

REGULAR SESSION - SEPTEMBER 5, 1995

The regular session of the Ann Arbor City Council was called to order at 7:39 p.m. in the City Hall Council Chamber by Mayor Ingrid B. Sheldon.

Council stood for one moment of silence.

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

ROLL CALL OF COUNCIL

PRESENT : Councilmembers Tobi Hanna-Davies, Patricia Vereen-Dixon, Peter Fink, Jane Lumm, Jean Carlberg, Peter Nicolas, Stephen C. Hartwell, Christopher Kolb, Elisabeth L. Daley, Mayor Ingrid B. Sheldon, 10.

ABSENT : Councilmember Haldon L. Smith, 1.

INTRODUCTIONS

None.

PUBLIC COMMENTARY - RESERVED TIME

ANDREW GULVEZAN - CITY ADMINISTRATOR POSITION

Andrew Gulvezan, 2034 Pauline Blvd., requested that he be considered for the position of City Administrator.

FRED VEIGEL - PREVAILING WAGE LAW

Fred Veigel, representing the Huron Valley Central Labor Council, spoke in opposition to the resolution repealing the City's prevailing wage law. Mr. Veigel stated that the prevailing wage law helps protect wages, work standards and jobs in the community.

KERMIT SCHLANSKER - ENERGY TAXES

Kermit Schlansker, 2960 Marshall St., spoke in support of energy taxes which he believes are important for increasing conservation by individuals and firms and for stimulating

research and development which will make energy saving easier. Mr. Schlansker stated that City energy taxes would help the poor as well as the entire community.

GREG STEPHENS - PREVAILING WAGE LAW

Greg Stephens, 5300 W. Michigan Ave., representing International Brotherhood of Electrical Workers Local 252, spoke in opposition to the proposal to repeal the City's prevailing wage law. Mr. Stephens stated that the purpose of a prevailing wage law is to guarantee a fair wage for a decent standard of living.

SAFIYA KHALID - POLICE BRUTALITY

Safiya Khalid, P.O. Box 130654, Ann Arbor, stated that she has been stalked and that her son has been harassed by the Ann Arbor Police since she spoke at the public forum on returning the blood samples taken during the serial rape investigation. Ms. Khalid objected to the treatment her son received by the Ann Arbor Police when he was unjustly taken into custody.

HASAN KHALID - POLICE BRUTALITY

Hasan Khalid, P.O. Box 130654, Ann Arbor, 11 years old, stated that he was a victim of police brutality when he was unjustly taken into custody at the YMCA, where he has a current membership. Mr. Khalid stated that he was handcuffed, taken to City Hall for questioning, chained to a wall for two hours, and threatened with being placed in foster care.

FRANK KAVANAUGH - PREVAILING WAGE LAW

Frank Kavanaugh, Novi, MI, representing Iron Workers Local 25, spoke in opposition to the proposal to repeal the City's prevailing wage law. Mr. Kavanaugh stated that under a prevailing wage law, workers are more highly trained in safety and workmanship skills and that the wages allow workers to have dignity in their lives as well as the ability to patronize local businesses.

JOHN WETHERBEE - PREVAILING WAGE LAW

John Wetherbee, Pinckney, MI, representing Carpenters Local 512, Washtenaw County Local Building Trades and Ann Arbor Construction Unity Board, spoke in opposition to the proposal to repeal the City's prevailing wage law. Mr. Wetherbee stated that the prevailing wage law is the standard used in cities across the United States for good quality work and to give local contractors a chance to perform work. He further stated that without the prevailing wage law the possibility of hiring fraudulent contractors would increase, costing

the City more in the long run.

PUBLIC HEARINGS

1320 HURON PLACE AREA PLAN AND LAND DIVISION

A public hearing was conducted on the proposed Huron Place Area Plan and Land Division, 1.14 acres, 1320 West Huron Street. Notice of public hearing was published August 27, 1995. (This public hearing was previously held August 7 and August 21, 1995 and recessed).

The following person appeared:

Jeff Green, representing the Allen Creek Neighborhood Association, expressed concern that the developers did not give the residents sufficient opportunity to resolve the issues concerning the easement agreement. Mr. Green stated that other concerns with the project include inadequate parking, traffic congestion, noise and dumping of trash into the conservation easement.

There being no one else to speak, the Mayor declared the hearing recessed to the September 18, 1995 regular session of Council.

BRIARWOOD SUBAREA PLAN

A public hearing was conducted on the proposed Briarwood Subarea Plan. Notice of public hearing was published August 27, 1995. (This public hearing was previously held August 21, 1995 and recessed)

There being no one to speak, the Mayor declared the hearing recessed to the October 2, 1995 regular session of Council.

BRIARWOOD LOT 3 LAND DIVISION

A public hearing was conducted on the proposed Briarwood Lot 3 Land Division, 4.0 acres, southwest corner of Eisenhower Parkway and South State Street. Notice of public hearing was published August 27, 1995.

The following person appeared:

Paul Raeder of Beckett and Raeder, Inc., representing the developers,

stated that the proposed land division provides a legal basis to obtain financing for the project, and is similar to the approach used for all of the Briarwood development. Mr. Raeder stated that the developers are concerned about missing the construction season and urged approval of the proposal so development can proceed.

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

EAST HAVEN AVENUE STREET VACATION

A public hearing was conducted on the proposed vacation of a portion of East Haven Avenue fronting Lots 2 and 3 of Heatheridge Subdivision. Notice of public hearing was published August 6, 1995.

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

NEWPORT CREEK ZONING (ORDINANCE NO. 42-95)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 41.71 acres from TWP (Township District) to R1A (Single-Family Dwelling District), Newport Creek, west side of Newport Road between Bird Road and Downup Circle. Notice of public hearing was published August 20, 1995.

The following person appeared:

John Swisher, developer, stated that great care was taken to protect the natural features on the site. He reported that 25 percent of the woods was set aside in conservation easements and that average lot sizes and building envelopes were reduced from earlier plans. Mr. Swisher further stated that the project is consistent with the recommendations in the West Area Plan and is in compliance with all requirements.

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

NEWPORT CREEK AREA PLAN

A public hearing was conducted on the proposed Newport Creek Area Plan, 41.71 acres, west side of Newport Road between Bird Road and Downup Circle. Notice of public hearing was published August 27, 1995.

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

SOMERSET ESTATES ZONING (ORDINANCE NO. 43-95)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 2.14 acres from R3 (Townhouse District) to R1C (Single-Family Dwelling District), Somerset Estates, 2107 Dhu Varren Road. Notice of public hearing was published August 20, 1995.

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

SOMERSET ESTATES SITE CONDOMINIUM SITE PLAN

A public hearing was conducted on the proposed Somerset Estates Site Condominium Site Plan, 2.14 acres, 2107 Dhu Varren Road. Notice of public hearing was published August 27, 1995.

