 2342

Whereas, It has been found necessary to perform concrete work at various locations in the City rights-of-way;

Whereas, On June 21, 1993, the Council approved resolution R-266-6-93 which authorized a contract with Wolverine Contracting in the amount of \$151,500.00 for performing various concrete repairs in the City rights-of-way;

Whereas, There is the option in Bid 2342 for contract renewal for up to two one-year periods provided that both parties agree to the extension; and

Whereas, The Human Resources Department has, on December 3, 1993, approved Wolverine Contracting for said work;

RESOLVED, That the City Administrator be authorized to renew the current contract in the amount not to exceed \$151,500.00 based on budgeted monies;

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

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

R-160-5-94 APPROVED

RESOLUTION TO APPROVE NATURAL GAS TRANSPORT
CONTRACTS WITH MICHIGAN CONSOLIDATED GAS

Whereas, The City has an on-going program to purchase Natural Gas directly for the Water and the Wastewater Treatment Facilities;

Whereas, This practice saves an average of \$100,000.00 per year;

Whereas, To purchase natural gas directly requires contracting with gas pipeline companies for transportation of the gas;

Whereas, The existing transportation contracts with Michigan Consolidated Gas have expired, and new contracts with Michigan Consolidated Gas to transport gas from the Willow station to the Water and to the Wastewater Treatment Facilities are necessary;

Whereas, It is projected that under the rates of this contract is will cost approximately \$88,000.00/year for the transport of natural gas;

Whereas, The City's natural gas direct purchase consultant, EMC Gas, has reviewed the contract terms and recommends approval of the contracts; and

Whereas, The rates charged and terms of gas transportation contracts in Michigan are regulated by the Michigan Public Service Commission;

RESOLVED, That City Council approve two one-year transportation contracts with Michigan Consolidated Gas with automatic one-year extensions, and authorize the Mayor and City Clerk to execute the contacts substantially in the form on file in the Office of the City Clerk.

R-161-5-94 APPROVED

RESOLUTION TO PLACE UNPAID UTILITIES CHARGES ON 1994 TAX ROLL

Whereas, On April 4, 1994 the City Administrator reported to this Council that there are unpaid charges for water, sanitary sewer and stormwater services furnished to certain premises in the City which on March 31, 1994 had remained unpaid for a period of six months;

Whereas, In accordance with Michigan Public Act 94 of the Public Acts of 1933 and the Ann Arbor City Code, Chapter 29, Section 2:72, and Chapter 33, Section 2:207, collections notice has been given by first class mail to the owners of such premises of the total amount due for such services and further notice that such amounts would be assessed by this Council on June 1, 1994, unless sooner paid, as a tax against said premises;

Whereas, On April 5, 1994, such notices were sent by first class mail to the owners of the premises so served notifying them of the said Council meeting and of the assessment to be then placed against such property; and

Whereas, The Clerk has on file a list of such presently delinquent charges totalling \$76,760.23;

RESOLVED, That such outstanding (over 6 months) delinquent utilities charges be levied against such owners and premises and that the City Assessor shall place the same on the next tax roll of the City and that the said charges so assessed shall be collected in the same manner as general City taxes; and

RESOLVED, That the Utilities Department and City Treasurer be permitted to accept payment for delinquent utilities charges up to 10 working days prior to the printing of the July 1994 tax notices.

R-162-5-94 APPROVED

RESOLUTION TO APPROVE PURCHASES UP TO \$27,500.00 WITH PRO-SEAL SERVICE GROUP, INC.

Whereas, It is projected that \$27,500.00 of purchases of materials, supplies and parts from Pro-Seal Service Group, Inc. will be necessary this fiscal year in order to maintain and repair the water treatment, wastewater treatment and hydro generating systems;

Whereas, Pro-Seal Service Group, Inc. supplies packing materials, seals and specialized repair services and is the sole source regional supplier of Thordon[®] bearing material used in shaft bearings and filter actuators; and

Whereas, Pro-Seal Service Group, Inc. received human rights approval on January 21, 1994;

RESOLVED, That Council authorize the purchase of up to \$27,500.00 from Pro-Seal Service Group, Inc. as a combined total on standing and encumbered purchase orders.

Source of Funds: Utilities - Water Supply, Sewage Disposal and Hydropower Systems FY 1993/94 Approved Budgets

R-163-5-94 APPROVED

RESOLUTION TO APPROVE CONCESSION AGREEMENTS WITH GARY COHEN TO OPERATE THE VETERANS PARK BATTING CAGES AND FOOD CONCESSION

Whereas, The City of Ann Arbor entered into an agreement in 1985 with Tim Jeffery to construct and operate a batting cage concession in Veterans Park;

Whereas, Mr. Jeffery no longer wishes to operate the concession;

Whereas, In June of 1993 the current owner was encouraged by the City to find a buyer for the operation;

Whereas, On September 7, 1993 the Mayor and Council approved a resolution authorizing the City to purchase the cage operation from Mr. Jeffery since a private buyer could not be found;

Whereas, Gary Cohen offered to buy the batting cages prior to the sale of the cages to the City and was willing to enter into an agreement with the City to operate the batting

cage facility and the food concession; and

Whereas, The Park Advisory Commission approves of contracting the batting cages and food concession at Veterans Park to Mr. Cohen, current owner of the Packard Road Dairy Queen;

RESOLVED, That the Mayor and City Council approve concession agreements with Gary Cohen to operate the Veterans Park batting cages and food concession and authorize the Mayor and Clerk to sign the agreement substantially in the form on file with the City Clerk's Office.

