

**REGULAR SESSION - AUGUST 7, 1995**

The regular session of the Ann Arbor City Council was called to order at 7:35 p.m. in the City Hall Council Chamber by Mayor Ingrid B. Sheldon.

Council stood for one moment of silence.

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

**ROLL CALL OF COUNCIL**

PRESENT : Councilmembers Tobi Hanna-Davies, Patricia Vereen-Dixon, Peter Fink, Jean Carlberg, Haldon L. Smith, Peter Nicolas, Christopher Kolb, Elisabeth L. Daley, Mayor Ingrid B. Sheldon, 9.

ABSENT : Councilmembers Jane Lumm, Stephen C. Hartwell, 2.

**INTRODUCTIONS**

None.

**PUBLIC COMMENTARY - RESERVED TIME**

**PAUL LEFRAK - CALLING FOR A NEW TRIAL FOR MUMIA ABU-JAMAL**

Paul Lefrak, 2458 Arrowwood Tr., representing the Emergency Committee Against the Racist Execution of Mumia Abu-Jamal, spoke in support of the proposed resolution urging a new trial for Mumia Abu-Jamal. Mr. Lefrak stated that Mr. Abu-Jamal, who is on death row in Pennsylvania, was unjustly convicted of a crime because of a trial marked by racism, perjury, judicial error and procedural misconduct.

**ANDY GULVEZAN - TURNING IN RESUME**

Andy Gulvezan, 2104 Pauline Blvd., stated that he is applying for the position of City Administrator and presented his qualifications for the position. (Statement on file in the City Clerk's Office)

LEAFIEST GALIMORE - RETURN OF BLOOD SAMPLES

LaFeist Galimore, 3139 Plymouth Rd., expressed hope that City Council would apologize for not approving the original resolution to return the blood samples taken from African-American men during the serial rape investigation, and that Council would find the courage to reverse its decision and require the return of the samples.

CATHY SWAN - WOODCREEK DEVELOPMENT

Cathy Swan, 1575 Chalmers Dr., representing the Chalmers Drive Neighborhood Association, stated that the residents are not opposed to the Woodcreek development, but are opposed to traffic being directed onto Chalmers Drive. Ms. Swan stated that there are other ways to access the development without destroying neighborhoods.

LARRY FOX - RETURN OF BLOOD SAMPLES

Larry Fox, 530 S. State St., representing the Coalition for Community Unity, stated that the resolution adopted by Council regarding the return of the blood samples taken during the serial rape investigation does nothing to right the injustice. He expressed concern that neither political party in the City represents the interests of the poor.

EDITH LEWIS - RETURN OF BLOOD SAMPLES

Edith Lewis, 1811 Coronada Dr., stated that the behavior of City officials during the past year has made the City an unsafe place for her young adult children. She expressed concern with Council's nonaction regarding the return of blood samples taken during the serial rape investigation and with Council's unwillingness to begin to right the injustice perpetrated by the police against citizens of the City. Ms. Lewis urged Council to adopt a new resolution requiring the immediate return of the blood samples and records.

JOHN NORTON - POLLUTION

John Norton, 1010 Arbordale St., expressed concern with environmental pollution and urged citizens to take an active roll to preserve the environment for future generations.

**PUBLIC HEARINGS**1320 HURON PLACE AREA PLAN AND LAND DIVISION

A public hearing was conducted on the proposed 1320 Huron Place Area Plan and Land Division, 1.14 acres, 1320 West Huron Street. Notice of public hearing was published July 30, 1995.

There being no one to speak, the Mayor declared the hearing recessed until the August 21, 1995 regular session of Council.

#### SUMMIT PLAZA SITE PLAN

A public hearing was conducted on the proposed Summit Plaza Site Plan, 0.79 acre, 124 West Summit Street. Notice of public hearing was published July 30, 1995.

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

#### WILDT STREET WATER MAIN SPECIAL ASSESSMENT

A public hearing was conducted on the proposed Wildt Street Water Main Special Assessment, Wildt Street between Sunset Road and Summit Street. Notice of public hearing was published July 22, 1995.

The following person appeared:

Louis Rome, owner of lots on Wildt Street, spoke in favor of the proposal and complimented the Engineering and Assessor Divisions for working with him to make the project feasible.

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

### **APPROVAL OF AGENDA**

#### AGENDA APPROVED WITH CHANGES

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

#### ORDINANCES - SECOND READING

Add: Amendment to Chapter 55, Rezoning of 47.9 acres from TWP (Township District) to R1B (Single-Family Dwelling District), Woodcreek Development, east side of Chalmers Drive, north of Arborland Mall (Ordinance No. 48-94) (Postponed September 7, October 3 and October 17, 1994; tabled November 7, 1994) **(8 Votes Required)**

#### MOTIONS AND RESOLUTIONS

Move: Resolution to Approve 1320 Huron Place Area Plan and Land Division, 1.14 acres, 1320 West Huron Street (Planning Commission recommendation: Approval - 7 yeas, 1 nay) **(Consider concurrently with Ordinance No. 40-**

**95)**

Delete: Resolution Regarding Administrative Decisions on Building Appeals (Councilmember Fink) (Postponed June 19, 1995)

Delete: Resolution Regarding the District Library Agreement (Mayor Sheldon)

Revise Title: Resolution <Regarding Criminal Justice> **URGING A NEW TRIAL FOR MUMIA ABU-JAMAL** (Councilmember Hanna-Davies **AND VEREEN-DIXON**)

Delete: Resolution Regarding Detroit Newspapers (Councilmember Hanna-Davies)

Add & Move: Resolution to Approve Woodcreek Area Plan, 47.9 acres, east side of Chalmers Drive, north of Arborland Mall (Planning Commission recommendation: Approval - 6 years, 0 nays) (Postponed September 7, October 3 and October 17, 1994; tabled November 7, 1994) **(REVISED 8/7/95) (Consider concurrently with Ordinance No. 48-94)**

Add: Resolution to Consider Owner's Appeal from Building Board of Appeals Decision on 229 Buena Vista

Add: Resolution to Amend the Bijan Air, Inc. Land Lease Dated October 21, 1994 (Mayor Sheldon)

#### COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Add: Resolution Administrative Decisions on Appeals

On a voice vote the Mayor declared the motion carried.

#### APPROVAL OF COUNCIL MINUTES

##### MINUTES OF JULY 17 APPROVED

Councilmember Kolb moved that the regular session minutes of July 17, 1995 be approved as presented.

On a voice vote the Mayor declared the motion carried.

#### CONSENT AGENDA

##### CONSENT AGENDA ITEMS REMOVED

With unanimous consent of Council, the following items were removed from the Consent Agenda and placed at the beginning of Motions and Resolutions:

Resolution to Approve Summit Plaza Site Plan, 0.79 acre, 124 West Summit Street (Planning Commission recommendation: Approval - 6 yeas, 0 nays)

Resolution Approving Street Closings for the University of Michigan Student Move-In

CONSENT AGENDA ITEMS APPROVED

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

R-342-8-95 APPROVED

RESOLUTION OF INTENT TO VACATE A PORTION  
OF EAST HAVEN AVENUE FRONTING LOTS 2 AND 3  
OF HEATERIDGE SUBDIVISION

Whereas, There has been presented to the Council of the City of Ann Arbor a written request seeking the vacation of the following portion of East Haven Avenue:

All of the public right-of-way known as East Haven in front of Lots 2 and 3 according to the plat of Heatheridge, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, as recorded in Liber 10 of Plats, page 59, Washtenaw County Records. The right-of-way is approximately 25 feet either side of the centerline of East Haven beginning at its intersection with the easterly boundary of Heatheridge Subdivision and extending westerly and then southerly for approximately 126 feet along said centerline.

and

Whereas, The Council deems it advisable and intends to vacate the portion of the street above described, and the City may reserve all easements and rights-of-way within the portion to be vacated for the installation and maintenance of public utilities;

RESOLVED, That the Council hereby appoint September 5, 1995 at 7:30 p.m. in the Council Chambers, City Hall, Ann Arbor, Michigan, as the time and place when and where the said Council will meet to hear objections, if any, to the vacation of the portion of the street above described;

RESOLVED, That notice of such meeting shall be published not less than four

weeks before the time appointed for such meeting in *The Ann Arbor News*; and

RESOLVED, That objections to such proposed action of the Council may be filed with the City Clerk in writing and that all persons for or against such proposed action will be heard by the Council at the time and place of the public hearing hereinbefore provided.

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R-343-8-95 APPROVED

RESOLUTION TO GRANT SEWER SERVICE OUTSIDE  
CITY LIMITS TO 3051 GEDDES AVENUE

Whereas, Richard J. Porter and Rachel K. Porter, owners of the property at 3051 Geddes Avenue, on July 18, 1995, requested that the City extend public sewer service to their property in Ann Arbor Township in accordance with the Policy Statement of February 1, 1994 between the City of Ann Arbor and Ann Arbor Township;

Whereas, The Porter's desire to enter into an agreement with the City to provide an equitable method of obtaining City service outside of its corporate boundaries; and

Whereas, As part of this agreement, the owners shall have this property annexed not later than five (5) years from the date of the agreement;

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

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R-344-8-95 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICE  
OUTSIDE CITY LIMITS TO 440 ROSE DRIVE

Whereas, Ronald and Deborah Cheesman, owners of the property at 440 Rose Drive, on July 14, 1995, requested that the City extend public water and sewer services to their property in Scio Township prior to the completion of the annexation process;

Whereas, The property owners desire to enter into the standard agreements with the City which provide an equitable method of obtaining City services outside of its corporate boundaries; and

Whereas, On July 17, 1995, Ronald and Deborah Cheesman petitioned the City for annexation;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreements to allow City water and sewer services to the land during the time it is still outside of the corporate limits; that the City Clerk be directed to send a copy of this resolution and the agreements by first class mail to the above property owners; and that the Utilities Department promptly have this resolution and the agreements recorded in the office of the Register of Deeds of Washtenaw County, Michigan.

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R-345-8-95 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICE  
OUTSIDE CITY LIMITS TO 430 ROSE DRIVE

Whereas, Jack D. Chessman, owner of the property at 430 Rose Drive, on July 17, 1995, requested that the City extend public water and sewer services to his property in Scio Township prior to the completion of the annexation process;

Whereas, The property owner desires to enter into the standard agreements with the City which provide an equitable method of obtaining City services outside of its corporate boundaries; and

Whereas, On July 17, 1995, Jack D. Chessman petitioned the City for annexation;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreements to allow City water and sewer services to the land during the time it is still outside of the corporate limits; that the City Clerk be directed to send a copy of this resolution and the agreements by first class mail to the above property owner; and that the Utilities Department promptly have this resolution and the agreements recorded in the office of the Register of Deeds of Washtenaw County, Michigan.

