

## **ANN ARBOR CITY COUNCIL MINUTES - JANUARY 16, 1996**

The regular session of the Ann Arbor City Council was called to order at 7:36 p.m. in the Guy C. Larcom Jr. Municipal Building Council Chamber by Mayor Ingrid B. Sheldon.

Council stood for a moment of silence.

Mayor Sheldon led the Pledge of Allegiance.

### **ROLL CALL OF COUNCIL**

Present: Councilmembers Tobi Hanna-Davies, Patricia Vereen-Dixon, Jane Lumm, David Kwan, Jean Carlberg, Heidi Herrell, Stephen Hartwell, Patrick Putman, Christopher Kolb, Elisabeth Daley, Mayor Ingrid Sheldon, 11

Absent: 0

### **INTRODUCTIONS**

#### **PROCLAMATION PRESENTED TO JUIGALPA DELEGATION**

Mayor Sheldon presented a proclamation to Councilmembers Hanna-Davies and Daley, members of the delegation that would be traveling to Juigalpa, Nicaragua, January 20-28, 1996. The proclamation, which recognized the City's 10-year sister city relationship and a wooden handmade and engraved pen and pencil holder were to be presented to the Mayor of Juigalpa. Councilmembers Hanna-Davies and Daley introduced three members of the 14 member delegation: Mary Ellen Hagel, a professional musician, Irene Stock, retired pastor, William Hagel, engineer. A poetry reading at the Shaman Drum bookstore was organized to raise funds to cover the cost of producing a video documentary of the trip. A report: *Ten Years of Strengthening Ties*, was to be presented on February 17, 1996.

### **PUBLIC COMMENTARY - RESERVED TIME**

#### **JIM MOGENSEN - GENERAL COMMENTS**

Jim Mogensen, 3780 Greenbrier Blvd., member of the St. Andrew's Episcopal Church, shared some of the Church's experiences in its care and feeding of the homeless. He said that since the Ann Arbor Shelter's policy changed to limit the number of days one could stay at the shelter, many people were arriving at the breakfast program frozen; some were sleeping on the Church grounds. The Church supported the Warming Center concept that was proposed this date.

#### **ANDREW GULVEZAN - ANNOUNCEMENTS AND OLD BUSINESS**

Andrew Gulvezan, 2105 Pauline Blvd., expressed opinions on the AIDS crisis, the cost of

"crack" cocaine addiction, and the O.J. Simpson case.

## **PUBLIC HEARINGS**

### **NEWPORT HILLS (PHASES II AND III) REVISED SITE CONDOMINIUM SITE PLAN**

A public hearing was conducted on the proposed Newport Hills (Phases II and III) Revised Site Condominium Site Plan, 38.60 acres, west side of Newport Road between Warrington Drive and Lowell Road.

The following people spoke at this public hearing:

Paul Steinkraus, 2713 White Oak Dr., a resident of the development, said that he opposed the installation of sidewalks and believed that a compromise with City staff on this issue was close at hand. His concern was primarily with the development of Phase I, where sidewalk construction could endanger or destroy large trees.

Linda Neagos, 2629 Pin Oak Dr., a homeowner in Newport Hills, Lot 65, was concerned with a flooding problem in her backyard and basement. She requested a delay in the vote on the portion of the site plan that included her lot pending further review of the problem by the developer.

Mary Borkowski of Atwell-Hicks, representing the developer, R.E.M. Vero, Inc., said that she would be available to answer questions.

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

The next four public hearings were held concurrently because they were all related to proposed changes in the City Code governing Solicitors and Peddlers:

### **ORDINANCE NO. 58-95 - SOLICITOR/PEDDLER CODE VIOLATION ENFORCEMENT**

A public hearing was conducted on Ordinance No. 58-95 - the proposed Amendment to Chapter 1, Section 1:17 - Solicitor/Peddler Code violation Enforcement.

### **ORDINANCE NO. 59-95 - STREET OCCUPANCY PERMITS**

A public hearing was conducted on Ordinance No. 59-95 - the proposed Amendment to Chapter 47, Sections 4:3 and 4:14 - Street Occupancy Permits.

### **ORDINANCE NO. 60-95 - SOLICITOR/PEDDLER LICENSE FEES**

A public hearing was conducted on Ordinance No. 60-95 - the proposed Amendment to Chapter 77, Sections 7:36 and 7:37 - Solicitor/Peddler license Fees.

### **ORDINANCE NO. 61-95 - SOLICITORS AND PEDDLERS**

A public hearing was conducted on Ordinance No. 61-95 - the proposed Amendment to

Chapter 79 - Solicitors and peddlers.

The following persons spoke at these public hearing:

Rich Thompson, owner of Collected Works, 317 S. Main Street, said that he favored the proposed ordinance changes. He said that hundreds of small family businesses operated within the City paying rent and taxes, including DDA taxes, yearly. He said that many street peddlers represent large distributors who vend at wholesale prices to the public the very same products that they supply to small businesses such as his. He said that the merchants wanted a business climate that was fair.

Ellie Serras, representing the workers from the Main Street Area, shared letters from nonprofit organizations, public and private schools expressing appreciation of donations received from the businesses in the downtown area. She said the City's peddler's ordinances, as written, promoted discrimination because the requirements for operating a business are not uniform. Peddlers are not required to have insurance, pay taxes and sidewalk use fees, but are required only to pay a small fee to the City. (The letters were filed with the City Clerk's Office.)

John Schippers, owner of the Underworld Comics and Game Shop, 1202 S. University Ave., said that even though the peddlers have not impacted his business as yet, he would like to see equity applied to all businesses.