R-164-5-94 APPROVED

RESOLUTION TO PLACE DELINQUENT COURT ORDER CLEAN UP CHARGES ON JULY 1994

Whereas, There are delinquent charges owed to the Solid Waste Department for court order cleanup; and

Whereas, Notice has been given by mail to the owner of the premises of the total amount due as required by City Code;

RESOLVED, That such charges, if unpaid as of May 2, 1994, be levied as special assessment against the property according to Schedule A, together with an additional penalty charge of 10% of the total unpaid, as provided in Section 1:292 of the City Code; and that the City Assessor shall place the same on the next tax roll of the City and that such charges will be collected in the same manner as general city taxes; and

RESOLVED, That the funds collected be placed in the General Fund.

SCHEDULE A

| <u>ASSESSOR #</u> | <u>PROPERTY ADDRESS</u> | <u>INVOICE #</u> | <u>DATE</u> | <u>AMOUNT</u> | <u>OWNER</u> |
|-----------------------|-------------------------|------------------|-------------|---------------|---------------------|
| 09-33-423-003 Mary | 1417 Granger | 17578 | 05/01/91 | \$7,817.30 | Upthegrove, Hazel & |

R-165-5-94 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE

ADMINISTRATION MINUTES OF APRIL 14, 1994
AUTHORIZE PAYMENTS

RESOLVED, That the Board of Insurance Administration Minutes of April 14, 1994 be accepted and that the payments therein be authorized.

R-166-5-94 APPROVED

RESOLUTION TO AWARD MOVING SERVICES
CONTRACT FOR MILLER MANOR

Whereas, The public housing residents at Miller Manor, 727 Miller Avenue, need moving services for temporary relocation for the major renovation at the site;

Whereas, The Department of Housing and Urban Development, through the Comprehensive Improvement Assistance Program, has provided funds for these moving services based on their acceptance of the required documents;

Whereas, The Ann Arbor Housing Commission has publicly advertised for these services, resulting in the submission of bids;

Whereas, Neighborhood Senior Services of Ann Arbor, Michigan, has submitted the lowest responsible bid which would not exceed \$47,150.00 (a base rate of \$340.00/round trip move, plus packing);

Whereas, Neighborhood Senior Services received Human Rights Approval on February 4, 1994 from the City of Ann Arbor; and

Whereas, The Housing Commission Board of Commissioners approved a resolution to recommend awarding the contract to Neighborhood Senior Services, given the required approvals of the documents;

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 \$47,150.00.

R-167-5-94 APPROVED

RESOLUTION TO APPROVE HOUSING REHABILITATION AGREEMENT
WITH RUBY HUNTER FOR 3070 LA SALLE

Whereas, An application was received from Ruby Hunter for rehabilitation assistance for her home located at 3070 LaSalle, Ann Arbor;

Whereas, The homeowner meets the City's criteria for participation in the Housing Rehabilitation Program;

Whereas, Four bids were received on April 14, 1994, and Ms. Hunter will be executing an agreement with the lowest acceptable bidder to complete the rehabilitation

work; and

Whereas, The Waiver and Review Board, at its meeting of March 23, 1994, approved a waiver the maximum amount of \$22,000.00 for rehabilitation assistance and the waiver of the two person very low income limit to qualify the applicant for a deferred payment loan due to applicant's planned retirement for next year;

RESOLVED, That City Council approve the Housing Rehabilitation Agreement with Ruby Hunter in the amount of \$29,446.00 as a deferred payment loan with funds to be available until expended without regard to fiscal year, and authorize the Mayor and City Clerk to execute the necessary documents substantially in the form on file in the office of the City Clerk.

R-168-5-94 APPROVED

RESOLUTION TO APPROVE HOUSING REHABILITATION AGREEMENT WITH WILLIAM M. DIXON FOR 620 NORTH FOURTH AVENUE

Whereas, An application was received from William M. Dixon for rehabilitation assistance for his home located at 620 North Fourth Avenue, Ann Arbor;

Whereas, The homeowner meets the City's criteria for participation in the Housing Rehabilitation Program; and

Whereas, Two bids were received on April 14, 1994, and Mr. Dixon will be executing an agreement with the lowest acceptable bidder to complete the rehabilitation work;

RESOLVED, That City Council approve the Housing Rehabilitation Agreement with William M. Dixon in the amount of \$15,288.00 as a deferred payment loan with funds to be available until expended without regard to fiscal year, and authorize the Mayor and City Clerk to execute the necessary documents substantially in the form on file in the office of the City Clerk.

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

ORDINANCES - SECOND READING

33-94 APPROVED

WATER SERVICE CHARGES

An Ordinance to Amend Section 2:63 of Chapter 29 of Title II of the Code of the City of Ann Arbor

This ordinance would increase water service rates, effective July 1, 1994.

