

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - MONDAY - AUGUST 19, 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, by Mayor Ingrid B. Sheldon.

The Council stood for a moment of silence.

Mayor Sheldon led the Pledge of Allegiance.

ROLL CALL OF COUNCIL

Present: Councilmembers Jane Lumm, David Kwan, Jean Carlberg, Heidi Herrell, Stephen Hartwell, Patrick Putman, Christopher Kolb, Elisabeth Daley, Mayor Ingrid Sheldon, 9

Absent: Councilmembers Tobi Hanna-Davies, Patricia Vereen-Dixon, 2

INTRODUCTIONS

Mayor Sheldon introduced Annette Salmeen, an Ann Arbor native and Olympic Gold Medal winner of the 800 Meter Freestyle Relay Event. The Mayor presented Ms. Salmeen with a proclamation and Key to the City.

PUBLIC COMMENTARY - RESERVED TIME

ANDY GULVEZAN - GOOD WELFARE OF THE CITY

Andy Gulvezan, 2104 Pauline, sang a song and commented on where to purchase a used car, the Republican Party platform and affirmative action.

AUDREY JACKSON - THE NEW RACISM

Audrey Jackson, 2557 Sandalwood, said that the so-called Anew racism_≡ allows individuals who seek to discriminate a forum for doing so without fear of punishment. The concept of racism as immoral behavior has been displaced by cynicism and tolerance for racist behavior. The Council should ponder the question of what it will do to take a stand against racism.

CHUCK VEIGEL - IMPROVEMENTS TO GLAZIER WAY

Chuck Veigel, 3000 Glazier Way, No. 360, complimented the City Council for this year=s road reconstruction program. He asked for Council approval of the resolution on the agenda this date which would authorize the preparation of plans and specifications for improvements to Glazier Way. Glazier Way should be improved to a two-lane asphalted road to accommodate the volume of daily traffic. This project has been included in the Capital Improvements Plan for the last 25 years but has been continuously deferred.

RICHARD RATLIFF - GLAZIER WAY RESOLUTION

Richard Ratliff, 3091 Glazier Way, Ann Arbor Township, said that he enjoys how Glazier Way looks, but the road can be treacherous in winter. Some people drive too fast on this gravel road, and dust control is impossible. The Glazier Way improvements should maintain its rural quality by remaining a two-way lane, but it should be wide enough to accommodate bicycles. (Filed with the Clerk: Communication from Elizabeth Langford, Supervisor Ann Arbor Charter Township regarding Glazier Way between Green Road and Huron Parkway)

SHANTA DRIVER - POLICE ISSUES

Shanta Driver, 999 Whitmore, Detroit, said that the police videos showing the riots at the Ku Klux Klan rally were edited by the police. The videos, replayed in their entirety, would show that the police targeted certain individuals to be arrested that day. She requested that the tapes be replayed for viewing by the defendants and their lawyers because the unedited versions will show that it was the police initiative and police riotous conditions that created the melee.

BILL WOEHRLE - ANN ARBOR AIRPORT OPEN HOUSE

Bill Woehrle, 9922 S. Maple Road, Saline, president of the Ann Arbor Flyers Club and chair of the organizing committee, extended an invitation to an open house at the Ann Arbor Airport to be held on September 8, 1996, from 10:00 a.m. until 5:00 p.m. The purpose of the open house is to show off the airport in a positive light.

KATHLEEN DAVENPORT - GLAZIER WAY

Kathleen Davenport, 3000 Glazier Way, No. 210, said that the population along Glazier Way has increased, mostly within the last seven years. Because of this, Glazier Way, in its current state, can no longer accommodate the daily traffic flow. This road improvement has been in the Capital Improvements Plan for 25 years and should be implemented now.

WENDY ULRICH - GLAZIER WAY

Wendy Ulrich, 3108 W. Dobson, said that Glazier Way is always dirty and unpredictable. The beauty of the trees along the road is hard to appreciate when trying to navigate through washed-out edges and numerous holes and trying to avoid others who are zigzagging to avoid the same hazards. Sometimes, in the winter, the road has to be closed entirely. Approval of the resolution this date to prepare plans and specifications for this road improvement, at least up to Wolverhampton, was requested.

PUBLIC HEARINGS

LIBERTY OAKS SITE CONDOMINIUM SITE PLAN

A public hearing was conducted on the proposed Liberty Oaks Site Condominium Site Plan, 8.03 acres, 2800 West Liberty Street.

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

MICROMEND, INC. SITE PLAN

A public hearing was conducted on the proposed Micromend, Inc. Site Plan, 0.2 acre, 214 West Kingsley Street.

Donald MacMullan, of Donald MacMullan and Associates, the project architect, offered to answer any questions.

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

522 MONROE STREET APARTMENTS SITE PLAN

A public hearing was conducted on the proposed 522 Monroe Street Apartments Site Plan, 0.19 acre, 522 Monroe Street.