David Ladd, owner of the Earport on the corner of South and East University, said that when he and others paid to rent the sidewalk in front of their businesses, the peddlers, who incur no overhead, moved across the street to sell the same products as he as well as drug paraphernalia, which he thought was an undesirable product.

Maggie Ladd, co-owner of the Earport, said that they also own a store in E. Lansing, The City Council there took to heart what the merchants said and decided to allow them to have an active part in the issuance of the peddler permits. The proposed Ann Arbor City ordinance did not clearly address the issue of merchant participation.

Roger Hewitt, president of the State Street Area Association, said that the problem with the City's ordinance is that loopholes exist that allow sidewalk vendors to profit from the hard work of the permanent year round businesses. More than 60% of the peddler licenses issued are to people who do not live in the City, and many are to corporations, not to individuals, who are here to take advantage of the atmosphere that the local businesses have created.

Maria Harshe, owner of a business on South University, said that their small family-run business paid thousands to the City in real and personal property taxes, and paid thousands of dollars insurance, including insurance for the sidewalks which the City has allowed the peddlers to use. Additionally, hundreds of dollars are paid to have the sidewalks swept and shoveled and the trashbins emptied. Once again, the peddlers can use those facilities without having similar responsibilities. The current license and user fee for peddlers is way too low, peddlers should be required to obtain insurance, and the DDA should be allowed to monitor tenant-mix, or the vitality of the downtown is in danger.

Chris Lauckner, a peddler in the downtown area, said that if the proposed ordinance was approved, his peddler license fee would be raised four times its current level and would be charged twice a year. Also, a liability insurance requirement would cost several hundred dollars. He said that he is a citizen of the City, who pays taxes, but the proposed changes would make it hard for him to plan his yearly operations.

George Kempf, past president of the Main Street Association, said that the officers and participants in the downtown merchants associations are all there on a voluntary basis, and all of the participating businesses contribute dues to the association in order to decorate and maintain the downtown area in an attractive manner.

There being no further speakers, the Mayor declared the hearings continued until February 5, 1996.

#### 1996 ARTS AND CULTURAL PROJECTS PROGRAM APPLICATIONS

A public hearing was conducted on the 1996 Arts and Cultural Projects Program Applications.

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

## APPROVAL OF AGENDA

### AGENDA APPROVED AS AMENDED

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

#### CONSENT AGENDA

Revised: Resolution to Approve the Purchase of Two Portable Air Compressors - Bid No. 2836 (\$19,428) (Revised to include the date of Human Resources Approval)

#### MOTIONS AND RESOLUTIONS

Substituted: Resolution to Approve Newport Hills (Phases II and III) Revised Site Condominium Site Plan and Site Development Agreement

Added Sponsors: Resolution to Approve Concept of a Warming Center (Councilmembers Carlberg and Hanna-Davies)

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

## APPROVAL OF COUNCIL MINUTES

### MINUTES APPROVED AS PRESENTED

Councilmember Kolb moved that the regular session minutes of December 18, 1995 and January 2, 1996 be approved as presented.

Councilmember Hanna-Davies moved that the December 18, 1995 regular session minutes be amended as follows:

#### NEAL BERLIN INTRODUCED

Mayor Sheldon introduced new City Administrator Neal Berlin, who officially began service to the City on December 15, 1995.

Mayor Sheldon extended appreciation to Winifred Northcross and Ronald Olson who acted as co-interim city administrators during the search for the new city administrator. THE COUNCIL GAVE NORTHCROSS AND OLSON A STANDING OVATION.

On a voice vote on the question of approval of the regular session minutes of January 2, 1996 as presented, and December 18, 1995 as amended, the Chair declared the motion carried unanimously.

**CONSENT AGENDA****CONSENT AGENDA APPROVED**

The following Consent Agenda was considered:

**R-16-1-96 APPROVED**

**RESOLUTION TO AUTHORIZE A PROFESSIONAL  
SERVICES AGREEMENT WITH ENVIRONMENTAL  
CONSULTING AND TECHNOLOGY, INC. AND  
ESTABLISH A PROJECT BUDGET FOR  
UNDERGROUND STORAGE TANK SITE  
REMEDICATION AT ANN ARBOR UTILITIES  
FIELD SERVICES  
(\$18,420)**

Whereas, It is necessary to conduct a leaking underground storage tank site investigation at 2000 South Industrial, the Utilities Department Field Services Office, to determine the extent of the site contamination;

Whereas, Environmental Consulting & Technology, Inc, of Northville, Michigan, is experienced in this type of site investigation and analysis;

Whereas, Environmental Consulting & Technology, Inc. has submitted a proposal which sets forth the services to be performed by the company and the payments to be made by the City therefor, all of which are agreeable to the City; and

Whereas, The Human Resources Department has approved the company on December 15, 1995 for said work;

RESOLVED, That the City Council authorizes a professional services agreement with Environmental Consulting & Technology, Inc., of Northville Michigan, in the amount of \$18,420 for the site investigation at the Utilities Field Services Office;

RESOLVED, That the Mayor and City Clerk are hereby authorized and directed to sign the said agreement after approval as to form by the City Attorney, and approval as to substance by the City Administrator;

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

Section I - Revenue

\$12,157	Water Supply System Fund
<u>\$12,157</u>	Sewage Disposal System Fund
\$24,314	TOTAL

Section II - Expenses

\$18,420	Consultant
\$ 2,210	Engineering
\$ 921	Miscellaneous
<u>\$ 2,763</u>	Contingencies Approved by the City Administrator
\$24,314	TOTAL; and

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

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R-17-1-96 APPROVED

RESOLUTION TO APPROVE PURCHASE  
ORDER TO JACK CAULEY CHEVROLET  
FOR TWO CHEVROLET AUTOMOBILES  
(\$30,344.43)

Whereas, The City of Ann Arbor's Police Department requires replacement vehicles;

Whereas, Jack Cauley Chevrolet was the lowest responsible bidder, Oakland County's Cooperative Purchasing Program, for \$30,344.43; and

Whereas, Jack Cauley Chevrolet received Human Resources approval on January 4, 1996;

RESOLVED, That City Council approve the issuance of a purchase order to Jack Cauley Chevrolet for \$30,344.43.