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

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

34-94 APPROVED

STORMWATER SERVICE CHARGES

An Ordinance to Amend Sections 2:203 and 2:204 of Chapter 33 of Title II of the Code of the City of Ann Arbor

This ordinance would increase stormwater service rates, effective July 1, 1994.

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

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

ORDINANCES - FIRST READING

36-94 APPROVED

ARBOR HILLS PHASE I REZONING

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

This ordinance would change the zoning of 29.66 acres, located on the north side of Green Road, north of Burbank Drive, from Preliminary Phase PUD (Planned Unit Development District) to Final Phase PUD.

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

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

37-94 APPROVED

NATURAL FEATURE OPEN SPACE

An Ordinance to Amend Chapter 55 of Title V of the Code of the City of Ann Arbor by Adding a New Section 5:51

This ordinance would provide for setback buffers around natural features.

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

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

38-94 APPROVED

SPECIAL TAX FOR EMPLOYEE RETIREMENT SYSTEM

An Ordinance to Amend Section 1:580 of Chapter 18 of Title 1 of the Code of the City of Ann Arbor

This ordinance would insure the future integrity of the Ann Arbor Employees' Retirement System by adding the following language under Section 1:580 - Special Tax: "In the annual budget the revenues from the imposition of this tax will be applied to the funding of the retirement system before said revenues are used for any other benefits, including but not limited to insurance benefits."

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

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

MOTIONS AND RESOLUTIONS

R-169-5-94 APPROVED

RESOLUTION TO APPROVE CRANBROOK ALTERNATIVE LIVING SERVICES SITE CONDOMINIUM PLANNED PROJECT SITE PLAN

AND DIVISION OF SPECIAL ASSESSMENT

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Cranbrook Alternative Living Services Site Condominium Planned Project Site Plan and division of special assessment.

Whereas, Alternative Living Services has requested site condominium planned project site plan approval in order to construct a facility providing specialty health care for 36 patients; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of April 19, 1994, recommended approval of said request;

RESOLVED, By the Mayor and City Council that the Cranbrook Alternative Living Services Site Condominium Planned Project Site Plan be hereby approved, with planned project modifications as follows:

- 1) Modification of the required rear setback of Site A of 63 feet (from 79 feet required to 16 feet requested).
- 2) Modification of the required rear setback of Site B of 12 feet (from 40 feet required to 28 feet requested).

RESOLVED, That approval be contingent upon the owner executing an agreement in a form satisfactory to the City Attorney agreeing to the levy of special assessments, in the amount of \$312,872.43, which is hereby divided into three separate assessments as follows:

Site A (Brookhaven Manor)

\$102,377.98 - Eisenhower Parkway, Project No. 1009

~~\$ 55,935.47~~ - Oakbrook Drive, Project No. 1017

\$158,313.45 - TOTAL SITE A

Site B (Alternative Living Services)

\$55,033.22 - Eisenhower Parkway, Project No. 1009

~~\$30,068.08~~ - Oakbrook Drive, Project No. 1017

\$85,101.30 - TOTAL SITE B

Site C (Vacant)

\$44,916.89 - Eisenhower Parkway, Project No. 1009

~~\$24,840.86~~ - Oakbrook Drive, Project No. 1017

\$69,757.75 - TOTAL SITE C;

and

RESOLVED, That the payments for said special assessments shall continue to be on the same terms as were set forth in the resolution levying the original assessments.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-170-5-94 APPROVED

RESOLUTION TO RECOGNIZE 15TH DISTRICT COURT
JUDGE PIETER G. V. THOMASSEN

Whereas, Judge Pieter G. V. Thomassen, since January 1, 1969, has served the citizens of the City of Ann Arbor and the State of Michigan as 15th District Court Judge;

Whereas, Judge Pieter G. V. Thomassen has diligently worked during his terms of office to provide the highest levels of public service to the citizens of our community;

Whereas, Judge Pieter G. V. Thomassen has embodied the highest standards of fairness, impartiality and dignity in carrying out his duties as a judge;

Whereas, Judge Pieter G. V. Thomassen has served on numerous national committees to promote improvements to the justice system; and

Whereas, Individuals associated with the justice system in our community will deeply miss Judge Thomassen's dedication and commitment to protecting the fundamental concepts of our judicial system;

RESOLVED, That the Ann Arbor City Council congratulate Judge Pieter G. V. Thomassen on his retirement from the 15th District Court bench and, by this resolution, express its gratitude for his contributions to the administration of justice.

Councilmember Hanna-Davies moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

AMENDED AND DEFEATED

RESOLUTION LIMITING SPEAKING TIMES

A resolution limiting Council speaking times was considered.

Councilmember Nicolas moved that the resolution be adopted.

Councilmember Creal entered at approximately 9:45 p.m.

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

RESOLVED, That the Council Rules be amended to:

1. Maintain the current speaking limit of 5 minutes for the first time a Councilmember speaks to an agenda item.
2. ~~<Reduce from 5 minutes to 3 minutes the speaking limit>~~ **MAINTAIN THE CURRENT SPEAKING LIMIT OF 3 MINUTES** for the second and final time a Councilmember speaks to an agenda item.
3. Reduce from 5 minutes to 3 minutes the speaking limit for the first time a Councilmember speaks to an amendment, amendment in the nature of a substitute or a motion to divide a question.
4. Reduce from ~~<5>~~ **3** minutes to 2 minutes the speaking limit for the second and final time a Councilmember speaks to an amendment, amendment in the nature of a substitute or a motion to divide a question.