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

SEEL OFFICE SITE PLAN

A public hearing was conducted on the proposed Seel Office Site Plan and Site Development Agreement, 0.99 acre, 3770 Packard Road.

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

TRAYERWOOD TWO SITE PLAN

A public hearing was conducted on the proposed Trayerwood Two Site Plan, 8.03 acres, south side of Huron Parkway between Trayerwood Drive and Nixon Road.

There being no one to speak at this public hearing, 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:

MOTIONS AND RESOLUTIONS

Revised: Resolution Ordering Election and Determining Ballot Question for Charter Amendment

Correct sponsor: Resolution to Approve Appropriation of Fund Balance to Non-Departmental Transfers/Social Security (~~Administrator~~ FINANCE)

Deleted: Resolution to Approve Lease Agreement with Dahlmann Properties for Office Space for 15th District Court Records Management Operations (15th District Court)

Deleted: Resolution to Support the Proposed City of Ann Arbor Mission Statement (Diversity Action Committee Administrative Team)

Added: Resolution to Apply for Grant Funding from the Office of Community Oriented Policing Services, U.S. Department of Justice and to Appropriate Funds upon the Award of the Grant (**8 Votes Required**)

APPROVAL OF COUNCIL MINUTES

MINUTES APPROVED AS PRESENTED

Councilmember Putman moved that the regular session minutes of August 5, 1996 be approved as presented.

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

CONSENT AGENDA

R-369-8-96 APPROVED

RESOLUTION TO AUTHORIZE A PURCHASE
ORDER TO CARRIER AND GABLE, INC. FOR
TRAFFIC SIGNAL MATERIALS (\$213,300)

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;

Whereas, Carrier and Gable, Inc., of Farmington Hills, Michigan, has received Human Rights approval on June 7, 1996; and

Whereas, Sufficient funds have been included in the Public Services Department FY 96-97 Transportation Division Budget to fund these expenditures;

RESOLVED, That a sole source purchase order in the amount of \$213,300 for materials and supplies be issued to Carrier and Gable, Inc.

R-370-8-96 APPROVED

RESOLUTION TO APPROVE A CHANGE
ORDER TO THE CONSTRUCTION CONTRACT
WITH BARRETT PAVING MATERIALS, INC.
FOR THE SOUTH STATE STREET AND PLYMOUTH
ROAD PAVEMENT REPAIR AND TO ESTABLISH
A PROJECT BUDGET (\$99,000)

Whereas, Sections of South State Street and Plymouth Road Pavement are damaged by water main failures;

Whereas, The pavements must be repaired during this construction season;

Whereas, Barrett Paving Materials, Inc. of Ypsilanti, Michigan, has agreed to a change order to its August, 1995, Green Road Reconstruction Contract for the additional work on South State Street and Plymouth Road; and

Whereas, The Human Resources Department has, on March 19, 1996, approved said company for said construction work;

RESOLVED, That a change order to the Barrett Paving Materials, Inc. Contract for the Green Road Reconstruction in the amount of \$73,007.20 be approved for repairs to the damaged pavements on South State Street and Plymouth Road;

RESOLVED, That the following project budget be adopted and funds appropriated for the life of the project, to be available until expended

without regard to fiscal year;

Section I - Revenue

\$99,000 Water System Fund Balance

Section II - Expense

\$73,000 Construction
 \$2,000 Design Engineering
 \$11,000 Construction Engineering
 \$5,000 Consulting and Testing
 \$5,000 Contingencies approved by the City Administrator
 \$3,000 Miscellaneous Costs

\$99,000. TOTAL; and

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

R-371-8-96 APPROVED

RESOLUTION TO APPROVE A CONSTRUCTION
 CONTRACT WITH JOHN HOLLOWELL
 & ASSOCIATES (\$49,410.72) FOR WHEELER
 PARK IMPROVEMENTS PER BID #2893 AND
 ESTABLISH A TOTAL PROJECT BUDGET
 (\$54,351.72)

Whereas, Wheeler Park is designated in the FY 96/97 Park Rehabilitation and Development Millage budget for renovation;

Whereas, Competitive bids were received by the Purchasing Division on May 28, 1996, and John Hollowell and Associates was determined as the lowest responsible bidder at \$49,410.72;

Whereas, Funds for the project are available from the FY 96/97 budget from the Parks Rehabilitation and Development Millage, the Solid Waste Department Buy Recycled Grant Program, and from Park Cash Contributions, totaling \$67,900; and

Whereas, The Human Rights Department approval was received on July 1, 1996 for John Hollowell and Associates;

RESOLVED, That the Mayor and City Council approve a construction contract, per bid #2893, with John Hollowell and Associates in the amount of \$49,410.72 for improvements to Wheeler Park, and authorize the Mayor and City Clerk to sign the agreement substantially in the form on file with the City Clerk; and

RESOLVED, That the Mayor and City Council approve a construction contingency in the amount of \$4,941 (10%) to cover potential contract change orders to be approved by the City Administrator and to approve a total project budget of \$54,351.72 for the life of the project.