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

RECESS

The Mayor declared a recess at 8:29 p.m.

The Mayor again called the meeting to order at 8:40 p.m.

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

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

ORDINANCES - FIRST READING

Delete: Ordinance Authorizing Issuance of \$4,210,000 Water Supply System Revenue Bonds, Series U (Requires Only One Reading) (***Rescheduled for September 18, 1995***)

Delete: Ordinance Authorizing Issuance of \$1,820,000 Sewage Disposal System Revenue Bonds, Series XVI (Requires Only One Reading) (***Rescheduled for September 18, 1995***)

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 years, 1 nay) (Postponed August 7 and August 21, 1995) **(Consider concurrently with Ordinance No. 40-95)**
- Delete: Resolution to Approve East Haven Avenue Street Vacation, portion of East Haven Avenue fronting Lots 2 and 3 of Heatheridge Subdivision (Planning Commission recommendation: Approval - 6 years, 0 nays)
- Move: Resolution to Approve Newport Creek Area Plan, 41.71 acres, west side of Newport Road between Bird Road and Downup Circle (Planning Commission recommendation: Approval - 7 years, 0 nays) **(Consider concurrently with Ordinance No. 42-95)**
- Move: Resolution to Approve Somerset Estates Site Condominium Site Plan and Site Development Agreement, 2.14 acres, 2107 Dhu Varren Road (Planning Commission recommendation: Approval - 6 years, 0 nays) **(Consider concurrently with Ordinance No. 43-95)**
- Delete: Resolution Authorizing Notice of Sale for Water Supply System Revenue Bonds, Series U (\$4,210,000) **(Rescheduled for September 18, 1995)**
- Delete: Resolution Authorizing Notice of Sale for Sewage Disposal System Revenue Bonds, Series XVI (\$1,820,00) **(Rescheduled for September 18, 1995)**
- Revise: Resolution to Apply for Grant Funding from the U.S. Department of Justice Under the Universal Hiring Program for Three Additional Police Officers for the Community Policing Program and to Appropriate Monies Received (\$225,000) (8 Votes Required)
- Add and Move: Resolution to Eliminate Prevailing Wage Ordinance - Chapter 14, Section 1:319 (Councilmember Fink) **(Move to beginning of Motions and Resolutions)**
- Add: Resolution Authorizing Settlement of Ann Arbor Tenants Union Lawsuit Against the City (Councilmembers Hanna-Davies and Carlberg)
- Add: Resolution Establishing Agenda for Follow-Up Visit by Finalists for City Administrator Position (Councilmember Hartwell)

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

- Add: 10-Year ROI Analysis for the Energy Improvements
- Add: 5-Year Breakdown of Police Department Sworn and Civilian Positions
- Add: FERC Required Modification for Barton and Superior Dams
- Add: Hillside Manor Land Donation
- Add: Investigation and Clean-Up Work for the Landfill
- Add: Change Order with Resource Recycling System for MRF
- Add: Stone School Rezoning
- Add: Briarwood Subarea Plan and Briarwood Land Division
- Add: 1320 West Huron Street

CLERK'S REPORT

- Add: Communication from Joan Schmeichel, 2260 Rivenoak Ct., in opposition to Newport Creek Zoning (Ordinance No. 42-95) - Planning

On a voice vote the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF AUGUST 21 APPROVED

Councilmember Kolb moved that the regular session minutes of August 21, 1995 be approved with the following correction:

APPOINTMENTS APPROVED...

Councilmember Carlberg requested that the question be divided so that the nominations to the Downtown Development Authority and the ~~<Zoning Board of Appeals>~~ **CITY PLANNING COMMISSION** could be voted on separately.

On a voice vote the Mayor declared the motion carried.

CONSENT AGENDA**CONSENT AGENDA ITEMS APPROVED**

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

R-400-9-95 APPROVED**RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICES AGREEMENT WITH EARTH TECHNOLOGY CORPORATION FOR OFF-SITE GROUNDWATER FEASIBILITY STUDY AND REMEDIAL ACTION PLAN FOR THE CITY OF ANN ARBOR LANDFILL**

Whereas, On September 19, 1991, the City of Ann Arbor and Michigan Department of Natural Resources (MDNR) signed a Consent Order;

Whereas, The Consent Order requires that the City prepare a Remedial Action Plan for the off-site contaminated groundwater;

Whereas, In response to the City's RFP, Earth Technology Corporation submitted the best proposal for the completion of the work; and

Whereas, The Human Resources Department has, on June 14, 1995, approved said company for the project;

RESOLVED, That the City Council authorize a professional services agreement with Earth Technology Corporation of Grand Rapids, Michigan, in the amount of \$193,000.00;

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

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

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

Section I - Revenue

\$260,550.00	Environmental Bond Fund 097
\$260,550.00	TOTAL; and

Section II - Expense

\$193,000.00	Consulting
28,950.00	Engineering
9,650.00	Miscellaneous
15,450.00	Contingencies
<u>13,500.00</u>	Bond Expenditures
\$260,550.00	TOTAL

R-401-9-95 APPROVED

RESOLUTION TO AUTHORIZE SIGNAL RECONSTRUCTION
 AT GRANGER AND PACKARD, MAPLE AND MILLER,
 MAPLE AND DEXTER, AND ELLSWORTH AND STATE

Whereas, The existing signals at Granger and Packard, Maple and Miller, Maple and Dexter, and Ellsworth and State are in need of reconstruction; and

Whereas, Funding is currently available in the Public Services Department FY 95/96 Major Street Fund budget for this project;

RESOLVED, That the City Council authorize the City Administrator to issue the necessary traffic control orders to reconstruct the traffic signals at the intersections of Granger and Packard, Maple and Miller, Maple and Dexter, and Ellsworth and State;

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

Revenue

\$192,450.00	Major Street Fund
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Expense

\$ 66,000.00	City personnel, City owned vehicles, etc.
<u>126,450.00</u>	Materials and supplies
\$192,450.00	TOTAL;

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

RESOLVED, That the City Council authorize the issuance of the necessary purchase orders to reconstruct the traffic signals pending the receipt of Human Resources approval and the compliance with normal City bidding procedures.

R-402-9-95 APPROVED

RESOLUTION TO AUTHORIZE A CONTRACT WITH
SALADINO CONSTRUCTION, INC. FOR CONCRETE
REPAIR - VARIOUS LOCATIONS - BID NO. 2743

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

Whereas, Saladino Construction, Inc. of Ann Arbor, Michigan, has submitted to the City on May 30, 1995 a bid for said work in the total amount of \$125,210.00, which amount is the lowest responsible bid;

Whereas, On June 8, 1995, Saladino Construction, Inc. was approved by the Human Resources Department;

Whereas, There is the option in Bid 2743 for contract renewal for up to two, one-year periods provided that both parties agree to the extension;

Whereas, It is desirable to implement the program on an annual basis; and

Whereas, Funds have been allocated in the FY 1995-96 Public Services Department's Transportation Division Major and Local Streets Budget;

RESOLVED, That a contract, in an amount not to exceed \$125,210.00, be awarded to Saladino Construction, Inc. for concrete repairs (Bid No. 2743);

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

RESOLVED, That the City Administrator be authorized to take necessary administrative actions to implement this resolution, and be authorized to obtain the concrete repair services from the next lowest bidder (Wolverine Contracting) if Saladino Construction, Inc. is not able to furnish adequate services or does not perform to City specifications.

