

Council - 1 May 1, 1995

**REGULAR SESSION - MONDAY, MAY 1, 1995**

The regular session of the Ann Arbor City Council was called to order at 7:35 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, Jean Carlberg, Peter Nicolas, Stephen C. Hartwell, Christopher Kolb, Elisabeth L. Daley, Mayor Ingrid B. Sheldon, 10.

ABSENT : Councilmember Haldon L. Smith, 1.

**INTRODUCTIONS**

PROCLAMATION RECOGNIZING SISTER CITY RELATIONSHIP WITH JUIGALPA

Mayor Sheldon presented a proclamation in recognition of Ann Arbor's sister city relationship with Juigalpa, Nicaragua, to Robert Hauert who will be part of a City delegation to Juigalpa and will present the proclamation to its Mayor.

**PUBLIC COMMENTARY - RESERVED TIME**

LUKE ELLIOTT - BOY SCOUT CROSSOVER DAY AT AIRPORT

Luke Elliott, 711 Madison Pl., representing Boy Scout Troop 8, urged Council's support of the resolution authorizing annual boy scout Crossover Day activities at the municipal airport.

RANDOLPH PERRY - RADIO TOWER

Randolph Perry, 3099 Override Dr., objected to the radio tower proposed for City park land in northeast Ann Arbor and to using park millage dollars for the project. He expressed concern with safety issues including dangerous emissions and possible collapse of the tower. Mr. Perry requested further analysis of alternative sites so the radio tower would not have to be placed in a neighborhood park.

VALERIE ACKERMAN - POLITICS

Valerie Ackerman, 2227 Yorktown Dr., questioned Councilmembers' accountability

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to any political platform and lack of commitment to values. She expressed concern that Council decisions are not in the long-term, best interest of the people of the City, especially those who are most oppressed and least powerful, such as the homeless.

JEN RUBIN - ANN ARBOR YMCA

Jen Rubin, 807 Dewey Ave., spoke in opposition to the "Contract with America" which she believes supports powerful interests and strips resources from the most vulnerable. She stated that, in a similar way, the powerful players in the Ann Arbor YMCA bailout all benefited from the agreement, while the tenants who were not invited to participate received nothing.

ROBERT GEIER - BOY SCOUT CROSSOVER DAY AT AIRPORT

Robert Geier, 1108 Belmar Pl., boy scout leader, urged Council's approval of the resolution authorizing annual Boy Scout Crossover Day activities at the municipal airport. Mr. Geier stated that the program has been successfully conducted at the airport for the past couple of years, and requested an amendment to the resolution that would allow City administration to grant consent for similar boy and girl scout activities at the airport in the future.

ANDREW GULVEZAN - MISCELLANEOUS TOPICS

Andrew Gulvezan, 432 Kellogg St., expressed concern with the Armenian massacre in the early 1900's and with the investigation of AARP. Mr. Gulvezan announced that the Flame Bar has moved to the site of the former Kitty O'Shea's Bar, and that he will be applying for the position of City Administrator.

PETER SOUSOUNIS - RADIO TOWER

Peter Sousounis, 2403 Tamarack Ct., professor of meteorology at the University of Michigan, voiced his concerns with the proposed radio tower on City park land. Mr. Sousounis stated that the proposed site for this 400 foot tower is inappropriate because of its close proximity to housing developments and its use as a park. He stated that safety concerns include danger from radiation and the impact of severe weather and vandalism on the structure.

SHARON PHARDEL - RADIO TOWER

Sharon Phardel, 1610 Dhu Varren Rd., spoke in opposition to the City's purchase and annexation of park land in the northeast area to erect a radio tower. She stated that by annexing the property the residents most affected by the project would be deprived of a voice in this matter since they live in the township. Ms. Phardel submitted petitions from residents in opposition to the radio tower. (Petitions on file in the City Clerk's Office)

**PUBLIC HEARINGS**

DUNIGAN BROTHERS, INC. ZONING (ORDINANCE NO. 12-95)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 5.7 acres from TWP (Township District) to C2B (Business Service District), Dunigan Brothers, Inc. property, northeast corner of Ellsworth and Platt Roads. Notice of public hearing was published April 15, 1995.

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

DUNIGAN BROTHERS, INC. SITE PLAN

A public hearing was conducted on the proposed Dunigan Brothers, Inc. Site Plan, 5.7 acres, northeast corner of Ellsworth and Platt Roads. Notice of public hearing was published April 24, 1995.

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

ESMAEL ZONING (ORDINANCE NO. 13-95)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.14 acre from TWP (Township District) to R1D (Single-Family Dwelling District), Esmael property, northwest corner of Westover Avenue and Rhea Street. Notice of public hearing was published April 15, 1995.

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

KNISLEY ZONING (ORDINANCE NO. 14-95)

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), Knisley property, 3141 Dexter Road. Notice of public hearing was published April 15, 1995.

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

LIEBERTHAL ZONING (ORDINANCE NO. 15-95)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.75 acre from TWP (Township District) to R1A (Single-Family Dwelling District), Lieberthal property, 3033 Geddes. Notice of public hearing was published April 15, 1995.

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

MOORE ZONING (ORDINANCE NO. 16-95)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.66 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Moore property, 1495 South Maple Road. Notice of public hearing was published April 15, 1995.

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

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O'DONNELL/GARFINKLE ZONING (ORDINANCE NO. 17-95)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.50 acre from TWP (Township District) to R1A (Single-Family Dwelling District), O'Donnell/Garfinkle (formerly Landau) property, 435 Huntington Place. Notice of public hearing was published April 15, 1995.

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

BOURQUIN ZONING (ORDINANCE NO. 18-95)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.8 acre from TWP (Township District) to R1B (Single-Family Dwelling District), Bourquin property, Lot 58, Hillwood Subdivision #5 (Rock Creek Court). Notice of public hearing was published April 15, 1995.

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

RSI WHOLESALE ZONING (ORDINANCE NO. 19-95)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 5.5 acres from TWP (Township District) to M1 (Light Industrial District), RSI Wholesale property, 1380 North Main Street. Notice of public hearing was published April 15, 1995.

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

REZMIERSKI ZONING (ORDINANCE NO. 20-95)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 1.32 acres from TWP (Township District) to R1A (Single-Family Dwelling District), Rezmierski property, 1050 Elmwood Drive. Notice of public hearing was published April 15, 1995.

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

THEILE ZONING (ORDINANCE NO. 21-95)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.58 acre from TWP (Township District) to R1D (Single-Family Dwelling District), Theile property, 3152 Cherry Tree Lane. Notice of public hearing was published April 15, 1995.

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

TIPPETT ZONING (ORDINANCE NO. 22-95)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 1.2 acres from TWP (Township District) to R1A (Single-Family

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Dwelling District), Tippet property, 300 Huntington Drive. Notice of public hearing was published April 15, 1995.

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

1530 HILL STREET LAND DIVISION

A public hearing was conducted on the proposed 1530 Hill Street Land Division, 1.99 acres, 1530 Hill Street. Notice of public hearing was published April 24, 1995.

The following person appeared:

Carolyn Lepard, realtor with the Edward Surovell Company, representing the property owner, urged Council's approval of the lot split which will divide the property into three parcels. She explained that a buyer was found for the portion of the lot containing the house and that two adjacent neighbors are willing to buy the property at the back of the lot. Ms. Lepard stated that all the neighbors and parties involved in the sales are in agreement.