R-372-8-96 APPROVED

RESOLUTION ALLOWING THE DOWNTOWN
DEVELOPMENT AUTHORITY (DDA) TO
PURCHASE LIABILITY INSURANCE
(RFP 394) (\$30,550)

Whereas, The DDA can bring a lawsuit against another entity and can be sued;

Whereas, RFP 394 was distributed to the insurance markets seeking proposals for DDA liability insurance;

Whereas, The Michigan Municipal Risk Management Authority, through the C. M. Althoff Insurance Agency submitted a proposal acceptable to the DDA budget committee, the DDA Board of Directors, the DDA Executive Director, and the City's Board of Insurance Administration; and

Whereas, The C. M. Althoff Insurance Agency received Human Rights approval effective July 22, 1996;

RESOLVED, That the Ann Arbor City Council authorize the DDA Chairperson or their designee to sign a purchase order to the Michigan Municipal Risk Management Authority in the amount of \$30,550 for liability insurance coverages.

R-373-8-96 APPROVED

RESOLUTION TO ACCEPT BOARD OF
INSURANCE ADMINISTRATION MINUTES
OF AUGUST 1, 1996 AND TO
AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of August 1, 1996 be accepted and that the payments therein be authorized.

MINUTES
CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION
AUGUST 1, 1996

Present: Christopher Kolb, Councilperson
David Kwan, Councilperson

Brenda Smith, City Treasurer 3.

Absent: None

Also Present: Daniel J. Cullen, Risk Manager
Bob West, Assistant City Attorney 2.

CITIZENS' CLAIMS APPROVED: (and check issued)

<u>CASE NO.</u>	<u>CLAIMANT</u>	<u>AMOUNT</u>
CC 64-92	Lawsuit of Roland Moskowitz by Warren Perlove	\$50,000.00
CC 55-96	Property damage claim of Michael Kelly	\$237.18
CC 50-96	Bodily injury claim of Lucinda Sikkenga	\$1,848.20
CC 127-95	Property damage claim of K. Whiteman (Cava Java)	\$5,319.50
CC 26-96	Vehicle damage claim of George Hinman	\$400.00
CC 91-94	Bodily injury claim of Timothy Carpenter	\$20,000.00
CC 14-96	Vehicle damage claim of Katrina Jankowski	\$400.00

TOTAL \$78,204.88

LEGAL EXPENSES AND/OR CASE RELATED EXPENSES:

<u>CASE NO.</u>	<u>CLAIMANT</u>	<u>AMOUNT</u>
WC10-95	Workers= Compensation Case of Mary Rinne \$ Keller, Thoma, Schwarze	47.95
CC 136-95	Lawsuit of Marcia Bauer by James Cmejrek, Atty Philip Margolis, M.D.	\$740.00
CC 106-94	Lawsuit of Jayne Greer Records Deposition Service	\$11.01
WC 002-95	Workers= Compensation Case of Vickie Quibell Camilla Kelly	\$35.00
CC 64-92	Lawsuit of Roland Moskowitz by Warren Perlove State of Michigan Court of Appeals	\$200.00

MISCELLANEOUS:

CITIZEN'S CLAIMS DENIED:

<u>CASE NO.</u>	
CC 30-96	Property damage claim of Detroit Edison (Packard & Eastover) Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.
CC 64-96	Property damage claim of Alexa Lee Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.
CC 70-96	Property damage claim of Ruth Richter Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.
CC 74-96	Property damage claim of Patricia Gresock Discussed by Daniel J. Cullen, Risk Manager and the Board

denied the claim.
 CC 67-96 Sewer Back-Up Claim of David Linzmeyer (3241 McComb)
 Discussed by Daniel J. Cullen, Risk Manager and the Board
 denied the claim.

OTHER BUSINESS:

CASE NO.

CC 110-95 Lawsuit of Dean Bowerbank by Don Ferris, Attorney
 Discussed by Bob West, Assistant City Attorney and the Board
 was given an updated status report.
 CC 83-93 Lawsuit of Z. Hassan by Michael Vincent, Attorney
 Discussed by Daniel J. Cullen, Risk Manager and the Board was
 given an updated status report.
 CC 41-94 Lawsuit of Harold Bomia by Anthony Muraski, Attorney
 Discussed by Daniel J. Cullen, Risk Manager and the Board was
 given an updated status report.
 WC 5-96 Workers= Compensation Case of Steve Copeland
 Discussed by Daniel J. Cullen, Risk Manager and the Board
 authorized settlement.
 CC 65-96 Sewer Back-Up Claim of Debora Hetrick (2558 Old Boston Ct.)
 Discussed by Daniel J. Cullen, Risk Manager and the Board
 authorized settlement.
 CC 68-96 Vehicle damage claim of Jennifer Cullip
 Discussed by Daniel J. Cullen, Risk Manager and the Board
 authorized settlement.
 CC 73-96 Vehicle damage claim of Rebecca Mandoli
 Discussed by Daniel J. Cullen, Risk Manager and the Board
 authorized settlement.