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

Yeas, Councilmembers Fink, Lumm, Nicolas, Creal, 4;

Nays, Councilmembers Kolb, Stead, Hanna-Davies, Vereen-Dixon, Stoll, Smith, Mayor Sheldon, 7.

The Mayor declared the motion defeated.

The resolution as amended and defeated reads as follows:

RESOLUTION LIMITING SPEAKING TIMES

Whereas, The Ad Hoc Rules Committee met on February 14, 1994 and unanimously recommended changes to the Council Rules to shorten the length of meetings by changing the length of time that Councilmembers are permitted to speak to an item;

RESOLVED, That the Council Rules be amended to:

1. Maintain the current speaking limit of 5 minutes for the first time a Councilmember speaks to an agenda item.
2. Maintain the current speaking limit of 3 minutes for the second and final time a Councilmember speaks to an agenda item.
3. Reduce from 5 minutes to 3 minutes the speaking limit for the first time a Councilmember speaks to an amendment, amendment in the nature of a substitute or a motion to divide a question.
4. Reduce from 3 minutes to 2 minutes the speaking limit for the second and final time a Councilmember speaks to an amendment, amendment in the nature of a substitute or a motion to divide a question.

R-171-5-94 APPROVED

RESOLUTION TO AUTHORIZE PURCHASE ORDER
TO ANN ARBOR TRANSPORTATION AUTHORITY FOR
GEDDES/FULLER/CONRAIL CORRIDOR STUDY

Whereas, The City has agreed to participate in the Geddes/Fuller/Conrail Corridor Study;

Whereas, Sufficient monies have been budgeted in the fiscal year 1993 and 1994 budgets;

Whereas, The Human Resources Department approved AATA on July 6, 1993 for this work; and

Whereas, It is now necessary to make payments to the Ann Arbor Transportation Authority;

RESOLVED, That a purchase order in the amount of \$34,000.00 be authorized to the AATA to pay for the City's share of the study;

RESOLVED, That \$17,000.00 be appropriated from the Major Street Fund Balance and that \$17,000.00 be appropriated from the fiscal year 94 Major Street Fund; and

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

BUDGET

Ann Arbor Transportation Authority

| | |
|--|------------------|
| Federal Grant (Surface Transportation Program) | \$ 60,000.00 |
| Local Share | 64,000.00 |
| City of Ann Arbor | 34,000.00 |
| University of Michigan | 34,000.00 |
| Ann Arbor Township | <u>5,000.00</u> |
| TOTAL | \$197,000.00 |

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-172-5-94 APPROVED

RESOLUTION TO APPROVE PROFESSIONAL SERVICES AGREEMENT
WITH WHITWORTH BORTA, INC. AND ESTABLISH PROJECT DESIGN
BUDGET FOR ENGINEERING DESIGN OF REPAIRS AND REHABILITATION
IMPROVEMENTS AT THE ANN ARBOR MUNICIPAL AIRPORT

Whereas, City staff prepared a list of projects which qualified for federal funding;

Whereas, Rehabilitation improvements needed at the airport were deemed eligible for funding including fencing, airfield drainage rehabilitation, taxiway and apron rehabilitation;

Whereas, City Council authorized and directed the Mayor and City Clerk, on December 20, 1993 to execute Grant Contract No. 93-2172 DAB, with the Michigan Department of Transportation (MDOT);

Whereas, Said grant contract further defines the requirements for the selection of consultants to design the improvements;

Whereas, It is now necessary to enter into a contract for the design of the improvements;

Whereas, The professional engineering firm of Whitworth Borta, Inc., has submitted to the City a proposal for engineering services, setting forth the services to be performed by said consulting engineers, and the payments to be made by the City and MDOT, all of which are agreeable to the City and MDOT;

Whereas, The proposal and agreement for said work have been reviewed and approved by MDOT on April 28, 1994;

Whereas, The City has pledged a 10% share of the engineering design costs, up to

\$10,000.00, with 90% federal participation;

Whereas, The Michigan Department of Transportation (MDOT) will make the payment to Whitworth Borta, Inc. directly for the actual invoiced work, once approved by the City; and

Whereas, The Human Rights Department has given approval of Whitworth Borta, Inc., for said project on April 28, 1994;

RESOLVED, That a Professional Services Agreement in the amount of \$97,381.71 be approved with Whitworth Borta, Inc.;

RESOLVED, That the Mayor and City Clerk be hereby 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; and

RESOLVED, That \$ 11,700.00 be appropriated and the following design budget be adopted for the life of the project, to be available until expended without regard to fiscal year:

Section I - Revenue

| | |
|--------------------|----------------------------------|
| <u>\$11,700.00</u> | Airport fund 048 - (1994 budget) |
| \$11,700.00 | TOTAL; and |

