

**REGULAR SESSION - JULY 17, 1995**

The regular session was called to order at 7:00 p.m. by Mayor Ingrid B. Sheldon.

**ROLL CALL OF COUNCIL**

Present: Councilmembers Tobi Hanna-Davies, Patricia Vereen-Dixon, Peter Fink, Jane Lumm, Haldon Smith, Jean Carlberg, Peter Nicolas, Stephen Hartwell (entered later), Christopher Kolb, Elisabeth Daley, Mayor Ingrid Sheldon, 11

Absent: 0

Councilmember Kolb moved that Council convene the scheduled Executive Session.

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

**EXECUTIVE SESSION - JULY 17, 1995**

The executive session of the Ann Arbor City Council was called to order by Mayor Ingrid B. Sheldon at 7:00 p.m.

The purpose of the executive session was to discuss with Acting City Attorney VanLoon the pending litigation regarding the Ann Arbor Tenants Union Lawsuit.

There being no further discussion, Councilmember Vereen-Dixon moved that the regular session be reconvened.

On a voice vote, the Mayor declared the motion carried and the regular session was reconvened at 7:41 p.m.

Winifred Northcross  
Clerk of the Council

Linda J. Wise  
Recording Secretary

**REGULAR SESSION - JULY 17, 1995**

The regular session of the Ann Arbor City Council was called to order at 7:41 p.m. by Mayor Ingrid B. Sheldon.

Council stood for a moment of silence.

Mayor Sheldon led the Pledge of Allegiance.

**ROLL CALL OF COUNCIL**

Present: Councilmembers Tobi Hanna-Davies, Patricia Vereen-Dixon, Peter Fink, Jane Lumm, Haldon Smith, Jean Carlberg, Peter Nicolas, Stephen Hartwell, Christopher Kolb, Elisabeth Daley, Mayor Ingrid Sheldon, 11

Absent: 0

**INTRODUCTIONS**SERIAL RAPE INVESTIGATION UPDATE - CHIEF ENT

Police Chief Ent presented an update on the Serial Rape Investigation. The accused rapist, Ervin Mitchell, was found guilty and sentenced. As promised, a community forum was scheduled to discuss the conduct of the rapist investigation and future alternatives. The forum was scheduled to be held at the downtown Public Library on Wednesday, August 2, 1995, from 6:30 p.m. until 8:30 p.m. Dr. Linda Keyes was engaged to facilitate the forum.

Chief Ent updated Council on the status of blood samples taken in the recent investigation. He favored retention of the samples pending completion of the appeals process. The 160 African-American males who gave blood in this case were not suspects. The blood samples, in the custody of the Michigan State Police, were not in any computer and could not be legally used in any other case. The results and lab notes would not be applicable to any "freedom of information" request. Individuals could contact him for a copy of destruction certificates.

Chief Ent said that, although he agreed with the intent of the "Blood Sample" resolution, he could not support it because it contained some improper legal implications and statements.

**PUBLIC COMMENTARY - RESERVED TIME**

GRETA DONGVILLO - SOLID WASTE CONTRACT

Greta Dongvillo, 1903 Jackson Ave., said that she has served as a recycling block coordinator in her neighborhood for the last five years. She said that the results of the volunteer work is an increase in the amount of materials that are being put out for recycling. She would like to see the recycling program continue.

WARREN MCARTHUR - ANN ARBOR ECOLOGY CENTER CONTRACT

Warren McArthur, 113 Park Street, Chelsea, executive director of the Michigan Center for Environmental Studies, addressed concerns regarding the proposed Ecology Center Educational Programs. He said that the environmental educational programs often lack balance in regard to industry and technology. He said that children need scientific knowledge to understand environmental issues before they are mobilized to lobby for certain environmental practices. In addition, there is still no published curriculum available for review.

CHARLOTTE FAULMAN - ECOLOGY CENTER FUNDING

Charlotte Faulman, 850 Redeemer, expressed concern about what her children are being taught in the public schools by the Ecology Center. She said that what is presented by the Ecology Center is opinion and not scientific fact. She believed that children were frightened into thinking that the world would end if certain recycling procedures were not followed. She also expressed the opinion the Ecology Center budget is too large and should be cut by half.

ANDY GULVEZAN - TOPICS IN GENERAL

Andy Gulvezan, 2104 Pauline, wished some of the Councilmembers a happy retirement when their term ends, expressed the opinion that trucks not be allowed on Main Street between Huron St. and William, announced his scheduled appearance on the Community Television Network and commented on impending bank employee layoffs.

REBECCA KANNER - SOLID WASTE EDUCATION CONTRACT

Rebecca Kanner, 920 Gott St., Ecology Center staff coordinator of environmental education, and recycling block coordinator volunteer, clarified the terms of the contract and the amount set aside for the youth and adult education programs. Since the mid 80's the City has contracted with the Ecology Center to present these programs in the Ann Arbor Schools and the programs have been very well received. She said that the educational programs should continue because the recycling market is strong, and profitable for the City.

PATTRICE MAURER - BAKER COMMONS AND THE YMCA

Patrice Maurer, 417 Skydale Dr., said that the lack of ventilation at Baker Commons could be dangerous to senior citizens in hot weather. With regard to the Tenants Union Lawsuit against the YMCA, it was alleged that the Y was a landlord, rather than an innkeeper, that has violated numerous state and local laws. The city failed to enforce the law or to monitor its contracts with the Y. The Tenants Union offered to drop the allegations against the City if, in return, the City would publicly acknowledge that the Y is a landlord. This public acknowledgement would close this loophole in the law and prevent other landlords from following suit.

**PUBLIC HEARINGS**ARBOR HILLS PHASES II AND III PUD ZONING - ORDINANCE NO. 38-95

A public hearing was conducted on the proposed Amendment to Chapter 55, the rezoning of 44.48 acres from Preliminary Phase PUD (Planned Unit Development District) to Final Phase PUD, Arbor Hills Phases II and III, north side of Green Road, north of Burbank Drive. (Ordinance No. 38-95) This public hearing was recessed July 3, 1995.

There being no one appearing at this public hearing, the Mayor recessed the public hearing until August 21, 1995.

GRAMMATICO PROPERTY ZONING - ORDINANCE NO. 39-95

A public hearing was conducted on the proposed Amendment to Chapter 55, the rezoning of 0.19 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Grammatico Property, 411 Evergreen Drive. (Ordinance No. 39-95)

There being no one appearing at this public hearing, the Mayor declared the hearing closed.

1320 HURON PLACE ZONING - ORDINANCE NO. 30-95

A public hearing was conducted on the proposed Amendment to Chapter 55, rezoning of 0.49 acre from R4A (Multiple-Family Dwelling District) to R2A (Two-Family Dwelling District), 1320 Huron Place, 1320 West Huron Street. (Ordinance No. 40-95)

The following persons spoke:

Jeffrey Green, 1 Edmund Place, representing the Allen Creek Neighborhood Association, said that the association has reached an agreement with the developers and, therefore, have no further objections. The agreement calls for the use and joint maintenance of an existing driveway as a divided street to access both the 1320 property and 1 Edmund Place.

Pat Ryan, 3031 Wildwood Ave., convener of the Northwest Ann Arbor Coalition of Neighborhoods, expressed concern about the planning process for land divisions and rezonings which require virtually no information to be provided to neighborhoods. She asked that this process be amended so that neighbors are better informed. She also requested that the conditions of the agreement between the developer and neighbors for the 1320 Huron Place development be made a part of the resolution.

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

**RESOLUTION REGARDING STATUS OF BLOOD SAMPLES AND POLICE RECORDS RELATED TO THEM**

A public hearing was conducted on the proposed resolution to return to the donors their blood samples and related police records that were acquired by the

Police during the Serial Rape investigation.

The following persons were all in favor of the return of the blood samples.

John A. Shea, 120 N. Fourth Ave., said that as a local attorney, he could see both sides of the issue, but on balance, he believed that the blood samples and related information should be returned to the donors. The statute governing the handling of DNA information provides for this in the case of innocence. The evidence under discussion this date is not needed for a criminal investigation or prosecution and pose no value in the appeals. The issue is the privacy rights of the innocent, that the African-American community know that there is feeling for their dignity, and that the government is worthy of citizen trust when asked for their cooperation.

Paul Lambert, 201 W. William Street, said that he believed that the blood samples should be returned and destroyed as soon as possible. He said that many people's rights were circumvented in the name of an emergency situation. This is not a good precedent to set in a democracy because eventually people's rights may not be observed at all. He said he does not believe that white males were forced to give blood during the serial rape investigation of John Norman Collins.

Ronald Bishop, 1011 Lincoln Ave., said that although he does not know the legalities of the blood samples retention, one person has been convicted of the crime in question. Since no charges have been brought against the other individuals, the blood samples should be returned to the individuals in total, or they should be given some guarantee that the samples and records have been destroyed. If Council has no standing to take specific action in this matter, it should at least speak for the community that this be accomplished.

Woodrow Shelton, Jr., 1030 Gott St., United States Merchant Marine Officer, described his experience and that of his brother, Blair, during the "serial rape" investigation. He said that they both were subjected to the DNA tests, his brother first and then himself, upon his return to the States after his tour of duty. He soon came to understand the humiliation, embarrassment and anxiety that was described to him by his brother. Woodrow Shelton said that soon after his arrival in the United States, a friend warned him to be prepared to be stopped by the police in connection with this investigation. He was forced to give a blood sample for DNA testing even though he could document his absence from the country during many of the attacks.

LeRoy Cappaert, 1565 Barrington, scolded the Ann Arbor News for its editorial criticizing Councilmembers Hanna-Davies and Daley for sponsoring this resolution. He said that the editorial called the resolution an example of demagoguery that played on emotional fears without factual basis. He said that if what the resolution proposes is carried out, it will do the opposite of what the Ann Arbor News contended. He said that 160 men underwent severe emotional strain to give blood to remove suspicion from themselves, and that if some of the Councilmembers were in their shoes, they may take a different approach to this situation. He applauded the article written by Deputy Police Chief Walter Lunsford, and the planned community forum.