REQUESTS FOR INFORMATION ON PENDING CLAIMS
 awaiting more information:

<u>CASE NO.</u>	<u>NAME</u>	<u>INCIDENT DATE</u>	<u>CLAIM RECEIVED</u>	<u>INFO FROM CLAIMANT</u>	<u>DATE OF CORRES.</u>	<u>ND. RPT FROMCLM.</u>	<u>DATE TO SRVC.</u>
CC 72-96	Hogan	6-12-96		7-17-96	7-17-96	Utilities	7-17-96
CC 74-96	Gresock	6-15-96		7-19-96	7-25-96	Transp.	7-25-96
CC 75-96	Heney	7-9-96		7-25-96	7-25-96	Utilities	7-25-96

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

CASE NO.

CC 66-96 Claim of Jamar French by Arnold E. Reed, Attorney
 CC 67-96 Sewer Line Claim of David Linzmeyer (3241 McComb)
 CC 68-96 Vehicle damage claim of Jennifer Cullip
 CC 69-96 Lawsuit of Laura Fleischer by Howard Victor, Attorney

- CC 70-96 Property damage claim of Ruth Richter
- CC 71-96 Bodily injury claim of Julie Walmsley
- CC 72-96 Sewer Back-Up Claim of Elizabeth R. Hogan (4099 E. Huron River Dr.)
- CC 73-96 Vehicle damage claim of Rebecca M. Mandoli
- CC 74-96 Property damage claim of Patricia Gresock
- CC 75-96 Property damage claim of Paulette Allen-Heney

R-374-8-96 APPROVED

RESOLUTION ORDERING CREDIT ON
ASSESSMENT FOR ORCHARD HILLS DRIVE
WATER MAIN PHASE III
DISTRICT NUMBER: 89044, FILE NUMBER: 89044

Whereas, The Special Assessment Roll for Orchard Hills Drive Water Main Phase III, being District Number 89044, File Number 89044, was confirmed by Council on November 19, 1990 in the amount of \$18,951.54; and

Whereas, The final cost of this project as distributed between City Share and Property Share has fixed the final Property Share as amounting to \$17,156.45; and

Whereas, The assessment thus levied proved to be larger than necessary to defray the cost of the improvement;

RESOLVED, That such excess, in accordance with section 1.301 of the City Code, in the amount of \$1,795.09 be applied to the unpaid installments of said special assessment against each lot or parcel of land; and

RESOLVED, That any amount of such excess as to any lot or parcel of land which cannot be applied as aforesaid be refunded in cash to the person, persons, or corporation who previously paid said assessment in full.

**ORCHARD HILLS DRIVE
WATER MAIN-PHASE III
DISTRICT NUMBER 89044, FILE NUMBER 89044**

		Preliminary <u>Estimate</u>	<u>Final Cost</u>
09-27-301-052	Bell, William D. & Marie N. 208 Orchard Hills Dr. Ann Arbor, MI 48014	\$ 9,475.77	\$ 8,578.22
09-27-301-050	Halter, Jeffery B. & Ellen 202 Orchard Hills Dr. Ann Arbor, MI 48104	9,475.77	8,578.23
	Total Property Share	\$ 18,851.54	\$ 17,156.45

R-375-8-96 APPROVED

RESOLUTION TO APPROVE ESCROW EXTENSION FOR
BRINKER RESTAURANT CORPORATION (GRADY=S AMERICAN GRILL)
AT 3010 S. STATE STREET

RESOLVED, That the request from Brinker Restaurant Corporation (A Delaware Corporation) for an extension of escrow for its Class C Liquor License, to be located at 3010 S. State Street, be approved.

R-376-8-96 APPROVED

RESOLUTION TO APPROVE PERMANENT
OUTDOOR ALCOHOLIC BEVERAGES
SERVICE PERMIT AT 314-316 S. FOURTH AVENUE

RESOLVED, That the request from Maude=s Restaurant, Inc. for a new Permanent Outdoor Service Permit for an area located on the City=s sidewalk at 314-316 S. Fourth Avenue, to be held in conjunction with existing 1996 Class C license, be approved.

Councilmember Kolb moved that the Consent Agenda be approved.

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

ORDINANCES - SECOND READING

None.

ORDINANCES - FIRST READING

34-96 APPROVED

RE (RESEARCH DISTRICT) ZONING CONFORMANCE

AN ORDINANCE TO AMEND SECTION 5:10.14 OF CHAPTER 55 OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

These amendments will bring the Research Park property zoning in line with the current uses. (Planning Commission recommendation: Approval - 9 years and 0 nays)

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

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

35-96 APPROVED

MACHON L=TORAH PUD

AN ORDINANCE TO AMEND THE ZONING MAP BEING A PART OF CHAPTER 55 OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

This is the rezoning of 0.29 acre from R2B (Two-Family Dwelling District) to PUD (Planned Unit Development District) Machon L=Torah, 1335 Hill Street. (Planning Commission recommendation: Approval - 9 yeas and 0 nays)

Councilmember Herrell moved that the resolution be approved.