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

1995-1996 BUDGET

A public hearing was conducted on the proposed 1995-1996 City of Ann Arbor Budget. Notice of public hearing was published April 22, 1995.

There being no one to speak, the Mayor declared the hearing recessed until the May 15, 1995 regular session of Council.

INCREASE IN PROPERTY TAXES

A public hearing was conducted on the proposed increase of .2989 mills in the 1995 operating tax millage rate above the Truth in Taxation rate of 15.5396 mills. The City of Ann Arbor has complete authority to establish the number of mills to be levied from within its authorized millage rate. The operating tax rate for 1994 was 15.7108 mills. The proposed operating tax rate for 1995 is 15.8385 mills which is a proposed increase of .1277 mills. However, because of the "Truth in Taxation" requirement (P.A. 75 of 1991), a rate of 15.5396 mills would be required under the law compared to the proposed rate of 15.8385 mills which can be adopted by the City Council after a public hearing. If adopted, the proposed additional millage will increase operating revenues from ad valorem property taxes by 1.9%. Notice of public hearing was published April 22, 1995.

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

INCREASES FOR RECREATIONAL FEES

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A public hearing was conducted on the proposed increases for City recreational fees. The increases would affect fees for swimming pool passes, canoe liveries and the Huron Hills Golf Course. Notice of public hearing was published April 24, 1995.

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

#### APPROVAL OF AGENDA

##### AGENDA APPROVED WITH CHANGES

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

##### CONSENT AGENDA

Revise: Resolution to Close Main Street for First Friday Festive Nights  
<(~~\$1,044.00~~)> (\$2,040.00)

##### ORDINANCES - FIRST READING

Delete: Ordinance to Amend Title I by Adding New Chapter 21 - City of Ann Arbor Incentive Deposit Ordinance

##### MOTIONS AND RESOLUTIONS

Delete: Resolution to Approve Northeast Area Park/Police Communications Radio Tower Annexation, 24.0 acres, northeast corner of Pontiac Trail and Dhu Varren Road (Planning Commission recommendation: Approval - 7 years, 0 nays)

Add: Resolution to Appoint Bond Counsel (Mayor Sheldon, Councilmembers Fink, Hartwell)

Add: Resolution to Approve the Sales Agreement to Purchase the 25.43 acre Washtenaw County Road Commission Property for Park Land (\$155,000.00)

##### CLERK'S REPORT

Add: Communication from Gerald Lutz, Chair of the Washtenaw County Emergency Medical Services Commission, in support of the Northeast Park Plan as a site for a public safety communications system - File.

On a voice vote the Mayor declared the motion carried.

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**APPROVAL OF COUNCIL MINUTES**

MINUTES OF APRIL 10 AND 17 APPROVED

Councilmember Nicolas moved that the working session minutes of April 10, 1995 and the working and regular session minutes of April 17, 1995 be approved as presented.

On a voice vote the Mayor declared the motion carried.

**CONSENT AGENDA**

CONSENT AGENDA ITEM REMOVED

With unanimous consent of Council, the Resolution Establishing 1995 Fees and Charges for Pools, Canoe Liveries and the Huron Hills Golf Course was removed from the Consent Agenda for consideration following approval of the Consent Agenda.

CONSENT AGENDA ITEMS APPROVED

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

R-177-5-95 APPROVED

RESOLUTION TO APPROVE 1530 HILL STREET  
LAND DIVISION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed 1530 Hill Street Land Division, 1.99 acres, 1530 Hill Street.

Whereas, The Elizabeth L. Stranahan Trust has requested approval to divide the existing 1.99-acre parcel (Assessor's Code No. 09-33-102-014) into three separate parcels; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of April 18, 1995, recommended approval of said request;

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RESOLVED, That the Mayor and City Council hereby approve the 1530 Hill Street Land Division, as described on the survey and legal descriptions on file in the City Clerk's Office, subject to the recording of necessary easements.

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R-178-5-95 APPROVED

RESOLUTION TO APPROVE KROGER ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Kroger Annexation, 2.07 acres, 390 South Maple Road.

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, Kroger Food Store is the owner of said property; and

Whereas, It is the desire of Kroger Food Store 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:

That part of the Southeast 1/4 of Section 25, T2S, R5E, Scio Township, Washtenaw County, Michigan; described as: Commencing at the East 1/4 corner of Section 25; thence N 89°06'36" W 851.46 feet along the East-West 1/4 line of Section 25 to the Point of Beginning; thence S 00°19'35" W 787.28 feet; thence N 89°42'34" W 146.58 feet to the Easterly right-of-way of Highway I-94; thence N 05°01'00" E 790.78 feet along the Easterly right-of-way of Highway I-94 to the East-West 1/4 line of Section 25; thence S 89°06'36" E 81.94 feet along the East-West 1/4 line of Section 25 to the Point of Beginning. Containing 2.06 acres, more or less. Subject to all easements and restrictions of use or record.

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R-179-5-95 APPROVED

RESOLUTION TO DENY CLASS C LIQUOR LICENSE TRANSFER  
AT 421 EAST LIBERTY STREET - LAMPLIGHTER, INC.

RESOLVED, That the request from the Lamplighter, Inc. to transfer ownership of a 1994 Class C licensed business, located at 421 East Liberty Street, Ann Arbor, from Dino's Lamplighter, Inc., be denied.

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R-180-5-95 APPROVED

RESOLUTION TO TRANSFER FUNDS FROM THE 1991 WATER  
REVENUE BOND SERIES Q (\$13,316.63), THE WATER SYSTEM  
FUND (\$57,406.56), AND THE STORM WATER SYSTEM FUND  
(\$16,962.90) TO THE 1991 STREET RESURFACING MILLAGE

Whereas, It was found necessary to perform certain improvements and repairs to the water and storm sewer systems along Stadium Boulevard and the streets resurfaced as part of the 1992 and 1993 annual street resurfacing programs;

Whereas, The costs of such improvements and repairs amounted to \$13,316.63 for the 1991 Water Revenue Bond Series Q, \$57,406.56 for the Water System, and \$16,962.90 for the Stormwater System; and

Whereas, The cost of the remedies were temporarily advanced from the 1991 Street Resurfacing Millage (Fund 062);

RESOLVED, That the following funds be transferred to the 1991 Street Resurfacing Millage (Fund 062):

\$13,316.63	from the 1991 Water Revenue Bond Series Q
\$57,406.56	from the Water System Fund
<u>\$16,962.90</u>	from the Stormwater System Fund
\$87,686.09	TOTAL

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R-181-5-95 APPROVED AS AMENDED

RESOLUTION AUTHORIZING BOY SCOUT TROOP 8  
TO CONDUCT ANNUAL BOY SCOUT CROSSOVER DAY  
AT THE ANN ARBOR MUNICIPAL AIRPORT

Councilmember Kolb moved that the last paragraph of the resolution be amended as follows:

RESOLVED, That the Mayor and City Council hereby approve Boy Scout Troop 8's request AND ALL FUTURE REQUESTS OF BOY OR GIRL SCOUT TROOPS to use City property at the Ann Arbor Municipal Airport for activities ~~<related to their>~~ SUCH AS THE annual Boy Scout/Cub Scout Crossover Day, including airport tours, Young Eagle flights ~~<and a>~~ OR sleep overs on airport grounds, AS LONG AS EVIDENCE OF SUFFICIENT LIABILITY INSURANCE, AS REQUIRED BY THE CITY RISK MANAGER, IS PRESENTED TO THE AIRPORT MANAGER.