R-403-9-95 APPROVED

RESOLUTION AUTHORIZING A PURCHASE ORDER
WITH CARRIER AND GABLE, INC. FOR TRAFFIC
SIGNAL MATERIALS AND SUPPLIES

Whereas, Carrier and Gable, Inc., of Farmington Hills, Michigan, is the supplier of Eagle traffic components used in maintaining City of Ann Arbor traffic signals, and crack sealant material used for repairing cracks in Major and Local streets;

Whereas, Sufficient funds have been included in the Public Services Department FY 95/96 Transportation Division budget to fund these expenditures; and

Whereas, Carrier and Gable, Inc. received Human Resources Department approval on August 18, 1995;

RESOLVED, That a sole source purchase order in the amount of \$90,600.00 for materials and supplies be issued to Carrier and Gable, Inc.; and

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

R-404-9-95 APPROVED

RESOLUTION AUTHORIZING A PURCHASE ORDER WITH 3M
COMPANY FOR PAVEMENT MARKING AND SIGN MATERIAL

Whereas, The City purchases permanent pavement marking materials and high intensity sign materials from 3M Company;

Whereas, Sufficient funds have been included in the Public Services Department FY 95/96 Transportation Division budget to fund these expenditures; and

Whereas, 3M Company received Human Resources Department approval on August 18, 1995;

RESOLVED, That a sole source purchase order in the amount of \$53,000.00 for materials and supplies be issued to 3M Company; and

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

R-405-9-95 APPROVED

RESOLUTION AUTHORIZING A PURCHASE ORDER WITH RATHCO SAFETY SUPPLY, INC. FOR SIGN MATERIAL

Whereas, The City purchases sign faces from Rathco Safety Supply, Inc.;

Whereas, Sufficient funds have been included in the Public Services Department FY 95/96 Transportation Division budget to fund these expenditures; and

Whereas, Rathco Safety Supply Inc. received Human Resources Department approval on August 28, 1995;

RESOLVED, That a sole source purchase order in the amount of \$27,000.00 for materials and supplies be issued to Rathco Safety Supply, Inc.; and

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

R-406-9-95 APPROVED

RESOLUTION AUTHORIZING A PURCHASE ORDER WITH UNISTRUT OF DETROIT FOR TRAFFIC SIGN MOUNTING MATERIAL

Whereas, The City purchases traffic sign mounting materials from Unistrut of Detroit;

Whereas, Sufficient funds have been included in the Public Services Department FY 95/96 Transportation Division budget to fund these expenditures; and

Whereas, Unistrut of Detroit received Human Resources Department approval on August 22, 1995;

RESOLVED, That a sole source purchase order in the amount of \$26,000.00 for materials and supplies be issued to Unistrut of Detroit; and

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

R-407-9-95 APPROVED

RESOLUTION TO APPROVE CHANGE ORDER WITH RESOURCE
RECYCLING SYSTEMS FOR MRF CONSULTING SERVICES

Whereas, The construction and final engineering acceptance of the MRF/Transfer Station is nearing completion;

Whereas, Additional MRF consulting services were needed as part of the contract re-negotiation process with the MRF vendor;

Whereas, Acceptance testing of the facility must still be performed;

Whereas, The City-approved four month construction contract extension has required additional construction oversight services; and

Whereas, RRS-West received updated Human Rights approval on August 25, 1995;

RESOLVED, That a change order be approved with Resource Recycling Systems for MRF consulting engineering services in an amount not to exceed \$30,000.00 at the rates quoted in its August 24, 1995 correspondence;

RESOLVED, That funding for this change order be provided through the MRF line item of the environmental bond; and

RESOLVED, That these funds be carried over to subsequent fiscal years as

necessary.

R-408-9-95 APPROVED

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

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

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

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

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

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

RESOLVED, That the \$15,000.00 be charged to the Community Events Account of the 1995-96 Adopted Budget.

R-409-9-95 APPROVED

RESOLUTION TO APPROVE PURCHASE ORDER TO
THE STATE OF MICHIGAN SUPREME COURT FOR SOFTWARE
MAINTENANCE SERVICES FOR THE 15TH DISTRICT COURT

Whereas, The 15th District Court uses software provided by the State of Michigan's Supreme Court for case processing operations;

Whereas, The Supreme Court charges an annual fee to users to cover their costs to maintain, update and upgrade case processing software;

Whereas, The annual charge for this service is anticipated to be \$14,000.00 which

has been approved in the 15th District Court's budget; and

Whereas, The State of Michigan has Human Rights approval, effective August 21, 1995;

RESOLVED, That the Ann Arbor Council authorize the City Administrator to sign a purchase order to the State of Michigan in the amount of \$14,000.00 to purchase software maintenance for the 15th District Court.

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 Lumm moved that the ordinance be adopted at second reading.

Councilmember Kolb moved that the ordinance be postponed to the September 18, 1995 regular session of Council.

On a voice vote the Mayor declared the motion carried.

POSTPONED

RESOLUTION TO APPROVE 1320 HURON PLACE
AREA PLAN AND LAND DIVISION

A communication was received from the 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; and

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 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 the 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 Lumm moved that the resolution be adopted.

Councilmember Kolb moved that the resolution be postponed to the September 18, 1995 regular session of Council.

On a voice vote the Mayor declared the motion carried.

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 Nicolas moved that the ordinance be adopted at second reading.

Councilmember Hanna-Davies moved that the ordinance be postponed to the September 18, 1995 regular session of Council to investigate revising the zoning to a Planned Unit Development to accommodate further preservation of natural features on the site and to allow a portion of the units to be more affordable.

With unanimous consent of Council, John Swisher, the developer, answered questions concerning feasibility of changing the zoning to a PUD.

The question being the motion to postpone, on roll call the vote was as follows:

Yeas, Councilmembers Daley, Hanna-Davies, Vereen-Dixon, Carlberg, 4;

Nays, Councilmembers Fink, Lumm, Nicolas, Hartwell, Kolb, Mayor Sheldon, 6.

The Mayor declared the motion defeated.

The question being the ordinance at second reading, on roll call the vote was as follows:

Yeas, Councilmembers Fink, Lumm, Carlberg, Nicolas, Hartwell, Kolb, Mayor Sheldon, 7;

Nays, Councilmembers Daley, Hanna-Davies, Vereen-Dixon, 3.