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R-346-8-95 APPROVED

RESOLUTION RECOGNIZING THE ANN ARBOR  
WOMEN'S CITY CLUB AS A NONPROFIT ORGANIZATION  
IN THE CITY OF ANN ARBOR

Whereas, The Ann Arbor Women's City Club is a non-profit service organization;

Whereas, The United States Department of Treasury-Internal Revenue Service recognizes The Ann Arbor Women's City Club as a tax exempt, non-profit organization; and

Whereas, The Ann Arbor Women's City Club needs the City to recognize it as a non-profit organization in the community in order to conduct fundraising activities with State approval;

RESOLVED, That the Mayor and City Council recognize the Ann Arbor Women's City Club as a non-profit organization in the City of Ann Arbor.

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R-347-8-95 APPROVED

RESOLUTION RECOGNIZING THE MITCHELL SCHOOL  
PARENT-TEACHER ORGANIZATION, INC. AS A NONPROFIT  
ORGANIZATION IN THE CITY OF ANN ARBOR

Whereas, The Mitchell School Parent-Teacher Organization, Inc. is a non-profit organization;

Whereas, The State of Michigan-Department of Commerce recognizes the Mitchell School Parent-Teacher Organization, Inc. as a non-profit corporation; and

Whereas, Mitchell School Parent-Teacher Organization, Inc. needs the City to recognize it as a non-profit organization the community in order to conduct fundraising activities with State approval;

RESOLVED, That the Mayor and City Council recognize the Mitchell School Parent-Teacher Organization, Inc. as a non-profit organization in the City of Ann Arbor.

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R-348-8-95 APPROVED

RESOLUTION TO APPROVE QUICKLIME PURCHASE FOR  
WATER AND WASTEWATER TREATMENT - BID NO. 2755

Whereas, The Water Treatment and Wastewater Treatment Divisions use quicklime in daily operations;

Whereas, Contracts for supplying estimated requirements are the most stable and cost-effective way of meeting the water and waste water treatment needs;

Whereas, Marblehead Lime Co. submitted the lowest responsible bid for the supply of quicklime per Bid No. 2755; and

Whereas, Marblehead Lime Co. received human rights approval on July 10, 1995;

RESOLVED, That Council approve a requirements purchase order for quicklime to Marblehead Lime Co. in accordance with the terms of Bid No. 2755;

RESOLVED, That the City Administrator be directed to enter into a purchasing agreement, in accordance with this resolution, at a projected cost of approximately \$400,000.00 for the remainder of FY 1995/1996;

RESOLVED, That the agreement may be renewed for up to two one-year periods provided both parties agree to an extension; and

RESOLVED, That the City Administrator be authorized to obtain quicklime from the next lowest bidder if Marblehead Lime Co. is unable to furnish adequate supplies.

Source of Funds: Water Supply and Sewage Disposal Systems  
FY 1995/96 Approved Budgets.

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R-349-8-95 APPROVED

RESOLUTION TO EXTEND IBM HARDWARE  
MAINTENANCE CONTRACT

Whereas, The City of Ann Arbor owns and operates an International Business Machines Corporation (IBM) 4381 Mainframe Computing System (MCS);

Whereas, On July 6, 1992, the City Council approved a contract with IBM for the maintenance of the hardware that comprises the MCS;

Whereas, The Information Services Division plans to replace the existing MCS hardware in the first quarter of 1996;

Whereas, The Information Services Division has determined that an extension of the existing maintenance contract on a month-to-month basis is the most flexible and cost-effective way to provide maintenance in the interim period;

Whereas, IBM has agreed to extend the terms and conditions of the existing maintenance contract for a monthly cost of \$3,456.60;

Whereas, IBM received Human Rights approval for a one-year period on February 28, 1995; and

Whereas, Funding for MCS hardware maintenance is included in the FY 1994-95 budget of the Administrative Services Department;

RESOLVED, That the recommendation of the City Administrators be approved and the existing contract with IBM for the maintenance of the Mainframe Computing System hardware be extended on a month-to-month basis at a cost of \$3,456.60 per month for a period not to exceed nine months; and

RESOLVED, That a purchase order be issued to IBM Corporation for an amount not to exceed \$31,110.00.

Source of Funds: IBM 4381 Mainframe Hardware Maintenance  
Object Code: 010-013-9302-2320  
Budget Amount - \$56,090.00

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R-350-8-95 APPROVED

RESOLUTION TO APPROVE BID OF RICHARD BROTHERS  
PAINTING FOR EXTERIOR PAINTING OF CITY HALL -  
BID NO. 2751

Whereas, Bid No. 2751 was issued by the City and Richard Brothers Painting was determined to be lowest responsible bidder and qualified to perform the work desired;

Whereas, Richard Brothers received Human Rights approval on June 26, 1995; and

Whereas, Richards Brothers guarantees the paint job for five years on both materials and labor;

RESOLVED, That the Mayor and City Council approve the bid with Richard Brothers Painting in the amount of \$29,645.00 to re-coat the exterior panels of City Hall; and

RESOLVED, That the Mayor and City Council approve a contingency in the amount of \$2,964.00 to cover potential change orders approved by the City Administrator, and approve a total project budget of \$32,609.00, in accordance with this resolution and Bid No. 2751.

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R-351-8-95 APPROVED

RESOLUTION TO APPROVE PURCHASE ORDER TO  
MODEL CITIES LEGAL SERVICES TO PAY ATTORNEY FEES FOR  
COURT APPOINTED COUNSEL FOR INDIGENT DEFENDANTS

Whereas, Individuals charged with misdemeanor violations are entitled to have counsel represent them;

Whereas, Those defendants who are determined by the court to be indigent have a right to have counsel appointed to represent them at public expense;

Whereas, The 15th District Court frequently appoints Model Cities Legal Services attorneys to represent indigent defendants based on their proven abilities, demonstrated knowledge and sensitivity in performing their work;

Whereas, Model Cities Legal Services attorneys bill the court for these services at a rate that is less than the prevailing rate for criminal defense counsel;

Whereas, Funds for this service have been approved in the 15th District Court's FY 95-96 budget in an estimated amount of \$100,000.00; and

Whereas, Model Cities Legal Services has Human Rights approval effective July 25, 1995;

RESOLVED, That the Ann Arbor City Council authorize the City Administrator to approve a purchase order in the amount of \$100,000.00 to Model Cities Legal Services for indigent representations for FY 95-96.

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R-352-8-95 APPROVED

RESOLUTION TO APPROVE AMENDED STANDING PURCHASE  
ORDER FOR PARTS AND SERVICE FOR MOWING EQUIPMENT

Whereas, The City of Ann Arbor owns 30 pieces of Toro mowing equipment needing parts and service;

Whereas, Spartan Distributors Inc. is the sole source for Toro parts and service; and

Whereas, Spartan Distributors received City of Ann Arbor Human Rights approval on March 15, 1995;

RESOLVED, That the Mayor and Council direct the City Administrator to prepare an amended standing purchase order for Spartan Distributors for a total amount of \$65,000.00 for Fiscal Years 1994/95 and 1995/96.

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R-353-8-95 APPROVED

RESOLUTION TO APPROVE CONSTRUCTION CONTRACT  
FOR HISTORICAL RESTORATION OF THE GREEK REVIVAL  
SHELTER AT ISLAND PARK - RFP NO. 370

Whereas, Island Park Greek Revival Shelter was declared a Historical Structure by the Historical District Commission and the Ann Arbor City Council;

Whereas, The building is in a state of deterioration and in need of major repair;

Whereas, \$13,000.00 has been designated for Island Park in the 1989-94 Park Rehabilitation and Development Millage, \$19,500.00 in the 1995-2001 Park Rehabilitation and Development Millage, and \$22,500.00 in the 1993-98 Park Maintenance and Repair

Millage;

Whereas, A selection committee ranked Willow Building Company as the most qualified and the lowest bidder of the six firms to evaluation and restore the structure;

Whereas, Willow Building Company submitted a proposal for restoration in the amount of \$52,110.00; and

Whereas, The Human Resources Department approved the company on July 27, 1995;

RESOLVED, That the Mayor and City Council approve a contract awarding RFP No. 370 for a total of \$52,110.00 to Willow Building Company, and authorize the Mayor and City Clerk to sign an agreement between the City and Willow Building Co. substantially in the form on file with the City Clerk; and

RESOLVED, That the Mayor and City Council approve a construction contingency in the amount of \$2,890.00 to cover potential contract change orders to be approved by the City Administrator, and approve a total project budget of \$55,000.00 for the life of the project.

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R-354-8-95 APPROVED

RESOLUTION TO APPROVE PURCHASE OF IRRIGATION PUMP  
STATION FOR LESLIE PARK GOLF COURSE - BID NO. 2673

Whereas, To provide the water pressure necessary for the new double row irrigation system at Leslie Park Golf Course a replacement pumping system is required;

Whereas, Three bids were received and Flowtronex, Inc. of Dallas, Texas, submitted the lowest responsible bid in the amount of \$45,561.00; and

Whereas, Flowtronex, Inc. received Human Rights approval on July 10, 1995;

RESOLVED, That the Mayor and City Council authorize the City Administrator to issue a purchase order in the amount of \$45,561.00 to Flowtronex, Inc. for the purchase and installation of the irrigation pump station at Leslie Park Golf Course, in accordance with the specifications contained in Bid No. 2763.

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R-355-8-95 APPROVED

RESOLUTION TO APPROVE A CONTRACT FOR DEMOLITION  
OF THE FULLER PUMP STATION - BID NO. 2748

Whereas, Appropriated funds in FY 1995-96 for the total amount of \$23,4000 for improvements to Fuller Park are available in the 1989-94 Parks Rehabilitation and Development Millage and the Utilities Department will reimburse the millage for 50% of the total cost of the project;

Whereas, Homrich Inc. submitted the only bid for the demolition and site restoration of the Fuller Pump Station in Fuller Park in the amount of \$21,400.00 plus \$2,000.00 for construction contingencies; and

Whereas, The Human Resources Department approved the company on June 15, 1995;

RESOLVED, That the Mayor and City Council approve a contract awarding Bid No. 2748 to Homrich Inc. at \$21,400.00 plus \$2,000.00 for construction contingency, and that the Mayor and City Clerk be authorized to sign the agreement between the City and Homrich Inc. substantially in the form on file with the City Clerk; and

RESOLVED, That the Mayor and City Council approve a construction contingency in the amount of \$2,000.00 to cover potential change orders to be approved by the City Administrator, and approve the total project budget of \$23,400.00 for the life of the project.