On a voice vote the Mayor declared the motion carried.

The resolution as amended reads as follows:

R-181-5-95

RESOLUTION AUTHORIZING REQUEST OF BOY SCOUT TROOP 8  
TO CONDUCT ANNUAL BOY SCOUT CROSSOVER DAY AND  
ALL FUTURE REQUESTS OF BOY OR GIRL SCOUT TROOPS TO  
CONDUCT ACTIVITIES AT THE ANN ARBOR MUNICIPAL AIRPORT

Whereas, The City has received a request from Boy Scout Troop 8 to use City property at the Ann Arbor Municipal Airport for its annual Crossover Day on May 6-7, 1995 (rain date May 13-14, 1995);

Whereas, The Boy Scouts are a long established agency serving our community;

Whereas, Boy Scout Troop 8 and the Great Sauk Trail, its local Council, will be responsible to comply with all procedures, rules and regulations, and to pay all costs and fees required by City Airport Management as approved by the Manager of Transportation, City Council and Pittsfield Township;

Whereas, The Great Sauk Trail, the local Council, agrees to defend and indemnify and save the City harmless against any claim arising out of its sponsorship of this event; and

Whereas, Boy Scout Troop 8 shall prepare the City property to be used prior to the event and shall remove all debris from the property following the event;

RESOLVED, That the Mayor and City Council hereby approve Boy Scout Troop 8's request and all future requests of boy or girl scout troops to use City property at the Ann Arbor Municipal Airport for activities such as the annual

Boy Scout/Cub Scout Crossover Day, including airport tours, Young Eagle flights or sleep overs on airport grounds, as long as evidence of sufficient liability insurance, as required by the City Risk Manager, is presented to the Airport Manager.

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R-182-5-95 APPROVED

RESOLUTION TO APPROVE HOME REHABILITATION AGREEMENT WITH AVALON HOUSING INC. REGARDING REHABILITATION OF STIMSON PROPERTY

Whereas, An application was received in March, 1995 from Avalon Housing Inc. for financial assistance to be used for the rehabilitation of 800-838 Stimson/ 1613 White Street;

Whereas, On November 7, 1994, City Council approved the Housing Affordability Agreement for the acquisition of the property in the amount of \$550,000.00, with the understanding that Avalon would be requesting an additional allocation for rehabilitation work;

Whereas, The Housing Policy Board, at its meeting on April 19, 1995, recommended City Council approval of the additional HOME funds, but because of the lack of a quorum, no official action was taken; and

Whereas, The Human Resources Department reviewed and approved the contractor on April 3, 1995;

RESOLVED, That City Council approve the HOME Rehabilitation Agreement with Avalon Housing Inc. in the amount of \$75,180.00 as a 0% deferred payment loan in HOME funds liened until point of sale of the property; and

RESOLVED, That City Council authorize the Mayor and City Clerk to execute the agreement and all other documents necessary to implement this Agreement substantially in the form on file in the office of the City Clerk with funds to be available until expended without regard to fiscal year.

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R-183-5-95 APPROVED

RESOLUTION TO APPROVE HOUSING REHABILITATION AGREEMENT WITH BEVERLY SANDERS WRIGHT FOR 9 LUCERNE COURT

Whereas, An application was received from Beverly Sanders Wright for rehabilitation assistance to her home located at 9 Lucerne Court;

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

Whereas, Five bids were received on April 20, 1995 and Ms. Wright will be executing an agreement with the lowest responsible bidder to complete the

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rehabilitation work;

RESOLVED, That City Council approve the Housing Rehabilitation Agreement with Beverly Sanders Wright in the amount of \$20,459.00 as a 1% interest 15-year loan, with funds 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.

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R-184-5-95 APPROVED

RESOLUTION TO APPROVE HOUSING REHABILITATION AGREEMENT  
WITH ALFRIEDA G. KESSLER FOR 936 WALL STREET

Whereas, An application was received from Alfrieda G. Kessler for rehabilitation assistance for her home located at 936 Wall Street, Ann Arbor;

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

Whereas, Three bids were received on April 13, 1995 and Ms. Kessler will be executing an agreement with the lowest responsible bidder to complete the rehabilitation work;

RESOLVED, That City Council approve the Housing Rehabilitation Agreement with Alfrieda G. Kessler in the amount of \$16,313.00 as a 0% interest deferred payment loan, with funds 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.

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R-185-5-95 APPROVED

RESOLUTION TO APPROVE RENEWAL OF PROJECT GROW  
COMMUNITY GARDENS RESIDENT ORGANIZATION LEASE  
AT THE LESLIE SCIENCE CENTER

Whereas, Leslie Science Center Resident Organization leases have been reviewed annually for renewal since the implementation of the Resident Organization concept in 1985;

Whereas, Evaluation of the current Leslie Science Center Resident Organization, Project Grow Community Gardens, revealed compliance with lease requirements for 1994;

Whereas, The Leslie Science Center Advisory Committee has reviewed the 1994 Project Grow Resident Organization evaluation and 1995 lease revisions;

Whereas, The Leslie Science Center Advisory Committee adopted a

resolution on December 8, 1994 to recommend to the Park Advisory Commission the acceptance of the 1995 lease renewal; and

Whereas, The Park Advisory Commission adopted a resolution on February 21, 1995 to recommend to the City Council the renewal of the 1995 Project Grow Community Gardens Resident Organization Lease for 1995;

RESOLVED, That the Project Grow Community Gardens Resident Organization Lease with the Leslie Science Center be renewed for 1995.

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R-186-5-95 APPROVED

RESOLUTION AUTHORIZING BOND REDEMPTION OF  
CITY OF ANN ARBOR 1984 MICHIGAN TRANSPORTATION  
FUND BONDS, DATED 5/1/84, CERTIFICATE #249,  
CERTIFICATE HOLDER: FLOYD E. SUNDSTRUM

Whereas, Comerica Bank has submitted a Bond of Indemnity and Affidavit of Loss for the referenced lost bond, presented on behalf of Floyd E. Sundstrom; and

Whereas, Comerica Bank, as Trustee, has indicated the documents are satisfactory;

RESOLVED, That City Council hereby authorize Comerica Bank to remit payment to the owner, Floyd E. Sundstrom, without presentation of the certificate.

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R-187-5-95 APPROVED

RESOLUTION TO APPROVE CONSTRUCTION CONTRACT FOR  
NORTH MAPLE HOUSING SITE SIDING REPLACEMENT

Whereas, The Ann Arbor Housing Commission solicited bids for the siding of all buildings at North Maple Estates with a vinyl siding product, including minor carpentry work and limited painting;

Whereas, The Commission has been awarded funding under its 1994 comprehensive Grant Program to accomplish said work;

Whereas, C.A. Hunt Construction of Romulus, Michigan, is the low bidder with a price of \$107,000.00;

Whereas, Good references were obtained on C. A. Hunt Construction, and the Commission recommended award of a construction contract for siding replacement to this firm; and

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Whereas, Human Rights approval was received April 21, 1995;

RESOLVED, That the City Council approve the award of the construction contract for replacement of siding at North Maple public housing to C. A. Hunt Construction for \$107,000.00, and authorize its Mayor to execute a contract for same.