The Mayor declared the motion carried.

R-410-9-95 APPROVED

RESOLUTION TO APPROVE NEWPORT CREEK AREA PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Newport Creek Area Plan, 41.71 acres, west side of Newport Road between Bird Road and Downup Circle.

Whereas, Newport Woods Limited Partnership has requested area plan approval in order to develop 48 single-family detached dwelling units;

Whereas, The Ann Arbor City Planning Commission, at its meeting of May 16, 1995, recommended approval of said request;

RESOLVED, That the Newport Creek Area Plan is hereby approved.

Councilmember Nicolas moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the resolution be postponed to the September 18, 1995 regular session of Council to investigate revising the zoning to a Planned Unit Development to accommodate further preservation of natural features on the site and to allow a portion of the units to be more affordable.

With unanimous consent of Council, John Swisher, the developer, answered questions concerning feasibility of changing the zoning to a PUD.

The question being the motion to postpone, on roll call the vote was as follows:

Yeas, Councilmembers Daley, Hanna-Davies, Vereen-Dixon, Carlberg, 4;

Nays, Councilmembers Fink, Lumm, Nicolas, Hartwell, Kolb, Mayor Sheldon, 6.

The Mayor declared the motion defeated.

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

Yeas, Councilmembers Fink, Lumm, Carlberg, Nicolas, Hartwell, Kolb, Mayor Sheldon, 7;

Nays, Councilmembers Daley, Hanna-Davies, Vereen-Dixon, 3.

The Mayor declared the motion carried.

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 acre, located at 2107 Dhu Varren Road, from R3 (Townhouse District) to R1C (Single-Family Dwelling District).

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

On a voice vote the Mayor declared the motion carried.

R-411-9-95 APPROVED

RESOLUTION TO APPROVE SOMERSET
ESTATES SITE CONDOMINIUM SITE PLAN
AND SITE DEVELOPMENT AGREEMENT

A communication was received from the Planning Commission transmitting its recommendation of approval of the proposed Somerset Estates Site Condominium Site Plan and Site Development Agreement, 2.14 acres, 2107 Dhu Varren Road.

Whereas, Carol Dunitz has requested site condominium site plan approval in order to construct eight single-family detached dwellings as a site condominium project; and

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

RESOLVED, That the Somerset Estates Site Condominium Site Plan be hereby approved; and

RESOLVED, That the Somerset Estates Site Development Agreement be hereby approved substantially in the form of that on file in the City Clerk's Office.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

ORDINANCES - FIRST READING

46-95 APPROVED

OLD STONE SCHOOL 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 0.73 acre, located at 2600 Packard Road, from PL (Public Land District) to R1C (Single-Family Dwelling District).

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

On a voice vote the Mayor declared the motion carried.

47-95

PRELIMINARY PHASE PUD APPROVED;
FINAL PHASE PUD POSTPONED

SHELL OIL COMPANY 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 1.44 acres, located at the northeast corner of Ann Arbor-Saline Road and Eisenhower Parkway, from PL (Public Land District) to Preliminary and Final Phase PUD (Planned Unit Development District).

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

Council unanimously agreed that the question be divided to consider the Preliminary Phase PUD as an ordinance separately from the Final Phase PUD site plan.

The question being the Preliminary Phase PUD at first reading, on a voice vote the Mayor declared the motion carried.

The question being the Final Phase PUD site plan, Councilmember Kolb moved that the site plan be postponed to the October 2, 1995 regular session of Council.

On a voice vote the Mayor declared the motion carried.

MOTIONS AND RESOLUTIONS

AMENDED AND WITHDRAWN

RESOLUTION TO ELIMINATE PREVAILING WAGE ORDINANCES

A resolution to eliminate prevailing wage ordinances was considered.

Councilmember Fink moved that the resolution be adopted.

Council agreed that the resolution be amended by adding the following paragraph:

RESOLVED, That City staff provide information on the location of the City's current contractors and on industry safety standards.

Councilmember Fink moved that the resolution be postponed to the September 18, 1995 regular session of Council for further information on the dollar volume going to contractors within the City and to contractors outside the City during the last six months.

On roll call the vote was as follows:

Yeas, Councilmembers Fink, Lumm, Nicolas, Mayor Sheldon, 4;

Nays, Councilmembers Daley, Hanna-Davies, Vereen-Dixon, Carlberg, Hartwell, Kolb, 6.

The Mayor declared the motion defeated.

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

The resolution as amended and withdrawn reads as follows:

RESOLUTION TO ELIMINATE PREVAILING WAGE ORDINANCES

Whereas, The City of Ann Arbor wishes to provide taxpayers with the lowest responsible cost for City services; and

Whereas, It is in the best interest of the taxpayers to insure that the City is truly able to obtain the lowest responsible bid for work performed by private contractors and to insure that all qualified bidders be given equal opportunity to obtain City contracts;

RESOLVED, That the "prevailing wage" ordinances be eliminated and that by October 30, 1995 the City Attorney prepare the necessary documents to accomplish this

end; and

RESOLVED, That City staff provide information on the location of the City's current contractors and on industry safety standards.

POSTPONED

RESOLUTION TO APPROVE BRIARWOOD SUBAREA PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Briarwood Subarea Plan as an amendment to the South Area Plan.

Whereas, The City Planning Commission has resolved to periodically review and update the City Master Plan;

Whereas, The City Planning Commission identified the study of land use policies in the Briarwood Subarea in its 1993-94 and 1994-95 Work Programs;

Whereas, During the development of the Briarwood Subarea Plan, input was received from various City departments, the Ann Arbor Transportation Authority, the Michigan Department of Transportation, Pittsfield Township, the University of Michigan, land owners, and citizens of Ann Arbor; and

Whereas, The Ann Arbor City Planning Commission, after holding public hearings on July 6 and August 1, 1995, recommended approval of said plan;

RESOLVED, That the Briarwood Subarea Plan be hereby adopted as an amendment to the South Area Plan, a land use element of the Ann Arbor Master Plan, to guide the City's future growth and development; and

RESOLVED, That the recommendations contained in the plan be used by the City Council, City Planning Commission, and other City departments in the development of the annual Capital Improvements Program and work programs.

Councilmember Nicolas moved that the resolution be adopted.

Councilmember Fink moved that the resolution be postponed to the October 2, 1995 regular session of Council for review by the Downtown Marketing Task Force.

On a voice vote the Mayor declared the motion carried.

R-412-9-95 APPROVED

RESOLUTION TO APPROVE BRIARWOOD LOT 3 LAND DIVISION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Briarwood Lot 3 Land Division, 4.0 acres, southwest corner of Eisenhower Parkway and south State Street.