Ervin L. Thomas, 3055 Charing Cross, member of the B'Hai Faith and a member of the steering committee for the Inter-Faith Council for Peace and Justice, asked that Council act to secure the blood tests and samples of the 160 men who responded to the police departments efforts to resolve the "serial rapist" case. Since a conviction has been obtained in this case, there was no longer a need to preserve the records. Not only was this a legal obligation, but a moral issue as well, and action was needed to promote the public trust.

LeFiest Galimore, 3139 Plymouth Road, said that the legal, ethical and emotional arguments that have been raised this date as well as the public forum proposed by Chief Ent, although helpful, cannot repay those individuals who have been publicly humiliated by having their blood samples taken. In many instances, the community knows who those individuals are because nothing is a secret. He said that until these samples are returned to the owners, the healing process cannot begin to take place.

Cecy Ewing, 2005 Carhart, chair of the Ann Arbor Human Rights Commission, supported the efforts of Councilmembers Daley and Hanna-Davies to get blood samples returned to the men in the community who "voluntarily" provided them. She said that although the horror of the serial raping is over, the individual horror that the 160 men suffered, and the damaging stories of mistreatment has negatively affected the African-American community. This episode has only deepened the wound of mistrust.

Nicolas Roumel, 2718 Hampshire, criminal defense attorney who represented some of the people who had their blood taken, said that the methods that were used in many cases were coercive, horrible and unjustifiable. For many years African-American males have felt stigmatized and singled-out for police attention and in many cases don't trust the system anymore. He proposed that if the samples could not be returned, that they be made unavailable to law

enforcement and be placed under the supervision of a third neutral party.

Valerie Ackerman, 2227 Yorktown, said that although actions taken by the Police were good intentioned, it is not enough to dispel the harm that was done. Creation of a citizen's oversight board for the police department, and an investigations policy were suggested so that civil liberties would not be sacrificed. Good old fashioned police work, rather than the published profile, was what finally caught the serial rapist, who was in custody once prior to the murder and a few more rapes. She said that he was exonerated the first time because he passed a polygraph test. Polygraph testing does not work on sociopaths because they have no guilt.

Aaron Shell, 1002 Packard, a U of M undergraduate student, and a member of Community Unity, asked that Council approve the resolution to return the blood samples to the individuals who donated them. He wondered if the blood was given voluntarily as stated by the police, because of the manner in which individuals were approached by the police at their places of employment.

Mary Bejian, 605 Catherine St., No. 2, said that she is a white woman who has been sexually assaulted, and who is unhappy about police methods of investigation in this case. She said that she never asked that the civil liberties of any man to be thrown over so that she could be safe. It was not DNA testing that apprehended Mitchell, and wondered how long this method of investigation would have continued, if the police hadn't finally sought to work with the community. The Coalition suggested to the Police over a year ago, if they thought that the rapist was African-American, to work with the black community to apprehend him.

Pat Ryan, 303 Wildwood St., on behalf of the Coalition for Community Unity, said that she had asked for the public hearing and resolution and was thankful that this was occurring. The status and disposition of the blood samples must be clearly identified to those who donated them, and to the public at large. The resolution does all of those things and should be approved this date to begin closure on this issue. Heavy community participation was planned in the upcoming public forum to assure resolution of this and surrounding issues.

Joseph Summers, 1411 South Blvd., co-pastor of the Episcopal Church of the Incarnation, said that we were living in a racist time. The criminal justice system was clearly racist because African-American men faced greater penalties than their white counter-parts. It is in the context of this time that the investigation of the serial rapist was so damaging to those subjected to this type of investigation. He said that pursuing this process that would have lead to 25% of White males being suspects would not have been tolerated, and at the least, these young men are owed the same presumption of innocence.

Patrice Maurer, 417 Skydale Dr., said that on the day that she moved to Ann Arbor, in September of 1988, within 24 hours she witnessed 3 separate incidents of Black Males who were stopped by white police officers and forced to show identification and to explain their presence in the area. She called for an empowered Citizen Police Review Board. The police abuses in the course of the serial rape investigation are not an isolated incident because of the attacks, but are part of a pattern that will not change by itself.

Marcene Root, 1015 Bath, said that she was a victim of sexual assault. She cited a history of Police harassment of African-American males in the community even before the "serial rapist" episode. She has served in the capacity of program director for the Student Advocacy Center, was a Human Rights commissioner and doctoral candidate in sociology. It is important that Police Department enforcement not disregard due process procedures. She has seen African-American male friends who were picked up and held for hours for crimes in which there were not involved, and witnessed their emotional distress, which lingered for days. We live in a double-standard society where indiscretions are punished according to race and income.

Penny Ryder, 2712 Radcliffe, director of the Criminal Justice Program for the American Friends Service Committee, who works mostly with Federal Regulations, said that as the issue of crime becomes more publicized by the media and politicians, more laws like warrantless arrests, searches and wire-tapping have been introduced. This is an irrational approach to dealing with crime. This public hearing is a good thing, but the pain that has occurred is unfortunate. Blood samples and records should be returned and an apology issued to those who were made to submit to testing, and to the community. The appeal that Mitchell will go through will have nothing to do with the men that were cleared and will have no affect on the samples that were being withheld.

Larry Hunter thanked Councilmembers Hanna-Davies and Daley for bringing this resolution, the Ann Arbor Police Department for meeting with the Coalition for Community Unity, and the community groups who participated. It was not long ago that on the mere suspicion of the rape of a White woman, Black men were hanged. Using a profile is the wrong way to conduct an investigation because it is closely proximate to a hunt. Many individuals who gave blood samples thought that they were helping, but instead found that they were the victims. He said that people should not have to come to this body to prove their innocence and, despite what was said earlier, records are not confidential. Potential harm exists for the donors the longer that those records are on file.

Dennis Johnson, 1118 Nielsen Ct., a nurse at the U of M, said that though African-American, he did not fit the profile because of his age. He came to this hearing at the urging of his daughters who wished for him to speak about what has hurt the African-American community for years. This type of police harassment has happened to him since the 1950's. It is damaging to one's self-image and self-trust to have to continuously prove his manhood, and leads one to question his citizenship in the United States of America.

Barbara Plusko, member of the Coalition of Community Unity, a psychologist and activist, said that it is a very strange sensation to have to react when a police car goes by. The men whose blood samples and records were filed with the State Police, bore the burden of being taken from their jobs, being stopped on the streets and being assaulted by the very process of obtaining this evidence. The men who were subjected to this know that this was not just symbolic, and that it increases their vulnerability.

James P. Neal, III, from Columbia South Carolina, graduate of Morehouse College, attended graduate school at the U of M, and is currently employed as a

book clerk at the Shaman Drum Bookshop. He said that it was at the bookshop that he was coerced into giving a blood sample to clear his name. He did not fit the physical profile but was told that he was in the range. He said that he is from a state where the confederate flag still flies over the State Capital, and is not a stranger to racism, civil injustice and the injustice that is practiced to protect White womanhood. He said that he was somewhat amused that police came to his place of employment to request blood samples, even though he has a home and home phone number. At first he refused, but then decided to help. He is still angry that the incident occurred.

Victor Turner, 1219 Ardmoor Drive, speaking on behalf of the president of Local Branch of the NAACP, asked why it was necessary to hold onto the blood samples.

The NAACP is in favor of the Ann Arbor City Council returning those samples immediately.

Lee Booth, said that, as an older women, she has lived during the time before society even admitted that White men raped women. She said that her husband worked at night and that she has spent thousands of nights alone, and experienced the fears of having to go out at night alone to grocery shop and run other errands. Every women has experienced this fear, but none have the right to be safe if it means the denial of the constitutional rights of others.

The men subjected to blood tests had their privacy and bodies invaded; they were raped. We have more to fear than crime, we have to fear oppressive governments and police forces. Council had the opportunity to do the right thing tonight and they should do it.

William Love, electrician at the U of M Hospital, said that he was also questioned and coerced into giving blood during the serial rape investigation.

He said that he has just purchased a house in the City and on all of the dates that he was questioned about he had alibis. He said that he did not want to give blood, but was told that his alibies could be lying, even though they were reputable citizens of the community. He said that he felt hurt, humiliated and ashamed and frightened when he walked into the City. He said that although he is proud of it, at times he felt embarrassed to be Black. The experience of this investigation has hurt his family and friends, and if he ever heals he will still have the scars. Something must be done to promote a better relationship between the Black and White community.

Janelle White, member of the Community Coalition and a part-time staff person at the Sexual Assault center, said that she sent many messages out over the E-mail system announcing this public hearing. She received 15 responses from people who could not attend but who were here during the investigation and either knew someone who was stopped or were really upset about what happened. The investigation is still in the forefront of many people's minds. One of the characteristics of the assailant was that he targeted White women and this fostered a false security among women of color.

Larry Fox, 530 S. State Street, said that when living in a constitutional government, all agencies should follow and promote the constitution. All of the men who were forced to give blood were told that this was a way to clear their name. However, the police department was wrong to say this to these people because their name was not dirty. If they did not give blood, they were

followed and stopped continuously. This is not following the constitution. He said that there is a lot of distrust of the police in the Black community and that every bit of it is deserved. If healing is to occur, constitutional rights should be observed. His suggestions to the Police Department were unheeded. He wondered if the police were answerable to government officials, or a separate entity that acts on its own.

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

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#### AGENDA ALTERED

Mayor Sheldon asked that the agenda be altered so that Council could consider the *Resolution Regarding Blood Samples and the Police Records Related to Them (Councilmembers Daley and Hanna-Davies)*

Councilmember Hanna-Davies moved that Council concur in the request of the Mayor.