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R-356-8-95 APPROVED

RESOLUTION TO APPROVE AN AMENDMENT TO  
THE STATE OF MICHIGAN NATURAL RESOURCES AND  
US EPA CLEAN LAKES GRANT PROJECT AGREEMENT FOR  
FIRST AND SECOND SISTER LAKES IN DOLPH PARK

Whereas, The City of Ann Arbor Mayor and Council previously entered into an agreement with the State of Michigan MiDNR regarding the EPA Clean Lakes Phase I grant up to \$47,034.00 for First and Second Sister Lakes in Dolph Park;

Whereas, The amended project agreement between the City of Ann Arbor and the Michigan MiDNR for EPA matching grant funds was to be completed by July 31, 1995, which has been verbally extended;

Whereas, The City has shown significant and continuing progress toward completion of the project;

Whereas, The City has requested an extension of the Phase 1 study project

completion deadline with the Department of Natural Resources to August 31, 1995; and

Whereas, The grant reimbursable project costs are \$5,000.00 less than the original estimate due to lower laboratory costs and the State match will be reduced accordingly; all other provisions of the agreement shall continue in full force and effect;

RESOLVED, The Mayor and City Council approve amendments to the Clean Lakes Grant Project Agreement between the City of Ann Arbor and the Michigan Department of Natural Resources to extend the completion date for the Phase I study to August 31, 1995, reduce the total project cost, and authorize the Mayor and City Clerk to sign the amended grant agreement substantially in the form on file with the City Clerk, to complete the project.

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R-357-8-95 APPROVED

RESOLUTION TO APPROVE PROCUREMENT OF  
COMPUTER HARDWARE AND NETWORK SERVER SYSTEM  
FOR THE HOUSING COMMISSION

Whereas, The Ann Arbor Housing Commission has funding available for computer hardware (\$50,000.00) and computer software (\$21,000.00) upgrades under its modernization grants CGP-701-93 and 702-94;

Whereas, The Information Services Division (ISD) of the City's Administrative Services Department has recently solicited bids for microcomputer equipment, including workstations, printers, file servers, network elements, and file server software;

Whereas, The Housing Commission desires to have both a networked PC system for enhanced staff communication and efficiency, and desires to be linked to the City's Network Computing System (NCS) for direct City communications via e-mail;

Whereas, The Housing Commission has preliminarily explored public housing software packages which operate on a networked PC system and has identified vendors who could supply, in the future, needed software for public housing operations; and

Whereas, ISD staff has conducted a site design and specifications analysis including cabling, wiring hubs/concentrators, file servers, network interface cards (to link existing and proposed new PC workstations), and requisite communications software to meet the defined needs of the Housing Commission and its operations;

RESOLVED, That City Council approve the procurement of computer hardware with requisite cabling, file server hardware and software, and network elements, in conjunction with ISD, and based on previously approved City bids, within the Housing Commission

Modernization funded budget limit of \$50,000.00.

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R-358-8-95 APPROVED

RESOLUTION TO APPROVE PURCHASE ORDER TO  
SUPERIOR FORD FOR TWO MAINTENANCE VEHICLES  
FOR THE HOUSING COMMISSION

Whereas, The Ann Arbor Housing Commission has budgetary authority totalling \$34,923.00, coming from modernization grant CIAP 912-91 for a new vehicle and from operating funds for a replacement vehicle;

Whereas, Specifications were prepared by Commission staff for a 3/4-ton, 4x4 pick-up and a 1/2-ton van;

Whereas, The invitation for bids was advertised and directly solicited with a bid opening of July 14, 1995;

Whereas, There were two responsive bidders and the Board of the Housing Commission, at a special meeting on July 26, 1995, approved an award of purchase order to the low bidder, Superior Ford, for both specified vehicles, for a total cost of \$34,174.00; and

Whereas, Human Rights approval was received on July 28, 1995;

RESOLVED, That the City Council approve the purchase order award to Superior Ford Inc., of Flat Rock, MI, in the amount of \$34,174.00 for two maintenance vehicles.

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R-359-8-95 APPROVED

RESOLUTION TO APPROVE FISCAL YEAR 1995-96  
COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT AND  
GENERAL FUND CONTRACT WITH SOUNDINGS, INC.

Whereas, City Council approved the FY 1995-96 Consolidated Strategy & Plan at its meeting on May 1, 1995 for submission to the Department of Housing and Urban Development;

Whereas, The FY 1995-96 Consolidated Strategy and Plan included the allocation of \$34,000.00 to Soundings, Inc. for FY 1995-96;

Whereas, At its meeting on June 19, 1995, City Council approved an additional allocation of \$6,548.00 for Soundings;

Whereas, Service contracts between the City and Soundings are being negotiated as directed by City Council; and

Whereas, The Human Resources Department has reviewed and approved this contractor as of August 4, 1995;

RESOLVED, That the Mayor and City Council approve the Community Development Block Grant contract for \$38,548.00 and the General Fund Contract for \$2,000.00 with Soundings, Inc., and authorize the Mayor and City Clerk to execute the contracts, substantially in the form on file in the Office of the City Clerk, to begin July 1, 1995 and terminating June 30, 1996; and

RESOLVED, That all programs be given priority to very low income individuals and that performance be monitored by the Community Development Department.

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R-360-8-95 APPROVED

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

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

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

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

RESOLVED, That City Council approve the Housing Rehabilitation Agreement with Beverly Sanders Wright in the amount of \$20,459.00 as a 1% interest, 15-year loan with funds available until expended without regard to fiscal year, and authorize the Mayor and City Clerk to execute the necessary documents substantially in the form on file in the office of the City Clerk.

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R-361-8-95 APPROVED

RESOLUTION TO APPROVE HOUSING REHABILITATION AGREEMENT WITH HENRIETTA DABNEY FOR 604 GOTT STREET

Whereas, An application was received from Henrietta Dabney for rehabilitation assistance for her home located at 604 Gott Street, Ann Arbor;

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

Whereas, Two bids were received on July 20, 1995, and Ms. Dabney will be executing an agreement with the lowest responsible bidder to complete the rehabilitation work;

RESOLVED, That City Council approve the Housing Rehabilitation Agreement with Henrietta Dabney in the amount of \$20,130.00 as a 0% interest, deferred payment loan which requires no payment until a change in ownership, and authorize the Mayor and City Clerk to execute the necessary documents substantially in the form on file in the office of the City Clerk.

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R-362-8-95 APPROVED

RESOLUTION TO APPROVE PURCHASE OF A FIRE  
STATION VEHICLE EXHAUST SYSTEM

Whereas, The U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, National Institute for Occupational Safety and Health has identified diesel exhaust as a potential carcinogen;

Whereas, The National Institute for Occupational Safety and Health recommends that all available engineering controls and work practices be vigorously implemented to minimize exposure of workers to diesel exhaust;

Whereas, Fire Station One does not currently have available technology to successfully minimize worker exposure to diesel exhaust;

Whereas, The Fire Department has received competitive bids to remedy the lack of appropriate diesel exhaust control at Fire Station One; and

Whereas, The lowest responsible bidder has Human Rights approval effective 07/18/95, and current fiscal year funding in line item 010-032-0140-5130;

RESOLVED, That Council direct the City Administrator to award the purchase order in the amount of \$39,752.00 to Clean Air Concepts; and

RESOLVED, That the City Administrator direct the Fire Department to issue a purchase order in the amount of \$39,752.00 to Clean Air Concepts to completely furnish and install a diesel exhaust system in Fire Station One.

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R-363-8-95 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE  
ADMINISTRATION MINUTES OF AUGUST 3, 1995  
AND TO AUTHORIZE PAYMENTS

RESOLVED, That the Board of Insurance Administration Minutes of August 3, 1995, be accepted and that the payments therein be authorized;

MINUTES  
CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION  
AUGUST 3, 1995

Present: Christopher Kolb, Councilmember  
Brenda Smith, City Treasurer 2.

Absent: Peter Fink, Councilmember 1.

Also present: Dan Cullen, Risk Manager  
John Van Loon, Acting City Attorney  
Bob West, Assistant City Attorney 3.

CITIZENS' CLAIMS APPROVED: (and check issued)

<u>CASE NO.</u>	<u>CLAIMANT</u>	<u>AMOUNT</u>
CC 38-95	Vehicle damage claim of David Root	\$400.00
CC 96-92	Bodily injury claim of George White by Roger Ettlinger, Atty.	\$3,500.00
CC 15-95	Property damage claim of Ameritech	\$566.63
CC 29-95	Property damage claim of Yong Chin Kang	\$1,183.00
CC 48-95	Property damage claim of Detroit Edison (1600 Fulmer)	\$1,666.68
CC 62-95	Vehicle damage claim of The University of Michigan	\$313.19
	TOTAL	\$7,629.50

LEGAL EXPENSES AND/OR CASE RELATED EXPENSES:

<u>CASE NO.</u>	<u>CLAIMANT</u>	
CC 119-94	Lawsuit of Nancy Shiell by Brook Smith, Attorney Ed Hood, Mediator	\$25.00
CC 119-94	Lawsuit of Nancy Shiell by Brook Smith, Attorney Thomas Dew, Mediator	\$25.00
CC 119-94	Lawsuit of Nancy Shiell by Brook Smith, Attorney Thomas Roumell, Mediator	\$25.00
	TOTAL	<b>\$75.00</b>

CITIZEN'S CLAIMS DENIED:

CASE NO.

- CC 73-95 Vehicle damage claim of USAA Insurance Company for Julie Zick  
Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.
- CC 78-95 Vehicle damage claim of Terry Gregg  
Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.
- CC 76-95 Vehicle damage claim of Paul Levine  
Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.
- CC 50-95 Bodily injury claim of James Hambright by Steven Garris, Attorney  
Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.
- CC 75-95 Bodily injury claim of Stephen Marker  
Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.
- CC 82-95 Vehicle damage claim of William Banos  
Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.

OTHER BUSINESS:

CASE NO.

- CC 65-95 Vehicle damage claim of Matthew T. Engelbert  
Discussed by Daniel J. Cullen, Risk Manager and the Board tabled the claim pending further investigation.
- CC 135-95 Lawsuit of Lois McWherter by James Fett, Attorney  
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.
- CC 67-95 Property damage claim of Detroit Edison (1307 Baldwin)  
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.

OTHER BUSINESS (CONT.):

CASE NO.

- CC 69-95 Property damage claim of Dale Griffith  
Discussed by Daniel J. Cullen, Risk Manager and the Board  
authorized settlement.
- CC 70-95 Sewer Back-Up Claim of Trellis Cafe (3574 Plymouth Road)  
Discussed by Daniel J. Cullen, Risk Manager and the Board  
authorized settlement.
- CC 87-95 Property damage claim of Rena Soifer  
Discussed by Daniel J. Cullen, Risk Manager and the Board  
authorized settlement.
- CC 83-95 Sewer Back-Up Claim of Audrey Ritt (3588 Plymouth)  
Discussed by Daniel J. Cullen, Risk Manager and the Board  
authorized settlement.
- CC 80-95 Bodily injury claim of Ardath Young  
Discussed by Daniel J. Cullen, Risk Manager and the Board  
authorized settlement.