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

MOTIONS AND RESOLUTIONS

R-377-8-96 APPROVED

RESOLUTION DESIGNATING THE OFFICIAL REPRESENTATIVE OF THE CITY OF ANN ARBOR AT THE ANNUAL MEETING OF THE MICHIGAN MUNICIPAL LEAGUE

Whereas, The City of Ann Arbor is currently a member of the Michigan Municipal League;

Whereas, Section 4.4 of the Bylaws of the Michigan Municipal League requires that each member shall, by action of its governing body prior to the annual meeting or any special meeting, appoint one official of such member city or village as its principal official representative to cast the vote of the member at such meeting; and

Whereas, Ingrid B. Sheldon, Mayor of the City of Ann Arbor, will be in attendance at the annual meeting;

RESOLVED, That the Ann Arbor City Council hereby designates Mayor Ingrid B. Sheldon as the City=s official representative at the annual meeting of the Michigan Municipal League, September 26-28, 1996.

Councilmember Lumm moved that the resolution be approved.

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

R-378-8-96 APPROVED

RESOLUTION TO APPROVE LIBERTY OAKS SITE CONDOMINIUM SITE PLAN

A communication was received from the City Planning Commission transmitting its

recommendation of approval (9 yeas and 0 nays) of the proposed Liberty Oaks Site Condominium site plan, 8.03 acres, 2800 West Liberty Street.

Whereas, Isam Yaldo has requested site plan approval in order to construct 45 single-family dwellings in a site condominium at 2800 West Liberty Street;

Whereas, The Ann Arbor City Planning Commission, on August 6, 1996, recommended approval of said request;

RESOLVED, That City Council approve the Liberty Oaks Site Condominium Site Plan.

Councilmember Hartwell moved that the resolution be approved.

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

R-379-8-96 APPROVED

RESOLUTION TO APPROVE MICROMEND, INC. SITE PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval (9 yeas and 0 nays) of the proposed Micromend, Inc. site plan, 0.2 acre, 214 West Kingsley Street.

Whereas, Fred Beal and Nora Wright have requested site plan approval in order to construct a 2,550-square foot building at 214 West Kingsley Street;

Whereas, The Ann Arbor City Planning Commission, on July 16, 1996, recommended approval of said request;

RESOLVED, That City Council approve the Micromend, Inc. Site Plan, conditioned upon the recording of an access easement.

RESOLVED, That the Building Department shall not issue permits until an access easement for the site has been recorded.

Councilmember Lumm moved that the resolution be approved.

**On roll call the vote was as follows: Yeas, Councilmembers Lumm, Carlberg, Hartwell, Putman, Kolb, Daley, Mayor Sheldon, 7
Nays, Councilmember Herrell, 1
Abstained, Councilmember Kwan, due to possible conflict of interest, 1**

R-380-8-96 APPROVED

RESOLUTION TO APPROVE 522 MONROE STREET APARTMENTS SITE PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval (8 yeas and 0 nays) of the 522 Monroe Street Apartments site plan, 0.19 acre, 522 Monroe St.

Whereas, Jack Schwarcz has requested site plan approval in order to construct a 5,900-square foot, three-unit apartment building at 522 Monroe Street;

Whereas, The Ann Arbor City Planning Commission, on May 21, 1996, recommended approval of said request;

RESOLVED, That City Council approve the 522 Monroe Street Apartments Site Plan, conditioned upon a shared access easement being recorded.

RESOLVED, That the Building Department shall not issue permits until the shared access easement for the site has been recorded.

Councilmember Kolb moved that the resolution be approved.

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

R-381-7-96 APPROVED

RESOLUTION TO APPROVE SEEL OFFICE SITE PLAN AND SITE DEVELOPMENT AGREEMENT

A communication was received from the City Planning Commission transmitting its recommendation of approval (9 yeas and 0 nays) of the Seel Office site plan and site development agreement, 0.99 acre, 3770 Packard Road.

Whereas, Seel Properties LLC has requested site plan approval in order to construct a 4,500-square foot dental and medical building at 3770 Packard Road;

Whereas, A site development agreement has been prepared addressing right-of-way and sewer easements; and

Whereas, The Ann Arbor City Planning Commission, on July 16, 1996, recommended approval of said request;

RESOLVED, That City Council approve the Site Development Agreement, substantially in the form of that filed with the City Clerk, dated August 14, 1996.

RESOLVED, That City Council approve the Seel Office Site Plan upon the conditions that (1) the Site Development Agreement is signed by all necessary parties; (2) a resolution is passed authorizing the quit claim to proprietor referenced in the Site Development Agreement; and (3) all terms of the Site Development Agreement are satisfied.

