

**ANN ARBOR CITY COUNCIL MINUTES  
REGULAR SESSION - TUESDAY - JANUARY 21, 1997**

The regular session of the Ann Arbor City Council was called to order at 7:30 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 Tobi Hanna-Davies, Patricia Vereen-Dixon, Jane Lumm, David Kwan, Jean Carlberg, Heidi Herrell, Stephen Hartwell, Patrick Putman, Christopher Kolb, Elisabeth Daley, Mayor Ingrid B. Sheldon, 11

Absent: 0

**INTRODUCTIONS**

None.

**PUBLIC COMMENTARY - RESERVED TIME**

ANDY GULVEZAN - ANNOUNCEMENTS, FUTURE OF ANN ARBOR

Andy Gulvezan, 2104 Pauline Blvd., said that he predicted a few years ago that the City would have a flash flood, and he again offered to do the City Administrator=s job for half the price.

LUKE MASSIE - POLICE IN SCHOOLS

Luke Massie, 300 Whitmore, Detroit, member of NWROC (National Women=s Rights Organizing Coalition) and political supporter of the Revolutionary Workers League, said that as protectors of the Ku Klux Klan this past summer, the Ann Arbor Police have no place in the schools or in the educational process. He declared his organization=s intention to organize students and the youth of the City to get the police out of the schools, and to fight for the kind of education that the youth deserve. He predicted that police brutality would be focused on the minority and/or working class youth.

CAROLINE WONG - ARMORY

Caroline Wong, 1000 Whitmore, Detroit, on behalf of NWROC, reported on three recent incidents in the Ann Arbor High Schools. One was the employment of a security guard at Pioneer High School who was fired from Roberto Clemente for sexually assaulting a female student, the attack on a black student by a police officer at Huron High, and a walk-out at Stone School by students protesting the policies there. She advocated the organization of a Student Power Union to help students stand up for their rights.

JUSTIN FITINS - POLICE IN SCHOOLS

Justin Fitins, Community High School Student, said that the presence of police

in the Guy C. Larcom Jr. Municipal Building this date represented a threat to him. He said that he is often discriminated against by the police, and automatically classified as a criminal, because of how he chooses to dress and with whom he chooses to associate. He said that he is prepared to protest and lead marches against the placement of police in the schools.

TERRIE KOLONTOI - ARMORY

Terrie Kolontoi, 420 W. Huron Street, said that if the Council is really serious about addressing the problem of homelessness, the Homeless Power Union is requesting a list of all sites being considered so that they could judge whether the sites are adequate. The current shelter is overcrowded. On the subject of police in the schools, he said that he has attended two separate high schools and the high school that had police officers on duty experienced more violence.

SHANTA DRIVER - POLICE IN SCHOOLS

Shanta Driver, 999 Whitmore, Detroit, said that the reason that the last Council meeting was abruptly ended was not because of the homeless protest rally, but because the Council did not want to tolerate the large number of homeless people that attended the meeting, or to hear what they had to say. She accused the Council of shutting down democracy to silence the homeless. She also condemned the University of Michigan for its alleged racist treatment of three dental school workers who have subsequently sued the University.

SUSAN MCGARRY - HOMELESSNESS

Susan McGarry, 2565 Carmel, minister at St. Aiden's Episcopal Church in Ann Arbor, expressed gratitude for the City Council's commitment to services for homeless people. Many people have been alarmed about the inadequacies of the present homeless program and have been working behind the scenes for change. The current program, established in the 80's, and thought to be only temporary, is insufficient in the 90's because the need is much greater. A new shelter, more facilities and programs are needed. She said that the philosophy of the 80's was that no one should have to go homeless, or to have only the option of the woods, under bridges or the shelter as their home.

DAVE DEVARTI - POLICE IN SCHOOLS

Dave DeVarti, 921 Dewey Street, thanked the Council for its commitment to solving the homeless shelter problem. He said that a more urgent matter to him was the placement of the police in the High Schools. He felt that the School Board's priorities were misplaced in that they are spending public resources on police officers in the hallways, instead of education. He said that he is planning to address these issues to the School Board as well. He further stated that police should only be present at a meeting between school personnel and a student when properly identified, the student has been informed of the purpose of their presence, and has been advised of his/her rights.

**PUBLIC HEARINGS**

CODE VIOLATION CITATIONS (ORDINANCE NO. 48-96)

A public hearing was conducted on the proposed Amendment to Chapter 1 (Adoption, Contents and Interpretation) to Add Chapter 57 to Section 1:17 (Code Violation Citations (Ordinance No. 48-96)).