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R-18-1-96 APPROVED

RESOLUTION TO APPROVE PURCHASE  
OF 3 CARGO VANS FROM WINK CHEVROLET  
BID NO. 2826  
(\$47,565)

Whereas, One cargo van in the Utilities Department and two cargo vans in the Public Services Department are fully-depreciated, worn and no longer cost effective to maintain;

Whereas, Gene Butman Ford submitted the lowest responsible bid of \$15,565 for the cargo van, specified as Item No. 1 in Bid No. 2826, for the Utilities Department;

Whereas, Gene Butman Ford received Human Rights approval on September 14, 1995;

Whereas, Wink Chevrolet submitted the responsible bid of \$32,000 for two cargo vans, specified as Item No. 4 in Bid No. 2826, for the Public Services Department; and

Whereas, Wink Chevrolet received Human Rights approval on December 12, 1995;

RESOLVED, That Council accept the bid of Gene Butman Ford for Item No. 1 of Bid No. 2826 for one cargo van for the Utilities Department and approve the purchase of this van; and

RESOLVED, That Council accept the bid of Wink Chevrolet for Item No. 4 of Bid No. 2826 for two cargo vans for the Public Services Department and approve the purchase of these two vans.

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R-19-1-96 APPROVED

RESOLUTION TO AWARD BID FOR  
ONE GAS CHROMATOGRAPH AT  
THE WATER TREATMENT PLANT  
BID NO. 2840  
(\$41,467)

Whereas, Routine testing for disinfection byproducts is necessary to insure that the drinking water is safe from potentially adverse health effects and to comply with EPA drinking water regulations for total trihalomethanes and other volatile organic chemicals;

Whereas, The existing gas chromatograph used to perform these analyses is 12 years old and obsolete, has exceeded its expected service life and needs to be replaced;

Whereas, The Utilities Department, through Bid No. 2840, solicited and reviewed bids for a replacement gas chromatograph to perform these analyses;

Whereas, Perkin Elmer is the lowest responsible bidder meeting the Bid No. 2840 specifications; and

Whereas, Perkin Elmer received human rights approval on January 3, 1996;

RESOLVED, That Council accept this bid and authorize the City Administrator to issue a purchase order to Perkin Elmer for one gas chromatograph per bid No. 2840 in the amount of \$41,467.

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R-20-1-96 APPROVED AS REVISED

RESOLUTION TO APPROVE THE  
PURCHASE OF TWO PORTABLE  
AIR COMPRESSORS - BID NO. 2836  
(\$19,428)

Whereas, Two existing air compressors used by the Utilities Department are fully-depreciated and their economically usable service life expended;

Whereas, Cloverdale Equipment is the lowest responsible, competitive bidder, meeting specifications for the two portable air compressors in the amount of \$19,428 per

Bid No. 2836; and

Whereas, The Personnel/Human Resources Department has approved Cloverdale Equipment on January 12, 1996 as meeting the City's Human Rights requirements;

RESOLVED, That Council accepts the bid of Cloverdale Equipment in the amount of \$19,428 as the lowest responsible bidder meeting specifications for Bid No. 2836; and

RESOLVED, That the City Administrator be directed to issue a purchase order in the amount of \$19,428 to Cloverdale Equipment to supply two portable air compressors as specified and funded from the approved Utilities Department Water Supply Budget.

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R-21-1-96 APPROVED

RESOLUTION TO APPROVE PURCHASE  
ORDER INCREASE FOR INTERIOR DESIGN  
SERVICES FOR THE WATER TREATMENT  
PLANT - RFP NO. 362  
(\$19,990)

Whereas, Interior design services are necessary for new buildings and modifications to existing buildings being constructed as part of the Ozonation and Water Plant Improvements Project and for other existing interior work areas at the Water Treatment Plant;

Whereas, Riemenschneider Design was determined to be a highly qualified and the most cost effective provider of interior design services for a major portion of the interiors being newly constructed and remodelled at the Water Treatment Plant per RFP No. 362 and was issued a purchase order in the amount of \$9,990 to provide those services;

Whereas, The scope of interior design services for RFP No. 362 needs to be increased to complete the interior design of remaining portions of the new construction and remodelled and existing work areas;

Whereas, Riemenschneider Design has submitted a fee proposal of \$10,000 to provide the interior design services for these additional areas; and

Whereas, On May 16, 1995 the Personnel/Human Rights Department approved Riemenschneider Design to provide these design services;

RESOLVED, that Council approve a \$10,000 increase in the purchase order to

Riemenschneider Design to provide these additional interior design services needed for the Water Treatment Plant.