Councilmember Lumm moved that the resolution be approved.

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

R-382-8-96 APPROVED**RESOLUTION TO APPROVE TRAVERWOOD TWO SITE PLAN
AND SITE DEVELOPMENT AGREEMENT**

A communication was received from the City Planning Commission transmitting its recommendation of Approval (9 years and 0 days) of the Traverwood Two site plan and site development agreement, 8.03 acres, south side of Huron Parkway between Traverwood Drive and Nixon Road.

Whereas, First Martin Corporation has requested site plan approval in order to construct four office/light industrial buildings on the south side of Huron Parkway, east of Traverwood Drive;

Whereas, A site development agreement has been prepared, which addresses items such as public and private improvements, landmark trees, storm water detention, street tree escrow, and signalization of the Traverwood/Plymouth and Huron Parkway/Nixon intersections;

Whereas, A wetland use permit has been requested for wetland mitigation, including a replacement planting plan, soil erosion and stabilization details, and proposed restoration of the 25-foot buffer; and

Whereas, The Ann Arbor City Planning Commission, on July 16, 1996, recommended approval of said site plan, site development agreement and wetland use permit, and the petitioner, First Martin Corporation, approved said agreement;

RESOLVED, That City Council approve the Traverwood Two Site Plan, subject to approval of an administrative lot division; and

RESOLVED, That City Council approve the Traverwood Two Site Development Agreement, substantially in the form of that on file with the City Clerk; and

RESOLVED, That City Council approve the Traverwood Two Wetland Use Permit.

RESOLVED, That the Building Department shall not issue permits until an administrative lot division for the property has been approved.

Councilmember Kolb moved that the resolution be approved.

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

R-383-8-96 APPROVED AS REVISED

RESOLUTION ORDERING ELECTION AND DETERMINING BALLOT QUESTION FOR CHARTER AMENDMENT

RESOLVED, That the Ann Arbor City Council proposes that the City Charter be amended by modifying Section 8.20 to read as follows:

Funds for Street Reconstruction

Section 8.20. In addition to any other amount which the City is authorized to raise by general tax upon the real and personal property by this Charter or any other provision of law, the City shall, in 1997 through 2001, annually levy a tax of up to 2 mills on all taxable real and personal property situated within the City for the purpose of providing funds for the reconstruction or resurfacing of streets.

RESOLVED, That November 5, 1996 is designated as the day for holding an election on the proposed Charter amendment;

RESOLVED, That the Clerk shall transmit a copy of the proposed amendment to the Attorney General and the Governor of Michigan and shall perform all other acts required by law for holding the election;

RESOLVED, That the proposed Charter amendment shall appear on the ballot in the following form, together with the following statement of purpose:

ANN ARBOR CITY CHARTER AMENDMENT
REGARDING TAX FOR STREET RECONSTRUCTION

Shall the Charter be amended by authorizing a 2 mill tax for street reconstruction for 5 years, which will raise in the first year of the levy the estimated revenue of \$5,411,200?

Yes

No

PURPOSE OF AMENDMENT

The Charter previously authorized a 2 mill tax for street reconstruction for 5 years. That authorization ended in 1996. This amendment would again authorize a 2 mill street reconstruction millage for 5 years, beginning in 1997.

RESOLVED, That the proposed Charter amendment and proposed ballot question, along with statement of purpose, shall be published in full not fewer than

two times in the Ann Arbor News; and

RESOLVED, That if the amendment is adopted, it shall take effect on January 1, 1997.

Councilmember Kolb moved that the resolution be approved.

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

R-384-8-96 APPROVED

**RESOLUTION NO. 1 - PREPARE PLANS AND SPECIFICATIONS
FOR GLAZIER WAY ROADWAY IMPROVEMENTS
(\$150,000)**

Whereas, Council deems it necessary to acquire and construct the following improvement: Roadway Improvements, DISTRICT NO. 23; FILE NO. 96068; described as:

Glazier Way - Between Huron Parkway and Green Road.

RESOLVED, THAT:

1. The City Administrator is directed to have prepared plans and specifications for said improvement project, and an estimate of the cost thereof;
2. The City Administrator is directed to file a report of same with the City Clerk, including a recommendation as to what proportion of the cost should be paid by special assessment and what part, if any, should be a general obligation of the City, the number of installments in which the assessments may be paid, and the land which should be included in the special assessment district;
3. The City Clerk shall present said report to the Council and make it available for public examination;
4. The sum of \$ 150,000 is appropriated for the planning and design of said project, such sum being advanced from the Street Millage fund pending the sale of appropriate bonds;
5. Any unspent portion of said sum is re-appropriated and re-advanced as above for said project for succeeding fiscal years until bonds are sold and the street millage fund reimbursed, or until said project is officially closed; and
6. Council declares its intent to issue bonds to pay all or part of the cost of such

improvement project, funding reserves, paying for credit enhancement, and the cost of issuance of such bonds (either initially or ultimately), provided that such bonds are issued in conformity with applicable State statutes and all documents, provisions, and details pertaining to such bonds are acceptable to and approved by this Council and provided, further, that such bonds can be sold.