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

#### MOTIONS AND RESOLUTIONS

R-341-7-95 APPROVED AS REVISED

#### RESOLUTION REGARDING BLOOD SAMPLES AND THE POLICE RECORDS RELATED TO THEM

Whereas, The Ann Arbor Police Department recently successfully concluded an extensive investigation regarding a series of rape crimes and one rape-murder in Ann Arbor, commonly known as the "serial rape" investigation; and

Whereas, The investigation resulted in the prosecution and conviction of a single individual who has now been sentenced to life in prison without parole; and

Whereas, During the course of this investigation over 600 African-American males were questioned as potential suspects; and

Whereas, During the course of questioning, the Ann Arbor Police Department collected blood samples from approximately 160 of these citizens; these samples were sent to the Michigan State Police Crime Laboratory in Northville for the purpose of DNA analysis relevant to the "serial rape" case; and

Whereas, According to existing scientific standards of evidence as presented during the trial and as supported in criminal appeals cases such as the People vs. Chandler, all 160 of these African-American individuals can now be positively excluded from suspicion of any criminal activity relevant to the "serial rape" case; and

Whereas, No computer records of the DNA profiles developed from these samples exist; and neither have these samples or profiles deriving from them been shared with any law enforcement agency other than the Ann Arbor Police; and

Whereas, The standard procedure in the Forensic Science Division of the Michigan State Police is to return or destroy all blood samples and DNA analyses of individuals who are no longer potential suspects in any investigation upon request from the relevant local police agency; and

Whereas, The Michigan State Attorney General has been asked to issue an opinion on the legality of expunging any individual names (should they exist) from the laboratory and business records of the Michigan State Police which must be maintained according to department policy and law; and

Whereas, The retention of blood samples and records relating to them, including the results of DNA analysis could cause undue harm including humiliation, embarrassment, and continuing fear and anxiety to the approximately 160 African-American males who have been determined to be innocent in this case; and

Whereas, The Ann Arbor Police Department itself supports the timely destruction of these blood samples and the DNA analyses related to them;

RESOLVED, That the Mayor and Ann Arbor City Council express their appreciation to the Ann Arbor Police Department for the successful conclusion of the "serial rape" investigation, and for the planned "Community Forum to Address the Serial Rape Investigation" which is intended to foster community healing through Police and Community partnerships;

RESOLVED, That the Mayor and Ann Arbor City Council support the Ann Arbor Police Department in its efforts to establish and initiate a definitive process for the speedy recovery from the Michigan State Police Crime Laboratory of the blood samples of and all records, both written and electronic, relating to them, of the approximately 160 individuals who have been cleared of any criminal involvement in this case, in such a way that it does not infringe on the rights of the defense or the prosecution or does not jeopardize the appellate process;

RESOLVED, That the Ann Arbor Police Department in conjunction with the City Attorney, the Michigan State Police, the State Attorney General, the Prosecutor's Office and any other relevant parties, work to assure the expunction of the names (should they exist) of any individuals in the Michigan State Police laboratory and business records relevant to this case;

RESOLVED, That the Ann Arbor Police Department shall make the blood samples and all records relating to them available for return to each of the individuals from whom the samples were taken; that the Police devise and finalize a timeline and strategy to inform each individual of this availability while protecting the confidentiality of those who submitted samples; and that this strategy include a plan for destruction of all samples and records which

remain unclaimed;

RESOLVED, That no records, information, or files on these individuals related to this investigation shall be maintained in any form in the public or non-public systems of the Ann Arbor Police Department;

RESOLVED, That the Ann Arbor Police Department shall publicize the timeline and availability for return or destruction of all blood samples and the records related to them, and shall also have available for anyone who requests it a letter indicating the names of local organizations offering legal assistance to individuals seeking repossession of blood samples and all other related records; and

RESOLVED, That the Ann Arbor Police Department shall report back to Council within 30 days on the responses from the State Police and from the Attorney General, on their timeline and information strategy, and on other steps they have taken in this matter to guarantee the return or destruction of all blood samples and their related records at the earliest possible date; and that the Ann Arbor Police shall continue to report to Council as needed until such time as this has been fully accomplished.

Councilmember Daley moved that the resolution be approved as revised.

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Council recessed at 10:45 p.m.

Council reconvened at 11:10 p.m.

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The question under consideration was approval of the resolution as revised.

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Fink, Lumm, Carlberg, Smith, Nicolas, Kolb, Daley, Mayor Sheldon, 10  
Nays, Councilmember Hartwell, 1

The Mayor declared the motion carried.

**RETURNING TO THE ORDER OF THE AGENDA:**

**APPROVAL OF AGENDA**

AGENDA APPROVED AS AMENDED

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

MOTIONS AND RESOLUTIONS

RE: Resolution Regarding Blood Samples and the Police Records

Related to Them (Councilmembers Daley and Hanna-Davies) (The resolution will be revised. The original resolution, dated April 3, 1995 as revised, was placed at Public Hearings for information purposes only.)

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

- Add: Status of Leslie Park Access
- Add: Tentative Agreement between the City and the Fire Fighters Association
- Add: Sewage Disposal System Bonds figure
- Add: Blood Samples Resolution
- Add: Laptop Computer Purchase
- Add: Recycled Set-Aside Fund
- Add: Wildt Street Water Main, S. Main/Stadium Water Main, Cost Differences and Dhu Varren Paving
- Add: Board of Insurance Administration Minutes of July 6, 1995
- Add: Baker Commons Contract

COMMUNICATIONS FROM THE CITY ATTORNEY

- Add: Amendment of Section 14.2 of the City Charter

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

**APPROVAL OF COUNCIL MINUTES**

MINUTES APPROVED

Councilmember Smith moved that the regular session minutes of July 3, 1995 be approved as presented.

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

**CONSENT AGENDA**

CONSENT AGENDA APPROVED

The following Consent Agenda items were considered for approval:

R-320-7-95 APPROVED

RESOLUTION NO. 2 - PREPARE ASSESSMENT  
ROLL FOR WILDT STREET WATER MAIN

## PROJECT (\$105,000)

Whereas, The City Council has directed and ordered the Interim City Administrators to have prepared plans, specifications and estimates of cost for the Wildt Street Water Main described as follows:

Wildt Street - Approximately 750 lineal feet of 8" water main along Wildt Street, between Sunset Road and Summit Street.

File No. 93097

District No. 93097;

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

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

## RESOLVED,

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

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

3. That the City Council hereby determine to proceed with the acquisition and construction of the Wildt Street Water Main described as follows:

Wildt Street - Approximately 750 lineal feet of 8" water main along Wildt Street, between Sunset Road and Summit Street;

4. That the City Council determine the cost of said improvement, including all incidentals, to be \$105,000, and that of said total cost, the sum of \$39,171.82, be paid by special assessment upon the property specially benefited within the City, and the balance of the cost thereof, \$65,828.18, be paid by the City at large;

5. That an amount of \$105,000 be advanced from the water supply system fund pending the sale of the appropriate bonds;

6. That the following described lots and parcels of land be designated as constituting the special assessment district against which the cost of said improvement shall be assessed, or against which an improvement charge shall,

pursuant to Section 1.278 of the City Code, be levied:

WILDT STREET WATER MAIN  
DISTRICT NUMBER 93097, FILE NUMBER 93097

	Property	Front Footage	Share
09-20-405-027	Rome, Louis P.O. Box 7433 Ann Arbor, MI 48107	64.06 ft	\$5,454.39
09-20-405-028	Rome, Louis P.O. Box 7433 Ann Arbor, MI 48107	63.4 ft	\$5,398.20
09-20-405-029	Deininger, Peter 5,244.93 Davis, William 2900 Stommel Ypsilanti, MI 48198	61.6 ft	\$
09-20-405-030	Ann Arbor Bearing & Mfg. Co. 815 Wildt Street Ann Arbor, MI 48103; and	271.00 ft	\$23,074.30

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

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R-321-7-95 APPROVED

RESOLUTION NO. 3 - SET HEARING DATE FOR  
WILDT STREET WATER MAIN PROJECT  
FOR AUGUST 7, 1995

Whereas, The City Council has ordered the City Assessor to prepare a Special Assessment Roll for the purpose of defraying that part of the cost of the following described water main to be defrayed by Special Assessment: Approximately 750 lineal feet of 8" water main along Wildt Street between Sunset Road and Summit Street, District Number 93097, File Number 93097; and

Whereas, The City Assessor has prepared said Special Assessment Roll and has the same on file in the Assessor's Office with his certificate attached thereto;

## RESOLVED,

1. That said Special Assessment Roll be on file in the office of the City Assessor and shall be made available for public examination;
2. That the City Council meet on August 7, 1995 at 7:30 o'clock p.m. at the Council Chambers in the City Hall in said city for the purpose of reviewing said Special Assessment Roll;
3. That the City Clerk give notice of said hearing to review the Special Assessment Roll by having notice thereof published in The Ann Arbor News not less than ten (10) full days prior to the date of hearing, and by mailing notice at least ten (10) days prior to the date of hearing to the owner of each lot and parcel of land subject to the assessment, as indicated by the records of the City Assessor's Office; and
4. That said notice so published and mailed be in substantially the following form:

**NOTICE OF REVIEW OF  
SPECIAL ASSESSMENT ROLL**

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

Wildt Street - Approximately 750 lineal feet of 8" water main between Sunset Road and Summit Street, District Number 93097, File Number 93097.

TAKE FURTHER NOTICE That the property to be included in said Special Assessment District is as follows:

WILDT STREET WATER MAIN  
DISTRICT NUMBER 93097, FILE NUMBER 93097

		<u>PROPERTY SHARE</u>
09-20-405-027	Rome, Louis P.O. Box 7433 Ann Arbor, MI 48107	\$5,323.27
09-20-405-028	Rome, Louis P.O. Box 7433 Ann Arbor, MI 48107	\$5,398.19
09-20-405-029	Deiningger, Peter	\$5,244.93

Davis, William  
2900 Stommel  
Ypsilanti, MI 48198

09-20-405-030	Ann Arbor Bearing & Mfg. Co. 815 Wildt Street Ann Arbor, MI 48103	\$23,074.30
	TOTAL PROPERTY SHARE	\$39,040.69

TAKE FURTHER NOTICE That said Special Assessment Roll is on file in the Office of the City Assessor and is available for public examination.

TAKE FURTHER NOTICE That the City Council will meet on August 7, 1995, at the Council Chambers in the City Hall at 7:30 o'clock p.m., for the purpose of reviewing said Special Assessment Roll. Any person aggrieved by the Special Assessment Roll or the necessity of the improvement may file his/her objections thereto in writing prior to the close of said hearing.