Source of Funds: Approved FY 95/96 Water Supply System Budget

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R-22-1-96 APPROVED

RESOLUTION TO APPROVE THE PURCHASE  
OF THREE UTILITY VEHICLES  
BID NO. 2832  
(\$15,065.70)

Whereas, Three existing utility vehicles used by the Utilities Department's Wastewater Treatment Plant are fully depreciated and their economically usable service life expended;

Whereas, The Purchasing Department has, following the necessary request from the Utilities Department Field Division, secured the necessary bid, number 2832, and in council has determined that E-Z-Go Textron, Incorporated, who holds the GSA Contract, is the responsible bidder meeting specifications for the three utility vehicles in the amount of \$15,065.70; and

Whereas, The Personnel/Human Resources Department has approved Textron Incorporated on December 7, 1995 as meeting the City's Human Rights requirements;

RESOLVED, That Council accept the bid of E-Z-Go Textron in the amount of \$15,065.70 as the responsible bidder, meeting specifications for Bid Number 2832; and

RESOLVED, That the City Administrator be directed to issue a purchase order in the amount of \$15,065.70 to Textron Incorporated to supply three utility vehicles as specified and to be funded from the approved FY 95/96 Utilities Department Sewage System Disposal Budget.

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R-23-1-96 APPROVED

RESOLUTION TO AWARD N. MAPLE  
FIRE UNIT RENOVATION CONTRACT TO  
QUALIFIED CONSTRUCTION

(\$57,900)

Whereas, The Housing Commission sustained substantial fire damage to a five bedroom unit at 701 N. Maple in April, 1995;

Whereas, Formal bidding documents and specifications were drawn up by the Commission staff based on preliminary specifications provided by the insurance adjusting company, and three contractors responded by the December 21, 1995 bid deadline;

Whereas, The low bidder, Qualified Construction Corp. of Farmington Hills, MI, at \$57,900, has competently managed two contracts with the Housing Commission within the last year, including the Hikone fire unit and Phase I of the Baker Commons modernization work;

Whereas, The Board of the Housing Commission approved the award of contract to Qualified Construction in the amount of \$57,900 at its special meeting on January 3, 1996 with the understanding that funding for said contract will be from insurance proceeds and subject to bid approval and acceptance by the insurance adjusting company; and

Whereas, Human Rights Approval was received on January 8, 1996;

RESOLVED, That the City Council approve award of contract to Qualified Construction Corp. in the amount of \$57,900 for the renovation of the fire damaged unit at 701 N. Maple.

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R-24-1-96 APPROVED

RESOLUTION TO AWARD CONTRACT  
FOR LEAD BASED PAINT (LBP) TESTING  
TO ATC ENVIRONMENTAL INC.  
(\$16,855)

Whereas, The City of Ann Arbor by and through the Housing Commission was awarded funding (\$44,200) from the Department of Housing and Urban Development (HUD) under its comprehensive Grant Program (GGP-701-93) to conduct lead based paint testing at its family public housing sites;

Whereas, Said testing requires technical expertise, and understanding of and rigid compliance with HUD published guidelines; the Commission issued a competitive solicitation of proposals;

Whereas, Seven Michigan based firms submitted proposals which were separately evaluated, with the top two ranking firms undergoing extensive reference checking;

Whereas, The board of the Housing Commission approved award of contract to ATC Environmental Inc. at its special meeting on January 3, 1996, based on staff review and recommendation; and

Whereas, Human Rights approval was received on January 8, 1996;

RESOLVED, That the City Council approve award of contract to ATC Environmental Inc. in the amount of \$16,855 for the testing of lead based paint at family public housing sites.

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R-25-1-96 APPROVED

RESOLUTION TO APPROVE AN  
AMENDMENT TO THE STATE OF MICHIGAN  
NATURAL RESOURCES TRUST FUND GRANT  
PROJECT AGREEMENT FOR IMPROVEMENTS  
TO FURSTENBERG PARK

Whereas, the City of Ann Arbor Mayor and Council previously entered into an agreement with the State of Michigan MiDNR regarding the Trust Fund grant in the amount of \$375,000 for phase II improvements in Furstenberg Park;

Whereas, The Project agreement between the City of Ann Arbor and the Michigan MiDNR Trust Fund grant approved on July 21, 1993 included a project completion deadline of December 31, 1995;

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

Whereas, The City has requested an extension of the phase II Furstenberg Park Improvements project completion deadline with the Department of Natural Resources to December 31, 1996; and

Whereas, All other provisions of the agreement shall continue in full force and effect;

RESOLVED, That the Mayor and City Council approve an amendment to the Trust Fund grant project agreement between the City of Ann Arbor and the Michigan Department of Natural Resources to extend the completion date for the phase II Furstenberg Park improvements until December 31, 1996 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.

Councilmember Putman moved that the Consent Agenda be approved.

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

### **ORDINANCES - SECOND READING**

58-95 POSTPONED

#### **SOLICITOR/PEDDLER CODE VIOLATION ENFORCEMENT**

#### **AN ORDINANCE TO AMEND SECTION 1:17 OF CHAPTER 1 OF TITLE I OF THE CODE OF THE CITY OF ANN ARBOR.**

This ordinance would place enforcement responsibilities for the peddlers and solicitors ordinance with the Building Department.

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

Councilmember Kolb moved that the ordinance be postponed to February 5, 1996 for further discussion with staff of issues raised this date at the public hearing.

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

59-95 POSTPONED

STREET OCCUPANCY PERMITS

AN ORDINANCE TO AMEND SECTIONS 4:3 AND 4:14 OF CHAPTER 47 OF TITLE IV OF THE CODE OF THE CITY OF ANN ARBOR.

This ordinance would establish requirements for insurance coverage, notifications of adjacent property owners, display of permits, refuse handling, and maintaining clear spaces on sidewalks for individuals applying for sidewalk occupancy permits. It would also establish two licensing permitting periods.

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

Councilmember Kolb moved that the ordinance be postponed to February 5, 1996 for further discussion with staff on some of the issues raised this date at the public hearing.