Whereas, The Taubman Company and Beachum and Roeser, Inc. have requested approval to divide the existing 4.0-acre parcel at the southwest corner of Eisenhower Parkway and South State Street (Assessor Code No. 12-08-100-029) into two separate parcels; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of August 15, 1995, recommended approval of said request;

RESOLVED, That the Briarwood Lot 3 Land Division be approved, as described below:

Parcel 1 - BEGINNING at the Northeast corner of Lot 3 "BRIARWOOD SUBDIVISION," being a part of the North 1/2 of Section 8, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan as recorded in Liber 22 of Plats, pages 66-75 inclusive, Washtenaw County Records; thence S 01° 38' 40" E 195.91 feet along the Westerly right-of-way line of State Road; thence S 88° 21' 20" W 54.00 feet; thence N 01° 38' 40" W 7.31 feet; thence S 88° 21' 20" W 124.83 feet; thence S 01° 38' 40" E 18.00 feet; thence S 88° 21' 20" W 16.00 feet; thence N 01° 38' 40" W 18.00 feet; thence S 88° 21' 20" W 204.14 feet; thence S 01° 38' 40" E 26.00 feet; thence S 88° 21' 20" W 72.00 feet to a point on the Easterly right-of-way line of Market Place; thence N 01° 38' 40" W 207.00 feet along said right-of-way line to a point of the Southerly right-of-way line of Eisenhower Parkway; thence N 87° 25' 50" E 471.03 feet along said right-of-way line to the Point of Beginning. Being a part of Lot 3 of said "BRIARWOOD SUBDIVISION" and containing 89,592 square feet of land, more or less. Being subject to easements and restrictions of record, if any.

Parcel 2 - Commencing at the Northeast corner of Lot 3, "BRIARWOOD SUBDIVISION," being a part of the North 1/2 of Section 8, T3S, R6E, City of

Ann Arbor, Washtenaw County, Michigan, as recorded in Liber 22 of Plats, pages 66-75 inclusive, Washtenaw County Records; thence S 01° 38' 40" E 195.91 feet along the Westerly right-of-way line of State Road to the POINT OF BEGINNING; thence continuing S 01° 38' 40" E 198.57 feet along said right-of-way line to the Southeast corner of said Lot 3; thence along the Northerly right-of-way line of Mall Drive in the following five courses: Westerly 35.61 feet along the arc of a 60.00 foot radius circular curve to the right, through a central angle of 34° 00' 00", having a chord which bears S 75° 21' 00" W 35.09 feet, N 87° 39' 00" W 44.02 feet; S 88° 54' 00" W 99.70 feet, N 87° 39' 00" W 265.91 feet and Northwesterly 45.03 feet along the arc of a 30.00 foot radius circular curve to the right, through a central angle of 86° 00' 20", having a chord which bears N 44° 38' 50" W 40.92 feet to a point on the Easterly right-of-way line of Market Place; N 01° 38' 40" W 26.00 feet; thence N 88° 21' 20" E 204.14; thence S 01° 38' 40" E 18.00 feet; thence N 88° 21' 20" E 16.00 feet; thence N 01° 38' 40" W 18.00 feet; thence N 88° 21' 20" E 124.83 feet; thence S 01° 38' 40" E 7.31 feet; thence N 88° 21' 20" E 54.00 feet to the Point of Beginning. Being a part of Lot 3 of said "BRIARWOOD SUBDIVISION" and containing 93,290 square feet of land, more or less. Being subject to easements and restrictions of record, if any.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-413-9-95 APPROVED

RESOLUTION TO APPROVE LINDNER ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Lindner Annexation, 0.54 acre, 3084 Cherry Tree Lane.

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

Whereas, John D. Lindner is the owner of said property; and

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

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

Land situated in the Township of Pittsfield, County of Washtenaw, State of Michigan, described as follows: Commencing at an iron pipe marking the Northeast corner of Section 11, Town 3 South, Range 6 East, Pittsfield Township, Washtenaw County, Michigan; thence South 88 degrees 33 minutes 00 seconds West along the North line of said Section 11, 1656.39 feet; thence South 00 degrees 04 minutes 00 seconds East 296.22 feet to an iron pipe for the Place of Beginning; thence continuing South 00 degrees 04 minutes 00 seconds East 142.00 feet; thence North 88 degrees 33 minutes 00 seconds East 165.90 feet more or less to the centerline of a 66-foot right-of-way; thence North 00 degrees 21 minutes 00 seconds West along the said centerline 142.00 feet to an iron pipe; thence South 88 degrees 33 minutes 00 seconds West 165.21 feet to the Place of Beginning; being a parcel of land in the East 1/2 of the West 1/2 of the Northeast 1/4 of Section 11. Together with and subject to an easement for ingress and egress 66 feet in width running Southerly from the South line of Packard Road, the centerline of which runs along the East line of the subject property.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-414-9-95 APPROVED AS AMENDED

RESOLUTION ACCEPTING GIFT OF LAND FROM
HILLSIDE MANOR PARTNERSHIP

A resolution accepting a gift of land from Hillside Manor Partnership was considered.

Councilmember Kolb moved that the resolution be adopted.

Councilmember Kolb moved that the resolution be amended by added the following paragraph:

RESOLVED, That a staff task force be instituted to market and plan

for the remaining portion of the property.

On a voice vote the Mayor declared the motion carried.

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

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

Nays, Councilmember Fink, 1.

The Mayor declared the motion carried.

The resolution as adopted reads as follows:

R-414-9-95

RESOLUTION ACCEPTING GIFT OF LAND FROM
HILLSIDE MANOR PARTNERSHIP

Whereas, Hillside Manor, a Michigan co-partnership, is the owner of certain property which is located in the City of Ann Arbor, Michigan, and more fully described as follows:

Lots 1, 2, 3, 4 and 5, Bedford-Buttner Commercial Subdivision, according to the plat thereof recorded at Liber 16, Pages 8 and 9 of Plats, Washtenaw County Records; and

Beginning at the Northwest corner of Section 31, Town 2 South, Range 6 East, City of Ann Arbor, Washtenaw County, Michigan; thence along the North line of said Section, South 89 degrees 51 minutes East 400 feet; thence South 0 degrees 11 seconds West 150 feet; thence North 89 degrees 51 minutes West 60 feet; thence along West line of Pennsylvania Avenue in the following described course: South 0 degrees 11 minutes West 235.96 feet; thence South 122.10 feet in the arc of a circle or curve, concave curve to the East radius 1748.86 feet, chord, South 1 degrees 49 minutes East, 122.07 feet, South 3 degrees 49 minutes East 111.62, Southerly 117.91 feet in the arc of a circle or curve concave to the West radius 1688.86 feet chord, South 1 degrees 49 minutes East, 117.88 feet and South 0 degrees 11 minutes West 49.7 feet; thence South 89 degrees 45 minutes West 158.16 feet; thence North 0 degrees 11 minutes East 658.50 feet; thence North 89 degrees 51 minutes West 198 feet; thence along West line of said Section and centerline of Maple Road, North 0 degrees 11 minutes East 129.36 feet

to PLACE OF BEGINNING, being a part of the Northwest 1/4 of Northwest 1/4 of Section 31;

and

Whereas, The owners of that property have offered to give it to the City;

RESOLVED, That the City accept the gift of the above described property from Hillside Manor Partnership and express its gratitude to the donors;

RESOLVED, That the funds from the general fund contingency/housing account be used to pay any costs incurred by the City incidental to accepting the gift, such as taxes, special assessments and other miscellaneous costs, and that the Mayor and City Clerk or any other authorized City official be authorized to execute such documents as may be necessary to effectuate the gift; and

RESOLVED, That a staff task force be instituted to market and plan for the remaining portion of the property.