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

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R-322-7-95 APPROVED

RESOLUTION TO APPROVE A CONSULTANT  
AGREEMENT FOR THE BLACK POND WOODS  
WOODLANDS MANAGEMENT PLAN (\$11,855)

Whereas, Black Pond Woods (27 ac) was acquired to be preserved as a natural woodland area and the health and condition of the wood land must be monitored over time to assure that the woods will be preserved;

Whereas, One priority of the Park Maintenance and Repair Millage was to provide management planning of natural areas within the City, therefore funding for the Black Pond Woods Woodlands Management Plan was included in the FY 95-96 budget to match the

Michigan Department of Natural Resources grant;

Whereas, A selection committee ranked ACRT as the most qualified of the two firms submitting proposals for the Black Pond Woods Woodlands Management Plan;

Whereas, The Personnel Human Rights Department approved the company on June 29, 1994; and

Whereas, The Mayor and City Council approved an agreement with the Michigan DNR and established a grant project budget on May 15, 1995 to complete a Black Pond Woods Park woodland management plan;

RESOLVED, That the Mayor and City Council approve a contract awarding RFP #368 for a total of \$11,855 to ACRT, Inc. and authorize the Mayor and City Clerk to sign the agreement between the City and ACRT, Inc. substantially in the form on file with the City Clerk.

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R-323-7-95 APPROVED

RESOLUTION TO ACCEPT BOARD OF  
INSURANCE ADMINISTRATION MINUTES OF  
JULY 6, 1995 AND TO AUTHORIZE PAYMENTS

RESOLVED, That the Board of Insurance Administration Minutes of July 6, 1995, be accepted and that the payments therein be authorized;

**MINUTES**  
**CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION**  
**JULY 6, 1995**

Present: Christopher Kolb, Councilperson  
Brenda Smith, City Treasurer  
Peter Fink, Councilperson 3.

Absent: None

Also present: Dan Cullen, Risk Manager  
John VanLoon, Acting City Attorney  
Stacey Washington, Assistant City Attorney  
Bob West, Assistant City Attorney 4.

CITIZENS' CLAIMS APPROVED: (and check issued)

<u>CASE NO.</u>	<u>CLAIMANT</u>	<u>AMOUNT</u>
CC 103-92	Lawsuit of Rodney Napier by Roger Ettlinger	\$4,500.00
CC 138-94	Sewer Back-Up Claim of Mr. & Mrs. Hegyi (1708 Morton)	\$250.00
CC 19-92	Bodily injury lawsuit of Nicole Charder by W. McCririe	\$5,000.00
CC 2-94	Lawsuit of Donald VanCurler by Dana Dever, Attorney	\$25,000.00
CC 123-92	Lawsuit of Donald Wright by Leo Januszewski, Attorney	\$20,000.00
CC 35-95	Vehicle damage claim of Mohesh Gopinath	\$216.79
CC 27-95	Vehicle damage claim of Rico Crockett	\$31.00
CC 41-95	Vehicle damage claim of Julie Zick	\$400.00
CC 45-95	Sewer Back-Up Claim of Mrs. & Mrs. Buss (3041 Nordman)	\$5,200.00

**TOTAL \$60,397.79**

LEGAL EXPENSES AND/OR CASE RELATED EXPENSES:

<u>CASE NO.</u>	<u>CLAIMANT</u>	
CC 88-93	Lawsuit of John Lee by James Crippen, Attorney Dennis McLain, Mediator	\$45.00
CC 88-93	Lawsuit of John Lee by James Crippen, Attorney Thomas Roumell, Mediator	\$45.00
CC 88-93	Lawsuit of John Lee by James Crippen, Attorney Neil Juliar, Mediator	\$45.00
CC 103-92	Lawsuit of Rodney Napier by Roger Ettlinger, Attorney Hall and Deer	\$162.20
CC 44-94	Lawsuit of David Hunter Hall and Deer	\$153.80
CC 71-94	Lawsuit of Deanna Staskievitz by S. Eisenberg, Attorney Luzod Reporting Service, Inc.	\$78.50
CC 147-93	Lawsuit of Lucy Reed by Harvey Howitt, Attorney Orthopedic Surgery Associates, P.C.	\$40.00
CC 147-93	Lawsuit of Lucy Reed by Harvey Howitt, Attorney Ann Arbor Family Practice Associates, P.C.	\$35.00
CC 19-95	Lawsuit of Deferred Compensation Plan 457 Miller, Canfield, Paddock and Stone	\$7,789.00
CC 19-95	Lawsuit of Deferred Compensation Plan 457 Gamble, Rosenberger & Joswick	\$2,211.00

WC 12-93	Workers' Compensation Case of Judith Overstreet Schultz Reporting	\$274.50
CC 28-95	Lawsuit of the Ann Arbor Tenants Union by J. Rose, Atty. Thomas Blessing	\$20.00
	<b>TOTAL</b>	<b>\$10,899.00</b>

MISCELLANEOUS:  
CITIZEN'S CLAIMS DENIED:

CASE NO.

CC 103-94	Property damage claim of LTI-Limno-Tech Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.
CC 58-95	Vehicle damage claim of Daniel Michno Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.
CC 57-95	Vehicle damage claim of Bonnie Huff Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.
CC 60-95	Vehicle damage claim of O.K. Udeala Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.
CC 65-95	Vehicle damage claim of Matthew T. Engelbert Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.
CC 63-95	Vehicle damage claim of Don Sandberg Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.
CC 64-95	Vehicle damage claim of John Lee Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.

OTHER BUSINESS:

CASE NO.

CC 57-93	Lawsuit of Diane Tollas by Michael Kelman, Attorney Discussed by Bob West, Assistant City Attorney and the Board authorized settlement.
CC 72-95	Lawsuit of David E. Shumaker representing himself Discussed by Daniel J. Cullen, Risk Manager and the Board authorized closing the file.
CC 51-95	Property damage claim of Donald Lewis Discussed by Daniel J. Cullen, Risk Manager and the Board authorized closing the

file.

- CC 68-95 Property damage claim of Diane A. Nafranowicz  
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized closing the file.
- BI 267-93 Workers' Compensation Case of Marcia Bauer  
Discussed by Stacey Washington, Assistant City Attorney and the Board was given a status update.
- CC 61-95 Property damage claim of Gregg T. Alf  
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.
- CC 43-95 Vehicle damage claim of Daisuke Tsukamoto  
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.
- CC 62-95 Vehicle damage claim of the University of Michigan  
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.
- CC 59-95 Property damage claim of Ann Arbor Golf and Outing  
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.
- CC 48-95 Property damage claim of Detroit Edison  
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.

OTHER BUSINESS: (Continued)

CASE NO.

- CC 44-95 Vehicle damage claim of Jason Winslow  
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.
- CC 88-93 Lawsuit of John Lee by James Crippen, Attorney  
Discussed by John VanLoon, Acting City Attorney and the Board authorized settlement.
- CC 147-93 Bodily injury claim of Lucy Reed by Harvey Howitt, Attorney  
Discussed by John VanLoon, Acting City Attorney and the Board authorized settlement.
- CC 22-95 Property damage claim of Young Chin Kang  
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.

REIMBURSEMENTS RECEIVED --

CASE NO.    FROM

PD 53-95 Reimbursement from Michigan Educational Employees Mutual Insurance Co. (MEEMIC) for Alfred Paas for accident involving Fire Engine #1 \$400.00

**TOTAL DEPOSITED SINCE 6-1-95: \$400.00**

REQUESTS FOR INFORMATION on PENDING CLAIMS awaiting more information:

<u>CASE NO.</u>	<u>NAME</u>	<u>INCIDENT DATE</u>	<u>CLAIM RECEIVED</u>	<u>INFO FROM CLAIMANT</u>	<u>DATE OF CORRES.</u>	<u>ND. RPT FROM</u>	<u>DATE TO CLM.SRVC.</u>
CC 55-95	Light	4-25-95	5-15-95*				
CC 70-95	Trellis Cafe	6-11-95	6-22-95		6-22-95	Utilities	6-22-95

\*Waiting for more information from claimant's attorney

ADDITIONAL CLAIMS RECEIVED SINCE LAST MEETING -- awaiting further investigation (and/or information):

CASE NO.

CC 60-95 Vehicle damage claim of Obioma Kingsley Udeala  
 CC 61-95 Property damage claim of Gregg T. Alf  
 CC 62-95 Vehicle damage claim of The University of Michigan  
 CC 63-95 Vehicle damage claim of Donald Sandberg  
 CC 64-95 Vehicle damage claim of John Lee  
 CC 65-95 Vehicle damage claim of Matthew T. Engelbert  
 CC 66-95 Lawsuit of David Hunter representing himself  
 CC 67-95 Property damage claim of Detroit Edison (1307 Baldwin)  
 CC 68-95 Property damage claim of Diane A. Nafranowicz  
 CC 69-95 Property damage claim of Dale Griffin  
 CC 70-95 Sewer Back-Up Claim of Trellis Cafe & Tea Room, Ltd. (Carroll Thomson)  
 CC 71-95 Lawsuit of Draprop Corp by Susan Friedlaender, Attorney  
 CC 72-95 Lawsuit of David E. Shumaker representing himself  
 CC 73-95 Vehicle damage claim of USAA Insurance Company for Julie Zick

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R-324-7-95 APPROVED

RESOLUTION TO APPROVE LIQUOR LICENSE  
 TRANSFER THROUGH PARTNER DELETION AT  
 615 E. HURON STREET - CAMPUS INN

RESOLVED, That the request from Dahlmann Apartments, Ltd. to drop Machus - Ann Arbor, Inc. as co-licensee in 1994 B-Hotel licensed business with Dance Permit and Entertainment Permit without dressing rooms, at the Campus Inn, located at 615 E. Huron

Street, Ann Arbor, be approved.

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R-325-7-95 APPROVED

RESOLUTION TO APPROVE TEMPORARY OUTDOOR SALES, SERVICE AND CONSUMPTION OF ALCOHOLIC BEVERAGES DURING THE ANN ARBOR ART FAIR

RESOLVED, That the request from the following liquor licensed establishments for temporary authorization of outdoor sales, service and consumption of alcoholic beverages during the Art Fair, July 19-22, 1995, be approved within the defined areas filed with the Ann Arbor Police Department:

BUSINESS NAME

ADDRESS

Afternoon Delight	251 E. Liberty St.
Ashley's	338 S. State St.
Dino's Lamplighter	421 E. Liberty St.
Gamekeepers of Michigan (Scorekeepers)	310 Maynard St.
Pawlys	120 W. Liberty St.
Red Hawk Bar and Grill	316 S. State St.
Parthenon	226 S. Main St.
The One Eyed Moose Tavern	207-209 S. Main St.
Heidelberg Restaurant	215 N. Main St.