Section II - Expense

| | |
|-------------------|---|
| \$ 9,700.00 | Consulting design engineering services (City's 10% Share) |
| <u> 2,000.00</u> | City engineering services, including staff, City owned vehicles, printing, etc. |
| \$11,700.00 | TOTAL; and |

RESOLVED, 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-173-5-94 APPROVED

RESOLUTION TO INCREASE MAJOR STREET FUND FOR SIGNAL IMPROVEMENTS AT INTERSECTIONS ALONG STATE TRUNKLINES

Whereas, The City of Ann Arbor has received traffic control equipment from the State of Michigan through the AMOCO oil overcharge funds at no cost to the City;

Whereas, The City of Ann Arbor and the State of Michigan have previously agreed to install a portion of this equipment at signalized intersections along the State's trunklines throughout the City; and

Whereas, the State of Michigan has now agreed to provide the City of Ann Arbor with funds up to \$163,500.00 for the installation and interconnection of this equipment on the State's trunklines;

RESOLVED, That the Major Street Fund expenditure and revenue budgets for FY 93-94 each be increased by \$15,000.00; and

RESOLVED, That the City Administrator be authorized to issue all necessary purchase orders for materials, supplies, and contracted services, conditioned on approval by the Human Resources Department and compliance with City bidding procedures.

Councilmember Stead moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-174-5-94 APPROVED

RESOLUTION AUTHORIZING PAYMENT TO WASHTENAW COUNTY FOR CONSTRUCTION CHANGES FOR 15TH DISTRICT COURT FACILITY IN THE COUNTY COURTHOUSE

Whereas, In January 1993, City Council approved Resolution R-15-1-93 authorizing a joint agreement with Washtenaw County to provide space for 15th District Court operations in the Washtenaw County Courthouse;

Whereas, Since January 1993, engineering, design and architectural changes have resulted in additional construction costs in excess of the original estimates;

Whereas, Washtenaw County Facilities Management has submitted revised plans for the court clerk's office area which will facilitate improved public service, security and efficiency for the court's users, staff and other justice system participants;

Whereas, The total cost for these changes is a one time expense of \$36,392.00 for the City of Ann Arbor; and

Whereas, Funds are available from the District Court's FY 1993-94 budget to cover the cost of these construction changes plus a 10% contingency;

RESOLVED, That the Ann Arbor City Council authorize the City Administrator to approve payment to Washtenaw County not to exceed \$40,000.00 to cover the cost of construction changes in the 15th District Court facility in the Washtenaw County Courthouse.

Councilmember Lumm moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-175-5-94 APPROVED

RESOLUTION TO APPROVE ACQUISITION OF FURNITURE FOR
15TH DISTRICT COURT AND FUND DESIGNATION FOR FUTURE
EXPENDITURES ASSOCIATED WITH CITY'S FACILITIES PLAN

Whereas, The 15th District Court judges, working in conjunction with space planners and architects, have determined that the most effective use of leased space for the court in the Washtenaw County Courthouse requires uniform work stations for clerical and mid-level supervisory staff;

Whereas, Executive grade furniture for the court's judges, administrator and secretarial support staff needs to be replaced;

Whereas, Business Resources, Inc. submitted the lowest responsible bid for Allsteel office furniture as specified in the City of Ann Arbor Administrative Services Department's Bid No. 2559, and currently is approved by the City's Human Resources Department;

Whereas, The estimated cost of work stations, file cabinets and other furniture is approximately \$70,000.00, one half of which the court wishes to finance through a leasing company;

Whereas, A lease agreement between Eaton Financial Corporation and the City of Ann Arbor has been approved by the City Attorney; and

Whereas, The Court had budgeted \$115,600.00 in FY 1993-94 to pay costs associated with the move to the County Courthouse including costs of furniture, moving and six month's rent;

RESOLVED, That the Ann Arbor City Council authorize a lease agreement with Eaton Financial Corporation for the purpose of acquiring office furniture for 15th District Court's operations in the Washtenaw County Courthouse;

RESOLVED, That \$115,000.00 in the court's current budget be transferred to the Capital Projects Fund and be appropriated to pay for the following items during FY 1993-94:

| | |
|----------------------------------|-------------|
| Additional Building Improvements | \$40,000.00 |
| Moving Expenses | 10,000.00 |
| Filing System | 15,000.00 |
| Down Payment on Furniture | 35,000.00 |
| Contingency | 15,000.00 |

and that any unexpended balances be appropriated for FY 1994-95; and

RESOLVED, That the unexpended balance in the City Center lease account at 6/30/94 be transferred to the Capital Projects Fund, appropriated for the life of the project associated with the utilization of the space being vacated by the court and the consolidation of City facilities in the City Center Building.