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

60-95 POSTPONED

SOLICITOR/PEDDLER LICENSE FEES

AN ORDINANCE TO AMEND SECTIONS 7:36 AND 7:37 OF CHAPTER 77 OF TITLE VII OF THE CODE OF THE CITY OF ANN ARBOR.

This ordinance would remove the licensing fee for peddlers and solicitors from the City Code, allowing the fees to be established by resolution of City Council.

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

Councilmember Kolb moved that the ordinance be postponed to February 5, 1996 for further discussion with staff of issues raised this date at the public hearing.

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

## 61-95 POSTPONED

## SOLICITORS AND PEDDLERS

AN ORDINANCE TO AMEND CHAPTER 79 OF TITLE VII OF THE CODE OF THE CITY OF ANN ARBOR.

This ordinance would establish requirements for insurance coverage, display of licenses, refuse handling, and clear spaces on the sidewalks for peddlers and solicitors. It would also establish two licensing permitting periods.

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

Councilmember Kolb moved that the ordinance be postponed to February 5, 1996 for further discussion with staff of issues raised this date at the public hearing.

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

## 63-95 APPROVED

## PURCHASES OR CONTRACTS

AN ORDINANCE TO AMEND CHAPTER 14 OF TITLE 1 OF THE CODE OF THE CITY OF ANN ARBOR BY AMENDING SECTIONS 1:312, 1:313 AND 1:321.

This amendment will implement the Charter amendment approved at the November 7, 1995 election which increased to \$25,000 the amount of personal property that could be purchased by the City and the amount of service contracts that could be entered into without Council approval.

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

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

**ORDINANCES - FIRST READING**

2-96 APPROVED

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 amendment would allow the sales of garden and horticultural supplies, which may have an automobile loading area as an accessory use, in the C2A zoning district.

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

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

**MOTIONS AND RESOLUTIONS**

R-26-1-96 APPROVED

**RESOLUTION TO APPROVE NEWPORT HILLS  
(PHASES II AND III) REVISED SITE CONDOMINIUM SITE  
PLAN AND SITE DEVELOPMENT AGREEMENT**

A communication was received from the City Planning Commission transmitting its recommendation (Technical Denial: 5 yeas and 0 nays) of the Newport Hills (Phases II and III) Revised Site Condominium Site Plan and Site Development Agreement, 38.60 acres, west side of Newport Road between Warrington Drive and Lowell Road.

Whereas, REM Vero, Inc. has requested revised site condominium site plan approval in order to adjust unit lines, revise building envelopes, reduce a portion of the conservation buffer, and provide a tree replacement plan;

Whereas, An Amendment to the Newport Hills (Phases II and III) Site Development Agreement has been prepared to address proposed revisions; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of December 19, 1995, reviewed said request;

RESOLVED that the City Council hereby approve the Newport Hills (Phases II and III) Revised Site Condominium Site Plan and Amendment to Site Development Agreement, substantially in the form of the site development agreement filed with the City Clerk.

Councilmember Hanna-Davies moved that the substitute resolution be approved.

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

R-27-1-96 APPROVED

RESOLUTION TO AUTHORIZE WAIVER OF  
PARKING METER BAG FEES FOR ANNUAL KIWANIS SALE  
FEBRUARY 8 - 10, 1996  
(\$126)

Whereas, The Kiwanis Club is holding its annual sale on February 8, 9 and 10, 1996;

Whereas, The Kiwanis sale is a traditional event benefitting the whole community through its support of non-profit organizations and programs as well as scholarship programs for local youth;

Whereas, The seven parking spaces located beside the Kiwanis' building have been reserved so that buyers may pick up their purchases; and

Whereas, The City has, in the past, supplied meter bags without charge;

RESOLVED, That the Mayor and City Council authorize the City Administration to waive the bag fees (\$126) and bag deposit (\$200) for the seven metered spaces located on the 300 block of West Washington Street for February 8, 9 and 10, 1996; and

RESOLVED, That the Parking System Fund be reimbursed from the Community Events Fund.

Councilmember Carlberg moved that the resolution be approved.

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

R-28-1-96 APPROVED

RESOLUTION TO SUPPORT THE FOURTH ANNUAL  
MEDSTART CONFERENCE  
JANUARY 19 AND 20, 1996

Whereas, Medstart is a group of University of Michigan Medical School Students concerned about issues facing medically underserved children and their families;

Whereas, In pursuit of its objective to raise the level of awareness about vital issues affecting the welfare of children in order to increase community activism and empowerment, Medstart has scheduled its Fourth Annual conference on January 19 and 20, 1996 in Ann Arbor; and

Whereas, The opening address of the Conference is a presentation by Deborah Prothrow-Stith, M.D., the aim of which is to inspire young people to work together to forge a peaceful and non-violent community, and 1200 seats have been reserved at this event specifically for students; and

Whereas, Dr. Prothrow-Stith's speech is a timely and important discussion for all members of our community, but particularly for our youth, and it is supported by the Peace Network for Community and Schools and the Student Advocacy Center;

RESOLVED, That the Ann Arbor City Council endorse the Fourth Annual Medstart Conference and its aim to reaffirm the community contract: children form the foundation and future of our communities and we must ensure their well-being through better schools, through better health care, through the protection of children from violence, and through any avenue that stubbornly reiterates the dignity and value of our children; and

RESOLVED, That \$500 from the 1995-1996 Community Events Fund be allocated to the Student Advocacy Center for use in sponsoring, through local community centers, youth groups, and schools, young people who wish to attend the opening address of the Conference.

Councilmember Carlberg moved that the resolution be approved.