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

CHINESE CHRISTIAN CHURCH REZONING (ORDINANCE NO. 49-96)

A public hearing was conducted on the proposed Amendment to Chapter 55, the rezoning of 8.5 acres from TWP (Township District) to R4A (Multiple-Family Dwelling District), Chinese Christian Church, south side of Dhu Varren Road, between Nixon Road and Pontiac Trail (Ordinance No. 49-96).

The following persons spoke at this hearing:

Mark McPherson, of Merritt McCallum Cieslak Architects, representing the petitioner, and Bill Kou, chair of the Church Building Committee, both offered to answer any questions.

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

CHINESE CHRISTIAN CHURCH SITE PLAN

A public hearing was conducted on the proposed Chinese Christian Church Site Plan, 8.5 acres, south side of Dhu Varren Road, between Nixon Road and Pontiac Trail.

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

JEWISH COMMUNITY CENTER FINAL PHASE PUD

A public hearing was conducted on the proposed Jewish Community Center of Washtenaw County Final Phase PUD, 6.0 acres, 2935 Birch Hollow Drive.

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

1997 FEES AND CHARGES FOR GOLF COURSES

A public hearing was conducted on the proposed 1997 Fees and Charges for Department of Parks and Recreation Facilities Golf Courses.

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

**APPROVAL OF AGENDA**

AGENDA APPROVED AS AMENDED

Councilmember Kolb moved that the agenda be approved with the following

changes:

CONSENT AGENDA

Added Information: Resolution to Support Change in Helicopter Instrument Flight Rules (IFR) Operation at the Ann Arbor Municipal Airport (Public Services) Please see memorandum requesting deletion or postponement to February 18, 1997

ORDINANCES - SECOND READING

Revised: Amendment to Chapter 1 (Adoption, Contents and Interpretation) to add Chapter 57 (Subdivision and land Use Control) to Section 1:17 (Enforcement) (Ordinance no. 48-96)

MOTIONS AND RESOLUTIONS

Added Information: Resolution to Approve the Agreement for the Provision of Law Enforcement Services to the Ann Arbor Public Schools by the City of Ann Arbor (Police) (Postponed: September 3, September 17, October 21 and December 15, 1996) (Please see request for postponement, and agreement)

Date Corrected: Resolution Adopting a Mission Statement for the City of Ann Arbor (Diversity Action Committee/Administrative Team) (Postponed January 8, 1997) (See request to postpone until February (~~17~~)18, 1997)

Added Sponsor: Resolution ~~Regarding~~ ON Homelessness (Councilmembers Carlberg, Putman and VEREEN-DIXON)

Deleted: Resolution to Approve the Creation of a Task Force Regarding Alternative Solutions to Spending Large Amounts of Money on Replacing Parking Structures (Councilmember Hanna-Davies)

Deleted: Resolution to Approve Sawall Annexation, 0.21 acre, south side of Carlyle Avenue between Gladstone Avenue and Kimberley Road (Planning Commission Recommendation: Approval - 7 years and 0 nays) (Rescheduled for February 3, 1997)

Added: Resolution Approving Closed Session to Discuss Settlement Strategy in Michigan Tax Tribunal Case Between Arborland Associates, Ltd. and the Assessor (Attorney)

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

**APPROVAL OF COUNCIL MINUTES**

APPROVED AS CORRECTED

Councilmember Kwan moved that the recessed regular session minutes of January 6 and the continued regular session of January 8, 1997 be approved as presented.

Councilmember Carlberg moved that the January 8, 1997 minutes be corrected to read as follows:

R-13-1-97 APPROVED

RESOLUTION TO APPROVE ENVIRONMENTAL PROTECTION  
AGENCY OFFICE BUILDING SITE PLAN

....With the unanimous consent of Council. Chris Grant, of the First Martin Corporation, petitioner, answered questions regarding parking and landscaping. Mr. Grant stated that the main driveway cannot be further reduced, but that he would be willing to add more compact car spaces to help reduce impervious surface, AND WOULD BE WILLING TO REDUCE THE BACK DRIVEWAY WIDTH TO AN 18 FT. MINIMUM.

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

The question under consideration was approval of the January 6, 1997 recessed regular session as presented, and the January 8, 1997 regular session minutes as corrected.