## REIMBURSEMENTS RECEIVED --

CASE NO.    FROM

PD 144-94	Reimbursement from State Farm for Sara Giza for vehicle accident involving police vehicle #54	\$2,945.65
PD 30-95	Reimbursement from Indiana Insurance for Thomas Crocker accident involving Transportation Vehicle #4885	\$400.00
PD 3-95	Reimbursement from Affordable Roofing & Sheet Metal, Inc. for accident involving Solid Waste Vehicle 8107	\$422.50
TOTAL DEPOSITED SINCE 7-6-95		\$3,768.15

REQUESTS FOR INFORMATION ON PENDING CLAIMS  
awaiting more information:

INCIDENT	CLAIM	INFO FROM	DATE OF	ND. RPT	DATE TO
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<u>CASE NO.</u>	<u>NAME</u>	<u>DATE</u>	<u>RECEIVED</u>	<u>CLAIMANT</u>	<u>CORRES.</u>	<u>FROM</u>	<u>CLM.SRVC.</u>
CC 55-95	Light	4-25-95	5-15-95*				
CC 81-95	Brown	7-2-95	7-19-95		7-20-95	Parks	7-20-95
CC 83-95	Rift	6-11-95	7-24-95		7-25-95	Utilities	7-25-95
CC 84-95	Wald	3-95	7-24-95		7-25-95	Utilities	7-25-95
CC 85-95	Gitlin	6-1-95	7-25-95		7-25-95	Treasurer	7-25-95
CC 86-95	M.N.S.	5-10-95	7-24-95		7-25-95	Transp.	7-25-95

\* Waiting for more information from claimant's attorney

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

CASE NO.

- CC 74-95 Bodily injury claim of Rita DeCola
- CC 75-95 Bodily injury claim of Stephen Marker a minor,  
by C. & J. Marker, parents
- CC 76-95 Vehicle accident claim of Paul Levine
- CC 77-95 Lawsuit of Marcia Bauer by James R. Cmejrek, Attorney
- CC 78-95 Vehicle damage claim of Terry Gregg
- CC 79-95 Lawsuit of Brian Klenk by Samuel Field, Attorney
- CC 80-95 Bodily injury claim of Ardath Young
- CC 81-95 Vehicle damage claim of Alan Brown
- CC 82-95 Vehicle damage claim of William Banos
- CC 83-95 Sewer Back Up claim of Atria Rift-Mail Boxes Etc. (3588 Plymouth)
- CC 84-95 Sewer Back Up claim of Jonathan Wald (320 Second Street)
- CC 85-95 Property damage claim of Scott Gitlin
- CC 86-95 Property damage claim of M.N.S. General Contractors Inc.
- CC 87-95 Property damage claim of Renal Cipher
- CC 89-95 Lawsuit of Sandro Segalini by Ian Reach, Attorney

Prepared by,  
Daniel J. Cullen, Risk Manager

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## R-364-8-95 APPROVED

RESOLUTION TO APPROVE PURCHASE ORDER TO GAMBLE  
ROSENBERGER AND JOSWICK, LLP FOR LEGAL SERVICES  
REGARDING THE DEFERRED COMPENSATION PLAN

Whereas, The Deferred Compensation Administrative Board has recommended additional legal review of the Deferred Compensation Plan;

Whereas, The Deferred Compensation Administrative Board has requested that the plan document be revised to reflect current tax law;

Whereas, It is estimated this review will cost approximately \$12,000.00 in fiscal year 1996;

Whereas, Human Rights approval was granted on August 1, 1995; and

Whereas, Funds are available for the review in the fiscal year 1996 Finance Department budget, line 010-018-1110-2110;

RESOLVED, That the firm of Gamble Rosenberger & Joswick, LLP be retained to continue its review of the Deferred Compensation Plan and make revisions to the plan document.

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## R-365-8-95 APPROVED

RESOLUTION TO APPROVE PAYMENT FOR  
LEGAL SERVICES OF DYKEMA GOSSETT REGARDING  
THE DEFERRED COMPENSATION PLAN

Whereas, Legal services for the Deferred Compensation Plan were rendered during fiscal year 1995;

Whereas, Invoices for these expenditures were received in fiscal year 1996; and

Whereas, Funds were available in the Finance Department budget at fiscal year end;

RESOLVED, That legal expenditures totaling \$3,761.95 be paid to Dykema Gossett from the fiscal year 1995 from line 010-018-1110-2110.

The question being the foregoing Consent Agenda items as presented, on a voice vote the

Mayor declared the motion carried.

**ORDINANCES - SECOND READING**

40-95 POSTPONED

1320 HURON PLACE REZONING

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

This ordinance would change the zoning of 0.49 acre, located at 1320 West Huron Street, from R4A (Multiple-Family Dwelling District) to R2A (Two-Family Dwelling District).

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

Councilmember Daley moved that the ordinance be postponed to the August 21, 1995 regular session of Council for clarification of the easement legal description.

On a voice vote the Mayor declared the motion carried.

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POSTPONED

**RESOLUTION TO APPROVE 1320 HURON PLACE  
AREA PLAN AND LAND DIVISION**

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed 1320 Huron Place Area Plan and Land Division, 1.14 acres, 1320 West Huron Street.

Whereas, Edmund Place Group Home, Ltd. has requested area plan and land division approval to divide the existing 1.14 acre parcel at 1320 West Huron Street (Assessor Code No. 09-30-127-132) into two separate parcels for the construction of one duplex structure;

Whereas, The Ann Arbor City Planning Commission, at its meeting of June 6, 1995, recommended approval of said request;

Whereas, A private agreement between the petitioner and adjacent homeowners to the west has been executed, which addresses engineering and paving costs of the boulevard, design of the duplex structure, protection of trees, and water runoff and erosion

(agreement on file in the Planning Department);

RESOLVED, That the 1320 Huron Place Area Plan and Land Division be hereby approved,as described below, subject to the recording of necessary easements and a shared maintenance agreement:

Parcel A - A parcel of land located in Section 30, T2S, R6E, City of Ann Arbor, being further described as follows: Commencing at the intersection of the east line of Revena Boulevard and the north line of West Huron Street, distant S 86°22'30" E 295.05 feet along the said north line of West Huron Street and N 00°02'00" E 305.96 feet to the true Point of Beginning; thence N 00°02'00" E, a distance of 200.02 feet; thence S 58°38'00" E, a distance of 247.63 feet; thence S 03°37'29" W, a distance of 83.50 feet; thence N 86°36'54" W, a distance of 206.64 feet to the true Point of Beginning.

Parcel B - A parcel of land located in Section 30, T3S, R6E, City of Ann Arbor, being further described as follows: Commencing at the intersection of the East line of Revena Boulevard and the north line of West Huron Street, distant S 86°22'30" E 295.05 feet along said north line of West Huron Street to the true Point of Beginning; thence N 00°02'00" E, a distance of 105.94 feet; thence S 86°36'54" E, a distance of 206.64 feet; thence S 03°37'29" W, a distance of 106.59 feet; thence N 86°22' 30" W, a distance of 200.00 feet to the true Point of Beginning.

Councilmember Kolb moved that the resolution be adopted.

Councilmember Daley moved that the resolution be postponed to the August 21, 1995 regular session of Council for clarification of the easement legal description.

On a voice vote the Mayor declared the motion carried.

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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 ordinance would prohibit operation of a motor vehicle or knowingly permitting the operation of a motor vehicle by persons with an alcohol content of more than 10 grams of alcohol per 100 milliliters of blood, per 210 liters of breath or per 67 milliliters of urine and would provide for a chemical test of a person's blood, breath or urine. This ordinance would also provide penalties for these traffic violations and for driving with a suspended license.

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

On a voice vote the Mayor declared the motion carried.

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48-94 APPROVED

WOODCREEK DEVELOPMENT ZONING

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

This ordinance would change the zoning of 47.9 acres, located on the east side of Chalmers Drive, north of Arborland Mall, from TWP (Township District) to R1B (Single-Family Dwelling District).

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

On a voice vote the Mayor declared the motion carried.

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R-366-8-95 APPROVED

RESOLUTION TO APPROVE WOODCREEK AREA PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval of the Woodcreek Area Plan, 47.9 acres, east side of Chalmers Drive, north of Arborland Mall.

R-366-8-95

**RESOLUTION TO APPROVE WOODCREEK AREA PLAN**

Whereas, The Ann Arbor Planning Commission has recommended approval of the Woodcreek Area Plan;

Whereas, The Ann Arbor City Council participated in the funding for a Woodcreek Area Traffic Circulation Study (R-525-11-94), which may have an impact on the access to and traffic circulation in and around any development on the property; and

Whereas, The Woodcreek Area Circulation Study Final Report has not yet been received by the City;

RESOLVED, That the Woodcreek Area Plan be hereby approved, subject to the condition that traffic circulation in and around and the location of traffic access points to the proposed development will be considered by the Planning Commission and Council during site plan review in light of the findings and recommendations in the Woodcreek Area Circulation Study.

Councilmember Smith moved that the resolution (revised 8/7/95) be adopted.

On a voice vote the Mayor declared the motion carried.

**ORDINANCES - FIRST READING**

42-95 APPROVED

**NEWPORT CREEK ZONING**

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

This ordinance would change the zoning of 41.71 acres, located on the west side of Newport Road between Bird Road and Downup Circle, from TWP (Township District) to R1A (Single-Family Dwelling District).

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

On roll call the vote was as follows:

Yeas, Councilmembers Kolb, Vereen-Dixon, Fink, Carlberg, Smith, Nicolas, Mayor

Sheldon, 7;

Nays, Councilmembers Daley, Hanna-Davies, 2.

The Mayor declared the motion carried.

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43-95 APPROVED

SOMERSET ESTATES REZONING

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

This ordinance would change the zoning of 2.14 acres, located at 2107 Dhu Varren Road, from R3 (Townhouse District) to R1C (Single-Family Dwelling District).

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

On a voice vote the Mayor declared the motion carried.

**MOTIONS AND RESOLUTIONS**

R-367-8-95 APPROVED

RESOLUTION TO APPROVE SUMMIT PLAZA SITE PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Summit Plaza Site Plan, 0.79 acre, 124 West Summit Street.

Whereas, Summit Plaza Associates have requested site plan approval in order to remove the existing light industrial building and replace it with a 7,200-square foot light industrial building; and

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

RESOLVED, That the Summit Plaza Site Plan be hereby approved, subject to installation of a fire hydrant and to combination of the three tax code parcels.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-368-8-95 APPROVED AS AMENDED

RESOLUTION APPROVING STREET CLOSINGS FOR  
UNIVERSITY OF MICHIGAN STUDENT MOVE-IN

A resolution approving street closings for the University of Michigan student move-in was considered.

Councilmember Nicolas moved that the resolution be adopted.

Councilmember Daley moved that the following seventh paragraph of the resolution be deleted:

RESOLVED, That City Council prohibit all peddling and soliciting activities within a three block area of the closed streets from August 29 through August 31, 1995;

On roll call the vote was as follows:

Yeas, Councilmembers Kolb, Daley, Hanna-Davies, Vereen-Dixon, Carlberg, Smith, Nicolas, 7;

Nays, Councilmember Fink, Mayor Sheldon, 2.