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

R-29-1-96 APPROVED

RESOLUTION TO APPROVE THE PURCHASE OF  
1.65 ACRES OF LAND IN THE EVERGREENS  
SUBDIVISION FOR NEIGHBORHOOD PARKLAND  
(\$81,000)

Whereas, The 1.65 acres of vacant land in the Evergreens Subdivision is for sale by Sam Kassab et al and the Department of Parks and Recreation and Park Advisory Commission recommend that the site be acquired for a neighborhood park to serve the residents in the area south of Dexter Road, east of Wagner Road and north of I-94;

Whereas, The 1994 Park, Recreation and Open Space Plan recommended that the parcel be acquired for a neighborhood park and the City entered into a matching grant agreement with the Michigan DNR for matching funds to assist with the purchase;

Whereas, The Michigan DNR approved a matching grant for up to \$26,700 of the purchase costs as specified in the grant project agreement;

Whereas, The required Environmental Assessment of the property was completed with no findings and the owners have agreed to sell the property to the City for use as park land at a sale price of \$79,500 which is consistent with the DNR approved land appraisals; and

Whereas, There are sufficient appropriated funds in the Park Acquisition Millage (Fund 024) to match the total purchase price of \$79,500 plus \$1,500 estimated incidental closing costs totaling \$81,000;

RESOLVED, That the Mayor and City Council approve a sales agreement for the purchase of the 1.65 acres in the Evergreens Subdivision from Sam Kassab et al, described as:

Lots 66, 68, 70, 72, 74, 76, 110, 112, 114, & 116, The Evergreen's Subdivision, according to the Plat thereof, as recorded in Liber 7 of Plats, on page 42, Washtenaw County Records

for neighborhood park use and authorize the Mayor and Clerk to sign the agreements substantially in the form on file with the City Clerk and authorize \$81,000 from the Park Acquisition Millage (fund 024) for the purchase and associated closing costs and fees for the life of the project.

Councilmember Kolb moved that the resolution be approved.

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

R-30-1-96 APPROVED

RESOLUTION TO APPROVE 1996 ARTS AND  
CULTURAL PROJECTS PROGRAM APPLICATIONS  
AND APPROPRIATE FUNDS

(Formerly Michgian Equity Grant Program)

Whereas, the Michigan Department of Commerce has set aside \$1,000,000 to provide one-time catalytic competitive funding assistance for regional arts and cultural projects based upon Public Act No. 157, Public Acts of 1995;

Whereas, The Arts and Cultural Projects Program is designed to provide one-time funding assistance for regional cultural projects in these six categories: arts and cultural projects and institutions, historical organizations and projects, community organizations and projects, zoos, publicly owned facilities, excluding stadiums used primarily for professional sports events and capital improvements or economic development projects related to the above categories;

Whereas, The City of Ann Arbor wishes to promote the development of regional cultural programs and activities through mechanisms reflecting cooperative service delivery that promotes economic development;

Whereas, The proposed projects will provide regional public access and are consistent with the requirements of the Arts and Cultural Projects Program, Public Act. No. 157, Public Acts of 1995;

Whereas, Three organizations in Ann Arbor have submitted grant proposals for consideration under the Arts and Cultural Projects Program and grantees must obtain Human Rights approval prior to executing agreements; and

Whereas, These proposals were reviewed by a committee appointed by the Mayor and Council, and a public hearing was held on the grant prior to approval;

RESOLVED, That the Mayor and Council approve the 1996 Arts and Cultural Projects Program application, including three projects as recommended by the Ann Arbor Arts and Cultural Projects Program Review Committee), which was sent to the Michigan Department of Commerce January 12, 1996, and that should the grants be approved, the Mayor and Council also appropriate the grant funds received from the State to be paid to each of the grantees for the life of the projects;

RESOLVED, That Neal G. Berlin, City Administrator, be authorized to sign the application form and execute any grant requirements, and designate Ronald A. Olson, Superintendent of Parks and Recreation to be the Grant Program Administrator; and,

RESOLVED, That the Mayor and City Clerk be authorized to sign the Grant Agreement with the State of Michigan and an agreement between the City and each State approved grant recipient substantially in the form on file with the City Clerk.

Councilmember Kolb moved that the resolution be approved.

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

## R-31-1-96 APPROVED

RESOLUTION TO APPROPRIATE BUDGET AND  
CORRESPONDING REVENUE FOR THE PUBLIC SAFETY  
DISPATCH DIRECTOR POSITION  
(JANUARY 1, 1996 THROUGH JUNE 30, 1996)  
(\$40,000)

WHEREAS, The position of Public Safety Dispatch Director was approved in the Police Department FY 95/96 budget through December 31, 1995 to facilitate the establishment of a combined Regional Public Safety Dispatch Center;

WHEREAS, The work of the director will be ongoing through the remainder of FY 95/96; and

WHEREAS, After January 1, 1996 funding for the expenses associated with this position will be reimbursed from E911 surcharge revenues distributed through the establishment of a Washtenaw County Regional Dispatch Authority;

RESOLVED, That the position of Public Safety Dispatch Director is authorized in the Police budget in the amount of \$40,000 from January 1, 1996 through June 30, 1996 with all funds appropriated from revenue source 2331 (Police Central Dispatch Reimbursement); and

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

Police Department Budget Account Number 010-031-0140-1100

Councilmember Kolb moved that the resolution be approved.