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R-188-5-95 APPROVED

RESOLUTION TO AWARD A SERVICE CONTRACT FOR  
SUMMER LAWN CARE AT PUBLIC HOUSING SITES

Whereas, The Department of Housing and Urban Development encourages the utilization of resident-owned businesses by housing authorities to the extent that 24 CFR Part 963 allows housing authorities to use an alternative procurement process when contracting with businesses owned in whole or in part by residents;

Whereas, The Ann Arbor Housing Commission has contracted with UNITY RMC for lawn services during the past three summers and desires to re-engage UNITY to perform similar services at a reasonable price;

Whereas, The Ann Arbor Housing Commission has employed the alternate procurement process to enhance the economic opportunities available to resident-owned businesses such that would facilitate award of a lawn service contract to UNITY RMC in the amount of \$22,800.00; and

Whereas, UNITY RMC received Human Rights approval on April 25, 1995;

RESOLVED, That City Council approve the award of a lawn service contract to UNITY RMC for the 1995 season in the amount of \$22,800.00.

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R-189-5-95 APPROVED

RESOLUTION TO PLACE UNPAID UTILITY CHARGES  
ON 1995 TAX ROLL

Whereas, On April 3, 1995 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, 1995 had remained unpaid for a period of six months or more;

Whereas, In accordance with Michigan Public Act 94 of the Public Acts of 1933 and the Ann Arbor City Code of Ordinances, Chapter 29, Section 2:72 (Collection), and Chapter 33, Section 2:206 (Billing), collections notices have been given by first class mail to the owners of such premises of the total amount due for such services and that such amounts would be assessed by this Council on June 1, 1995, unless sooner paid, as a tax against said premises;

Whereas, On April 4, 1995, 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 listing of such presently delinquent charges totalling \$72,046.99;

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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 1995 tax notices.

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R-190-5-95 APPROVED

RESOLUTION TO APPROVE NORTH SEWAGE BAR SCREEN  
CHAIN AT THE WASTEWATER TREATMENT PLANT

Whereas, The Wastewater Treatment Plant has two sewage bar screens for the preliminary treatment of sewage, and the North Sewage Bar Screen chain requires immediate replacement to ensure dependable operation and avoid adverse equipment and environmental impacts;

Whereas, Both bar screens are vital to ensure continued effective treatment of wastewater and maintain compliance with discharge permit limits;

Whereas, On October 31, 1994, Titus Welding Company was awarded a service agreement as the lowest responsible bidder for the repair and replacement of equipment on the South Sewage Bar Screen;

Whereas, Titus Welding Company submitted a quotation to furnish and install a chain on the North Sewage Bar Screen for \$11,000.00, which is \$690.00 less than their cost to perform the same work on the South Sewage Bar Screen;

Whereas, Titus Welding Company is well qualified to provide this service to the City, as demonstrated by the successful repair of the South Sewage Bar Screen; and

Whereas, On April 12, 1995, the Human Resources Department approved Titus Welding Company to provide services to the City;

RESOLVED, That Council accept the quotation and approve Amendment No. 1 to the Service Agreement with Titus Welding Company for \$11,000.00 to furnish and install a chain on the North Sewage Bar Screen at the Wastewater Treatment Plant;

RESOLVED, That the project budget be approved for the life of the project, to be available until expended without regard to fiscal year; and

RESOLVED, That the Mayor and City Clerk be authorized and directed to sign said amendment substantially in a form on file with the City Clerk.

Funding Source: Approved FY 94/95 Operations and Maintenance

Wastewater Treatment Plant Budget

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R-191-5-95 APPROVED

RESOLUTION TO APPROVE SOFTWARE MAINTENANCE AGREEMENT  
WITH AMERICAN MANAGEMENT SYSTEMS INC.

Whereas, The City of Ann Arbor entered into a License Agreement with American Management Systems, Inc. in 1981 for the use of the Local Government Financial System (LGFS) software;

Whereas, The City's financial system has been structured around the LGFS software package for the past 14 years;

Whereas, Under the term of this License Agreement, the City is entitled to purchase annual software maintenance at 10% of the prevailing market price or \$34,896.00;

Whereas, American Management Systems, Inc. received human rights approval April 4, 1995; and

Whereas, Funding for the LGFS software maintenance is budgeted in the FY 94-95 Information Services budget;

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RESOLVED, That the City Administrator be authorized to issue a purchase order to American Management Systems, Inc. for the sum of \$34,896.00 for LGFS software maintenance; and

RESOLVED, That the Mayor and City Clerk be authorized to sign a contract on behalf of the City of Ann Arbor which has been approved by the City Attorney.

Account number: 010 013 3300 2660

Original Budgeted Amount	\$97,015.00
Balance Before This Resolution	35,149.00
This Resolution	34,896.00
Remaining Balance	253.00

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R-192-5-95 APPROVED

RESOLUTION TO APPROVE PURCHASE ORDER FOR TWO COPIERS - BID NO. 2670

Whereas, Administrative Services Department-Purchasing Division solicited bids for two copiers;

Whereas, Hovinga Business Systems had the lowest responsible bid of \$11,999.00 per copier, based on five-year total cost and overall performance; and

Whereas, Hovinga Business Systems received Human Rights Approval on January 25, 1995;

RESOLVED, That City Council approve the issuance of a purchase order to Hovinga Business Systems in the amount of \$23,998.00 for two copiers.

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R-193-5-95 APPROVED

RESOLUTION TO CLOSE MAIN STREET FOR FIRST FRIDAY FESTIVE NIGHTS

Whereas, The City has received a request from the Parks and Recreation Department and the Main Street Area Association to sponsor various special events on the first Friday of each month from May to October 1995;

Whereas, These series of events are intended to promote and attract people to the Main Street business area;

Whereas, The staging of these events will require the closing of Main Street between West William and Washington from 7:00 p.m. to 10:00 p.m.;

Whereas, The Parks and Recreation Department will properly sign and barricade all affected intersections and provide additional trash containers as needed;

Whereas, The sponsors have requested Council waive meter bag deposits; and

Whereas, The sponsors will provide evidence of proper liability insurance, comply with all procedures, rules and regulations for holding these events;

RESOLVED, That the closing of Main Street as requested from 7:00 to 10:00 p.m. be approved; and

RESOLVED, That Council waive parking meter bag deposit fees of \$340.00 for each of the six events (total \$2,040.00).

The question being the foregoing Consent Agenda items, with Resolution No. R-181-5-95 as amended, on a voice vote the Mayor declared the motion carried.

**ITEM REMOVED FROM CONSENT AGENDA**

R-194-5-95 APPROVED

RESOLUTION ESTABLISHING 1995 FEES AND CHARGES FOR  
POOLS, CANOE LIVERIES AND HURON HILLS GOLF COURSE

Whereas, The Department of Parks and Recreation recommends the proposed fees for 1995 to achieve the projected FY 95-96 budget targets of recreational facility self-support;

Whereas, Support material has been prepared which summarizes facility self- support levels;

Whereas, The appropriate citizen advisory groups have recommended the proposed fees; and

Whereas, The Department of Parks and Recreation FY 95/96 budget provides that a 100% level of self-support be achieved for the canoe liveries, Fuller Pool and the golf courses, and that a 45%, 49% and 74% level be achieved for Mack, Buhr and Veterans Memorial pools respectively;

RESOLVED, That the schedule of recreation facilities fees, as listed below, be adopted by the Mayor and Council:

VETERANS MEMORIAL SWIMMING POOL ADMISSION FEES

Present fee

Recommended fee

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Adult	\$2.50	\$3.00
Youth/Senior	2.00	2.50
Family	6.00	8.00

Note: Mack, Buhr and Fuller pool rates will remain the same.