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

**CONSENT AGENDA**CONSENT AGENDA APPROVED

The Following Consent Agenda was considered:

R-23-1-97 APPROVED

RESOLUTION TO APPROVE HOUSING  
REHABILITATION AGREEMENT WITH  
MARILYN J. TOWER (\$30,000)

Whereas, An application was received from Marilyn J. Tower for rehabilitation assistance for her home located at 604 W. Liberty, Ann Arbor;

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

Whereas, Two bids were received on December 12, 1996 and Ms. Tower will be executing an agreement with the lowest responsible bidder, who has Human Rights Approval, to complete the rehabilitation work; and

Whereas, On Friday, January 10, 1997 the Waiver and Review Board approved the waiver of the \$26,420 maximum for rehabilitation assistance up to \$30,000 to complete the rehabilitation work at 604 W. Liberty; and

RESOLVED, That City Council approve the Housing Rehabilitation Agreement with Marilyn J. Tower in the amount of \$30,000 as a 0% interest deferred payment loan which requires no payment until a change in ownership and authorize the Mayor and City Clerk to execute the necessary documents substantially in the form on file in the office of the City Clerk.

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R-24-1-97 APPROVED

RESOLUTION TO APPROVE A CONTRACT  
TO SHORE MASTER, INC. TO SUPPLY  
AND INSTALL A FLOATING BOARDWALK  
IN BLACK POND WOODS  
BID NO. 2974 (\$26,500)

Whereas, A floating boardwalk at Black Pond Woods will make the pond accessible without disturbing the ecosystem of the pond;

Whereas, Competitive bids were received by the Purchasing Division on December 3, 1996, and Shore Master, Inc. was the lowest responsible bidder at \$26,500;

Whereas, Funds for the project are available from the Park Maintenance and Repair Millage in the FY 96/97 budget, and

Whereas, The Human Rights Department approval was received on January 21, 1997 for Shore Master, Inc.,

RESOLVED, That the Mayor and Council approve a fabrication and

installation contract, per bid #2974, with Shore Master, Inc., in the amount of \$26,500 for fabrication and installation of a floating boardwalk , 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 \$2650 (10%) to cover potential contract change orders to be approved by the City Administrator and to establish a total project budget of \$29,150 for the life of the project.

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R-25-1-97 APPROVED

RESOLUTION ESTABLISHING 1997 FEES  
AND CHARGES FOR DEPARTMENT OF  
PARKS AND RECREATION FACILITIES  
GOLF COURSES

Whereas, The Department of Parks and Recreation recommends the proposed fees for 1997 to achieve specific levels of golf course self-support, and allow funds in the enterprise fund sufficient to repay Building Authority Bonds and complete additional golf course capital improvement projects;

Whereas, Golfers were surveyed about season passes;

Whereas, A review of current rate policies was conducted;

Whereas, Comparative analysis of comparable golf courses has been provided;

Whereas, The appropriate citizen advisory groups have reviewed the proposed fees;

Whereas, The Department of Parks and Recreation has been directed to implement policies to achieve levels of self support for the Recreation Facility Enterprise Fund of 100% level of self-support; and

Whereas, The Park Advisory Commission and Recreation Advisory Commission approved of the fee proposal;

RESOLVED, That the golf course fee schedule be adopted and be effective commencing with the start of the 1997 season and remain active unless modified.

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R-26-1-97 APPROVED

RESOLUTION RECOGNIZING THE JEWISH  
COMMUNITY CENTER AS A NON-PROFIT  
ORGANIZATION IN THE CITY OF ANN ARBOR

Whereas, The Jewish Community Center is a non-profit organization;

Whereas, The United States Department of Treasury-Internal Revenue

Service recognizes The Jewish Community Center as a tax exempt, non-profit organization; and

**Whereas, The Jewish Community Center needs the City to recognize it as a non-profit organization in the community in order to conduct fundraising activities with State approval;**

**RESOLVED, That the Mayor and City Council recognize The Jewish Community Center as a non-profit organization in the City of Ann Arbor.**

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**R-27-1-97 APPROVED**

**RESOLUTION TO ACCEPT BOARD OF  
INSURANCE ADMINISTRATION MINUTES  
OF JANUARY 9, 1997 AND AUTHORIZE  
PAYMENTS**

**RESOLVED**, That the attached Board of Insurance Administration Minutes of January 9, 1997 be accepted and that the payments therein be authorized, with the exception of item CC 118-96, which will be referred back to the Board for additional discussion.