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R-326-7-95 APPROVED

RESOLUTION TO APPROVE LIBERTARIAN PARTY CAUCUS DATE OF JULY 27, 1995

RESOLVED, That the date of July 27, 1995 be hereby approved by the City Council for the Libertarian Party of Michigan to hold its official caucus for the purpose of determining its candidates for the November 7, 1995 City election.

Councilmember Nicolas moved that the Consent Agenda be approved.

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

**ORDINANCES - SECOND READING**

38-95 POSTPONED  
ARBOR HILLS PHASES II AND III

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 is an amendment to Chapter 55, the 44.48 acres from Preliminary Phase PUD (Planned Unit Development) to Final Phase PUD Arbor Hills Phases II and III, north side of Green Road, north of Burbank Drive.

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

Councilmember Hanna-Davies moved that the consideration of the Arbor Hills Phases II and III Final Phase PUD be postponed until the regular City Council meeting of August 21, 1995 for the reason that such an extension is necessary for adequate review by Council.

On a voice vote, the Mayor declared the motion carried unanimously and the ordinance postponed.

39-95 APPROVED  
GRAMMATICO 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 is an amendment to Chapter 55, the rezoning of 0.19 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Grammatico Property, 411 Evergreen Drive.

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

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

31-95 APPROVED  
WILDT STREET 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 is an amendment to Chapter 55, the rezoning of 0.6 acre from PUD (Planned Unit Development) to R2A (Two-Family Dwelling District), Wildt Street Property, 903-917 Wildt Street.

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

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

### **ORDINANCES - FIRST READING**

41-95 APPROVED  
DRUNK DRIVING

#### AN ORDINANCE TO AMEND SECTIONS 10:87, 10:88, AND 10:156 OF CHAPTER 126 OF TITLE X OF THE CODE OF THE CITY OF ANN ARBOR.

This amendment reflects recent amendments to the state drunk driving laws regarding: unlawful alcohol content in a person's breath, urine, and blood, the penalty for driving with a suspended license. Language was clarified and sections renumbered.

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

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

### **MOTIONS AND RESOLUTIONS**

R-327-6-95 APPROVED

#### **RESOLUTION IN CONDEMNATION OF THE REPUBLICAN "CONTRACT WITH AMERICA"**

Whereas, President Abraham Lincoln believed that the purpose of government is to do for people those things which they cannot do for themselves;

Whereas, The United States has long embraced the belief that there must be a social and economic "safety net" below which no one will be allowed to fall;

Whereas, The consequences of certain provisions of the "Contract with America" would be to severely jeopardize and curtail many established policies and programs of the City of Ann Arbor through cuts in welfare and housing assistance programs and other social services;

Whereas, The City of Ann Arbor recognizes that government is the only effective counterbalance to the abuse of private wealth and power;

Whereas, The citizens and government of Ann Arbor, Michigan, have long been in

the vanguard of fighting for public policy based on principles of economic security, civil rights, fairness and due process on the job, full employment, and responsible economic development;

Whereas, The current political debate emerging from the "Contract With America" has defined social and economic issues based on emotion and misinformation;

Whereas, The "Contract With America" has divided the country, its people, its ideals and founding beliefs as well as its different governmental jurisdictions;

RESOLVED, That the City of Ann Arbor steadfastly oppose and condemn the "Contract With America" that does so much to promote divisiveness and class warfare;

RESOLVED, That the City of Ann Arbor call for a political and economic agenda which aims not to divide but rather to inspire and heal through:

- jobs for all who need to work
- incentives leading to job training and re-training
- recognition of civil rights and of fairness and due process on the job
- encouragement of the full use of natural, human and economic resources to maintain and rebuild existing infrastructures and to discourage urban sprawl
- creation of strong national policies for resources conservation and environmental protection
- provision of basic quality health care for all
- provision of income assistance for the disabled
- provision of safe and affordable childcare for children of working parents
- a minimum wage that one can live on
- responsible and non-punitive reform of welfare programs, including corporate welfare
- recognition of the sexual and reproductive rights of men and women
- provision of retirement benefits for the elderly; and

RESOLVED, That a copy of this resolution be sent to all members of the Michigan Congressional delegation, and to President Bill Clinton, with the request that they oppose the "Contract With America" in all its guises.

Councilmember Hartwell moved that the resolution be approved as revised.

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Carlberg, Smith, Hartwell, Kolb, Daley, 7  
Nays, Councilmembers Fink, Lumm, Nicolas, Mayor Sheldon, 4

The Mayor declared the motion carried.

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R-328-7-95 APPROVED

RESOLUTION IN SUPPORT OF ANN ARBOR PUBLIC  
SCHOOLS EDUCATIONAL FOUNDATION  
THREE-ON-THREE TOURNAMENT

Whereas, The non-departmental Community Events Fund was originally established in order to underwrite city expenses for community events;

Whereas, The AAPS Educational Foundation seeks to enhance the educational opportunities available to local students;

Whereas, The University of Michigan was able to make space available for a fund-raising three on three basketball tournament;

Whereas, Security costs projected by the U-M Police Department would seriously impact the financial success of the project;

Whereas, The Ann Arbor community was able to attend the event as spectators at no charge; and

Whereas, Entry fees were waived for needy teams;

Whereas, Project director William martin worked with the City to provide supplemental security personnel for the event;

Whereas, A formal request for financial assistance from the 1994-95 Community Events Fund was not received in a timely manner though the Council was apprised of the Foundation's interest in financial assistance; and

Whereas, a balance of \$2704 remained in the fund June 30, 1995, and fell to unrestricted General Fund balance due to lack of formal action by the Ann Arbor City Council;

RESOLVED, That \$2500 be appropriated from General Fund Balance and forwarded to the AAPS Educational Foundation to partially off-set the cost of Ann Arbor Police Department participation in the provision of security for this community fund-raising event; and

RESOLVED, That \$2500 be allocated from the 1995-96 Community Events Fund appropriation in order to offset security expenses for the 1996 "3 on 3" basketball tournament that will benefit the Ann Arbor Public Schools Educational Foundation and thus the educational opportunities of our local youth.

Councilmember Kolb moved that the resolution be approved.

Councilmember Kolb asked for a division of the question so that the "Resolved" clauses could be voted on separately.

The question under consideration was approval of the 1st "Resolved" paragraph as follows:

THEREFORE BE IT RESOLVED, that \$2500 be appropriated from General Fund balance and forwarded to the AAPS Educational Foundation to partially off-set the cost of Ann Arbor Police Department participation in the provision of security for this community fund-raising event;

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Carlberg, Smith, Hartwell, Kolb, Daley, Mayor Sheldon, 8 Nays, Councilmembers Fink, Lumm, Nicolas, 3

The Mayor declared the motion carried.

The question under consideration was approval of the 2nd "Resolved" paragraph as follows, and the resolution:

BE IT FURTHER RESOLVED, that \$2500 be allocated from the 1995-96 Community Events Fund appropriation in order to offset security expenses for the 1996 "3 on 3" basketball tournament that will benefit the Ann Arbor Public Schools Educational Foundation and thus the educational opportunities of our local youth.

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

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R-329-7-95 APPROVED

RESOLUTION OF NOTICE OF INTENT TO ISSUE WATER SUPPLY SYSTEM BONDS IN THE AMOUNT OF NOT TO EXCEED \$4,000,000

Whereas, The City of Ann Arbor, County of Washtenaw, State of Michigan (the "City") intends to issue and sell revenue bonds, pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in an amount not to exceed Four Million Dollars (\$4,000,000) for the purpose of paying part of the cost of acquiring and constructing improvements to the water supply system; and

Whereas, A notice of intent to issue bonds must be published before the issuance of the aforesaid bonds in order to comply with the requirements of Section 33 of Act 94,

Public Acts of Michigan, 1933, as amended;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue bonds in the Ann Arbor News of Ann Arbor, Michigan, a newspaper of general circulation in the City.
2. Said notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the following form:

NOTICE TO TAXPAYERS AND ELECTORS OF THE  
CITY OF ANN ARBOR AND TO USERS OF SAID CITY'S  
WATER SUPPLY SYSTEM OF INTENT TO ISSUE  
BONDS AND THE  
RIGHT OF REFERENDUM RELATING THERETO

PLEASE TAKE NOTICE that the City Council of the City of Ann Arbor, Washtenaw County, Michigan, intends to issue and sell Revenue Bonds, pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in an amount not to exceed Four Million Dollars (\$4,000,000), for the purpose of paying part of the cost of acquiring and constructing water supply system improvements to serve the City.

SOURCE OF PAYMENT OF  
REVENUE BONDS

THE PRINCIPAL OF AND INTEREST ON SAID REVENUE BONDS SHALL BE PAYABLE solely from the revenues received by the City from the operations of said water supply system. Said revenues will consist of rates and charges billed to the users of the system, a schedule of which is presently on file in the office of the City Clerk. Said rates and charges may from time to time be revised to provide sufficient revenues to provide for the expenses of operating and maintaining the system, to pay the principal of and interest on said bonds and to pay other obligations of the system.

BOND DETAILS

SAID BONDS will be payable in annual installments not to exceed twenty-five (25) in number and will bear interest at the rate or rates to be determined at public sale but in no event to exceed nine percent (9%) per annum on the balance of the bonds from time to time remaining unpaid.

RIGHT OF REFERENDUM

THE REVENUE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT

AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS OF THE CITY VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 33, Act 94, Public Acts of Michigan, 1933, as amended.

Winifred Northcross  
Clerk, City of Ann Arbor

3. The City Clerk does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the water supply system's users and the City's taxpayers and electors of this City's intent to issue the bonds, the purpose of the bonds, the security for the bonds, and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The City Clerk or Finance Director be and is hereby authorized, if applicable, to file a notice of intent to issue an obligation with the Michigan Department of Treasury and to pay the fee relating thereto.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Member \_\_\_\_\_

\_\_\_\_\_

NAYS: Member \_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

\_\_\_\_\_  
City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Ann Arbor, County of Washtenaw, State of Michigan, at a regular meeting held on June \_\_, 1995, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

\_\_\_\_\_  
City Clerk

Councilmember Kolb moved that the resolution be approved.