## SWIMMING POOL SEASON PASSES

<u>Pre-Season Discount</u>	<u>Present fee</u>	<u>Recommended fee</u>
Resident Adult	\$ 58.00	\$ 65.00
Resident Youth/Senior	40.00	45.00
Resident Family	98.00	110.00
Nonresident Adult	70.00	78.00
Non-resident Youth/Senior	50.00	55.00
Non-resident Family	120.00	132.00

<u>Regular Rates</u>	<u>Present fee</u>	<u>Recommended fee</u>
Resident Adult	\$ 70.00	\$ 78.00
Resident Youth/Senior	50.00	55.00
Resident Family	120.00	132.00
Non-resident Adult	85.00	95.00
Non-resident Youth/Senior	60.00	70.00
Non-resident Family	145.00	160.00

## CANOE LIVERY RENTAL RATES WEEKEND AND HOLIDAY

<u>Hourly Canoe Rates</u>	<u>Present rates</u>	<u>Recommended rates</u>
1st Two hours	\$ 10.00	\$ 12.00
Three hours	11.00	13.00
Four hours	12.00	14.00
Five hours	12.75	14.75
Six hours	13.50	15.50
Seven hours	14.00	16.00

<u>Package Canoe Trips</u>	<u>Present rates</u>	<u>Recommended rates</u>
Argo to Gallup	\$ 12.00	\$ 14.00
Delhi to Argo	16.00	18.00
Dexter to Argo	19.00	21.00

<u>Paddleboat</u>	<u>Present rate</u>	<u>Recommended rate</u>
per 1/2 hour	5.00	6.00

## HURON HILLS GOLF COURSE GREENS FEES

	<u>Present rate</u>	<u>Recommended rate</u>
Weekday 9	\$ 8.00	\$ 8.50

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Weekday 18	11.00	12.00
Holiday/Weekend 9	9.00	9.50
Holiday/Weekend 18	12.50	13.50
Junior Weekday only	6.00	6.50
Senior Weekday only	6.00	6.50

Councilmember Nicolas moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried, with two Councilmembers dissenting.

**ORDINANCES - SECOND READING**

12-95 APPROVED

DUNIGAN BROTHERS, INC. 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 5.7 acres, located at the northeast corner of Ellsworth and Platt Roads, from TWP (Township District) to C2B (Business Service District).

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

On a voice vote the Mayor declared the motion carried.

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13-95 APPROVED

ESMAEL 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 the northwest corner of Westover Avenue and Rhea Street, from TWP (Township District) to R1D (Single-Family Dwelling District).

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

On a voice vote the Mayor declared the motion carried.

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14-95 APPROVED

KNISLEY ZONING

Council - May 1, 1995

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 3141 Dexter Road, from TWP (Township District) to R1C (Single-Family Dwelling District).

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

On a voice vote the Mayor declared the motion carried.

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15-95 APPROVED

LIEBERTHAL 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 0.75 acre, located at 3033 Geddes, from TWP (Township District) to R1A (Single-Family Dwelling District).

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

On a voice vote the Mayor declared the motion carried.

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16-95 APPROVED

MOORE 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 0.66 acre, located at 1495 South Maple Road, from TWP (Township District) to R1C (Single-Family Dwelling District).

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

On a voice vote the Mayor declared the motion carried.

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17-95 APPROVED

O'DONNELL/GARFINKLE 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 0.50 acre, located at 435 Huntington Place, from TWP (Township District) to R1A (Single-Family Dwelling District).

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

On a voice vote the Mayor declared the motion carried.

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18-95 APPROVED

BOURQUIN 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 0.8 acre, Lot 58, Hillwood Subdivision #5 (Rock Creek Court), from TWP (Township District) to R1B (Single-Family Dwelling District).

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

On a voice vote the Mayor declared the motion carried.

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19-95 APPROVED

RSI WHOLESALE 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 5.5 acres, located at 1380 North Main Street, from TWP (Township District) to M1 (Light Industrial District).

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

On a voice vote the Mayor declared the motion carried.

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20-95 APPROVED

REZMIERSKI 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 1.32 acres, located at 1050 Elmwood Drive, from TWP (Township District) to R1A (Single-Family Dwelling District).

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

On a voice vote the Mayor declared the motion carried.

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21-95 APPROVED

THEILE 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 0.58 acre, located at 3152 Cherry Tree Lane, from TWP (Township District) to R1D (Single-Family Dwelling District).

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

On a voice vote the Mayor declared the motion carried.

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22-95 APPROVED

TIPPETT 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 1.2 acres, located at 300 Huntington Drive, from TWP (Township District) to R1A (Single-Family Dwelling District).

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

On a voice vote the Mayor declared the motion carried.

**ORDINANCES - FIRST READING**

30-95 APPROVED

ARBOR LAKE VILLAGE 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 19.9 acres, located on the east side of South Main Street between Ann Arbor-Saline Road and Eisenhower Parkway, from PUD (Planned Unit Development District) to R4B (Multiple-Family Dwelling District).

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

On a voice vote the Mayor declared the motion carried.

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31-95 APPROVED

WILDT STREET REZONING

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

This ordinance would change the zoning of 0.6 acre, located at 903-917 Wildt Street, from PUD (Planned Unit Development District) to R2A (Two-Family Dwelling District).

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

On a voice vote the Mayor declared the motion carried.

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DEFERRED

INCREASE WATER AND SEWER RATES

An Ordinance to Amend Sections 2:63 and 2:64 of Chapter 29 of Title II of the Code of the City of Ann Arbor

This ordinance would increase water and sewer service rates beginning July 1, 1995.

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

Council unanimously agreed to defer consideration of the ordinance until the Utilities Director is available to answer questions. (See Ordinances - First Reading (Cont.) following approval of Resolution No. R-199-5-95)

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DEFERRED

INCREASE 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 charges beginning July 1, 1995.

Council unanimously agreed to defer consideration of the ordinance until the Utilities Director is available to answer questions. (See Ordinances - First Reading (Cont.) following approval of Resolution No. R-199-5-95)

**MOTIONS AND RESOLUTIONS**

R-195-5-95 APPROVED

RESOLUTION TO APPROVE DISCOUNT TIRE COMPANY SITE PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Discount Tire Company Site Plan, 0.61 acre, 3451 Washtenaw Avenue.

Whereas, Discount Tire Company has requested site plan approval in order to construct a 1,400-square foot addition to the rear of the existing building at 3451 Washtenaw Avenue; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of March 21, 1995, recommended approval of said request;

RESOLVED, By the Mayor and City Council that the Discount Tire Company Site Plan be hereby approved, subject to the recording of necessary easements for public sidewalks prior to the issuance of building permits.

Councilmember Daley moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-196-5-95 APPROVED

RESOLUTION TO APPROVE DUNIGAN BROTHERS, INC. SITE PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Dunigan Brothers, Inc. Site Plan, 5.7 acres, northeast corner of Ellsworth and Platt Roads.