Councilmember Lumm moved that the resolution be approved.

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

R-385-8-96 APPROVED

**RESOLUTION TO APPROVE APPROPRIATION OF FUND
BALANCE TO NON-DEPARTMENTAL TRANSFERS/
SOCIAL SECURITY (\$298,983)**

Whereas, The Pension & Benefits levy for the fiscal year ended June 30, 1996 was insufficient to fully fund all of the obligations which must be paid therefrom (including the Pension Reserve, retiree insurances and Social Security payments; and

Whereas, It is necessary to appropriate a sufficient amount to fund each of these obligations on a current basis;

RESOLVED, That the City Council hereby approves the appropriation (for the fiscal year ended June 30, 1996) of \$298,983 from the General Fund unreserved fund balance to Non-Departmental Transfers/Social Security.

Source of Funds	010-018-6998	Unreserved fund balance
Use of Funds:	010-019-0208-4250	Non-Departmental Transfers/Social Security

Councilmember Kolb moved that the resolution be approved.

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

R-386-8-96 APPROVED

**RESOLUTION TO REALLOCATE THE USE OF FISCAL
YEAR 1996 HOUSING CONTINGENCY FUNDS
(\$119,000)**

Whereas, The Housing Commission has been striving to pursue development of new scattered site family units and has succeeded in siting properties, obtaining HUD approvals, and awarding contracts for the development of eleven units;

Whereas, in support of these efforts, City Council approved the use of \$119,000 of housing contingency funds under resolution R-556-11-95, wherein the stated purpose was the construction of garages attached to three single family units and infrastructure costs related to the Hillside Manor site;

Whereas, circumstances have changed resulting in the development of only one single family unit with a garage instead of three, the downsizing of the Hillside proposed development from eight units to six units thereby precluding the additional infrastructure costs, thus making the original proposed use of the Housing Contingency funds no longer applicable except for the first garage built; and

Whereas, HUD has recently informed the Housing Commission that they had reduced the development grant award in 1992 by \$35,450 without notification to the Commission and development costs as bid this spring in Ann Arbor are exceeding the HUD established ATotal Development Cost \cong guidelines, resulting in a budgetary shortfall for the currently proposed development configuration of 17 units at four sites;

RESOLVED, That the City Council approve the reallocation of the remaining approved FY96 Housing Contingency Funds (\$106,000) to cover change orders required at North Maple and Evelyn Court and current and future excessive development costs at S. Main and Hillside.

Councilmember Carlberg moved that the resolution be approved.

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

R-387-8-96 APPROVED

**RESOLUTION TO APPROVE LEASE AGREEMENT
FOR STORAGE SPACE WITH AIRPORT
BOULEVARD ASSOCIATES (\$57,600)**

Whereas, The Police Department has been notified that it is losing access to properties it has been using for the secure storage of vehicles and other property items;

Whereas, A plan for addressing the long-term secure storage needs of the Police Department must be developed and approved;

Whereas, Facilities which can meet the immediate needs of the Police Department were reviewed and comparable prices obtained from at least three potential vendors;

Whereas, The lease rate for this property is less expensive per square foot than other comparable locations which the Police Department looked at; and

Whereas, Airport Boulevard Associates has Human Rights approval effective August 5, 1996;

RESOLVED, That the Mayor and Council approve entering into a two-year lease with the option to renew for a third year in accordance with the terms identified in the attached lease agreement with Airport Boulevard Associates;

RESOLVED, That the Mayor and City Clerk are authorized to sign the lease agreement approved as to form by the City Attorney's Office;

RESOLVED, That the Police Department is authorized to issue purchase orders to Airport Boulevard Associates as required for leased space in accordance with this resolution and the lease agreement; and

RESOLVED, That the City Administrator is authorized to renew this two (2) year lease for up to one additional year if it is deemed to be in the City's best interest.

Councilmember Kolb moved that the resolution be approved.

On a voice vote, the Mayor declared the motion carried with Councilmember Kwan abstaining.

R-388-8-96 APPROVED

RESOLUTION TO APPLY FOR GRANT FUNDING FROM

MICHIGAN STATE POLICE OFFICE OF HIGHWAY SAFETY PLANNING (\$4,617)

WHEREAS, It is in the interest of public safety to have the police department provide effective traffic enforcement, particularly in those areas where there have been a high number of traffic crashes; and

WHEREAS, The Michigan State Police Office of Highway Safety Planning is offering a grant to fund police overtime and equipment purchases for traffic enforcement;

RESOLVED, That City Council approve the submission of a grant application in the amount of \$4,617 to the Michigan State Police Office of Highway Safety Planning;

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

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

Councilmember Putman moved that the resolution be approved.