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

## R-32-1-96 APPROVED

RESOLUTION TO APPROVE GUIDELINES FOR  
THE 1996-97 CDBG, HOME AND GENERAL FUND PRIORITIES

Whereas, The City of Ann Arbor is required to submit an Annual Plan to the Department of Housing and Urban Development in order to receive FY 96/97 Community Development Block Grant and HOME funds;

Whereas, Priorities have been established based on needs identified in the City's Consolidated Strategy and Plan and reviewed by the CDBG Executive Committee;

Whereas, The priorities and target amounts are based on projections of available FY 1996/97 federal and local funds;

Whereas, The City strongly supports collaborative efforts which increase services, reduce duplication and maximize cost effectiveness; and

Whereas, The CDBG Executive Committee and Human Services Task Force have reviewed and endorsed the priorities and targets amounts;

RESOLVED, That City Council approve guidelines for CDBG, HOME and General Fund Priorities and Target amounts as identified below and direct the Community Development Department staff to develop and issue a Request for Proposals for services as identified;

RESOLVED, That City Council authorize the Community Development Department to amend the targets based on actual CDBG, HOME and General Fund figures using these priorities as a guide:

<u>CATEGORY</u>	<u>TARGET AMOUNT</u>
Rental Housing	\$700,000
Owner Housing	399,280
Public Facilities & Improvements	10,000
Homelessness Prevention & Supportive Housing Services	333,000
Services to Youth	205,000
Child Care Services	170,000
Employment Training & Support Services	77,000
Health Care	72,500
Food Distribution	68,500
Services to Seniors	65,000
Disability Services	50,000
Crime Awareness & Prevention	30,000
Special Youth Project	25,000
Economic Development	65,000

Councilmember Lumm moved that the resolution be approved.

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

R-33-1-96 APPROVED

RESOLUTION TO APPROVE CONCEPT OF A WARMING CENTER (\$20,500)

Whereas, There are certain adult individuals who are without homes and who are not able to be sheltered in local shelters;

Whereas, During the cold winter months this results in serious threat to their health and possible death due to exposure;

Whereas, The Shelter Association of Washtenaw has agreed to allow use of the Day Shelter at 112 S. Ashley to as a warming center;

Whereas, There is \$20,500 remaining in the General Fund Contingency/Emergency Shelter Needs account; and

Whereas, The City is seeking additional support from other sources, including Washtenaw County, to fund a warming center;

RESOLVED, That City Council supports the concept of opening a warming center as a pilot effort during the months of January through April, 1996 for individuals to seek refuge from the cold nights;

RESOLVED, That City Council approve the allocation of up to \$20,500 from the General Fund Contingency/Emergency Shelter Needs account to be used to help fund the operating costs of a warming center and authorize the City Administrator to seek an appropriate individual or entity to manage the facility; and

RESOLVED, The Mayor and City Council authorize the City Administrator to negotiate a contractual agreement in accordance with the City's purchasing procedures.

Councilmember Putman moved that the resolution be approved.

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

R-34-1-96 APPROVED

RESOLUTION TO APPROVE JOINING THE  
THREE FIRES AQUIFER PARTNERSHIP

Whereas, Groundwater from the Three Fires Aquifer provides 10 million gallons per day of the overall total 50 million gallons per day maximum capacity for Ann Arbor Water Supply System and the remaining 40 million gallons is the maximum which is permitted to be drawn from the Huron River;

Whereas, The Ann Arbor Water Supply System supplies drinking water to 120,000 people in the city of Ann Arbor, Scio Township, and Ann Arbor Township;

Whereas, The public drinking water wells are a crucial component of the City's drinking water supply system to provide a clean, reliable, second source of water;

Whereas, The efforts and costs to preserve and protect this aquifer is far outweighed by the costs of remediating contamination or of obtaining an alternate water supply in the event of contamination;

Whereas, The City of Ann Arbor has a history of supporting environmental initiatives to preserve its water resources and protect the public health of its citizens;

Whereas, The city of Ann Arbor passed Resolution R-78-3-94 directing that the City actively participate in the regional wellhead protection program for the Ann Arbor Water Supply System;

Whereas, The "Three Fires Aquifer" that supplies the wells is located within the boundaries of four communities; and

Whereas, The City recognizes that the best way to protect the wells is to coordinate land use decisions occurring within these communities, Washtenaw County, and other stakeholders;

RESOLVED, That Council approves that the City join the Three Fires Aquifer Partnership to work with the other member communities and agencies to coordinate programs to protect the "Three Fires Aquifer" now and in the future; and

RESOLVED, That the Mayor is directed to sign the Three Fires Aquifer Partnership Agreement, on behalf of the City.

Councilmember Kolb moved that the resolution be approved.

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

R-35-1-96 APPROVED

#### RESOLUTION AMENDING BUDGET FOR 1995-96

Whereas, Two parking referees have been transferred from the Public Services/Transportation Division, to Finance/Treasury Division, and funds for these two positions are budgeted in the Public Services/Transportation Division budget;

RESOLVED, That \$38,128 be transferred from General Fund/Public Services/Transportation General Fund/Finance/Treasury Division;

RESOLVED, That \$21,216 be transferred from Major Streets Fund to General Fund, increasing the Finance/Treasury budget; and

RESOLVED, That the City Council authorize the City Administrator to cause the appropriate accounts to be adjusted.

Councilmember Kwan moved that the resolution be approved.

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

#### R-36-1-96 APPROVED

#### RESOLUTION AUTHORIZING A PARTIAL RELEASE OF MAPLE ROAD RIGHT-OF-WAY (MOOSE LODGE)

Whereas, The City acquired a road right-of-way over the entire parcel located at 390 S. Maple Road by an easement recorded in Liber 1572 of Plats, pages 9 and 10;

Whereas, The easement included in its description property not needed by the City and the owners have requested the City grant a partial release of the easement; and

Whereas, The City has no utilities installed in the portion of the easement to be released and has no need for it;

RESOLVED, That the City hereby quit claims and release its interest in that portion of the easement which is located in the City of Ann Arbor, Michigan and more fully described as follows:

Commencing at the East 1/4 post of Section 25, T2S, R5E, thence North 89 02' W33.00 feet in the East and West 1/4 line of Section 25 to the Point of Beginning of the following described parcel: thence N 89 02' W 537.26 continuing in the East and West 1/4 line of Section 25; thence S 0 15' W 150 feet; thence S 89 02' E 536.61 feet; thence N 0 28' E 150 feet to the Place of Beginning, being a part of the SE 1.4 of Section 25, T2S, R5E, City of Ann Arbor. Contains 1.85 acres, more or less.