R-415-9-95 APPROVED

RESOLUTION TO APPROVE AMENDMENT TO THE SUBLEASE WITH THE SHELTER ASSOCIATION OF WASHTENAW COUNTY FOR 112 SOUTH ASHLEY STREET

Whereas, The City of Ann Arbor and the Shelter Association of Washtenaw County (Shelter Association) have a current sublease agreement for property located at 112 South Ashley;

Whereas, That agreement allows the Shelter Association to utilize that facility to provide a range of client services which serve the public interest;

Whereas, City Council directed in its Resolution to Adopt Ann Arbor City Budget (R-235-5-95) that the rent be waived; and

Whereas, The Shelter Association of Washtenaw requested the lease term be extended to 2001 to meet a State of Michigan grant requirement;

RESOLVED, That the Mayor and City Council approve the amendment to the sublease of 112 South Ashley Street reducing the annual rent to \$1.00 and extending the

term of the agreement to December 31, 2001; and authorize the Mayor and City Council to execute the amendment to the lease agreement substantially in the form on file in the Office of the City Clerk.

Councilmember Carlberg moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Daley, Hanna-Davies, Vereen-Dixon, Carlberg, Nicolas, Hartwell, Kolb, Mayor Sheldon, 8;

Nays, Councilmembers Fink, Lumm, 2.

The Mayor declared the motion carried.

R-416-9-95 APPROVED

RESOLUTION COMMENDING SEAN OXNER AND
MICHELLE MOSHIER FOR THEIR ACTIONS IN SAVING
THE LIFE OF KIMBERLY DONDZILA

Whereas, On August 20, 1995 Kimberly Dondzila was suddenly stricken while swimming at Fuller Park Pool;

Whereas, Lifeguard Michelle Moshier and Assistant Pool Supervisor Sean Oxner saw Kimberly and pulled her from the pool;

Whereas, At the time she was pulled from the pool, Kimberly did not appear to be breathing; and

Whereas, Sean, a certified CPR instructor, and Michelle revived Kimberly with her father's assistance with CPR and mouth-to-mouth resuscitation;

RESOLVED, That the Ann Arbor City Council commend Sean Oxner and Michelle Moshier for their swift and professional action in resuscitating Kimberly Dondzila; and

RESOLVED, That this commendation be entered into the records of the City of Ann Arbor, and copies sent to Sean Oxner and Michelle Moshier with the deep appreciation of the Ann Arbor City Council and citizens for their efforts.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-417-9-95 APPROVED

RESOLUTION TO SUPPORT AND ALLOCATE FUNDS
FOR "CELEBRATE DIVERSITY!"

Whereas, The City of Ann Arbor and Washtenaw County are diverse communities, rich in cultural background, religious affiliation, family composition, and age;

Whereas, It is in part this diversity which makes the City of Ann Arbor such a vibrant community;

Whereas, The Community Diversity Initiative, comprising representatives from the business, educational, governmental, human rights and religious sectors seeking to foster mutual understanding and appreciation among the diverse communities and individuals in Washtenaw County, is sponsoring the "Celebrate Diversity!" Fair on October 26, 1995 as a step toward achieving that goal;

Whereas, "Celebrate Diversity!" is receiving support from across the community, including donated space for the event from Washtenaw Community College; and

Whereas, The Community Diversity Initiative has requested \$1,000.00 from the City of Ann Arbor to support "Celebrate Diversity!";

RESOLVED, That the Ann Arbor City Council endorse "Celebrate Diversity!" and its goal of stimulating thought and discussion regarding individual qualities, characteristics, values, beliefs, and points of uniqueness and commonalities that define each of us as individuals and as part of the complex and wonderful mosaic that is our community; and

RESOLVED, That \$1,000.00 from the 1995-1996 Community Events Fund be allocated to Jewish Community Center (Celebrate Diversity Event).

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

DELETED

RESOLUTION REGARDING CONSENT AGENDA ITEMS

Council unanimously agreed that the Resolution Regarding Consent Agenda Items be deleted from the agenda since no written resolution was presented.

R-418-9-95 APPROVED

RESOLUTION TO SOLICIT PROPOSALS FOR FINANCING
OF ENERGY SAVING IMPROVEMENTS TO CITY HALL

Whereas, The City of Ann Arbor, County of Washtenaw, Michigan (the "City") is desirous of purchasing certain equipment necessary for governmental operations and purposes;

Whereas, Act 99, Public Acts of Michigan, 1933 ("Act 99") authorizes municipalities to acquire property by means of a municipal purchase contract; and

Whereas, The City proposes to issue one or more municipal purchase contracts in order to acquire said equipment and related appurtenances and attachments;

RESOLVED, That:

1. The City Council authorize the purchase of equipment together with engineering and issue costs as described in a proposal presented the City by Viron Corporation and made part hereof by means of one or more municipal purchase contracts in the total aggregate amount of not to exceed \$360,000.00;

2. The Finance Director of the City be and is hereby authorized to solicit proposals from financial institutions respecting said municipal purchase contracts;

3. The Finance Director of the City be further authorized to accept bids and submit same to this Council for approval; and

4. All resolutions and parts of resolutions in conflict herewith be and the same are hereby rescinded.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-419-9-95 APPROVED

RESOLUTION TO APPLY FOR GRANT FUNDING FROM THE U.S. DEPARTMENT OF JUSTICE UNDER THE UNIVERSAL HIRING PROGRAM FOR THREE ADDITIONAL POLICE OFFICERS FOR THE COMMUNITY POLICING PROGRAM AND TO APPROPRIATE MONIES RECEIVED

Whereas, It is in the interest of public safety to have the police department provide police service to the community in the most effective manner possible;

Whereas, The Ann Arbor Police Department has begun the process of adopting city-wide community policing as the most effective manner to deliver police service; and

Whereas, The U.S. Department of Justice is offering a grant to fund additional police officers for community policing;

RESOLVED, that the City Council authorize the submission of the grant application in the amount of approximately \$225,000.00 to the U.S. Department of Justice;