The Mayor declared the motion carried.

Councilmember Kolb moved that the following language be added after the sixth paragraph of the resolution:

RESOLVED, That City Council prohibit all peddling and soliciting activities within a one block area of the closed streets from August 29 through August 31, 1995;

On roll call the vote was as follows:

Yeas, Councilmembers Kolb, Daley, Vereen-Dixon, Fink, Carlberg, Smith, Nicolas, Mayor Sheldon, 8;

Nays, Councilmember Hanna-Davies, 1.

The Mayor declared the motion carried.

The question being the resolution as amended, on a voice vote the Mayor declared the motion carried, with Councilmember Hanna-Davies dissenting.

The resolution as adopted reads as follows:

R-368-8-95

RESOLUTION APPROVING STREET CLOSINGS FOR THE  
UNIVERSITY OF MICHIGAN STUDENT MOVE-IN

Whereas, The City of Ann Arbor and the University of Michigan are cooperating in a joint effort to make the student move-in, scheduled for August 29 through August 31, 1995, an orderly and efficient process;

Whereas, This will require the closing of certain streets each day between the hours of 6:00 a.m. and 10:00 p.m., the bagging of parking meters, and the use of street barricades;

Whereas, The City Code of Ordinances (Chapter 79, Section 7:69) allows City Council to restrict peddling at times of heavy congestion;

Whereas, The City Code of Ordinances (Chapter 47, Section 4:14) provides for the issuance of revocable street occupancy permits for the use of City streets and sidewalks; and

Whereas, The University has requested that the meter bag deposit fee be waived;

RESOLVED, That the following streets be closed for the dates and times indicated:

Thompson, from East William to Packard  
Madison, from South Division to South State  
Jefferson, from Thompson to Maynard  
Maynard, from Jefferson to East William  
East University, from Hill to Willard  
Church, from Hill to Willard  
Observatory, from North University to East Ann  
North University Court  
Washington Heights, from Observatory to E. Medical Center Drive  
East Ann, from Observatory to Zina Pitcher Place

RESOLVED, That City Council prohibit all peddling and soliciting activities within a

one block area of the closed streets from August 29 through August 31, 1995;

RESOLVED, That City Council direct staff to refrain from issuing permits for the use of sidewalks within a one block area of the University of Michigan residence facilities for the same dates indicated; and

RESOLVED, That City Council waive the meter bad deposit fee.

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R-369-8-95 APPROVED

RESOLUTION TO MEET THE ENERGY-SMART CHALLENGE

Whereas, The United States Conference of Mayors and the United States Department of Energy have challenged the City of Ann Arbor to join a national campaign to promote the formation of local energy partnerships within American cities;

Whereas, By accepting the Energy-Smart Challenge, cities may participate in a variety of benefits offered by the U.S. Department of Energy, such as technical and financial assistance;

Whereas, Energy efficiency programs result in reductions of carbon dioxide, sulfur dioxide, and nitrogen oxides generated by the production of electricity while improving the quality of facility lighting, heating and cooling for municipal customers and employees;

Whereas, Energy efficiency programs can save non-renewable resources such as natural gas and petroleum;

Whereas, Since the adoption of an Energy Plan in 1981, the City of Ann Arbor has already taken significant steps to generate annual savings estimated at \$300,000.00 through energy efficiency programs implemented at over 70 municipal facilities;

Whereas, Further data collection and targeting of energy efficiency efforts in specific facilities combined with new technology can generate further savings for the City's annual energy bill; and

Whereas, Participation in the Energy-Smart Challenge will enable the City of Ann Arbor to share its expertise with other American cities as well as learn from innovative approaches developed elsewhere;

RESOLVED, That the City of Ann Arbor join the Energy-Smart Challenge sponsored by the U.S. Conference of Mayors and the U.S. Department of Energy;

RESOLVED, That the administration examine the five steps in the Energy-Smart Challenge and develop appropriate recommendations for City Council action; and

RESOLVED, That the Administration examine the feasibility of applying for Department of Energy funding and report back the status of such funding within six months.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-370-8-95 APPROVED

RESOLUTION COMMENDING STEVEN COPELAND FOR HIS VALIANT EFFORTS

Whereas, On Thursday, July 20, 1995, a small child was riding his bicycle in the street on Broadway between Moore and Swift at approximately 9:00 a.m.;

Whereas, Broadway is a busy, five-lane street;

Whereas, Steve Copeland, Street Maintenance Foreperson, observed this occurrence;

Whereas, Steve acted swiftly by following the child at a slow rate of speed with his flashers on to protect the child from traffic;

Whereas, Steve was able to follow the child until he got out of the street and on the sidewalk;

Whereas, Steve proceeded to notify the police and wait with the child until their arrival; and

Whereas, The child was eventually reunited with his mother, completely unharmed;

RESOLVED, That Steve Copeland's actions serve as an example to others;

RESOLVED, That the City take pride in Steve's action as a responsible and alert employee; and

RESOLVED, That Steven Copeland be commended for his efforts in providing for the safety of this child.

Councilmember Daley moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-371-8-95 APPROVED

RESOLUTION REGARDING ANN ARBOR TENANTS  
UNION SETTLEMENT

Whereas, The City has received a settlement offer from the Ann Arbor Tenants' Union (AATU) in the litigation entitled AATU vs. Ann Arbor YMCA and the City of Ann Arbor; and

Whereas, It is in the interest of the City to avoid the further expense of this litigation if possible;

RESOLVED, That the City Attorney be hereby directed to negotiate with the AATU to find a mutually acceptable agreement, if possible;

RESOLVED, That the City Attorney be directed, at this time, neither to accept nor reject the settlement offer from the AATU; and

RESOLVED, That the City Attorney report back to City Council by the next regular Council meeting.

Councilmember Hanna-Davies moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Kolb, Daley, Hanna-Davies, Vereen-Dixon, Carlberg, Smith, 6;

Nays, Councilmembers Fink, Nicolas, Mayor Sheldon, 3.

The Mayor declared the motion carried.

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R-372-8-95 APPROVED AS AMENDED

RESOLUTION URGING A NEW TRIAL FOR MUMIA ABU-JAMAL

A resolution urging a new trial for Mumia Abu-Jamal was considered.

Councilmember Hanna-Davies moved that the resolution be adopted.

With unanimous consent of Council, Paul Lefak, representing the Emergency Committee Against the Racist Execution of Mumia Abu-Jamal, answered questions regarding the case.

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

Whereas, ~~<Detroit City Council and other city councils across the nation>~~ **THE CITY COUNCILS OF DETROIT, MICHIGAN, MADISON, WISCONSIN AND CAMBRIDGE, MASSACHUSETTS** have passed resolutions urging that the execution of Mr. Abu-Jamal be stopped, knowing that such a travesty of justice in one city of the United States will have serious ramifications for citizens all across the nation;

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

The resolution as adopted reads as follows:

R-372-8-95

## RESOLUTION URGING A NEW TRIAL FOR MUMIA ABU-JAMAL

Whereas, Pennsylvania Governor Tom Ridge has signed a warrant for the execution of Mumia Abu-Jamal, to take place August 17, 1995;

Whereas, Mr. Abu-Jamal is an outstanding African-American journalist from Philadelphia known for his reporting of police brutality in the 70's and 80's, who was convicted in late 1991 of killing a white police officer, a crime he denies committing. His attorney and supporters allege that the trial was marked by judicial error, perjury, racism and procedural misconduct;

Whereas, Specific allegations of irregularities during the trial include: coercion by police of witnesses to testify against Mr. Abu-Jamal; forcing at least one witness to give a false statement and leave the jurisdiction for fear of police harassment; falsely tailored scientific tests; racially-biased peremptory challenges by the prosecution which unconstitutionally excluded African-Americans from the jury; inadequate court-appointed defense representation; and exclusion of Mr. Abu-Jamal for key portions of the trial;

Whereas, Suspicion that the trial and sentence were politically motivated arises from the fact that seven hundred pages of his censored Freedom of Information act files show that Mr. Abu-Jamal was under surveillance since age 15 when he began working with the Black Panther Party and later, as a journalist, showed support for the Philadelphia group, MOVE. During the trial, the prosecution was allowed to use Mr. Abu-Jamal's statements and political activity from more than a decade earlier to convince the jury that a death sentence was appropriate;

Whereas, The trial and evidence have been examined by the NAACP Legal Defense Fund, Amnesty International, the American Civil Liberties Union, Ron Dellums and other members of Congress, and even the National Black Police Association, and these organizations and individuals and others worldwide are all demanding that the execution be stopped and a new trial be given; and

Whereas, The City Councils of Detroit, Michigan, Madison, Wisconsin and Cambridge, Massachusetts have passed resolutions urging that the execution of Mr. Abu-Jamal be stopped, knowing that such a travesty of justice in one city of the United States will have serious ramifications for citizens all across the nation;

RESOLVED, That the Ann Arbor City Council urge the Court of Common Pleas to grant a new trial for Mr. Abu-Jamal, setting aside his death sentence. Because of the apparent scope of the Commonwealth's misconduct and suppression of evidence in his case, we believe that Mr. Abu-Jamal's request for a new trial should be granted; and

RESOLVED, That The Ann Arbor City Clerk forward copies of this resolution to Attorney General Janet Reno, Department of Justice, Room 5111, 10th & Constitution Ave., NW, Washington, DC 20530; Pennsylvania Governor Tom Ridge, Main Capital Building, Room 225, Harrisburg, PA 17120; Judge Albert Sabo, 1286 Wanamaker, Philadelphia, PA 19107; Judge Legrome Davis, 108 One East Penn Square, Philadelphia, PA 19107; Judge Alex Bonavita, 516 City Hall, Philadelphia, PA 19107, and; The Committee to Save Mumia Abu-Jamal, 163 Amsterdam Ave., No. 115, New York, NY 10023-5001.

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R-373-8-95 APPROVED

RESOLUTION TO APPROVE LEASE FOR CITY CENTER BUILDING WITH DAHLMANN APARTMENTS LTD.