Councilmember Lumm moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-176-5-94 APPROVED

RESOLUTION TO APPROVE A SECOND AMENDMENT TO 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;

Whereas, Representatives of the City of Ann Arbor and the YMCA have been meeting to discuss financial and budgetary issues; and

Whereas, The YMCA has requested additional assistance in order to meet its operating expenditures;

RESOLVED, That City Council approve the second amendment to the General Fund Agreement with the Ann Arbor YMCA in the amount of \$37,413.00 using General Fund Public Housing Account funds, and authorize the Mayor and City Clerk to execute the documents necessary to implement this amendment substantially in the form on file in the office of the City Clerk;

RESOLVED, That the City Council recognize this use of monies from the General Fund Public Housing Account to be a temporary reduction of the account and that it is the intent of Council that the account be restored to its original amount (\$150,000.00) upon HUD approval of the 23 units of new public housing construction or to a pro rata share of the original amount (\$6,522.00 per unit minimum) should HUD approve any number less than 23 units; and

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.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-177-5-94 APPROVED AS AMENDED

RESOLUTION TO AUTHORIZE A PUBLIC SERVICES AGREEMENT WITH THE ANN ARBOR SUMMER FESTIVAL, INC.

A resolution to authorize a public services agreement with the Ann Arbor Summer Festival, Inc. was considered.

Councilmember Kolb moved that the resolution be adopted.

Council unanimously agreed with Mayor Sheldon's request to abstain from the vote.

Councilmember Hanna-Davies moved that the resolution be postponed to the May 16, 1994 regular session of Council to investigate possible EDC funding.

On roll call the vote was as follows:

Yeas, Councilmembers Kolb, Stead, Hanna-Davies, Vereen-Dixon, Smith, 5;

Nays, Councilmembers Fink, Lumm, Stoll, Nicolas, Creal, 5;

Abstentions, Mayor Sheldon, 1.

The Chair declared the motion defeated.

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

RESOLVED, That the Ann Arbor Summer Festival and the City staff investigate the possibility of additional funds for capital grants from the Economic Development Corporation.

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, with Mayor Sheldon abstaining.

The resolution as adopted reads as follows:

RESOLUTION TO AUTHORIZE A PUBLIC SERVICES
AGREEMENT IN THE AMOUNT OF \$15,000.00
WITH THE ANN ARBOR SUMMER FESTIVAL, INC.

Whereas, The Ann Arbor Summer Festival has been a favorite community event for years, providing social events for public enjoyment;

Whereas, The Ann Arbor Summer Festival contributes significantly to nonprofit organizations serving low-income youth, senior citizens, and others who might not otherwise be able to attend such events through the distribution of hundreds of tickets to these organizations, as requested by City Council;

Whereas, The City of Ann Arbor has pledged its support for the Summer Festival in the past; and

Whereas, The continued success of the Summer Festival relies upon the generosity of the community;

RESOLVED, That the City Council authorize the execution of a public services agreement in the amount of \$15,000.00 with the Ann Arbor Summer Festival, Inc.;

RESOLVED, That the \$15,000.00 be charged to the Community Events account of the 1993-94 Adopted Budget; and

RESOLVED, That the Ann Arbor Summer Festival and the City staff investigate the possibility of additional funds for capital grants from the Economic Development Corporation.

R-178-5-94 APPROVED

RESOLUTION TO PROHIBIT POSSESSION OR CONSUMPTION OF ANY ALCOHOLIC BEVERAGES IN ALL CITY PARKS

Whereas, The Ann Arbor Police Department, Department of Parks and Recreation staff and the Park Advisory Commission have received complaints about undesirable park use by persons consuming alcohol in various City parks (including West Park);

Whereas, Many actions have occurred to improve the park security for general park use over the past years since 1983;

Whereas, On June 7, 1993, the Mayor and Council passed a resolution supporting a one-year prohibition of all alcoholic beverages in all City parks, except by special event permit, and requested the Park Advisory Commission, Parks and Recreation Department and Police Department to monitor the action and forward to Council recommendations for a consistent policy of prohibiting alcohol in all City parks; and

Whereas, Over 60% of Ann Arbor residents surveyed in November, 1992 favored a one-year prohibition of all alcohol use in all City parks unless a special event permit is issued;

RESOLVED, That pursuant to Ann Arbor City Code, Chapter 39, Section 3:2, the Mayor and Council direct that effective immediately, in all areas of all City parks, no person shall possess any capped or uncapped containers of alcohol nor consume any alcohol unless a special event permit is issued; and

RESOLVED, That the City Administrator shall cause this prohibition to be posted in all parks.

Councilmember Nicolas moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-179-5-94 APPROVED

RESOLUTION TO APPROVE TRANSFER OF FUNDS TO COVER BUILDING PERMIT AND RELATED PERMIT FEES FOR THE 1994 "SPIRIT OF GIVING" PROGRAM

Whereas, The third annual "Spirit of Giving" Program was organized for April 30, 1994;

Whereas, The program is designed to recruit volunteer support for a one-day blitz for the renovating, repairing, and/or painting of houses of lower income, elderly, and or handicapped families;

Whereas, Contractors, local businesses and the public are being asked to donate either cash, labor, or materials in order to complete the work at no cost to the individual homeowners;

Whereas, Local building and remodeling contractors will be overseeing the work completed in each home and will be responsible for obtaining permits for work completed; and

Whereas, A balance of \$7,250.00 exists in the special events fund:

RESOLVED, That City Council approve the transfer of funds from the special events fund to cover the building permit and related permit fees as estimated and listed below for The 1994 "Spirit of Giving" Program for each of the following homeowners:

| | | | |
|----------------|---------------|----------|------------|
| Phyllis Miller | 1308 Broadway | \$ 26.00 | |
| Larry Quigley | 2 Eden Ct. | 21.00 | |
| Joan Bow | 1127 Gott | 26.00 | |
| | 405 N. Fourth | 0.00 | (Painting) |
| Perry Thompson | 903 S. Main | 0.00 | (Painting) |
| Dan Trautz | 8 Metroview | 253.50 | |
| | Total | \$326.50 | |

Councilmember Creal moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-180-5-94 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM AMERICAN HONDA MOTOR CO., INC.