**MINUTES  
CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION  
JANUARY 9, 1997**

**CITIZENS' CLAIMS APPROVED: (and check issued)**

<b><u>CASE NO.</u></b>	<b><u>CLAIMANT</u></b>	<b><u>AMOUNT</u></b>
CC 95-96	Sewer back-up claim of Craig Colton	\$665.55
CC 90-96	Vehicle damage claim of Auto Owners Ins. (Farjo)	\$3,600.00
	<b>TOTAL</b>	<b>\$4,265.55</b>

**LEGAL EXPENSES AND/OR CASE RELATED EXPENSES:**

<b><u>CASE NO.</u></b>	<b><u>CLAIMANT</u></b>	<b><u>AMOUNT</u></b>
CC 91-96	Lawsuit of MMRMA by James T. Mellon, Attorney Hooper, Hathaway, Price, Beuche & Wallace	\$918.00
	<b>TOTAL</b>	<b>\$918.00</b>

**MISCELLANEOUS:**

Administrator=s Long Term Disability Policy Payment for 6 months Paul Revere Insurance Group	<b>TOTAL</b>	<b>\$1,681.40</b>
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**REIMBURSEMENTS RECEIVED --**

TOTAL DEPOSITED SINCE 11-7-96	<b>TOTAL</b>	<b>\$0.00</b>
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**CITIZEN'S CLAIMS DENIED:**

**CASE NO.**

- CC 114-96 Vehicle damage claim of Katie Francis**  
Discussed by Daniel J. Cullen, Risk Manager, and the Board denied the claim.
- CC 123-96 Vehicle damage claim of Dennis Light**  
Discussed by Daniel J. Cullen, Risk Manager, and the Board denied the claim.
- CC 110-96 Vehicle damage claim of Carolyn Siebers**  
Discussed by Daniel J. Cullen, Risk Manager, and the Board denied the claim.
- CC 111-96 Sewer back-up claim of Tom Higgins**  
Discussed by Daniel J. Cullen, Risk Manager, and the Board denied the claim.

**OTHER BUSINESS:**

**Adoption of Policy to Pay Property Damage Claims**

Discussed by Dean Moore, Finance Director, and the Board tabled the matter.

**Discussion of the City of Ann Arbor Indemnification Policy**

Discussed by Bob West, Assistant City Attorney, and the Board approved the policy as amended, but referred it to the Administrative Team for review before City Council approval.

**CASE NO.**

- CC 94-96 Sewer back-up claim of Dan and Jane Pampreen**  
Discussed by Dan Pampreen, Claimant, and the Board authorized settlement.
- CC 75-96 Property damage claim of Paulette Allen-Heney**  
Claimant was scheduled to appear, but did not show.
- CC 130-94 Bodily injury claim of Tiffany Hopkins**  
Discussed by Daniel J. Cullen, Risk Manager, and the Board authorized settlement agreement with DDA.
- CC 115-96 Property damage claim of Patrick Putman**  
Discussed by Daniel J. Cullen, Risk Manager, and the Board authorized settlement.
- PD 146-96 Vehicle damage claim of Public Services Vehicle # 4597**  
Discussed by Daniel J. Cullen, Risk Manager, and the Board

authorized payment.

PD 147-96 Vehicle damage claim of Police Vehicle # 72  
Discussed by Daniel J. Cullen, Risk Manager, and the Board authorized payment.

CC 122-96 Sewer back-up claim of Marc Miller  
Discussed by Daniel J. Cullen, Risk Manager, and the Board authorized settlement.

CC 107-96 Sewer back-up claim of Matthew Heck  
Discussed by Daniel J. Cullen, Risk Manager, and the Board authorized settlement.

CC 118-96 Lawsuit of William V. Hampton by Kurt Berggren, Attorney  
Discussed by Daniel J. Cullen, Risk Manager, and the Board authorized settlement.

(Note: Item CC 118-96 was referred back to the Insurance Board by Council action of January 21, 1997)

**REQUESTS FOR INFORMATION ON PENDING CLAIMS**

awaiting more information:

CASE NO. SRVC.	INCIDENT NAME	CLAIM DATE	INFO FROM RECEIVED	DATE OF CLAIMANT	ND. RPT CORRES.	DATE TO FROM	CLM.
CC 81-96 Smith	7-26-96	8-20-96	X	10-21-96		8-27-96	
CC 119-96	Share	12-2-96	12-13-96		12-18-96	Utilities	12-17-
96							
CC 124-96	McNicholas	10-18-96	12-24-96	X	12-26-96		12-26-
96							
CC 125-96	Zimet	10-27-96	12-24-96		12-26-96	Transp.	12-26-
96							
CC 126-96	Capps	11-26-96	12-24-96		12-26-96	Utilities	12-26-
96							
CC 127-96	Thaa	12-11-96	12-30-96		1-2-97	Utilities	1-2-97
CC 129-96	Det. Edison	10-21-96	12-24-96		12-27-96	Utilities	12-26-
96							
CC 130-96	Milne	12-14-96	12-30-96		12-27-96	Engineering	
					1-2-97	Utilities	1-2-97
CC 1-97 Khalil	11/23/96	1/2/97	X	1-6-97	Transp.	1-6-97	