Whereas, Dunigan Brothers, Inc. has requested site plan approval in order to construct a gasoline station and convenience market; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of June 21, 1994, recommended approval of said request;

RESOLVED, That the Dunigan Brothers, Inc. Site Plan be hereby approved, subject to necessary variances being granted by the Zoning Board of Appeals prior to the issuance of building permits.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-197-5-95 APPROVED

RESOLUTION COMMEMORATING LAW DAY 1995

Whereas, The Law is at once the definition and the reflection of the social contract between the individual and the community;

Whereas, The Law is not only a code of conduct binding individuals to its requirements, but embodies the community's commitment to providing justice whatever the circumstances of those seeking it;

Whereas, Knowledge of the Law and participation in the evolution of the Law is imperative for the maintenance of a free society;

Whereas, Respect for the Rule of Law is the unifying principle of our increasingly diverse society, as reflected in the theme of Law Day 1995, "E Pluribus Unum: Out of Many, One." The promise of the American system of Constitutional government has always been equal protection under law, and that promise has formed the shared vision of our nation of people whatever their financial, cultural, ethnic or religious backgrounds. Today more than ever we need to be reminded of that promise and to renew our commitment to liberty and justice for all peoples in the United States of America; and

Whereas, Since its inception in 1957, Law Day has increased public awareness of the fact that our legal system is a cornerstone of our way life. This worthy program, through its ambitious events, highlights the responsibility each American has to others and to be an informed and involved citizen. Only through the acceptance of this challenge by every citizen can our state and our nation continue to grow stronger in our liberties and opportunities;

RESOLVED, That May 1, 1995 be commemorated as Law Day in Ann Arbor, Michigan; and

RESOLVED, That a copy of this resolution be transmitted to the Law Day Committee of the State Bar of Michigan as evidence of appreciation of the great importance of this occasion to the People of the State of Michigan.

Councilmember Hartwell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-198-5-95 APPROVED

RESOLUTION TO AWARD A CONSTRUCTION CONTRACT  
TO MC LAREN/HART ENVIRONMENTAL ENGINEERING, INC.  
AND ESTABLISH A PROJECT BUDGET FOR THE LANDFILL  
SLURRY WALL - BID NO. 2654

Whereas, It has been found necessary to construct a slurry wall on the perimeter of the City's Landfill;

Whereas, McLaren/Hart Environmental Engineering, Inc. of Pittsburgh, Pennsylvania, has submitted to the City on March 10, 1995 a bid for said work in the total amount of \$3,470,463.00, 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 March 17, 1995, approved said company for said construction project;

RESOLVED, That a contract in the amount of \$3,470,463 be awarded to McLaren/Hart Environmental Engineering, Inc. for the construction of the Landfill Slurry Wall Project (Bid No. 2654);

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 for the life of the project, to be available until expended without regard to fiscal year:

Section I - Revenue

\$ 584,833	Environmental Bond, Fund 097, Previously Appropriated
<u>4,560,967</u>	Environmental Bond, Fund 097
\$5,145,800	TOTAL; and

Section II - Expense

\$3,470,500	Construction
160,000	Refuse Disposal at BFI Arbor Hills Landfill
434,600	Design Engineering
490,000	Construction Engineering
35,000	Testing
363,000	Contingencies approved by the City Administrator
35,000	Miscellaneous costs
<u>157,700</u>	Bond User Fee/Overhead Charge
\$5,145,800	TOTAL

Councilmember Kolb moved that the resolution be adopted.

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On a voice vote the Mayor declared the motion carried.

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R-199-5-95 APPROVED

RESOLUTION TO AUTHORIZE AN AMENDMENT TO  
THE PROFESSIONAL SERVICES AGREEMENT WITH  
HARZA ENVIRONMENTAL SERVICES, INC. FOR  
THE LANDFILL SLURRY WALL

Whereas, The Council approved a professional services agreement with Harza Environmental Services, Inc. on October 4, 1993 for the design and construction inspection of the landfill slurry wall;

Whereas, Harza Environmental Services, Inc. will provide additional services for quality control inspection, wetland mitigation plan, and geotechnical investigation at the City's request during the construction of the landfill slurry wall; and

Whereas, The Human Resources Department has, on March 17, 1995, approved said company for the Slurry Wall project;

RESOLVED, That the City Council authorize an amendment to the professional services agreement with Harza Environmental Services, Inc. in the amount of \$175,170.00;

RESOLVED, That the Mayor and City Clerk be authorized and directed to sign said amendment 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.

Councilmember Nicolas moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

**ORDINANCES - FIRST READING (Cont.)**

32-95 APPROVED

INCREASE WATER AND SEWER RATES

An Ordinance to Amend Sections 2:63 and 2:64 of  
Chapter 29 of Title II of the Code of the City of Ann Arbor

This ordinance would increase water and sewer service rates beginning July 1, 1995.

Council unanimously agreed to again consider the foregoing ordinance previously

placed on the table and deferred.

The question being the ordinance at first reading as presented, on a voice vote the Mayor declared the motion carried, with Councilmember Hartwell dissenting.

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33-95 APPROVED

INCREASE 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 charges beginning July 1, 1995.

Council unanimously agreed to consider the foregoing ordinance which was previously deferred.

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

On a voice vote the Mayor declared the motion carried, with Councilmember Hartwell dissenting.

MOTIONS AND RESOLUTIONS (Cont.)

R-200-5-95 APPROVED

RESOLUTION TO APPROVE FY 1995-2000 CONSOLIDATED STRATEGY AND PLAN FOR SUBMISSION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Whereas, The Community Development Department has prepared the FY 1995-2000 Consolidated Strategy and Plan for the period July 1, 1995 through June 30, 2000;

Whereas, Public hearings have been held to solicit the views of Ann Arbor residents interested in the City's programs; and

Whereas, The CDBG Executive Committee, Housing Policy Board and City Planning Commission have reviewed the document and recommended its approval to City Council;

RESOLVED, That City Council approve the FY 1995-2000 Consolidated Strategy and Plan substantially in the form on file in the Office of the City Clerk for submission to the Department of Housing and Urban Development (HUD);

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 \$2,034,000 allocation to be

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available until expended without regard to fiscal year; and

RESOLVED, That City Council authorize the Community Development Department to negotiate contractual agreements with subgrantees detailed for subsequent City Council review and approval.

Councilmember Lumm moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried, with Councilmember Hartwell dissenting.

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R-201-5-95 APPROVED

RESOLUTION TO APPROVE LEASE WITH WASHTENAW COUNTY  
FOR DISTRICT COURT RECORDS OPERATION CENTER

Whereas, The City of Ann Arbor currently leases space on the third floor of the City Center Building for offices and records storage for the City of Ann Arbor;

Whereas, The City of Ann Arbor Administrative Services Division wishes to use the third floor of the City Center Building exclusively for offices;

Whereas, The 15th District Court wishes to locate its records operations center to the Washtenaw County Annex Building at 100 North Fourth Avenue, which is across the street from the Washtenaw County Courthouse;

Whereas, Locating district court operation in the Washtenaw County Annex is consistent with city-county governmental cooperation; and

Whereas, The Washtenaw County Board of Commissioners has approved a lease agreement with the City of Ann Arbor for this project and the Court has requested funding for the lease in the FY 1995-96 budget;

RESOLVED, That the Mayor and Clerk be authorized to sign a lease agreement, approved as to form by the City Attorney and approved as to substance by the City Administrator, that provides approximately 1,655 square feet of space in the Washtenaw County Annex Building at 100 North Fourth Avenue for use as a records operations center for the 15th Judicial District Court.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-202-5-95 APPROVED

RESOLUTION TO APPROVE GYPSY MOTH CONTROL  
PROGRAM - BID NO. 2730

Whereas, The Gypsy Moth caterpillar established itself in Ann Arbor last year in the Ive's Woods area of Burns Park and has been observed in several locations east of Ive's Woods and Washtenaw Ave.;