Whereas, American Honda Motor Co., Inc. a California corporation, is the owner of property located in the City of Ann Arbor, Washtenaw County, Michigan, and more particularly described as follows:

Commencing at the NW corner of Lot 12, Research Park, as recorded in Liber 15 of Plats, Pages 56 & 57, Washtenaw County Records, Washtenaw County, Michigan; thence along the east line of Research Park Drive 26.50 feet along the arc of 3477.72 foot radius curve to the right, chord bearing S 00E26'09" W 26.50 feet for a PLACE OF BEGINNING; thence N 87E53'20" E 36.00 feet; thence N 02E06'40" W 16.00 feet; thence N 87E53'20" E 40.00 feet; thence S 02E06'40" E 56.00 feet; thence S 87E53'20" W 78.16 feet; thence along the east line of Research Park Drive 40.06 feet along the arc of a 3477.72 foot radius curve to the left, chord bearing N 00E59'03" E 40.06 feet to the Place of Beginning;

and

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

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

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-181-5-94 APPROVED

RESOLUTION TO APPLY TO MICHIGAN DEPARTMENT OF NATURAL RESOURCES FOR RELEASE OF REVERTER CLAUSE

Whereas, Act 223, P.A. 1909, as last amended by Act 196, P.A. 1970 provides for the conveyance of State-owned tax-reverted lands to municipal units for public purposes; and

Whereas, The City of Ann Arbor has acquired certain tax reverted lands for public purposes and upon the condition that when it ceased to be used for public purposes, it would revert to the State of Michigan which lands are located in the City of Ann Arbor, Washtenaw County, State of Michigan, and described as follows:

Lots 5 through 12, inclusive, of Block 3 and Lots 5 through 12, inclusive, of Block 7 of Davidson and Guiteau's Addition to the City of Ann Arbor according to the Plat thereof as recorded in the Washtenaw County Records.

and

The East 100 feet of land platted as Center Street adjacent to the westerly boundary of North Main Street and the East 100 feet of land platted as Oak Street adjacent to the westerly boundary of North Main Street in the Plat of Davidson and Guiteau's Addition to the City of Ann Arbor according to the Plat thereof as recorded in the Washtenaw County Records.

RESOLVED, That Council authorize the City Administrator to make application to the State of Michigan, Department of Natural Resources, Real Estate Division, for release of the reverter restriction on that land; and

RESOLVED, That the City shall distribute any funds arising from the subsequent sale of the acquired property in conformity with the above mentioned acts.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

WITHDRAWN

RESOLUTION REGARDING A DELAY IN HIRING NEW EMPLOYEES

Whereas, The Administration estimated an increase of revenues by 1.6% and an increase in expenditures by 4.76%, resulting in a \$1.6 million revenue/expenditure shortfall;

Whereas, The Fiscal Year 1994-95 Recommended Budget includes an attrition and delayed hiring program that anticipates a \$300,000.00 decrease in payroll accounts throughout the City;

Whereas, The recommended budget includes a reduction in the number of full-time equivalents (FTE's) from 937.80 to 932.80;

Whereas, There are several new positions identified in the recommended budget; and

Whereas, Personnel costs are approximately 59% of the General Fund expenditure;

RESOLVED, That the Administrator be directed to delay the hiring of any new employee until the FY 1994-95 Budget is adopted; and

RESOLVED, That the Administrator be directed to develop an analysis of the impact on the City budget and City services resulting from a delay in the hiring of any new employee for a period of 1, 2 and 3 months in FY 1994-95, including an analysis of critical services that may be exempted from a delayed hiring program, for consideration during the FY 1994-95 Recommended Budget review.

Councilmember Stead moved that the resolution be adopted.

After a discussion, the resolution was withdrawn by the sponsor.

REPORTS FROM COUNCIL COMMITTEES

COUNCILMEMBER HANNA-DAVIES

Councilmember Hanna-Davies reported that HUD has asked for budgets and site plans for the housing units by June 1, 1994.

COUNCIL PROPOSED BUSINESS

MAY 16 REGULAR SESSION:

Resolution to Instruct the City to Develop a Fact Sheet on Civil Rights Related to HIV and Aids and to Disseminate the Information to Appropriate Individuals and Groups (Councilmember Kolb)

COUNCILMEMBER LUMM

Councilmember Lumm stated that she has drafted a policy statement concerning employee benefits and requested comments from Councilmembers.

COUNCILMEMBER STOLL

Councilmember Stoll expressed hope that the information concerning the Dhu Varren Road question would be available by the next regular session of Council. Mr. Stoll urged Councilmembers to visit the site.