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

**CASE NO.**

CC 116-96	Vehicle damage claim of Joanne Weintraub
CC 117-96	Personal injury claim of Estate of Faye Ellen Evans
CC 118-96	Lawsuit of William V. Hampton by Kurt Berggren, Attorney
CC 119-96	Property damage claim of David and Kate Share
CC 120-96	Property damage claim of Busters Market
CC 121-96	Vehicle damage claim of Mark Lange
CC 122-96	Sewer back-up claim of Marc Miller
CC 123-96	Vehicle damage claim of Dennis Light
CC 124-96	Vehicle damage claim of B. Melanie McNicholas
CC 125-96	Personal injury claim of Nathan Zimet
CC 126-96	Sewer back-up claim of David & Wanda Capps
CC 127-96	Sewer back-up claim of Sybille Thaa
CC 128-96	Lawsuit of Daniel Wehrman by Dean Koulouras, Attorney
CC 129-96	Property damage claim of Detroit Edison (Pontiac Trail and Dhu Varren)
CC 130-96	Sewer back-up claim of David A. Milne
CC 131-96	Property damage claim of Karen Tyree
CC 1-97	Property damage claim of Shafik A. Khalil

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**R-28-1-97 APPROVED**

**RESOLUTION TO APPROVE ENTERTAINMENT  
PERMIT REQUEST FOR M.P.B., INC.  
DBA AUT BAR AT 315 BRAUN CT.**

**RESOLVED**, That the request from M.P.B. Inc., dba AUT Bar, for a new Entertainment Permit, to be held in conjunction with a 1996 Class C license, located at 315 Braun Ct., Ann Arbor, be approved.

**Councilmember Lumm moved that the Consent Agenda be approved.**

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

**ORDINANCES - SECOND READING**

**48-96 APPROVED  
CODE VIOLATION CITATIONS**

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

This ordinance revision will enable the Building Department to issue citations for violations of Chapter 57

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

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

**49-96 APPROVED  
CHINESE CHRISTIAN CHURCH REZONING**

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

This is the rezoning of 8.5 acres from TWP (Township District) to R4A (Multiple-Family Dwelling District), Chinese Christian Church, south side of Dhu Varren Road between Nixon Road and Pontiac Trail.

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

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

**ORDINANCES - FIRST READING**

**2-97 APPROVED  
SLOAT PROPERTY**

**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 0.5 acre from TWP (Township District) to R1B (Single-Family Dwelling District), Sloat Property, northwest corner of Riverview and Indian River Drives (Planning Commission recommendation: Approval - 7 years and 0 nays)

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**

**POSTPONED**

**RESOLUTION TO APPROVE THE AGREEMENT  
FOR THE PROVISION OF LAW ENFORCEMENT  
SERVICES TO THE ANN ARBOR PUBLIC  
SCHOOLS BY THE CITY OF ANN ARBOR**

Whereas, The Ann Arbor Public Schools desire to purchase certain law enforcement services from the City of Ann Arbor Police Department; and

Whereas, The Ann Arbor Public Schools and the City of Ann Arbor have reached agreement on the manner in which the law enforcement services are to be provided as well as the respective charges for those services;

**RESOLVED**, That the agreement for law enforcement services between Ann Arbor Public Schools and the City of Ann Arbor is accepted; and

**RESOLVED**, That the Mayor and Clerk are authorized to execute the agreement in the form on file with the City Clerk.

Councilmember Lumm moved that the resolution be approved.

Councilmember Hartwell moved that the resolution be postponed until February 18, 1997.

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

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**R-29-1-97 APPROVED AS REVISED**

**RESOLUTION TO APPROVE REVISIONS TO THE  
DOWNTOWN DEVELOPMENT AUTHORITY BY-LAWS**

Whereas, Michigan law requires that procedural rules of the Downtown Development Authority governing board be approved by City Council; and

Whereas, Amendments identified on the Downtown Development Authority By-Laws as revisions (04/13/89), (04/09/92, and (10/14/93) have not been approved by City Council; and

Whereas, The Downtown Development Authority took action to correct this administrative error at its December 12, 1996 Board meeting, reaffirming by resolution to uphold the amendments noted above; and

Whereas, At its January 8, 1997 meeting City Council raised questions about proposed language changes to the Downtown Development Authority quorum

requirements, thus tabling action on remaining amendments; and

Whereas, At its January 9, 1997 meeting the Downtown Development Authority resolved to delete the language affecting quorum requirements,

RESOLVED, That the Mayor and City Council be authorized to approve these remaining amendments to the Downtown Development Authority By-Laws.