Whereas, The City continues to need additional office space outside of City Hall to operate efficiently and effectively;

Whereas, The City is presently leasing office and storage space in the City Center Building in the basement and on the third floor;

Whereas, The City desires to consolidate all departments now located in the City Center Building on the third floor to improve operations;

Whereas, The owner of this property, Dahlmann Apartments Ltd., is willing to lease the entire third floor for office space at \$13.00 per square foot, and 1,200 square feet in the basement for storage at \$6.00 per square foot; and

Whereas, Dahlmann Apartments Ltd. received Human Rights approval on July 31, 1995;

RESOLVED, That the Mayor and Council approve entering into a lease agreement with Dahlmann Apartments Ltd. for 10,000 square feet of office space on the third floor and 1,200 square feet for storage in the basement of the City Center Building, in accordance with the lease agreement on file in the City Clerk's Office;

RESOLVED, That the Mayor and City Clerk be authorized and directed to sign the lease agreement approved as to form by the Acting City Attorney and approved as to substance by the Interim City Administrators;

RESOLVED, That the City Administrator be authorized to issue purchase orders to Dahlmann Apartments Ltd. as required for leased space in the City Center Building in

accordance with this resolution and the lease agreement; and

RESOLVED, That the City Administrator be authorized to renew this five-year lease for up to two additional one-year periods if deemed to be in the City's best interest.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-374-8-95 APPROVED

RESOLUTION TO APPROVE OPERATING CONTRACT AMENDMENT BETWEEN THE CITY AND RESOURCE RECOVERY SYSTEMS FOR MERCHANT MATERIALS

Whereas, Construction and operating contract amendments between the City of Ann Arbor and Resource Recovery Systems (RRS) were approved on June 5, 1995;

Whereas, The existing revenue-sharing arrangement between RRS and the City on "merchant" materials will inhibit RRS's ability to attract this material;

Whereas, Additional merchant tonnage directed to the facility reduces the City's tipping fee for its materials; and

Whereas, The proposed amendment simplifies the invoicing process;

RESOLVED, That the "Net Revenues" definition in the operating contract be amended to include the following: "Direct Costs of the Contractor or its affiliates associated with the acquisition price of any Recyclable Materials";

RESOLVED, That the Contractor credit the City 35% of the Net Revenues above \$40/ton from the sale of all Recyclable Materials, including pre-sorted materials; and

RESOLVED, That the Mayor and City Clerk be authorized to sign this amended operating contract with RRS as outlined above and substantially in the form on file in the City Clerk's Office.

Councilmember Vereen-Dixon moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-375-8-95 APPROVED

RESOLUTION TO APPROVE INSURANCE RENEWAL  
FOR FISCAL YEAR 1995-1996

Whereas, The City is best served by purchasing a composite insurance program through different markets with the broadest coverages at the lowest price;

Whereas, Human Rights approval was obtained for the C.M. Althoff Company, Arkwright Mutual Insurance Company and Sedgwick James of Michigan on July 20, 1995; and

Whereas, The Finance Director, Risk Manager, Board of Insurance Administration, and the Co-Interim City Administrators recommend the purchase of insurance as outlined in Attachment "A" (on file in the City Clerk's Office);

RESOLVED, That the City Council hereby approves the Fiscal Year 1995-96 Insurance Program as presented in Attachment "A";

RESOLVED, That an amount of \$536,232.00 be appropriated from the Insurance Fund to pay for the property and casualty insurance costs identified in Attachment "A"; and

RESOLVED, That the Co-Interim City Administrator's be authorized to take the necessary administrative steps to implement this resolution.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-376-8-95 APPROVED

RESOLUTION ACCEPTING EASEMENTS FOR ROAD  
RIGHT-OF-WAY FROM THE DEPARTMENT OF VETERAN  
AFFAIRS OF THE UNITED STATES OF AMERICA

Whereas, The Department of Veteran Affairs, of the United States of America, is the owner of property located in the City of Ann Arbor, Washtenaw County, Michigan, and more particularly described as follows:

Commencing at the Northwest corner of Section 27, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N89°07'30"E 624.48 feet along

the North line of said Section; thence S00E52'30"E 33.00 feet to a point on the Southerly right-of-way line of realigned Fuller Road, said point begin the POINT OF BEGINNING; thence N89E07'30"E 321.96 feet along said right-of-way line; thence Westerly 139.26 feet along the arc of a 2000.00 foot radius circular curve to the left, through a central angle of 03E59'25", having a chord which bears S87E07'50"W 139.24 feet; thence S85E08'10"W 73.73 feet; thence S14E45'20"W 47.10 feet to a point on the Northeasterly right-of-way line of Fuller Road; thence along said right-of-way line Westerly 111.45 feet along the arc of a 615.15 foot radius circular curve to the left, through a central angle of 10E22'50", having a chord which bears N61E03'40"W 111.30 feet to the Point of Beginning. Being a part of the Northwest 1/4 of Section 27, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan and containing 0.08 acres of land, more or less. Being subject to easements and restrictions of record, if any; and

Commencing at the North 1/4 corner of Section 27, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S89E07'30"W 482.26 feet along the North line of said Section; thence S00E52'30"E 33.00 feet to a point on the Southerly right-of-way line of Fuller Road, said point being the POINT OF BEGINNING; thence N89E07'30"E 215.48 feet; thence S30E30'30"W 37.37 feet; thence Westerly 199.46 feet along the arc of a 618.19 foot radius circular curve to the left, through a central angle of 18E29'15", having a chord which bears N81E37'50"W 198.60 feet to the Point of Beginning. Being a part of the Northwest 1/4 of Section 27, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan and containing 0.05 acres of land, more or less. Being subject to easements and restrictions of record, if any;

and

Whereas, Said owner has delivered to the City of Ann Arbor easements over the above described premises for road right-of-way;

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

Councilmember Nicolas moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-377-8-95 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENTS

FROM THE ANN ARBOR PUBLIC SCHOOLS - SCARLETT  
MIDDLE SCHOOL AND PIONEER HIGH SCHOOL

Whereas, The Public Schools of The City of Ann Arbor, a Michigan municipal corporation, is the owner of property located in the City of Ann Arbor, Washtenaw County, Michigan, and more particularly as described as follows:

SANITARY SEWER LOCATED AT PIONEER HIGH SCHOOL (EXHIBIT "D")

Commencing at the Center of Section 32, Town 2 South, Range 6 East, City of Ann Arbor, Washtenaw County, State of Michigan; thence S 00E 05N 05" W 80.01 feet along the North-South 3 line of said Section and the centerline of South Main Street; thence S 88E 55N 00"W 22.70 feet along the southerly Right-of-Way of Stadium Boulevard to a point 10.3 feet east of the west line of South Main Street (now 66 feet wide) for a PLACE OF BEGINNING; thence deflecting 19E 51N 00" to the right from a line parallel to the centerline of South Main Street 117.10 feet; thence deflecting 19E 51N 00" to the left along a line parallel to and 29.50 feet west of the west line of South Main Street 258.50 feet to the centerline of an existing 42 inch storm sewer; thence westerly deflecting 94E 38N 00" to the right 382.70 feet along the centerline of an existing 42 inch storm sewer; thence deflecting 66E 17N 00" to the left 923.10 feet; thence deflecting 55E 43N 00" to the right 312.30 feet; thence deflecting 00E 53N 00" to the left, 320 feet; thence deflecting 1E 40N 00" to the left 533.50 feet; thence deflecting 12E 40N 00" to the right 615.90 feet to a point on the west line of Section 32 at the centerline of Glen Leven Road in the Wuerth Subdivision; and,

Commencing at the Center of Section 32, T2S, R6E, City of Ann Arbor, Washtenaw County, State of Michigan; thence S 00 deg 05N 05" W 80.01 feet along the N-S 1/4 line of said Section and centerline of South Main Street; thence S 88 deg 55N W 33.00 feet for a PLACE OF BEGINNING; thence S 00 deg 05N 05" W 141.59 feet along the westerly Right-of-Way of said Main Street and also 37.5 feet easterly of a sanitary sewer; thence the following seven courses along a line being 20 feet parallel to and southeasterly of said sewer: S 45 deg 53N 20" W 239.84 feet, N 88 deg 10N 25" W 166.51 feet, S 28 deg 23N 05" W 697.95 feet, S 78 deg 08N 15" W 523.34 feet, S 89 deg 35N 15" W 270.10 feet, S 53 deg 26N 00" W 365.88 feet, S 40 deg 49N 05" W 297.46 feet; thence S 49 deg 48N 35" E 10.00 feet; thence the following four courses along a line being 30 feet parallel to and easterly of said sewer: S 39 deg 33N 35" W 261.52 feet, S 48 deg 15N 40" W 301.29 feet, S 47 deg 07N 10" W 431.93 feet, S 23 deg 30N 10" W 256.54 feet; thence along a line being 25 feet parallel to and easterly of said sewer: S 01 deg 18N 20" E 194.13 feet; thence along the northerly Right-of-

Way of Scio Church Road S 88 deg 45N 20" W 70.00 feet; thence the following three courses along the easterly Right-of-Way of South Seventh Street as located by existing descriptions and aerial photography: 776.17 feet along the arc of an 860.00 feet radius circular curve concave to the west with a delta of 51 deg 42N 40" and chord bearing of N 25 deg 24N 35" E 750.06 feet, N 51 deg 16N 15" E 411.97 feet, 339.20 feet along the arc of a 940.00 feet radius circular curve concave to the southeast with a delta of 20 deg 40N 30" and chord bearing of N 40 deg 55N 55" E 337.36 feet; thence the following eight courses along a line being 20 feet northwesterly of and parallel to said sewer line N 40 deg 49N 05" E 261.50 feet, N 53 deg 26N 00" E 383.36 feet, N 89 deg 35N 15" E 279.15 feet, N 78 deg 08N 15" E 500.78 feet, N 28 deg 23N 05" E 704.13 feet, S 88 deg 10N 25" E 174.28 feet, N 45 deg 53N 20" E 181.59 feet, and N 00 deg 05N 05" E 140.53 feet; thence N 88 deg 55N E 57.50 feet along the southerly Right-of-Way of Stadium Boulevard to the Place of Beginning; and,

WATERMAINS LOCATED ON PIONEER HIGH SCHOOL PROPERTY  
(EXHIBITS "A" & "B")

Commencing at the center of Section 32, Township 2 South, Range 6 East, City of Ann Arbor, Washtenaw County, State of Michigan; Thence S 00E05N06" W 80.02 feet along the North & South 1/4 line of said Section and Centerline of South Main Street; Thence S 88E55N00" W 63.01 feet for a Place of Beginning; Thence S 00E05N06" W 850.00 feet along the westerly Right-of-Way of said South Main Street; Thence S 88E55N00" W 40.01 feet; Thence N 00E05N06" E 739.98 feet; Thence N 45E29N57" W 70.00 feet; Thence S 88E55N00" W 100.02 feet; Thence N 00E05N06" E 60.01 feet; Thence N 88E55N00" E 190.03 feet to the Place of Beginning. Being a part of the S.W. 1/4 of said Section 32; and,

Commencing at the Center of Section 32, Township 2 South, Range 6 East, City of Ann Arbor, Washtenaw County, State of Michigan; Thence S 00E05N06" W 80.02 feet along the North & South 1/4 line of said Section and Centerline of South Main Street; thence S 88E55N00" W 253.05 feet along the South line of Stadium Boulevard; thence S 00E05N06" W 20.00 feet for a Place of Beginning; Thence 00E05N06" W 40.01 feet; Thence S 88E55N00" W 1848.89 feet; Thence nontangentially 47.80 feet along the arc of a 682.89 feet radius circular curve concave to the East, Delta 04E00N41", Chord bearing N 03E18N41" W 47.81 feet; Thence N 01E05N00" W 12.24 feet, Thence N 88E55N00" E 100.00 feet along the South line of Stadium Boulevard; Thence S 01E05N00" E 20.00 feet; Thence N 88E55N00" E 522.00 feet; Thence N 01E05N00" W 20.00 feet; Thence N 88E55N00" E 40.00 feet along said South line of Stadium Boulevard; Thence S 01E05N00" E 20.00 feet; Thence N 88E55N00" E 832.00 feet; Thence N 01E05N00" W