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

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R-330-7-95 APPROVED

RESOLUTION OF NOTICE OF INTENT TO ISSUE SEWAGE DISPOSAL SYSTEM BONDS IN THE AMOUNT OF NOT TO EXCEED \$2,000,000

Whereas, The City of Ann Arbor, County of Washtenaw, State of Michigan (the "City") intends to issue and sell revenue bonds, pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in an amount not to exceed Two Million Dollars (\$2,000,000) for the purpose of paying part of the cost of acquiring and constructing improvements to the sewage disposal system; and

Whereas, A notice of intent to issue bonds must be published before the issuance of the aforesaid bonds in order to comply with the requirements of Section 33 of Act 94, Public Acts of Michigan, 1933, as amended;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue bonds in the Ann Arbor News of Ann Arbor, Michigan, a newspaper of general circulation in the City.
2. Said notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the following form:

NOTICE TO TAXPAYERS AND ELECTORS OF THE CITY OF ANN ARBOR AND TO USERS OF SAID CITY'S SEWAGE DISPOSAL SYSTEM OF INTENT TO ISSUE BONDS AND THE RIGHT OF REFERENDUM RELATING THERETO

PLEASE TAKE NOTICE that the City Council of the City of Ann Arbor, Washtenaw County, Michigan, intends to issue and sell Revenue Bonds, pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in an amount not to exceed Two Million Dollars (\$2,000,000), for the purpose of paying part of the cost of acquiring and constructing sewage disposal system improvements to serve the City.

SOURCE OF PAYMENT OF

### REVENUE BONDS

THE PRINCIPAL OF AND INTEREST ON SAID REVENUE BONDS SHALL BE PAYABLE solely from the revenues received by the City from the operations of said sewage disposal system. Said revenues will consist of rates and charges billed to the users of the system, a schedule of which is presently on file in the office of the City Clerk. Said rates and charges may from time to time be revised to provide sufficient revenues to provide for the expenses of operating and maintaining the system, to pay the principal of and interest on said bonds and to pay other obligations of the system.

### BOND DETAILS

SAID BONDS will be payable in annual installments not to exceed twenty-five (25) in number and will bear interest at the rate or rates to be determined at public sale but in no event to exceed nine percent (9%) per annum on the balance of the bonds from time to time remaining unpaid.

### RIGHT OF REFERENDUM

THE REVENUE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS OF THE CITY VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 33, Act 94, Public Acts of Michigan, 1933, as amended.

Winifred Northcross  
Clerk, City of Ann Arbor

3. The City Clerk does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the sewage disposal system's users and the City's taxpayers and electors of this City's intent to issue the bonds, the purpose of the bonds, the security for the bonds, and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The City Clerk or Finance Director be and is hereby authorized, if applicable, to file a notice of intent to issue an obligation with the Michigan Department of Treasury and to pay the fee relating thereto.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Member \_\_\_\_\_

\_\_\_\_\_

NAYS: Member \_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

\_\_\_\_\_  
City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Ann Arbor, County of Washtenaw, State of Michigan, at a regular meeting held on June \_\_, 1995, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

\_\_\_\_\_  
City Clerk

Councilmember Kolb moved that the resolution be approved.

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

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R-331-7-95 APPROVED

RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO  
GEORGE A. ODIEN, INC. AND ESTABLISH A PROJECT  
BUDGET FOR THE SOUTH MAIN STREET/STADIUM  
BOULEVARD WATER MAIN PROJECT - BID NO. 2673  
(\$579,020 - PROJECT BUDGET: \$866,150)

Whereas, The South Main Street/Stadium Boulevard Water Main Project is included in the C.I.P. approved by Council on April 17, 1995; and

Whereas, George A. Odien, Inc. of Brighton, Michigan has submitted to the City on July 7, 1995, a bid for said work in the total amount of \$579,020 which amount is the lowest responsible bid; and

Whereas, The Human Resources Department has, on July 17, 1995, approved said company for said construction project;

NOW, THEREFORE, BE IT RESOLVED, That a contract in the amount of \$579,020 be awarded to George A. Odien, Inc. for the construction of the project; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are 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

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

	<u>Section 1 - Revenue</u>
\$866,150	Advanced from the Water Supply System Fund (Fund 042) to be reimbursed following the sale of Water Revenue Bonds.

	<u>Section II - Expense</u>
\$579,020	Construction
69,480	Design Engineering
86,850	Construction Engineering
15,000	Consulting and Testing
46,320	Contingencies to be approved in writing by the City Administrator
28,950	Miscellaneous Costs
40,530	Bond Overhead Charge

\$866,150      TOTAL; and

BE IT FINALLY RESOLVED, That the City Administrator is authorized to take necessary administrative actions to implement this resolution.

Councilmember Kolb moved that the resolution be approved.

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

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R-332-7-95 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES

AGREEMENT WITH PROFESSIONAL SERVICES INDUSTRIES, INC.  
(\$15,000)

Whereas, It is necessary to employ a qualified professional engineering firm to perform essential construction material testing services for the South Main Street/Stadium Boulevard Water Main Project; and

Whereas, The firm of Professional Services Industries, Inc. has demonstrated the required experience, personnel, and competitive fee schedule to perform the work; and

Whereas, The Human Resources Department approved said firm for said work on May 8, 1995;

NOW, THEREFORE, BE IT RESOLVED, That Council approve a professional services agreement in the standard City form in the amount of \$15,000 with Professional Services Industries, Inc. for construction testing services for the South Main Street/Stadium Boulevard Water Main Project; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby authorized and directed to sign said agreement on forms approved as to form by the City Attorney, and approved as to substance by the City Administrator;

BE IT FINALLY RESOLVED, That the City Administrator is authorized to take the necessary administrative actions to implement this resolution.

Councilmember Kolb moved that the resolution be approved.

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

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R-333-7-95 APPROVED

RESOLUTION TO AUTHORIZE AN AGREEMENT WITH TRI-MOUNT/  
DHU VARREN ON THE PARK CONDOMINIUM DEVELOPMENT  
COMPANY FOR PAVING DHU VARREN ROAD (\$100,000)

Whereas, Dhu Varren Road between Nixon and the west property line of Dhu Varren on the Park will be paved by the developer of Dhu Varren on the Park and Guenther Building Company as per their respective site development agreements; and

Whereas, It is in the best interest of the City and Tri-Mount to improve Dhu Varren Road from the west property line of Dhu Varren on the Park to Pontiac Trail to the same

standard as the section from the west property line of Dhu Varren on the Park easterly to Nixon Road; and

Whereas, Such construction will increase the cost to Tri-Mount beyond that which would be required to serve the Dhu Varren on the Park Development;

RESOLVED, That the Council authorizes the Mayor and City Clerk to sign an agreement regarding the paving of Dhu Varren Road from the west property line of the Dhu Varren on the Park development to Pontiac Trail with Tri-Mount/Dhu Varren on the Park Condominium Development Company, after approval as to substance by the City Administrator and as to form by the City Attorney; and

RESOLVED, That the City's contribution does not exceed \$100,000; and

RESOLVED, That the contribution be made from the 1995/1996 Public Services Department budget; street resurfacing millage fund 062; and

RESOLVED, That funds collected in the future as improvement charges be credited to fund 062; and

RESOLVED, That the funds be appropriated for the life of the project, to be available until expended without regard to fiscal year.

Councilmember Lumm moved that the resolution be approved.

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

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R-334-7-95 APPROVED

RESOLUTION TO APPROVE AWARD OF CONTRACT TO QUALIFIED CONSTRUCTION FOR BAKER COMMONS INTERIOR/EXTERIOR MODERNIZATION WORK (\$330,200)

Whereas, The Ann Arbor Housing Commission received Comprehensive Grant funding awards in the spring of 1994 and in December, 1994 which included funding to begin modernization upgrades at Baker Commons;

Whereas, Specifications were drawn up by the architects, Mitchell and Mouat, detailing distinct improvements to the site, including landscaping and parking lot repairs; interior upgrades including ADA-based bathroom improvements, mechanical, painting, flooring and ceiling upgrades to major public spaces; and exterior shell upgrades including balcony deck replacement and apartment window improvements;

Whereas, Failing acceptable bids from the first invitation for bids opened on June 19, 1995, the project was rebid and three contractors responded to the second invitation for bids;

Whereas, Mitchell and Mouat reviewed the bids, contacted references on the low bidder, and recommended Qualified Construction Corp. of Southfield, MI as the low bidder at a price of \$330,200, and the award of contract was approved by the Board of the Housing Commission on July 11, 1995; and

Whereas, Human Rights Approval was received March 8, 1995 from a previous contract award;

RESOLVED, That the City Council approve award of a construction contract to Qualified Construction Corp. in the amount of \$330,200 for the interior and exterior upgrades at Baker Commons, to be funded from Comprehensive Grant Program funding 701 and 702.

Councilmember Kolb moved that the resolution be approved.

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

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R-335-7-95 APPROVED AS AMENDED

RESOLUTION TO APPROVE SOLID WASTE EDUCATION CONTRACT  
WITH THE ECOLOGY CENTER (\$41,000 FOR UP TO 3 YEARS)  
BID NO. 369

Councilmember Kolb moved that the resolution be approved.

Councilmember Lumm requested a separate vote on the "Resolved" paragraph that would approve the contract for youth educational services and the "Resolved" paragraph that would approve the contract for adult educational services.

Councilmember Daley moved that the resolution be amended by adding the following language to the "Resolved" paragraph that would approve the contract for adult educational services:

RESOLVED, That the City contract for adult educational services with the Ecology Center for \$18,000/year for 1 year, with two one-year optional extensions, WITH THE APPROVAL OF THE CITY COUNCIL, at the same contract rate;

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

Councilmember Lumm moved to postpone the Adult Educational contract until August 21, 1995 so that the Solid Waste Commission could give it further study.

On roll call on the motion to postpone the Adult Educational contract until August 21, 1995,

the vote was as follows: Yeas, Councilmembers Fink, Lumm, Nicolas, Mayor Sheldon, 4  
Nays, Councilmembers Hanna-Davies, Vereen-Dixon, Carlberg, Smith, Hartwell, Kolb,  
Daley, 7

The Mayor declared the motion defeated.