Whereas, The Gypsy Moth is a serious pest of many species of shade, ornamental and evergreen trees, particularly oaks and, if left unmanaged, can present a serious health threat to trees of all ages;

Whereas, The City's Department of Parks and Recreation has been monitoring the problem since July, 1994, and has solicited considerable public input from residents in the affected areas and received favorable comments

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towards the spraying control program and willingness of homeowners to pay their share;

Whereas, Bids were solicited from 9 State certified spraying companies and one qualified bidder, AgRotors, Inc., per Bid #2730, submitted a bid totalling \$27,216.00 to aerial spray nearly 600 acres of the Ive's Woods/Ann Arbor Hills area;

Whereas, AgRotors, Inc. received Human Rights approval on April 25, 1995; and

Whereas, If 25% or more of the residents in the proposed spray area disapprove of the program we will cancel the program for this year;

RESOLVED, That the City Council approve the Gypsy Moth control program being implemented by the Department of Parks and Recreation; and

RESOLVED, That the City Council approve the contract, per Bid #2730, with AgRotors, Inc. for \$27,216.00 to spray both areas 1 and 2, substantially in the form on file with the City Clerk, if adequate support from the residents is received.

Councilmember Lumm moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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Council unanimously agreed to alter the order of the agenda to consider the following resolution:

R-203-5-95 APPROVED

RESOLUTION TO APPROVE THE SALES AGREEMENT  
TO PURCHASE THE 25.43 ACRE WASHTENAW COUNTY  
ROAD COMMISSION PROPERTY FOR PARK LAND

Whereas, The 1994-2000 Parks, Recreation and Open Space Plan recommends that there be an additional active recreation area to serve northeast Ann Arbor;

Whereas, The Park Advisory Commission has recommended the 25.43 acre Washtenaw County Road Commission (WCRC) property on Dhu Varren Road and Pontiac Trail be purchased as a location for an active park including a public safety radio antenna described as:

BEGINNING at the South 3 corner of Section 9, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan; thence S86°28'55"W 584.90 feet along the south line of said Section and the centerline of Dhu Varren Road to a point on the centerline of Pontiac Trail; thence along said centerline N13°33'16"W 423.29 feet; thence N76°26'44"E 50.00 feet to a point on the easterly right-of-way line of Pontiac

Trail; thence along said right-of-way line in the following three (3) courses: N13°33'16"W 200.00 feet, N76°26'44"E 25.00 feet and N13°33'16"W 46.03 feet; thence N86°13'00"E 760.89 feet; thence N86°00'00"E 84.90 feet; thence S04°15'00"E 670.80 feet to a point on the south line of said Section 9 and the centerline of Dhu Varren Road; thence along said south line and said centerline S85°47'30"W 1026.70 feet to the point of beginning. Being a part of the south 2 of Section 9, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan and containing 25.43 acres of land, more or less. Being subject to the rights of the public over the northerly 33 feet of Dhu Varren and the easterly 33 feet of Pontiac Trail as occupied. Also being subject to easements and restriction of record, if any;

Whereas, The WCRC has agreed to sell the property for \$150,000.00 and to reimbursement the City, through the 911 Public Safety Task Force as each radio unit is loaded onto the system by WCRC. WCRC may load up to 125 units onto the system;

Whereas, The WCRC site is adjacent to a ±27 acre site owned by the Washtenaw County Drain Commission that may be able to be used for public park uses compatible with the drain functions of the property;

Whereas, The Technical Advisory Committee of the 911 Public Safety Task Force, as a part of the 800 MHz radio enhancement project, has determined that the WCRC site is ideal for the primary tower antenna site and the WCRC would like to participate in the 800 MHz system;

Whereas, The City Planning Commission has recommended approval of the annexation of the property, zoning to PL, and public project review (area plan for the 51 acre park and a site plan) for the radio antenna and supporting equipment; and

Whereas, There are sufficient funds in the Park Acquisition Millage (Fund 024) to cover the total purchase price of \$150,000.00, and up to \$5,000.00 for closing costs, recording fees and other charges, with the future WCRC buy in payment to reimburse the Park Acquisition Millage;

RESOLVED, That the Mayor and City Council approve the sales agreement for the purchase of the 25.43 acre Washtenaw County Road Commission property upon the terms described above for park use, authorize the Mayor and Clerk to sign the agreement substantially in the form on file with the City Clerk, and authorize \$155,000.00 from the Park Acquisition Millage (fund 024) for the purchase.

Councilmember Fink moved that the resolution be adopted.

With unanimous consent of Council, Jay Blethen, representing Washtenaw County Emergency Management, answered questions concerning the proposed radio tower project.

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

Yeas, Councilmembers Fink, Lumm, Carlberg, Nicolas, Hartwell, Kolb, Daley, Hanna-Davies, Mayor Sheldon, 9;

Nays, Councilmember Vereen-Dixon, 1.

The Mayor declared the motion carried.

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POSTPONED

RESOLUTION TO APPOINT BOND COUNSEL

Whereas, Proposals were requested and received on April 20, 1995 for bond counsel for the City of Ann Arbor;

Whereas, The Finance Advisory Committee carefully reviewed and evaluated the proposals;

Whereas, The Finance Advisory Committee considered the qualifications and depth of experience of the responding firms, and the bid price; and

Whereas, The Finance Advisory Committee recommends the appointment of Miller, Canfield, Paddock & Stone;

RESOLVED, City Council hereby appoint Miller, Canfield, Paddock & Stone as bond counsel for the City of Ann Arbor.

Councilmember Nicolas moved that the resolution be adopted.

Councilmember Daley moved that the last paragraph of the resolution be amended as follows:

RESOLVED, That City Council hereby appoint Miller, Canfield, Paddock and Stone as ~~bond~~ counsel for the City of Ann Arbor, SOLELY FOR THE ISSUANCE OF THE 1995 WATER SYSTEM AND SANITARY SEWER SYSTEM BONDS.

With unanimous consent of Council, Joel Piell, representing Miller Canfield, answered questions concerning fees.

The Mayor declared a recess at 11:08 p.m.

The Mayor again called the meeting to order at 11:15 p.m.

Councilmember Kolb moved that the resolution be postponed to the May 15, 1995 regular session of Council for further information concerning a professional service contract.

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On roll call the vote was as follows:

Yeas, Councilmembers Vereen-Dixon, Fink, Carlberg, Hartwell, Kolb, Hanna-Davies, Mayor Sheldon, 7;

Nays, Councilmembers Lumm, Nicolas, Daley, 3.

The Mayor declared the motion carried.

#### **REPORTS FROM COUNCIL COMMITTEES**

##### SPECIAL LIQUOR COMMITTEE

Councilmember Fink, member of the Special Liquor Committee, moved that the following resolutions be placed on the table for consideration:

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- Resolution to Approve New Brew Pub License and Transfer of Class C Liquor License at 114-118 East Washington Street; and
- Resolution to Approve New Brew Pub License and Transfer Location of a Class C Licensed Business to 120 West Washington Street.

On roll call the vote was as follows:

Yeas, Councilmembers Vereen-Dixon, Fink, Lumm, Carlberg, Hartwell, Kolb, Daley, Hanna-Davies, Mayor Sheldon, 9;

Nays, Councilmember Nicolas, 1.

The Mayor declared the motion carried.