20.00 feet; Thence N 88°55'N00" E 40.00 feet along said South line of Stadium Boulevard; Thence S 01°05'N00" E 20.00 feet; Thence N 88°55'N00" E 317.56 feet to the Place of Beginning. Being a part of the S.W. 1/4 of said Section 32; and,

WATER MAIN LOCATED ON SCARLETT MIDDLE SCHOOL PROPERTY  
(EXHIBIT "C")

A 40-foot-wide permanent easement for public utilities being a part of the Northeast 1/4 of the Southwest 1/4 of Section 11, Town 3 South, Range 6 East, Ann Arbor, Michigan, the centerline of which is described as follows: COMMENCING at the center of said Section 11; thence S 00°58'N 38" E 398.53 feet along the North-South 1/4 line of said Section 11 to the POINT OF BEGINNING; thence N 33°58'N 38" W 69.00 feet; thence S 89°28'N 38" W 395.00 feet; thence S 34°01'N 22" W 530.00 feet to the POINT OF ENDING;

and

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

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

Councilmember Nicolas moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-378-8-95 APPROVED

RESOLUTION ACCEPTING GRANT OF EASEMENT  
FOR A TRAFFIC SIGNAL BASE FROM DONALD E.  
AND CAROL A. VAN CURLER

Whereas, Donald E. Van Curler and Carol A. Van Curler, husband and wife, are the owners of property located in the City of Ann Arbor, Washtenaw County, Michigan, and more particularly as described as follows:

A four foot square piece of Lot 59 of G.F. Allmendinger's First Addition, located in the NE 1/4 of Section 32, T2S, R6E, Ann Arbor Township, now the City of Ann Arbor, Washtenaw County, Michigan, recorded in Liber 3 of Plats, Page 20, Washtenaw County Records, said piece of land better described as follows:

A four (4) foot wide by four (4) foot long section of Lot 59, abutting the westerly property line of said lot, commencing at a point seven (7) feet south of the NW corner of said lot, and ending at a point which is located eleven (11) feet south of the NW corner of said lot and which is located along the westerly property line of Lot 59;

and

Whereas, Said owners have delivered to the City of Ann Arbor an easement over the above described premises for a traffic signal base;

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

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-379-8-95 APPROVED

RESOLUTION TO AUTHORIZE SUMMARY PUBLICATION  
OF ORDINANCE 41-95 - DRUNK DRIVING

RESOLVED, That, pursuant to Section 7.4(b) of the City Charter, a summary publication of Ordinance No. 41-95 shall be published in the Ann Arbor News in the following form:

Ordinance No. 41-95 prohibits operation of a motor vehicle or knowingly permitting the operation of a motor vehicle by persons with an alcohol content of more than 10 grams of alcohol per 100 milliliters of blood, per 210 liters of breath or per 67 milliliters of urine and provides for a chemical test of a person's blood, breath or urine. Penalties are also provided for these traffic violations and for driving with a suspended license.

The complete text of the ordinance is available in the Office of the City Clerk.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-380-8-95 APPROVED AS AMENDED

RESOLUTION TO APPROVE FULLER ROAD  
TRAFFIC CONTROL ORDERS

A resolution to approve Fuller Road Traffic Control Orders was considered.

Councilmember Kolb moved that the resolution be adopted.

Councilmember Smith moved that the resolution be amended as follows:

**Amend first paragraph:**

Whereas, Traffic signals are ~~<needed>~~ **WARRANTED PER THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES** at the intersections of Fuller Rd. with Cedar Bend Dr., Bonisteel Blvd., Glazier Way, and Fuller Court ~~<and are warranted per the Michigan Manual of Uniform Traffic Control Devices>~~;

**Add after second paragraph:**

Whereas, Council approved an Unsignalized No Left Turn intersection at the Fuller and Fuller Court intersection on October 3, 1994, which was subsequently vetoed, resulting in an Unsignalized All Turn intersection. In response to continuing unresolved concerns about the safety and utility of this design, U of M Traffic Engineer Dr. Donald Cleveland reviewed gratis safety considerations at this intersection. In a letter dated April 5, 1995, Dr. Cleveland recommended that the proposed All Turn option be initially signalized and that operational questions related to the Unsignalized No Left Turn option be deferred until after a review of actual intersection operating experience;

**Add after fifth paragraph:**

RESOLVED, That staff observe, evaluate and report to Council the actual performance and environmental impacts (volumes, accidents and level of service) of realigned Fuller Road and the Fuller/Fuller Court intersection after nine months of normal stabilized operation, so that Council, at its option, may reconsider the initial Signalized All Turn design at Fuller/Fuller Court;

On roll call the vote was as follows:

Yeas, Councilmembers Kolb, Daley, Hanna-Davies, Fink, Carlberg, Smith, 6;

Nays, Councilmembers Vereen-Dixon, Nicolas, Mayor Sheldon, 3.

The Mayor declared the motion carried.

Council unanimously agreed that the question be divided and that a separate vote be taken on the paragraph authorizing the installation of a traffic signal at the intersection of Fuller Road and Fuller Court and that a separate vote be taken on the paragraph requiring the staff to report on the performance of the road realignment for possible Council reconsideration of the signalized all turn design at Fuller/Fuller Court.

The question being the resolution excluding the two aforementioned paragraphs, on a

voice vote the Mayor declared the motion carried.

The question being the following paragraph:

RESOLVED, That the City Administrator be authorized to issue a Traffic Control Order for the installation of a traffic signal at the intersection of Fuller Road and Fuller Court,

on roll call the vote was as follows:

Yeas, Councilmembers Kolb, Daley, Vereen-Dixon, Carlberg, Smith, Nicolas, Mayor Sheldon, 7;

Nays, Councilmembers Hanna-Davies, Fink, 2.

The Mayor declared the motion carried.

The question being the following paragraph:

RESOLVED, That staff observe, evaluate and report to Council the actual performance and environmental impacts (volumes, accidents and level of service) of realigned Fuller Road and the Fuller/Fuller Court intersection after nine months of normal stabilized operation, so that Council, at its option, may reconsider the initial Signalized All Turn design at Fuller/Fuller Court,

on roll call the vote was as follows:

Yeas, Councilmembers Daley, Hanna-Davies, Vereen-Dixon, Carlberg, Smith, 5;

Nays, Councilmembers Kolb, Fink, Nicolas, Mayor Sheldon, 4.

The Mayor declared the motion defeated.

The resolution as adopted reads as follows:

R-380-8-95

RESOLUTION TO APPROVE FULLER ROAD  
TRAFFIC CONTROL ORDERS

Whereas, Traffic signals are warranted per the Michigan Manual of Uniform Traffic Control Devices at the intersections of Fuller Rd. with Cedar Bend, Bonisteel Blvd., Glazier Way and Fuller Court;

Whereas, City Council approval of Traffic Control Orders for traffic signals is required by City Code; and

Whereas, Council approved an Unsignalized No Left Turn intersection at the Fuller and Fuller Court intersection on October 3, 1994, which was subsequently vetoed, resulting in an Unsignalized All Turn intersection. In response to continuing unresolved concerns about the safety and utility of this design, U of M Traffic Engineer Dr. Donald Cleveland reviewed gratis safety considerations at this intersection. In a letter dated April 5, 1995, Dr. Cleveland recommended that the proposed All Turn option be initially signalized and that operational questions related to the Unsignalized No Left Turn option be deferred until after a review of actual intersection operating experience;

RESOLVED, That the City Administrator be authorized to issue a Traffic Control Order for the relocation of the traffic signal from the current location on Fuller Rd. at Mitchell Field to the intersection of Fuller Rd. and Cedar Bend;

RESOLVED, That the City Administrator be authorized to issue a Traffic Control Order for the installation of a traffic signal at the intersection of Fuller Rd. and Bonisteel Blvd.;

RESOLVED, That the City Administrator be authorized to issue a Traffic Control Order for the installation of a traffic signal at the intersection of Fuller Rd. and Glazier Way;

RESOLVED, That the City Administrator be authorized to issue a Traffic Control Order for the installation of a traffic signal at the intersection of Fuller Rd. and Fuller Court;

RESOLVED, That the City Administrator be authorized to issue the necessary purchase orders for materials and supplies, subject to normal City bidding procedures including Human Resources Department approval; and

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

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R-381-8-95 APPROVED AS AMENDED

RESOLUTION TO CONSIDER OWNER'S APPEAL FROM BUILDING  
BOARD OF APPEALS DECISION ON 229 BUENA VISTA

A resolution to consider an owner's appeal from the Building Board of Appeals decision on 229 Buena Vista was considered.

Councilmember Daley moved that the resolution be adopted.

Councilmember Nicolas moved that the resolution be amended as follows:

RESOLVED, That in response to the "Notice of Appeal from Decision of the Building Board of Appeals, 229 Buena Vista, Ann Arbor, Michigan," filed July 26, 1995, the Ann Arbor City Council ~~<will consider the appeal upon the record of proceedings before the Building Board of Appeals at the City Council meeting to be held on \_\_\_\_\_, 1995 at 7:30 p.m. in the Council Chamber of the Ann Arbor City Hall, 100 N. Fifth Avenue, Ann Arbor, Michigan. The City Clerk shall send notice of the hearing by certified mail, return receipt requested, to the property owner at 229 Buena Vista, as shown on the records of the City Assessor, and to the owner's attorney, as shown on the notice of appeal>~~ **AFFIRMS THE ACTION OF THE BUILDING BOARD OF APPEALS AND DENIES A HEARING BEFORE THE CITY COUNCIL.**

After further discussion the motion was withdrawn.

Councilmember Kolb moved that the resolution be amended as follows:

RESOLVED, That in response to the "Notice of Appeal from Decision of the Building Board of Appeals, 229 Buena Vista, Ann Arbor, Michigan," filed July 26, 1995, the Ann Arbor City Council will consider the appeal upon the record of proceedings before the Building Board of Appeals at the City Council meeting to be held on **AUGUST 21**, 1995 at ~~<7:30 p.m.>~~ **7:00 p.m.** in the Council Chamber....

On a voice vote the Mayor declared the motion carried.