Councilmember Lumm moved that the resolution be amended in the final "Resolved" paragraph by inserting the following language:

RESOLVED, That during 1995-96 the Solid Waste Department will conduct evaluations of residential waste education programs AND WILL DEVELOP AN INTEGRATED SOLID WASTE EDUCATION PLAN and inform the Solid Waste Commission and City Council of its findings AND PLAN.

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

The question under consideration was approval of the resolution including "Resolved" paragraphs (1) Youth Educational Services contract, (3) to authorize the Mayor and City Clerk to sign, and (4) program evaluations.

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

The question under consideration was approval of "Resolved" paragraph (2) the Adult Education Contract.

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Carlberg, Smith, Hartwell, Kolb, Daley, Mayor Sheldon, 8  
Nays, Councilmembers Fink, Lumm, Nicolas, 3

The Mayor declared the motion carried.

Following is the resolution as it was approved:

R-335-7-95

RESOLUTION TO APPROVE SOLID WASTE EDUCATION  
CONTRACT WITH THE ECOLOGY CENTER  
(\$41,000 FOR UP TO 3 YEARS) - BID NO. 369

Whereas, It is the City's responsibility to manage and reduce the solid waste stream in a cost-effective, service-oriented and environmentally responsible manner; and

Whereas, The savings to the community in supporting the City's Integrated Solid Waste Management Strategy is reflected in reduced refuse volumes and associated costs, increased revenues on the sales of recyclables and compost, and the reduction of the long-term consequences from toxic materials entering the "waste stream"; and

Whereas, Solid waste programs require residents to separate clean materials for recycling and composting and encompass over 30 broad categories of materials, representing thousands of specific consumer items; and

Whereas, To increase the volume of recyclables diverted from the waste stream and keep the recovered materials relatively free of contaminants, the City engages in cost-effective solid waste education measures to increase community understanding and compliance; and

Whereas, To address the educational needs of youth and residential adults, the City conducted a competitively-bid request for proposals; and

Whereas, Funds for these services have been budgeted in the Solid Waste Department's 1995/96 operating budget; and

Whereas, Human Rights Approval was received July 17, 1995;

RESOLVED, That the City contract for youth educational services with the Ecology Center for \$23,000/year for 2 years, with an optional one-year extension at the same contract rate; and

RESOLVED, That the City contract for adult educational services with the Ecology Center for \$18,000/year for 1 year, with two one-year optional extensions, with the approval of the City Council, at the same contract rate; and

RESOLVED, That the Mayor and City Clerk are authorized to sign a contract with the Ecology Center under the terms outlined above;

RESOLVED, That during 1995/96 the Solid Waste Department will conduct evaluations of residential waste education programs and will develop an integrated solid waste education plan and inform the Solid Waste Commission and City Council of its findings and plan.

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R-336-7-95 APPROVED

RESOLUTION REAFFIRMING SUPPORT FOR PURCHASING  
RECYCLED PRODUCTS AND ESTABLISHING CRITERIA  
FOR THE 1995/96 BUY-RECYCLED SET-ASIDE FUND

Whereas, Finding and developing markets for collected recyclables continues to be a major element in the overall economics of recycling; and

Whereas, Recycling markets are the best they have been in years, due in large

measure to the billions of dollars in investment made by the paper, plastics, glass, and steel industries to use recyclables as a primary industrial feedstock; and

Whereas, The City's new materials recovery facility has expanded the number of recyclables capable of being recovered within the City of Ann Arbor; and

Whereas, Staff has issued its 1994/95 annual report concerning the City's efforts to increase the use of recycled content products by city departments;

RESOLVED, That the City continue to abide by the U.S. EPA's guidelines for recycled paper content purchasing as its minimum standard for paper and that any deviation from these standards will require a written waiver from the Administrative Services Director; and

RESOLVED, That the City continue to encourage the use of chlorine-free, secondarily chlorine free, and paper bleached without the use of chlorine in its paper purchases; and

RESOLVED, That the procedures for the set-aside fund for non-paper product purchases be amended for fiscal 1995/96 to encourage greater participation by city departments, the award criteria for this fund to be developed by the City's buy recycled team; and

RESOLVED, That City Council be notified of set-aside funding awards on a semi-annual basis; and

RESOLVED, That on-going staff training in the availability and use of recycled content products and expanded participation in recycling programs within the workplace should continue, these efforts to be coordinated through the Solid Waste Department. Councilmember Kolb moved that the resolution be approved.

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

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R-337-7-95 APPROVED

RESOLUTION AWARDING BID NO. 2726 TO INACOM, INC.  
FOR THE PURCHASE OF NOTEBOOK COMPUTERS  
FOR POLICE VEHICLES (\$39,315)

Whereas, The Police Department has determined the need to update its incident reporting system by using current technology;

Whereas, By using this technology the department will be able to make use of more current information to further its effort towards community oriented policing;

Whereas, The computers are a part of a laptop computer reporting system that is an extension of a pilot project whereby police reports are created on a desktop computer;

Whereas, \$64,000 of the Laptop Reporting Project is being funded by the Community Policing Grant;

Whereas, The remaining amount needed for this purchase is available in the Police Department's FY 95-96 budget;

Whereas, A competitive bid was solicited from various firms and Inacom, Inc. had the lowest responsible bid; and

Whereas, Human Rights approval for the company was received on 07-05-95;

RESOLVED, That the purchase from Inacom, Inc. is approved by the City Council in the amount \$39,315; and

RESOLVED, The City Council directs the City Administrators to take all necessary administrative actions to implement this resolution and expend all necessary funds from the Police Department FY 95-96 budget account OMG-031-0169-5130.

Councilmember Kolb moved that the resolution be approved.

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

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R-338-7-95 APPROVED

RESOLUTION TO APPROVE AMENDMENTS TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF ANN ARBOR AND THE ANN ARBOR FIRE FIGHTERS ASSOCIATION

Whereas, The current collective bargaining agreement between the City of Ann Arbor and the Ann Arbor Fire Fighters Association expired on June 30, 1995; and

Whereas, The parties have negotiated amendments to the current bargaining agreement to take effect on July 1, 1995; and

Whereas, Said negotiated amendments to the bargaining agreement provide for a three year agreement extending from July 1, 1995 through June 30, 1998; and

Whereas, Said 1995 through 1998 agreement carries forth all provisions of the former agreement except for the amendments and other stipulations contained in the

attached document entitled Tentative Agreement; and

Whereas, The Interim City Administrators recommend approval of the attached Tentative Agreement:

RESOLVED, That the amendments to the collective bargaining agreement negotiated between the City of Ann Arbor and The Ann Arbor Fire Fighters Association are hereby approved, and

RESOLVED, That the Interim Administrators are authorized to make necessary transfers to the budget as appropriate.

In summary the new economic based amendments are;

- 1) Wages: July 1, 1995 - 2.0% January 1, 1996 - 1.0%  
July 1, 1996 - 2.75% July 1, 1997 - wage reopener
- 2) Health Insurance Cost Containment: Effective 7/1/95 (or as soon as the changed coverage can be made effective), Master Medical deductibles increased for single coverage from current \$50 to \$150 and for family coverage from current \$100 to \$300. BC/BS prescription drug co-payment increased from \$2.00 to \$5.00 and a mail order option is introduced at 50% of co-payment per prescription.
- 3) Language added to end the City's responsibility for retiree health insurance if the retiree becomes employed elsewhere and the new employer's health coverage does not "substantially differ" from the City's. A panel designated by the parties is provided to resolve disputes. If the retiree loses this other coverage, the City's responsibility recommences. These changes are applicable to employees and all those who retire under this agreement.
- 4) Education reimbursement: \$2000 annual maximum. Limited to one bachelor's and one master's degree. Law school work excluded. Employees currently in course work beyond the scope of the changes are "grand-fathered."
- 5) Agreement by the City to pay those members who qualify and who discontinue their medical insurance the sum of \$500 subject to the attached guidelines (Attachment A).
- 6) February 5, 1992, agreement upon Dispatchers schedule (attachments B & C).
- 7) March, 1992, Supplemental Agreement re various language changes (Attachment D)
- 8) January 5, 1994 Supplemental Agreement re Uniform Standards (Attachment E)
- 9) January 7, 1995 grievance settlement language changes re probationary period extension due to illness or injury (Attachment F)

10) Language change re use of compensatory time.

The known total cost of salary increases for the first year of the three year agreement from July 1, 1995 to June 30, 1996, is estimated to be \$129,198. The second year increases for the July 1, 1996 to June 30, 1997, period are estimated to cost \$172,220. The third year salary costs will not be determined until the negotiations for that year are completed in 1997. The total two year salary increases are therefore estimated to cost \$301,418.

The estimated savings resulting from the health care changes for each year of the contract range from \$37,000 to \$45,000 resulting in a three year estimated total savings of from \$111,000 to \$135,000.

The estimated net cost of the first two years of the contract is therefore between \$227,418 and \$211,418.

Councilmember Vereen-Dixon moved that the resolution be approved.

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

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R-339-7-95 APPROVED

RESOLUTION TO APPROVE CITY ATTORNEY PROFILE

Whereas, The City Council, by Resolution R-105-3-95 endorsed the City Attorney Search process;

Whereas, Resolution R-105-3-95 requires that the Mayor and City Council affirm the City Attorney profile; and

Whereas, The Human Resources Director, with consultation of Council, City of Ann Arbor staff, and Council-appointed panel of authorities have developed and presented a candidate profile as required by City Council;

RESOLVED, That the City Council authorizes the candidate profile as presented by the Human Resources Director.

Councilmember Kolb moved that the resolution be approved.