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R-204-5-95 APPROVED

RESOLUTION TO APPROVE NEW BREW PUB LICENSE  
AND TRANSFER OF CLASS C LIQUOR LICENSE AT  
114-118 EAST WASHINGTON STREET

RESOLVED, That the request for a new Brew Pub license and transfer of a Class C license at 114-118 East Washington Street be hereby approved, provided that all necessary approvals required from City Departments have been obtained and upon payment of \$500.00 and such other necessary fees as required.

Councilmember Fink moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Vereen-Dixon, Fink, Lumm, Carlberg, Hartwell, Kolb, Daley, Hanna-Davies, Mayor Sheldon, 9;

Nays, Councilmember Nicolas, 1.

The Mayor declared the motion carried.

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R-205-5-95 APPROVED

RESOLUTION TO APPROVE NEW BREW PUB LICENSE  
AND TRANSFER LOCATION OF A CLASS C LICENSED  
BUSINESS TO 120 WEST WASHINGTON STREET

RESOLVED, That the request for a new Brew Pub license and transfer of location of a Class C licensed business to 120 West Washington Street be hereby approved, provided that all necessary approvals required from City Departments

have been obtained and upon payment of \$500.00 and such other necessary fees as required.

Councilmember Fink moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Vereen-Dixon, Fink, Lumm, Carlberg, Hartwell, Kolb, Daley, Hanna-Davies, Mayor Sheldon, 9;

Nays, Councilmember Nicolas, 1.

The Mayor declared the motion carried.

#### **COUNCIL PROPOSED BUSINESS**

##### MAY 15 REGULAR SESSION:

Resolution in Opposition to State House Bill No. 4668 - Housing Law of Michigan  
(Councilmembers Daley and Hanna-Davies)

Resolution in Explication and Opposition to Republican Contract with America  
(Councilmembers Daley and Hanna-Davies)

Resolution Regarding Professional Service Agreements with Outside Firms  
(Councilmember Lumm)

##### PROPOSALS REGARDING AFFORDABLE HOUSING

Councilmember Vereen-Dixon stated that proposals to help make downtown housing more affordable will soon be brought before Council.

#### **COMMUNICATIONS FROM THE MAYOR**

##### NOMINATIONS PLACED ON TABLE

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

##### ANN ARBOR TRANSPORTATION AUTHORITY

Lawrence A. Murphy (replacing Dorothy Walker whose term expired)  
415 W. Hoover Ave.  
Term: 5/15/95 to 5/1/2000

Walter W. Hill (to complete unexpired term created by resignation)  
701 Sunset Rd.  
Term: 5/15/95 to 5/1/98

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ANN ARBOR COMMISSION ON DISABILITY ISSUES

Jamie Beth Catlin (replacing Carolyn Earl whose term expired)  
1050 Wall St., #10F  
Term: 5/15/95 to 5/14/98

PARK ADVISORY COMMISSION

Linda Safdi Langmore (to complete unexpired term created by resignation)  
1724 Hermitage Rd.  
Term: 5/15/95 to 8/14/97

INDIVIDUAL HISTORIC PROPERTIES HISTORIC DISTRICT STUDY COMMITTEE

Rosemarion Blake (reappointment)  
840 Wickfield Ct.  
Term: 5/15/95 to 5/1/98

Alex DeParry (reappointment)  
403 S. Fifth Ave.  
Term: 5/15/95 to 5/1/98

Marshall McLennan (reappointment)  
2138 Ridge Ave.  
Term: 5/15/95 to 5/1/98

RECENTLY SIGNED PROCLAMATIONS

Mayor Sheldon announced that she has recently signed the following proclamations:

- Recognizing Sister City Relationship with Juigalpa
- Motorcycle Awareness Month - May, 1995
- Respect for Law Week - May 2-8, 1995
- Honoring James Galway - May 13, 1995
- Transportation Week - May 15-19, 1995
- National Police Week - May 15-19, 1995 and Police Memorial Day

ENGINEERING DIVISION RECOGNIZED

The Mayor reported that the City Engineering Division was the first department in City Hall to receive recognition from a recycle set-aside fund for refurbishing some office furniture as part of its relocation process.

COMMERCIAL ENERGY EFFICIENCY CONTEST AWARD

Mayor Sheldon recognized the Ann Arbor Public Schools and its Environmental and Utilities Services Department as the 1995 winner of the Ann Arbor Energy Commission's Commercial Energy Efficiency Contest for lighting efficiency improvement efforts.

ANN ARBOR WATER FAIR

The Mayor reminded the public of the Ann Arbor Water Fair on May 6 at the Wastewater Treatment Plant, sponsored by the City Utilities Department.

DOWNTOWN CLEAN-UP DAY

Mayor Sheldon announced that the annual Downtown Clean-Up Day will be held on May 13, from 8:00 a.m. to noon, and that volunteers should meet in the City Hall parking lot.

CONFERENCE

The Mayor reported that she recently attended a conference in Charleston, South Carolina, sponsored by the Mayor's Institute on Good City Design, and that each Mayor was invited to bring a project to be critiqued by design professionals. The Mayor stated that she submitted the commercial corridor portion of the West Area Plan which received good reviews for planning and design.

**COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

REPORTS SUBMITTED

Interim City Administrators Northcross and Olson submitted the following reports for information of Council:

1. Environmental Bond Statement of Revenues, Expenditures and Changes in Fund Balance for March, 1995
2. House Bill 4668 - Housing Inspection
3. Water Quality Awareness Week - May 7-13, 1995
4. Treehouse Condominiums

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

ADMINISTRATOR SEARCH FOCUS GROUP

Interim Administrator Northcross reported that the letters inviting citizens to participate in the May 8 focus group for the City Administrator search process have been sent out. Ms. Northcross stated that, with the help of Information Services, ten citizens from each ward were selected randomly from the voter files to receive this invitation.

**COMMUNICATIONS FROM THE CITY ATTORNEY**

EDC BONDS

Acting City Attorney John VanLoon reported on the progress of the sale of EDC

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bonds in the YMCA matter and stated that the Finance Director received a schedule of proposed payments from the financial consultants today.

**COMMUNICATIONS FROM COUNCIL**

COUNCILMEMBER DALEY

Councilmember Daley submitted petitions and information from township residents regarding the proposed radio tower. (Petitions on file in the City Clerk's Office)

COUNCILMEMBER VEREEN-DIXON

Councilmember Vereen-Dixon asked whether anything can be done about the growing problem with graffiti in the City, and stated that the graffiti on street signs needs to be removed.

**CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS**

The following communication was referred as indicated:

1. Communication from Gerald Lutz, Chair of the Washtenaw County Emergency Medical Services Commission, in support of the Northeast Park Plan as a site for a public safety communications system - File.

The following minutes were received for file:

1. Planning Commission - March 7 and 21, 1995
2. Ann Arbor Transportation Authority - March 22, 1995
3. Housing Policy Board - April 19, 1995
4. Human Services Task Force - March 8 and April 19, 1995

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

On a voice vote the Mayor declared the motion carried.

**PUBLIC COMMENTARY - GENERAL**

Laurie Young - Barrier-Free Housing

Laurie Young, Ann Arbor resident, expressed concern with the City's lack of barrier-free housing for disabled citizens that contains more than two bedrooms. She stated that this lack of housing is a form of discrimination and sends a message that disabled citizens have no right to raise children.

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**ADJOURNMENT**

There being no further business to come before Council, the Mayor declared the meeting adjourned at 12:11 a.m.

W. Northcross  
Clerk of the Council

Janet L. Chapin  
Recording Secretary