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

The resolution as adopted reads as follows:

**R-381-8-95**

**RESOLUTION TO CONSIDER OWNER'S APPEAL  
FROM BUILDING BOARD OF APPEALS DECISION  
ON 229 BUENA VISTA**

RESOLVED, That in response to the "Notice of Appeal from Decision of the Building Board of Appeals, 229 Buena Vista, Ann Arbor, Michigan," filed July 26, 1995, the Ann Arbor City Council will consider the appeal upon the record of proceedings before the Building Board of Appeals at the City Council meeting to be held on August 21, 1995 at 7:00 p.m. in the Council Chamber of the Ann Arbor City Hall, 100 N. Fifth Avenue, Ann Arbor, Michigan. The City Clerk shall send notice of the hearing by certified mail, return receipt requested, to the property owner at 229 Buena Vista, as shown on the records of the City Assessor, and to the owner's attorney, as shown on the notice of appeal.

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R-382-8-95 APPROVED

**RESOLUTION TO AMEND BIJAN AIR, INC.  
LAND LEASE DATED OCTOBER 21, 1994**

RESOLVED, That the City of Ann Arbor agrees to amend the lease with Bijan Air, Inc. dated October 21, 1994;

RESOLVED, That the City of Ann Arbor allow Bijan Air, Inc. access to Airport Drive and Airport Boulevard for the purposes of ingress and egress to the Bijan Air, Inc. facility at 747 Airport Drive;

RESOLVED, That the City grant Bijan Air, Inc. access to the existing taxiway to allow ingress and egress of aircraft as depicted in the conceptual design of the preliminary submittal dated August 4, 1995;

RESOLVED, That Bijan Air, Inc. place on deposit funds with the City sufficient to cover the costs to construct and inspect taxiways covered under this amendment;

RESOLVED, That the Public Services Department Airport Budget (revenues and expenditures) be amended to reflect the increase agreed to in this amendment; and

RESOLVED, That all rights and privileges granted by this lease and its amendment(s) be in accordance with all airport rules and regulations.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

## **REPORTS FROM COUNCIL COMMITTEES**

### **COMMUNITY REINVESTMENT ACT ORDINANCE TASK FORCE**

Councilmember Hanna-Davies reported that the response from a member of the Community Reinvestment Act Ordinance Task Force to a letter from a banker regarding the proposed ordinance will be placed in Council mailboxes. Ms. Hanna-Davies stated that she will be calling a meeting of the Task Force in September and that a proposed ordinance will be brought forward following its last meeting.

## **COUNCIL PROPOSED BUSINESS**

### **SEPTEMBER 5, 1995 REGULAR SESSION:**

Resolution Regarding Consent Agenda Items (Councilmember Hanna-Davies)

### **CITY ADMINISTRATOR SEARCH INTERVIEW SCHEDULE**

Mayor Sheldon announced the following City Council interview schedule for the City Administrator search:

Monday, August 28, 5:15 p.m. - one hour meeting with consultant followed by interviews with two candidates;

Tuesday, August 29, 5:15 p.m. - interviews with three candidates; and

Wednesday, August 30, 5:15 p.m. - interviews with the top two candidates.

## **COMMUNICATIONS FROM THE MAYOR**

### **ARBOROUGH GAMES**

Mayor Sheldon announced that she will be attending the opening ceremonies of the Arborough Games in Peterborough, Ontario, this weekend and wished the student participants good luck.

### **NATIONAL NIGHT OUT**

The Mayor thanked the volunteers who participated in the National Night Out activities.

SOUTHEAST NEIGHBORHOOD

The Mayor extended her appreciation to the citizens who joined together this week to assist the residents of the southeast neighborhood.

COUNCIL/MEDIA SOFTBALL GAME

Mayor Sheldon announced that a rematch of the Council/Media softball game is scheduled for September 11, 1995 at Veterans Memorial Park.

RECENTLY SIGNED PROCLAMATIONS

Mayor Sheldon reported that she recently signed the following proclamations:

- Honoring Eugene W. Nissen (retirement) - August, 1995
- Honoring Prof. Yoshiaki Shinoda - August 4, 1995
- 50th Anniversary of Charlotte and George Sallade - August 5, 1995
- Honoring the Rev. Dr. Albert J. Lightfoot - September 29, 1995
- Phyllis Ocker Day - October 8, 1995
- Make a Difference Day - October 28, 1995
- UM Alcohol Awareness Week - November 6-11, 1995

APPOINTMENTS APPROVED

Mayor Sheldon recommended the following appointments at the July 17, 1995 regular session of Council:

HURON RIVER WATERSHED COUNCIL

Michael Sklar (to fill alternate vacancy)  
2545 Meade Ct.  
Term: 8/7/95 to 10/31/97

FINANCE ADVISORY COMMITTEE

Linda Schlanderer (replacing Joan Thowson on term expiration)  
2930 Easy St.  
Term: 8/7/95 to 5/31/98

MAYOR'S TASK FORCE ON INCREASING SAFETY FOR WOMEN

John Martin  
117 N. Division St.

SIGN BOARD OF APPEALS

Kenneth A. Rich (to fill vacancy)  
1217 Wisteria Ave.  
Term: 8/7/95 to 8/6/98

ZONING BOARD OF APPEALS

David Gregorka (reappointment)  
1723 Ivywood Dr.  
Term: 8/7/95 to 8/6/98

Ethel K. Potts (reappointment)  
1014 Elder Blvd.  
Term: 8/7/95 to 8/6/98

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

On a voice vote the Mayor declared the motion carried.

NOMINATIONS PLACED ON TABLE

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

RECREATION ADVISORY COMMISSION

Herbert David (reappointment)  
2585 Gladstone Ave.  
Term: 9/1/95 to 8/31/98

Maureen Martin (reappointment)  
1120 W. Liberty St.  
Term: 9/1/95 to 8/31/98

MAYOR'S TASK FORCE ON INCREASING SAFETY FOR WOMEN

Gary Brown  
Director, Health Care Administration, Concordia College  
4090 Geddes Rd.

Rabbi Robert Levy  
2251 Belmont Rd.

Joseph Burke  
Washtenaw County Prosecutor's Office  
101 E. Huron St.

Joyce Wright  
Sexual Assault Prevention and Awareness Center  
The University of Michigan  
580 Kennedy Dr., Rm. L-107

Pamilla Brant  
Executive Assistant to City Administrator  
City of Ann Arbor  
100 N. Fifth Ave.

Susan Whitaker  
Public Information Officer  
City of Ann Arbor  
100 N. Fifth Ave.

Adele Akouri  
Crime Prevention Coordinator  
City of Ann Arbor  
100 N. Fifth Ave.

MAYOR'S TASK FORCE ON INCREASING SAFETY FOR WOMEN (CONT.)

Melanie Purcell

Assistant to City Administrator  
City of Ann Arbor  
100 N. Fifth Ave.

Nancy E. Riley  
Community Corrections Manager  
Washtenaw County  
2201 Hogback Rd.

DOWNTOWN DEVELOPMENT AUTHORITY

Leah Gunn (reappointment - at-large member)  
1308 E. Stadium Blvd.  
Term: 8/21/95 to 7/31/99

Edward A. Shaffran (replacing George Wahr Sallade  
as commercial property owner)  
3376 Golfside Dr.  
Term: 8/21/95 to 7/31/99

Deanna Relyea (replacing Ed Surovell as commercial property owner)  
451 S. Fourth Ave.  
Term: 8/21/95 to 7/31/99

Robert T. Gates (to complete the unexpired term of  
Victor Adamo who resigned - at large)  
602 Brierwood Ct.  
Term: 8/21/95 to 7/31/98

David DeVarti (reappointment - business owner)  
415 Detroit St.  
Term: 8/21/95 to 7/31/99

PLANNING COMMISSION

Edward D. Surovell (to fill vacancy)  
2024 Vinewood Blvd.  
Term: 8/21/95 to 7/31/99

ZONING BOARD OF APPEALS

Barbara S. Brown (replacing Patricia Hackley on term expiration)  
1324 Marlborough Dr.  
Term: 8/21/95 to 8/20/98

## **COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

### **STATUS REPORT OF INTERIM CITY ADMINISTRATORS**

Interim City Administrator Ronald Olson brought Council's attention to the "Status Report of Interim City Administrators", and stated that he and Interim Administrator Northcross have made an effort to cooperate and improve communications with the employees, department heads, City Attorney's Office and outside public agencies.

### **REPORTS SUBMITTED**

Co-Administrators Northcross and Olson submitted the following reports for information of Council:

1. Northeast Area Plan
2. 1995-96 Fire Department Budget and Related Overtime Issues
3. Environmental Bond Statement of Revenue, Expenditures and Changes in Fund Balance through June 30, 1995
4. Status Report of Interim City Administrators
5. Debt Management Policy Feedback
6. 4th Quarter - Quarterly Report/Measures of Success
7. Employee Assistance for Signs, Signals, Streetlighting Personnel
8. Dangerous Buildings - Appeal Process
9. Resolution Administrative Decisions on Appeals

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

## **COMMUNICATIONS FROM THE CITY ATTORNEY**

### **REPORT ON COMPLETED ANNEXATION**

City Attorney John Van Loon submitted a report on the completion of the Newport Creek Annexation, 41.71 acres, west side of Newport Road between Bird Road and Downup

Circle, from Ann Arbor Township. (Report on file in the City Clerk's Office)

### **COMMUNICATIONS FROM COUNCIL**

#### **COUNCILMEMBER KOLB**

Councilmember Kolb stated that Trailblazers of Washtenaw Inc. presented an outstanding talent show on August 3, and encouraged Councilmembers to attend or participate in next year's show.

#### **COUNCILMEMBER HANNA-DAVIES**

Councilmember Hanna-Davies stated that she will be writing a thank you note to Senator Abraham because of his response to the Council resolution opposing the Contract with America, and invited other Councilmembers to do the same. (See Clerk's Report, Item 5)

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

The following communications were referred as indicated:

1. Communication from State Representative Elizabeth S. Brater regarding proposed changes to revenue sharing formulas - File.
2. Communication from Nancy Elslager, 1420 Kearney Rd., protesting fee for gypsy moth spraying - Parks Dept.
3. Notice of Appeal for Building Board of Appeals decision regarding 229 Buena Vista - File.
4. Communication from Ann Arbor Energy Commission transmitting endorsement for "Greenlights Program" and "Energy-Smart Challenge" - File.

5. Communication from Senator Spencer Abraham in response to City Council resolution regarding Republican "Contract with America," adopted July 17, 1995 - File.

The following minutes were received for file:

1. Planning Commission - June 6 and 20, 1995
2. Finance Advisory Committee - April 26, 1995
3. Historic District Commission - June 8, 1995
4. Taxicab Board - June 1, 1995
5. Downtown Development Authority Board - June 8, 1995
6. Building Board of Appeals - May 23 and June 20, 1995

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

On a voice vote the Mayor declared the motion carried.

#### **PUBLIC COMMENTARY - GENERAL**

None.

#### **ADJOURNMENT**

There being no further business to come before Council, the Mayor declared the meeting adjourned at 11:38 p.m.

Janet L. Chapin  
Acting Clerk of the Council  
Recording Secretary