Councilmember Lumm moved that the resolution be approved.

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

#### R-37-1-96 APPROVED

RESOLUTION TO APPOINT ATTORNEY TO REPRESENT  
THE CITY IN POLISH V CITY, ET AL

Whereas, A lawsuit has been commenced against the City and Abigail Elias which challenges a provision in the employment contract by which the City engaged the services of Ms. Elias as City Attorney; and

Whereas, The Council deems it to be in the best interest of the City to retain outside counsel;

RESOLVED, That the City Council appoint Bruce T. Wallace of the firm of Hooper, Hathaway, Price, Beuche and Wallace, to represent the City in its defense of the case of Jon Polish v City of Ann Arbor and Abigail Elias; and

RESOLVED, That the City gratefully accept the offer of Mr. Wallace to provide his legal services without charge to the City, up to a maximum of 25 hours.

Councilmember Kolb moved that the resolution be approved.

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

**REPORTS FROM COUNCIL COMMITTEES**

Councilmember Lumm reported that the Real Estate Committee is still examining the feasibility of selling some of the City's properties.

**COUNCIL PROPOSED BUSINESS**

February 5, 1996:

Resolution Regarding Elimination of Certain Boards, Commissions and Committees and the Limitation of Staff Participation on other City Boards, Commission and Committees (Mayor Sheldon)

**COMMUNICATIONS FROM THE MAYOR**

RECENTLY SIGNED PROCLAMATIONS

- \* Amelia Earhart Day - January 11, 1996
  
- \* Recognizing our Sister City Relationship with Juigalpa, Nicaragua (trip January 20 - 28, 1996 - Councilmembers Daley and Hanna-Davies are going)

- \* Martin Luther King, Jr. Day - January 15, 1996

#### BLOOD SAMPLES RETURN

Mayor Sheldon thanked Police Chief Ent for implementing policies for the return of the blood samples collected during the serial rape investigation to individuals in the community who donated them.

#### APPOINTMENTS PLACED ON THE TABLE

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

##### Board of Canvassers

Leah Gunn (reappointment - Democrat)

1308 E. Stadium Blvd. 48104

Term: 02-05-96 to 12-31-99

Historic District Commission

Ilene Tyler (reappointment)  
464 Eberwhite Road 48103  
Term: 02-23-96 to 02-22-99

Board of Examiners of Electricians and Electrical Contractors

Kenneth J. Wadland (reappointment - Journeyman electrician)  
308 W. Jefferson Street 48103  
Term: 02-05-96 to 02-04-2000

Ann Arbor Hospitality Committee

Irene C. Stock (to fill vacancy)  
2848 Briarcliff 48105  
Term: 02-05-96 to 01-01-98

Airport Advisory Committee

Crosby Beene, Jr. (to fill vacancy)  
3095 Cedarbrook Road 48105  
Term: 02-05-96 to 09-06-97

Community Development Waiver and Review Board

Michael R. Martin (to fill vacancy)  
727 Miller Avenue, No. 506 48103  
Term: 02-05-96 to 02-04-98

APPLICATIONS INVITED

Mayor Sheldon issued an invitation to the public to apply at the Mayor's Office for membership on the City's various boards, commissions and committees.

BOARDS, COMMISSIONS, COMMITTEES FOLLOW-UP

Mayor Sheldon said that a resolution would be introduced to address the requests of former Councilmembers Nicolas and Fink for an evaluation of the City's boards, commissions and committees functions and staff requirements.

### COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Neal Berlin presented the following memorandums for the information of the Council:

- ! Budget Review Committee Progress Report
- ! Response to Councilmember Lumm's Inquiry Regarding Additional Rehab funds for 611 Spring Street
- ! Response to Councilmember Kwan's Inquiry Regarding Housing Rehabilitation Funds
- ! Environmental Bond Statement of Revenues, Expenditures and Changes in Fund Balance through December 31, 1995
- ! Response to Newport Hills Subdivision Site Inquiry

The information memorandums were filed with the City Clerk.

City Administrator Berlin received requests from Council for information on additional subjects of concern.

### COMMUNICATIONS FROM THE CITY ATTORNEY

None.

### COMMUNICATIONS FROM COUNCIL

None.

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

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

- ! Senator Spencer Abraham responding to Resolution Regarding the Low Income Housing Tax Credit - **FILED**
- ! 1995 Annual Report of the Economic Development Corporation of the City of Ann Arbor - **FILED**
- ! Washtenaw County New E-9-1-1 Plan - **FILED**

The following minutes were received and filed with the City Clerk:

- ! Ann Arbor Human Rights Commission - October 18, 1995
- ! Ann Arbor Energy Commission - December 14, 1995
- ! Ann Arbor Art Fair Mayor's Committee - November 8, 1995

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

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

### **PUBLIC COMMENTARY - GENERAL**

None.

### **ADJOURNMENT**

There being no further business, Mayor Sheldon declared the meeting adjourned at 10:15 p.m.

Winifred W. Northcross  
Clerk of the Council

Linda J. Wise  
Recording Secretary