RESOLVED, That if the grant is awarded, the Mayor and City Clerk be authorized to execute the grant agreement and that appropriations be made to the police department's budget within the miscellaneous grant fund in the amount of the grant award; and

RESOLVED, That the City Administrator be directed and authorized to take all administrative steps necessary to implement these actions.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-420-9-95 APPROVED

RESOLUTION TO APPROVE REAPPROPRIATION OF FUNDS FOR THE PUBLIC SERVICES DEPARTMENT FLEET SERVICES DIVISION

Whereas, The Public Services Department, Fleet Services Division had purchases that were unexpectedly delayed;

Whereas, The funds for these items were included in the 1994-95 fiscal year budget based on the expectation that the purchases would be completed before June 30, 1995; and

Whereas, The funds were not spent during the 1994-95 fiscal year;

RESOLVED, That City Council approve the reappropriation of \$19,148.00 to the 1995-96 Public Services Department-Fleet Services Division budget.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-421-9-95 APPROVED

RESOLUTION TO AUTHORIZE AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT FOR DAM RELATED STUDIES

Whereas, By Resolution No. R-532-10-92, approved October 21, 1992, Council authorized a Professional Services Agreement with Harza Engineering Company for dam safety inspections and related studies and by Resolution No. R-445-9-94, approved September 7, 1994, Council authorized Amendment No. 1 to the Professional Services Agreement with Harza Engineering Company for dam related studies;

Whereas, In May, 1995 the Federal Energy Regulatory Commission (FERC) informed the City of changes in its engineering safety guidelines which will significantly reduce the extent and cost of the modifications required;

Whereas, It is now necessary to perform engineering analyses for these lower cost modifications at Barton and Superior Hydropowers to meet the FERC requirements by November 10, 1995;

Whereas, It is recommended that these analyses be performed by Harza Engineering Company due to Harza's familiarity with the project and experience in performing such analyses;

Whereas, Harza Engineering Company has submitted a proposal in the amount of \$79,000.00 to perform engineering analyses for modifications for Barton and Superior to meet FERC requirements; and

Whereas, On July 11, 1995, the Human Resources Department approved Harza Engineering Company;

RESOLVED, That Council accept the proposal and authorize Amendment No.2 to the Professional Services Agreement with Harza Engineering Company in the amount of \$79,000.00 to perform engineering analyses for modifications at Barton and Superior hydropower projects to meet FERC requirements;

RESOLVED, That Council approve a project budget of \$87,000.00; \$79,000.00 for engineering services and a contingency of \$8,000.00 for change orders to be approved by the City Administrator;

RESOLVED, That \$87,000.00 be appropriated from Hydropower System Fund available for the life of the project without regard to the fiscal year; and

RESOLVED, That the Mayor and the City Clerk be authorized and directed to sign Amendment No. 2 to the Professional Services Agreement substantially in a form on file with the City Clerk.

Councilmember Fink moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-422-9-95 APPROVED

RESOLUTION TO ACCEPT DONATIONS FOR THE UNITED WAY KICK-OFF

Whereas, Several vendors have indicated their interest in donating cash rather than prizes to support the United Way Kick-off fundraiser for the City of Ann Arbor employees; and

Whereas, The Kick-off is the fundraising event used to start off a month long program of generating donations for the United Way from City employees;

RESOLVED, That the City of Ann Arbor accept donations for the United Way Kick-off and that such donations be appropriated to the Non-Departmental budget for the City Administrator's Discretionary account at the time of receipt of those donations.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

Councilmember Fink exited the meeting at approximately 12:15 a.m.

R-423-9-95 APPROVED

RESOLUTION AUTHORIZING SETTLEMENT OF ANN ARBOR
TENANTS UNION LAWSUIT AGAINST THE CITY

Whereas, The Ann Arbor Tenants Union (AATU) filed a lawsuit against the City of Ann Arbor and the Ann Arbor YMCA; and

Whereas, The City and the AATU have reached an agreement to resolve this dispute between them;

RESOLVED, That the City Council states that:

1. The City Administration shall enforce all ordinances or other laws which apply to the Ann Arbor YMCA residential program in the same manner as it applies those laws and ordinances to other owners of similar rental property;
2. It is the sentiment of this Council that residents in the Ann Arbor YMCA should be afforded all the rights enjoyed by tenants who reside in the City; and
3. The City Attorney is authorized to execute all documents necessary to dismiss the pending lawsuit against the City in Washtenaw Circuit Court File No. 95-4233-CH.

Councilmember Hanna-Davies moved that the resolution be adopted.

On roll call the vote was as follows:

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

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

The Mayor declared the motion carried.

R-424-9-95 APPROVED AS AMENDED

RESOLUTION ESTABLISHING AGENDA FOR FOLLOW-UP VISIT BY FINALISTS FOR CITY ADMINISTRATOR POSITION

A resolution establishing the agenda for the follow-up visit by the finalists for the City Administrator position was considered.

Councilmember Kolb moved that the resolution be adopted.

Councilmember Hartwell moved that the resolution be amended by revising the agenda as follows:

Thursday, September 7, 1995

~~<7:30 a.m. - Noon~~ ~~Candidates meet individually in one-hour sessions with Councilmember groups consisting of 2 Councilmembers>~~

8:00 A.M. - NOON CANDIDATES MEET INDIVIDUALLY IN ONE-HOUR SESSIONS WITH EXECUTIVE TEAM, ADMINISTRATOR'S STAFF, DIVERSITY ACTION COMMITTEE, AND UNION LEADERSHIP

Noon - ~~<1:45>~~
1:00 p.m. Lunch

~~<1:45 - 4:00 p.m.~~ ~~Candidates meet individually in one-hour sessions with Councilmember groups consisting of 2 Councilmembers>~~

1:00 - 3:40 P.M. CANDIDATES MEET INDIVIDUALLY IN 40-MINUTE SESSIONS WITH COUNCILMEMBER GROUPS CONSISTING OF 2 OR 3 COUNCILMEMBERS

~~<4:15>~~ 4:30 -
5:30 p.m. Reception - Candidates and City employees

6:30 p.m. Dinner - Candidates and City Council

Friday, September 8, 1995

~~<8:00 a.m. All candidates meet for breakfast with Diversity Action Team~~

~~9:45-Noon Candidates meet individually with Councilmember groups consisting of 3 Councilmembers~~

~~Noon All candidates meet for lunch with Administrator's staff~~

~~1:45- 3:00 p.m. Break for all candidates>~~

8:00 A.M. - 3:00 P.M. CANDIDATES OPTION

3:00 - 6:45 p.m. Candidates interviewed individually by entire City Council in approximately one-hour sessions (Interview to include response to problem solving exercise).

6:45 p.m. City Council meets with consultant

On roll call the vote was as follows:

Yeas, Councilmembers Daley, Hanna-Davies, Vereen-Dixon, Lumm, Carlberg, Nicolas, Hartwell, Kolb, 8;

Nays, Mayor Sheldon, 1.