**BY-LAWS**  
**OF THE DOWNTOWN DEVELOPMENT AUTHORITY**  
**OF THE CITY OF ANN ARBOR**

**Article I - Name**

The name of this authority is the Downtown Development Authority (DDA) of the City of Ann Arbor.

**Article II - Purpose**

The purpose of the Downtown Development Authority is to act in accordance with the provisions of Act 197 of the Public Acts of 1975 as amended. The Authority shall have all the powers which now or hereafter may be conferred by law on authorities organized under this Act. The overall goal of the Authority is to undertake public improvements and other activities that have greatest impact in strengthening the downtown area and attracting new private investments to the DDA area.

**Article III - Officers**

**Section 1.** The officers of the Board shall be a Chairman **Chair**, a vice Chairman **Chair**, a treasurer, and a recording secretary. All officers shall be members of the Board, with the exception of the recording secretary who need not be a member of the Board.

**Section 2 - Removal of Officers.** An officer may be removed by the Board whenever in its judgment the best interest of the Board will served.

**Section 3 - Chairman Chair.** The Chairman **Chair** shall preside at all meetings of the Board and shall discharge the duties as a presiding officer.

**Section 4 - Vice Chairman Chair.** In the absence of the Chairman **Chair** or in the event of inability to serve as Chairman **Chair**, the vice Chairman **Chair** shall perform the duties of the Chairman **Chair** and when so acting, shall have all the powers and be subject to all the restrictions of the Chairman **Chair**.  
**(4/9/92)**

**Section 5 - Treasurer.** The treasurer shall prepare, with the assistance of appropriate City officials, an annual financial report covering the fiscal year of the Authority. The fiscal year of the Authority shall be the same as that of the City, July to June 30. An annual audit will be made each year as part of the

regular City audit.

**Section 6 - Recording Secretary.** The recording secretary or a designee shall attend all meetings of the Board and record all votes and the minutes of all proceedings in a book to be kept for that purpose. The recording secretary shall give, or cause to be given, notice of all meetings of the Board of Directors and shall perform such other duties as may be prescribed by the Board. The recording secretary shall, when authorized by the Board, attest by signature to actions of the Board.

**Section 7 - Delegation of Duties of Officers.** In the absence of any officer of the corporation, the Authority may delegate the powers and duties of any officer to any director provided a majority of the Authority then in office concurs therein.

**Section 8 - Election of Officers.** Nominations shall be made from the floor at the annual meeting in July. The term of office shall be for one year and begin at the close of the annual meeting at which they are elected. No member shall hold more than one office at a time.

#### **Article IV - Meetings**

**Section 1 - Annual Meeting.** An annual meeting shall be held the first regular meeting in July at a time and place to be set by the Board. Election of officers shall occur at the annual meeting. ~~If the election of officers does not occur on the day designated or any adjournment thereof, the Board shall cause the election to be held at a regular or special meeting of the Board within 90 days of the annual meeting.~~ If the election of officers does not occur at the annual meeting, the Board shall cause the election to be held at a regular or special meeting of the Board within 90 days of the Annual Meeting. (4/9/92)

**Section 2 - Regular Meetings.** Regular meetings of the Board shall be held at a time and place to be set by the Board. At least six regular meetings per year shall be held. The Board records shall be open to the public.

**Section 3 - Special Meetings.** Special meetings of the Board may be called by the Chairman Chair, the vice Chairman Chair in the absence of the Chairman Chair, or by any three Authority members by giving 24 hours notice of the meeting, stating the purpose of the meeting and by posting a notice 18 hours prior to the meeting in the lobby of City Hall. (04/09/92)

**Section 4 - Notice of Meetings.** All meetings shall be preceded by public notice posted 18 hours prior to the meeting in accordance with Act 267 of the Public Acts of 1976 as amended.

**Section 5 - Agenda.** The recording secretary shall prepare the agendas for all meetings and send them to the Board members at least 24 hours prior to the meeting. Any member of the Board may request any item to be placed on the agenda.

**Section 6 - Quorum and Voting.** A majority of the members of the Board in office shall constitute a quorum for the transaction of business. A vote of seven members shall constitute the action of the Board unless the vote of a larger number is required by stature, or elsewhere in these rules.

In the event that effective membership is reduced because of a conflict of interest, a majority of the remaining members eligible to vote shall constitute the action of the Board. In no event shall less than five affirmative votes constitute action of the Board. (10/14/93).

**Section 7 - Rules of Order.** Robert=s Rules of Order will govern the conduct of all meetings.

**Section 8 - Open and Closed Meetings.** All regular and special meetings of the Board shall be open to the public. Closed meetings of the Board may be called for purposes listed in the Open Meetings Act 267 of the Public Acts of 1976 as amended if approved by the Authority.