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

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**R-340-7-95 APPROVED****RESOLUTION APPROVING THE WASHTENAW COUNTY/CITY  
OF ANN ARBOR COMMUNITY CORRECTIONS COMPREHENSIVE  
APPLICATION FOR FUNDING FOR FY 1995/1996 (\$272,686)**

Whereas, On August 6, 1989, by resolution number 98-0219, the Washtenaw County Board of Commissioners established, in conjunction with the Ann Arbor City Council, a city/county Community Corrections Advisory Board, pursuant to Public Act 511 (PA511) of 1988; and

Whereas, The Washtenaw County/City of Ann Arbor Community Corrections Advisory Board meets monthly on the second Tuesday of every month, pursuant to the By-laws established for that Board; and

Whereas, This application represents a revisit to the criminal justice planning process established in the original Comprehensive Corrections Plan, which was developed and approved by this body on November 6, 1991 by resolution number R-649-11-91; and

Whereas, An application for FY 1995/96 funding has been reviewed and approved by the Washtenaw County/City of Ann Arbor Community Corrections Advisory Board at a regularly scheduled meeting held on July 11, 1995. Said application was recommended for forwarding to the Washtenaw County Board of Commissioners and Ann Arbor City Council for review and approval at their next regularly scheduled meeting; and

Whereas, The State of Michigan - Office of Community Corrections has set a mandatory deadline of July 20, 1995 for funding submissions, therefore, this application will be submitted to the State of Michigan - Office of Community Corrections pending review and approval by the State Board of Community Corrections at a regularly scheduled meeting to be held on August 17, 1995 in Lansing, Michigan;

**RESOLVED**, That the Ann Arbor City Council approves the Washtenaw County/City of Ann Arbor Community Corrections Comprehensive Application for funding for FY 1995/96

Councilmember Lumm moved that the resolution be approved.

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

**REPORTS FROM COUNCIL COMMITTEES**

None.

## COUNCIL PROPOSED BUSINESS

None.

## COMMUNICATIONS FROM THE MAYOR

### Ann Arbor Art Fair and Afterglow

Mayor Sheldon reminded everyone that the annual Ann Arbor Street Art Fairs would be held July 19-22, 1995, and the Art Fair Afterglow would be held on Sunday at Kerrytown.

### Nominations for Garden Awards

Mayor Sheldon said nominations are due for the Annual Golden Trowel Awards.

### Woodcreek development meeting

Mayor Sheldon announced a meeting with the Woodcreek Development representatives to be held on Thursday, July 27, at 7:00 p.m. at the Morris Lawrence Building at Washtenaw Community College.

### Recently Signed Proclamations

Following are the recently signed proclamations by the Mayor as of July 17, 1995:

- \* Welcome to Her Holiness Raj Mata Kulwant Kaur Ji - July 29, 1995
- \* Hispanic Heritage Month - September 15 - October 15, 1995
- \* 20th Anniversary of the Ann Arbor Chabad House - September 17, 1995
- \* Gift of Sight and Gift of Life Day - July 22, 1995

## APPOINTMENTS APPROVED

The following appointments were placed in nomination at the last Council meeting and Mayor Sheldon asked for confirmation this date:

### DOMESTIC VIOLENCE COORDINATING BOARD

Richard M. Tolman, Ph.D. (to fill vacancy)

2323 Londonderry 48104

Term: 07-03-95 to 07-02-98

### HUMAN RIGHTS COMMISSION

Patrick Yankee (to complete unexpired term created by resignation)

800 W. Huron #4 48103

Term: 07-03-95 to 10-31-95

SIGN BOARD OF APPEALS

Steve Olsen (to fill vacancy)  
1007 Lincoln Avenue 48104  
Term: 07-03-95 to 07-02-98

HOUSING POLICY BOARD

Larry Fox (reappointment)  
530 S. State St., Room 3409, 48109  
Term: 07-03-95 to 07-02-98

COMMISSION ON INCREASING SAFETY FOR WOMEN

Kim Moore  
1724 Dunmore 48103  
Term: 07-03-95 to 06-30-96

STREET ADVISORY COMMITTEE

Susan A. Reznicek (reappointment)  
890 Wickfield Court 48105  
Term: 08-01-95 to 07-31-97

Councilmember Vereen-Dixon moved that Council concur in the recommendations.

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

CITY PLANNING COMMISSION

Sandra Arlinghaus (to fill vacancy)  
2790 Briarcliff 48105  
Term: 07-17-95 to 06-30-98

Emmanuel Akah, Jr. (to fill vacancy)  
810 Henry Street 48104  
Term: 07-17-95 to 06-30-98

ANN ARBOR ENERGY COMMISSION

Kurt Brandle (to fill vacancy)  
3115 Lexington 48105  
Term: 07-17-95 to 07-16-98

Stephen S. Miller (to fill vacancy)  
2412 Georgetown Blvd. 48105  
Term: 07-17-94 to 07-16-98

ANN ARBOR TRANSPORTATION AUTHORITY

Adiele Nwankwo (to fill vacancy)  
714 Leona Drive 48103  
Term: 07-17-95 to 05-01-2000

Councilmember Daley moved that Council concur in the recommendations.

On a voice vote the Mayor declared the motion carried unanimously.

COMMUNITY DEVELOPMENT CITIZEN PARTICIPATION EXECUTIVE COMMITTEE

Jane Barney (reappointment)  
423 W. Liberty Street 48103  
Term: 07-17-95 to 06-30-98

Letitia Byrd (reappointment)  
421 Brookside Drive 48105  
Term: 07-17-94 to 06-30-98

Mary Cleasby (to fill vacancy created by resignation)  
2728 Adrienne 48103  
Term: 07-17-95 to 06-30-96

Larry Gable (to fill vacancy)  
1430 Creal Crescent 48103  
Term: 07-17-95 to 06-30-98

Jean Robinson (reappointment)  
1020 Cedar Bend Drive 48105  
Term: 07-17-95 to 06-30-98

Councilmember Daley moved that Council concur in the recommendation.

On a voice vote the Mayor declared the motion carried.

Mayor Sheldon asked for and received the unanimous consent of the Council to waive the rules and to vote the following appointments this date:

BUDGET REVIEW COMMITTEE

Wanda Dawson (citizen representative)  
2552 Arrowwood 48105

CABLE COMMUNICATIONS COMMISSION

Tomas Chavez (to fill vacancy created by resignation)  
441 S. First #313 48103  
Term: 07-17-95 to 01-31-2000

Councilmember Vereen-Dixon moved that Council concur in the recommendation.

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

The following nominations were placed on the table for consideration at a later date:

HURON RIVER WATERSHED COUNCIL

Michael Sklar (to fill alternate vacancy)  
2545 Meade Court 48105  
Term: 08-07-95 to 10-31-97

FINANCE ADVISORY COMMITTEE

Linda Schlenderer (replacing Joan Thowson on term expiration)  
2930 Easy Street 48104  
Term: 08-07-95 to 05-31-98

COMMISSION ON INCREASING SAFETY FOR WOMEN

John Martin  
117 N. Division 48104

SIGN BOARD OF APPEALS

Kenneth A. Rich (to fill vacancy)  
1217 Wisteria 48104  
Term: 08-07-95 to 08-06-98

ZONING BOARD OF APPEALS

David Gregorka (reappointment)  
1723 Ivywood Drive 48103  
Term: 08-07-95 to 08-06-98

Ethel K. Potts (reappointment)  
1014 Elder Blvd. 48103  
Term: 08-07-95 to 08-06-98

**COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

City Administrators Ron Olson and Winifred Northcross presented the following information memorandums:

- ! Housing Rehabilitation Program Update
- ! Barton and Superior Hydropowers
- ! Water Treatment Plant Improvements Construction contracts
- ! Leslie park Golf Course Construction Erosion Control
- ! Status of Leslie Park Access
- ! Status of Leslie Park Access
- ! Tentative Agreement between the City and the Fire Fighters Association

- ! Sewage Disposal System Bonds figure
- ! Blood Samples Resolution
- ! Laptop Computer Purchase
- ! Recycled Set-Aside Fund
- ! Wildt Street Water Main, S. Main/Stadium Water Main, Cost Differences and Dhu Varren Paving
- ! Board of Insurance Administration Minutes of July 6, 1995
- ! Baker Commons Contract

The memorandums were placed on file in the City Clerk's Office.

The Acting City Administrators received requests for information from the Council on other subjects.

Acting City Administrator Ronald Olson said that the City Administration would bring forward the first actions on the radio tower on Dhu Varren Road on August 7, 1995. The sale of the property was closed this date.

### **COMMUNICATIONS FROM THE CITY ATTORNEY**

Acting City Attorney John VanLoon presented the following memorandum for the information of the Council:

- ! Amendment of Section 14.2 of the City Charter

#### **Aetna Insurance Claim Settlement**

Acting City Attorney John VanLoon said that the City assigned Bill Stapleton and Bruce Wallace, outside counsel, to represent the City in its claim against the Aetna Insurance Company. VanLoon said that the arbitrator awarded the City \$4,000,000 plus attorney's fees.

### **COMMUNICATIONS FROM COUNCIL**

Councilmember Daley said that items that she brings to the table are not always going to need a consensus of Council. She said that she is prepared to present issues on merit to be voted up or down by the Council.

Councilmember Daley said that she was in favor of the briefing sessions requested by the

Acting City Administrators, but would prefer a convenient meeting time that would not interfere with her working schedule.

Councilmember Daley said that she feels that it is important that all Councilmembers be involved in the City Attorney and City Administrator interviews. In light of this, she requested that the Mercer Group assist the Council in the questions that can be asked at these interviews, and that the interviews be scheduled at a time when the entire Council can attend. Further it is important that the person chosen is one that the entire Council has confidence in.

Mayor Sheldon said that the City Administrator interviews will occur the week of August 28 and the evening of August 28 has been set aside for the preparatory meeting for these interviews.

Councilmember Kolb said that he was glad to see that all lanes were open on South Main Street in time for the Art Fair.

Councilmember Kolb said that he was happy to announce that he and the Mayor won the Mayor's cup in the annual canoe races on Huron River Day.

Councilmember Hanna-Davies congratulated the agencies that collaborated so well to receive \$2,451,000 over a three-year period to assist homeless families with children and those who were awarded \$1,200,000 over a 3-year period to assist homeless individuals in Washtenaw County.

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

The following minutes were received and referred or filed as indicated:

! Human Rights Commission - May 17, 1995

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

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

### **PUBLIC COMMENTARY - GENERAL**

Laurie Young said that she was highly disappointed with some of the comments during deliberations on the blood samples resolution. She said that it is important to be cautious in carrying out investigations so that the rights of the people are infringed upon.

She said that it is good to hear about the grants made available through HUD. However, the City still lacks, and Council should take an active roll in promoting, multiple bedroom

family housing that is affordable for low-income and people with children.

### **ADJOURNMENT**

There being no further business, Mayor Sheldon declared the meeting adjourned at 1:25 a.m.

Winifred W. Northcross  
Clerk of the Council

Linda J. Wise  
Recording Secretary