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-424-9-95

RESOLUTION ESTABLISHING AGENDA FOR FOLLOW-UP VISIT
BY FINALISTS FOR CITY ADMINISTRATOR POSITION

RESOLVED, That the following agenda be established for the follow-up visit by the

finalists for the City Administrator position:

Thursday, September 7, 1995

8:00 a.m. - Noon	Candidates meet individually in one-hour sessions with the Executive Team, Administrator's Staff, Diversity Action Committee, and Union Leadership
Noon - 1:00 p.m.	Lunch
1:00 - 3:40 p.m.	Candidates meet individually in 40-minutes sessions with Councilmember groups consisting of 2 or 3 Councilmembers
4:30 - 5:30 p.m.	Reception - candidates and City employees
6:30 p.m.	Dinner - candidates and City Council

Friday, September 8, 1995

8:00 a.m. - 3:00 p.m.	Candidates option
3:00 - 6:45 p.m.	Candidates interviewed individually by entire City Council in approximately one-hour sessions. (Interview to include response to problem solving exercise)
6:45 p.m.	City Council meets with consultant

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM THE MAYOR

COUNCIL/MEDIA SOFTBALL GAME

Mayor Sheldon announced that the next Council/Media softball game is scheduled for September 11, 1995.

RECENTLY SIGNED PROCLAMATIONS

Mayor Sheldon reported that she recently signed the following proclamations:

- Honoring Bishop Kenneth J. Povish - September 8, 1995
- Honoring Dr. John Psarouthakis - September 14, 1995
- Ann Arbor League of Women Voters 75th Anniversary - September 11-17, 1995
- Ann Arbor's Week Without Violence - October 15-21, 1995

APPOINTMENTS POSTPONED

Mayor Sheldon recommended the following appointments which were placed on the table for consideration at previous regular sessions of Council:

HOUSING POLICY BOARD

(Placed on the table July 3, 1995)

Richard Hoogesteger (to fill vacancy)
1545 Pine Valley Dr., #17
Term: 9/5/95 to 9/4/98

DOWNTOWN DEVELOPMENT AUTHORITY

(Placed on the table August 7, 1995; postponed August 21, 1995)

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

DOWNTOWN DEVELOPMENT AUTHORITY (Cont.)

Edward A. Shaffran (replacing George Wahr Sallade
as commercial property owner)
3376 Geddes Ave.
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 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

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

Councilmember Hanna-Davies moved that the appointments be postponed until the September 18, 1995 regular session of Council for further discussion.

On roll call the vote was as follows:

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

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

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:

ANN ARBOR ENERGY COMMISSION

Paul Ganz (reappointment)
Manager, Government/Community Relations
Michigan Consolidated Gas Co.
841 Broadway St.
Term: 9/18/95 to 9/17/98

Donald A. Seikmeier (reappointment)
2680 Craig Rd.
Term: 9/18/95 to 9/17/98

Wayne Appleyard (reappointment)
5750 Prospect Hill Rd.
Grass Lake, MI 49240
Term: 9/18/95 to 9/17/98

MAYOR'S TASK FORCE ON INCREASING SAFETY FOR WOMEN

Jennifer Holmes
Manager, Clinical Nursing Services, University Hospital
154 Park
Chelsea, MI 48118

COMMUNICATIONS FROM THE CITY ADMINISTRATOR**PARK DEDICATION**

Interim City Administrator Olson announced that the Southeast Area Park dedication is scheduled for September 9, 1995, from 11:30 a.m. to 1:30 p.m.

REPORTS SUBMITTED

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

1. Advertising /Council Budget Restrictions
2. Meeting at Northside Community Center
3. Grant Awards to the Housing Commission

4. Somerset Estates
5. Newport Creek Zoning and Area Plan
6. Response from Michigan State Police regarding blood samples
7. 10-Year ROI Analysis for the Energy Improvements
8. 5-Year Breakdown of Police Department Sworn and Civilian Positions
9. FERC Required Modification for Barton and Superior Dams
10. Hillside Manor Land Donation
11. Investigation and Clean-Up Work for the Landfill
12. Change Order with Resource Recycling System for MRF
13. Stone School Rezoning
14. Briarwood Subarea Plan and Briarwood Land Division
15. 1320 West Huron Street

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

COMMUNICATIONS FROM THE CITY ATTORNEY

FIREFIGHTERS LAWSUIT

Acting City Attorney John Van Loon announced that the hearing for the Firefighters Lawsuit was moved from September 6 to September 8, 1995.

REPORT ON COMPLETED ANNEXATIONS

Acting City Attorney Van Loon submitted reports on the following completed annexations:

- Schick property, 0.79 acre, 84 Valhalla, from Pittsfield Township;
- Savarino property, 1.0 acre, north side of Golfview Lane east of South Main Street, from Pittsfield Township; and

- Kroger property, 9.29 acres 390 South Maple Road, from Scio Township.

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

SETTLEMENT OF LANDFILL LITIGATION

Mr. Van Loon submitted a memorandum informing City Council that on August 25, 1995 the City received a check in the amount of \$2,650,207.90 as settlement of the landfill litigation against Aetna Insurance Co. (Memo on file in the City Clerk's Office)

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER VEREEN-DIXON

Councilmember Vereen-Dixon requested that a report on the Khalid incident be submitted as a communication from the City Administrator in the next Council packet.

Ms. Vereen-Dixon asked whether more speed enforcement could be provided on Barton Dr. and Broadway St., especially during the rush hours.

COUNCILMEMBER HANNA-DAVIES

Councilmember Hanna-Davies asked whether "smart trailers" (devices that display the speed of passing vehicles) could be installed again for Barton Dr. and Broadway St.

COUNCILMEMBER DALEY

Councilmember Daley asked that the requested reports concerning 229 Buena Vista be provided in the next Council packet.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from Ed and Marisa Patricelli, 2242 Rivenoak Ct., in opposition to Newport Creek Zoning (Ordinance No. 42-95) - Planning.
2. Communication from E. Elmer Sivacek, 2272 Rivenoak Ct., transmitting petition from residents in opposition to Newport Creek Zoning (Ordinance No. 42-95 - Planning.

3. Communication from Joan Schmeichel, 2260 Rivenoak Ct., in opposition to Newport Creek Zoning (Ordinance No. 42-95) - Planning

The following minutes were received for file:

1. Cable Communications Commission - May 23, 1995
2. Ann Arbor Transportation Authority Board - June 21, 1995
3. Planning Commission - July 6 and July 18, 1995
4. Historic District Commission - July 13, 1995
5. Finance Advisory Committee - June 29, 1995
6. Community Development Block Grant Executive Committee - May 8, 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 1:10 a.m.

W. Northcross
Clerk of the Council

Janet L. Chapin

Recording Secretary