**Section 9 - Conflict of Interest.** A director who has a conflict of interest in any manner before the Board shall disclose that interest prior to the corporation taking any action with respect to the matter. This disclosure shall become part of the record of the Board=s official proceedings. Any member making such disclosure shall then refrain from participating in the Board=s decision-making process relative to such matters.

Section 10 - Requests for Funding. The Board may not act upon a request for funding unless the request has been referred to a committee of the Board for review and recommendation. In the event that a committee has not made a recommendation to the Board within 60 days from the time that the request was first presented to the Board, the Board may, by majority vote, bring the proposal to the Board for consideration without benefit of the committee recommendation. (04/09/92)

#### **Article V - Executive Committee**

The officers of the Board, including Chairman Chair, vice Chairman Chair (04/09/92), treasurer and recording secretary shall constitute the executive committee. ~~The immediate past chairman shall be a non-voting member.~~ The last former chair shall be a non-voting member. (04/13/89) The executive committee shall have general supervision of the affairs of the Board of Directors of the Authority between its business meetings, fix the hours in place of meetings, make recommendations to the Board, and shall perform such other duties as specified in these By-Laws or as may be specified by the Board.

## **Article VI - Board Committees and Advisory Committees**

**Section 1 - Board Committees.** The Board, by resolution, may designate and appoint one or more committees to advise the Board. Committee members shall be members of the Board. The Chairman **Chair** of the Board shall appoint the members and select the Chairman **Chair** of the Board committees. The committees may be terminated by vote of the Board. At the annual meeting, the committees will be evaluated and reappointed or dissolved. A majority of the committee will constitute a quorum. A majority of the members present at the meeting at which a quorum is present shall be the action of the committee. [\(04/09/92\)](#)

**Section 2 - Advisory Committees.** The Board may, by resolution, authorize the establishment of advisory committees to the Board. The Chairman **Chair** shall select, with the advice and consent of the Board members, the members of each advisory committee. The advisory committees shall elect their own officers and establish rules governing their actions. [\(04/09/92\)](#)

## **Article VII - Indemnification**

**Section 1 - Indemnification.** Whenever any claim is made or any civil action is commenced against any member, officer or employee of the Authority, or injuries to persons or property caused by the negligence of the officer or employee while in the course of their employment, and while acting within the scope of their authority, the Board may, but is not required, to pay for legal services and also for any judgment or compromised settlement of the claim, pursuant to Act 170 of the Public Acts of 1964 as amended.

**Section 2 - Reimbursement.** Any indemnification under Section 1 shall be made by the Board only as authorized in the specific case upon a determination that indemnification of the member, employee or officer is proper in circumstances because they have met the applicable standard of conduct set forth in Section 1. Such determination shall be made in either of the following ways:

1. By a majority vote of the members of the Board who were not parties to such action, suit or proceeding, or
2. If such quorum is not obtainable, or even if obtainable, a quorum of disinterested members so directs, supported by the recommendation of legal counsel in a written opinion.

**Section 3 - Insurance.** The Board may purchase and maintain insurance on behalf of any person who is or was a director, member or officer of the corporation against any liability asserted against the officer or employee and

incurred by them in any such capacity or arising out of their status as such, whether or not the Board would have power to indemnify that person against such liability under Sections 1 and 2 of this article.

**Article VIII - Amendment of By-Laws**

These By-Laws may be amended at any regular meeting of the Board by a majority vote, provided that the amendment has been submitted in writing at the previous regular meeting.

Approved by DDA: 01/10/84; Approved by City Council: 02/06/84 (R-56-2-84);  
Revised by DDA: 12/01/96; Approved by City Council: 12/15/86 (R-673-12-86)  
Revised by DDA: 07/14/88; Approved by City Council: 08/01/88 (R-448-8-88)  
Revised by DDA: 04/13/89; 04/09/92; 10/14/93

Councilmember Lumm moved that the resolution be approved as revised.

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

\*\*\*\*\*

**POSTPONED**

**RESOLUTION ADOPTING A MISSION STATEMENT  
FOR THE CITY OF ANN ARBOR**

Whereas, Employees from all levels within the City organization have participated in the development of a mission statement; and

Whereas, The statement expresses the organization=s commitment to the citizens of Ann Arbor, customers and employees;

**RESOLVED**, That the Mayor and City Council hereby adopt and affirm the following mission for the City of Ann Arbor:

**A**The City of Ann Arbor is committed to providing excellent municipal services that enhance the quality of life for all while valuing an open environment that fosters fair, sensitive and respectful treatment of all employees and the community we serve.≡

Councilmember Kolb moved that the resolution be approved.