COMMUNICATIONS FROM THE MAYOR

PROCLAMATION

Mayor Sheldon reported that she has recently signed a proclamation for Transportation Week - Ann Arbor Transportation Authority, May 15-21, 1994.

APPOINTMENT TABLED

Mayor Sheldon recommended the following appointment at the December 20, 1993 regular session of Council:

EMPLOYEES RETIREMENT SYSTEM BOARD

Larry Hahn (reappointment)
1524 Brookfield Dr.
Term: 5/16/94 to 1/1/97

Councilmember Lumm moved that Council concur with the recommendation of the Mayor.

Councilmember Stead moved that consideration of the appointment be tabled to the June 6, 1994 regular session of Council for the purpose of having discussions with Mr. Hahn.

On a voice vote the Mayor declared the motion carried.

APPOINTMENTS APPROVED

Mayor Sheldon recommended the following appointments at the April 18, 1994 regular session of Council:

HOUSING POLICY BOARD

Patricia Douglas Jenkins (replacing Abe Kadushin whose term has expired)
2207 S. Seventh St.
Term: 5-7-94 to 5-6-97

INDIVIDUAL HISTORIC DISTRICT STUDY COMMITTEE

Mary M. Culver (reappointment)
1840 Brookfield Dr.
Term: 5-1-94 to 5-1-97

H. Mark Hildebrandt (reappointment)
1930 Cambridge Rd.
Term: 5-1-94 to 5-1-97

SOLID WASTE COMMISSION

H. Charles Cremin (reappointment - Chamber of Commerce Rep.)
2121 Runnymede Blvd.
Term: 5-2-94 to 4-30-95

Fred Gruber (reappointment - Multi-Family Management Rep.)
5572 Tanglewood
5-2-94 to 4-30-96

Alan Johnston (reappointment - Resident Near Landfill)
3172 Braeburn Cir.
Term: 5-2-94 to 4-30-96

Steve Dawdy (to fill membership requirements -
Private Solid Waste Industry Rep.)
P.O. Box 650
Whitmore Lake, MI 48189
Term: 5-2-94 to 4-30-96

Tim Brownell
707 Duncan St.
Term: 5-2-94 to 4-30-95

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

On a voice vote the Mayor declared the motion carried.

NOMINATIONS PLACED ON TABLE

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

FINANCE ADVISORY COMMITTEE

Del Dunbar (reappointment)
3295 Bluett Dr.
Term: 5/16/94 to 5/31/97

PARK ADVISORY COMMISSION

Nancy R. Zimmerman (replacing Jennifer Hill whole term has expired)
3025 Provincial Dr.
Term: 5/16/94 to 5/15/97

COMMUNITY DEVELOPMENT WAIVER AND REVIEW BOARD

Clark B. Shuler (reappointment)
3000 Glazier Way, No. 140
Term: 5/16/94 to 5/15/96

CITY MARKET COMMISSION

Tina Beyer Smith (reappointment)
1606 Shadford Rd.
Term: 1/1/94 to 12/31/96

Virginia Johansen (replacing Mary Alice Guyer who resigned)
2630 Manchester Rd.
Term: 1/1/94 to 12/31/96

ADMINISTRATOR COMMENDED

The Mayor commended City Administrator Gatta for his report on reducing recycling costs.
(See Communications from the City Administrator - Item No. 1)

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

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

1. Report on the Reduction of Recycling Collection Frequency
2. Special Night and Evening Parking Rates at D.D.A. Managed Structures and Lots
3. Resolution R-58-2-93 - Boycott of the State of Colorado
4. Third Quarter Quarterly Report and Measures of Success
5. South Main Street Traffic Problems

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

COMMUNICATIONS FROM THE CITY ATTORNEY

AIRPORT COLLECTIONS

City Attorney Elizabeth Schwartz submitted a status report on airport collections.
(Report on file in the City Clerk's Office)

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER SMITH

Councilmember Smith announced that May 14-22 is "Bike To Work Week."

COUNCILMEMBER LUMM

Councilmember Lumm thanked the Public Services Department for responding to the South Main merchants who were concerned with access to their businesses during construction along Main Street.

Councilmember Lumm brought Council's attention to the possible lawsuit from some Farmers Market merchants who want the market rules changed regarding stall allocation. Ms. Lumm expressed concern that changing the rules may affect the quality of the Market.

COUNCILMEMBER STEAD

Councilmember Stead commended and congratulated the people of South Africa on exercising their right to vote and for their first effort at the democratic process.

COUNCILMEMBER SMITH

Councilmember Smith announced that a conference on ground water protection will be held on May 4, from 2:00-4:00 p.m., at the Washtenaw County Extension Service Center.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following minutes were received for file:

1. Ann Arbor Transportation Authority - March 23, 1994
2. Planning Commission - March 1 and 15, 1994
3. Market Commission - March 1, 1994

Councilmember Hanna-Davies moved that the Clerk's Report be accepted.

On a voice vote the Mayor declared the motion carried.

PUBLIC COMMENTARY - GENERAL

None.

ADJOURNMENT

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

On a voice vote the Mayor declared the motion carried and the meeting adjourned at 11:27 p.m.

Paul Courtland McCoy, Jr.
Acting Clerk of the Council

Janet L. Chapin
Recording Secretary