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

R-389-8-96 APPROVED AS SUBSTITUTED

RESOLUTION ACCEPTING NEW COUNCIL PAY POLICY

Councilmember Lumm moved that the resolution be approved.

Councilmember Daley moved that the substitute language, as proposed by the Mayor, be approved.

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

Following is the resolution as it was substituted and approved:

R-389-8-96

RESOLUTION ACCEPTING NEW COUNCIL PAY POLICY

Whereas, The transition from April to November elections made it desirable to

move the Mayor and Council skip pay day to November and the normal April skip pay was omitted causing an additional pay in the 1995-1996 budget year;

Whereas, This change in policy was not formally recognized during the 95-96 budget year; and

Whereas, The Mayor and Council budget had insufficient funds allocated to it and thus this department came in over budget;

RESOLVED, That the Ann Arbor City Council accepts this new policy.

R-391-8-96 APPROVED

**RESOLUTION TO APPLY FOR GRANT FUNDING FROM THE
OFFICE OF COMMUNITY ORIENTED POLICING SERVICES
U.S. DEPARTMENT OF GRANTS**

Whereas, It is in the interest of public safety for the police to use a problem solving approach in partnership with other organizations in the community to address issues of concern to the public;

Whereas, The Office of Community Oriented Policing Services, U.S. Department of Justice is offering a grant to fund problem solving partnership approaches to crime problems; and

Whereas, The Ann Arbor Art Center, the City of Ann Arbor Parks and Recreation Department, and the Ann Arbor Police department have formed a partnership to address the problem on graffiti in Ann Arbor;

RESOLVED, That City Council approve the submission of a grant application in the amount of \$109,582 to the Office of Community Oriented Policing Services, U.S. Department of Justice;

RESOLVED, That if the grant is awarded the Mayor and City Clerk are authorized to execute the grant agreement and appropriations will 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 is directed and authorized to take all administrative steps necessary to implement these actions.

Councilmember Kolb moved that the resolution be approved.

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

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

September 16, 1996

Presentation by Community Corrections Advisory Board Director

Kempf House reception

Delete: HUD Briefing

COMMUNICATIONS FROM THE MAYOR

APPOINTMENT POSTPONED

Mayor Sheldon asked for confirmation of the following nomination which was placed on the table at the July 1 and 15 and August 5, 1996 Council meetings:

Ann Arbor Y Residence Advisory Committee

Millicent A. Empedocles (to fill vacancy)

1308 Granger Ave.

Ann Arbor, MI 48104

Councilmember Carlberg moved that the Council concur in the recommendation of the Mayor.

Councilmember Carlberg moved that the appointment be postponed until the rest of the positions on this committee are filled.

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

NOMINATIONS PLACED ON TABLE

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

Recreation Advisory Commission

Anthony L. Holmes (reappointment)

1933 Brock

Ann Arbor, MI 48104

Term: 09-03-96 to 08-31-99

Housing Board of Appeals

Sharon L. Knight (replacing Gene Wilson on term expiration)

208 W. Ann St.
Ann Arbor, Mi 48104
Term: 09-03-96 to 06-30-99

RECENTLY SIGNED PROCLAMATIONS

- X APUSH America Day - July 28, 1996
- X Neighbors Make the Difference Day - September 12, 1996
- X Hispanic Heritage Month - September 15-October 15, 1996

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Neal G. Berlin presented the following information memorandums:

- X Final Cost - Miller Avenue Water Main, District Number: 89078, File Number: 89078
- X Evergreen Watershed Area (8/5-1)
- X Year End General Fund Preliminary Financial Report

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

Councilmember Kwan raised the concern of citizens who live on Hill and Folkstone Streets whose recycling was not picked up.

Councilmember Kwan said that he has received copies of Mission Statements from other cities and companies that may assist in the drafting of the City's Mission Statement.

Councilmember Daley asked what would happen if all of the Parks and Recreation temporary positions were filled in light of the departmental budget being over-budget.

Dean Moore, Finance Director, responded that in the past a vacancy factor was built into the budget.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

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

- X Emily Salvette announcing that there will be no Mayor/Council Libertarian Party candidates for the November election - FILED
- X State Representative Elizabeth Brater expressing concern over the uses of the Ashley and Huron parcel as a Burger King Site - FILED
- X George Carignan transmitting a survey of Oak Ridge residents on the issue of the condition of Glazier Way - (See R-384-8-96) - FILED
- X Communication from Elizabeth Langford, Ann Arbor Charter Township Supervisor, regarding Glazier Way between Green Road and Huron Parkway - FILED

CLERK=S REPORT OF MINUTES RECEIVED AND FILED

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

- X Airport Advisory Committee - May 15, 1996
- X Cable Communications Commission - May 28, 1996
- X Building Board of Appeals - May 31, 1996

Councilmember Putman 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, the Mayor declared the meeting adjourned at 9:30 p.m.

**Winifred Northcross
Clerk of the Council**

**Linda J. Wise
Recording Secretary**