Councilmember Kolb moved that the resolution be postponed until February 18, 1997.

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

\*\*\*\*\*

**R-30-1-97 APPROVED AS REVISED**

**RESOLUTION ON HOMELESSNESS**

Whereas, The number of homeless people in this county is expected to increase in 1997 because of the cutbacks in fixed income support programs by the State and Federal Governments;

Whereas, The Washtenaw County Shelter Association sheltering program for homeless adult individuals is inadequate for the need, as it was intended to serve 30-50 people 15 years ago and now serves up to 100 people and has had to create an overflow program;

Whereas, Agencies serving the counties homeless population have been meeting since summer to collaborate in assessing, publicizing, and urging government action regarding what they see as an impending crisis; and

Whereas, The City of Ann Arbor and Washtenaw County have provided emergency funding for the Shelter Association to meet this winter=s crisis;

Whereas, The City of Ann Arbor, Washtenaw County, and the City of Ypsilanti have formed an alliance to address homelessness as an area-wide issue, and have appointed a Task Force on Homelessness, with broad representation, to investigate the needs for shelter and improved support services for single adult individuals and to make recommendations;

**RESOLVED**, That the City of Ann Arbor is committed to helping acquire replacement shelter facilities and to the consolidation of programs serving homeless single adult individuals by winter 1997-98;

**RESOLVED**, That the City of Ann Arbor will use its good offices to encourage Washtenaw County, the City of Ypsilanti, the State of Michigan, the Federal Government, private industry and businesses, foundations, the religious community and the public to join in this effort to plan together and to provide the necessary funding for shelter facilities with appropriate support services;

**RESOLVED**, That the City of Ann Arbor, as a participant in the Task Force, and using the information generated by the Task Force, will investigate all possible sources of funding and will include funds for this purpose in its 97-98 budget;

**RESOLVED**, That the City of Ann Arbor, in partnership with other entities in the county, will strive to find funding sources (to replace the Federal and State funds which have been cut) for the acquisition of permanently low income transitional and permanent housing to enable shelter residents to be in stable housing; and

**RESOLVED, That the City of Ann Arbor, in partnership with other entities in the county, will anticipate in a future planning organization whose purpose is to assess the shelter and support service needs of ALL THE HOMELESS in Washtenaw County and to make recommendations to the appropriate bodies for action.**

**Councilmember Carlberg moved that the resolution be approved.**

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

\*\*\*\*\*

**R-31-1-97 APPROVED**

**RESOLUTION TO APPROVE CHINESE CHRISTIAN CHURCH SITE PLAN**

**A communication was received from the City Planning Commission transmitting its recommendation of approval (8 years and 0 days) of the Chinese Christian Church Site Plan, 8.5 acres, south side of Dhu Varren Road between Nixon Road and Pontiac Trail.**

**Whereas, The Ann Arbor Chinese Christian Church has requested site plan approval in order to construct a one-story, 7,400-square foot church on the south side of Dhu Varren Road between Nixon Road and Pontiac Trail; and**

**Whereas, The Ann Arbor City Planning Commission, on December 3, 1996, recommended approval of said request;**

**RESOLVED, That City Council approve the Chinese Christian Church Site Plan, subject to archaeological review prior to issuance of grading permits.**

**Councilmember Vereen-Dixon moved that the resolution be approved.**

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

\*\*\*\*\*

**R-32-1-97 APPROVED**

**RESOLUTION TO APPROVE JEWISH COMMUNITY CENTER SITE PLAN**

**A communication was received from the City Planning Commission transmitting its**

**recommendation of approval (8 yeas and 0 nays) of the Jewish Community Center of Washtenaw County final Phase PUD, 6.0 acres, 2935 Birch Hollow Drive.**

**Whereas, The Jewish Community Center of Washtenaw County has requested final phase PUD approval in order to construct 13,089 square feet of new floor area to the Jewish Community Center at 2935 Birch Hollow Drive; and**

**Whereas, The Ann Arbor City Planning Commission, on January 7, 1997, recommended approval of said request;**

**RESOLVED, That City Council approve the Jewish Community Center of Washtenaw County Final Phase PUD.**

**Councilmember Lumm moved that the resolution be approved.**

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

\*\*\*\*\*

**R-33-1-97 APPROVED**

**RESOLUTION TO APPROVE A CONTRACT  
TO RETAIN THE FIRM WADE-TRIM FOR THE  
LANDFILL REUSE CONCEPT PLAN AND  
APPROPRIATE FUNDS FOR THE PLAN  
(\$49,300)**

Whereas, The Park Rehabilitation and Development Millage program included funding for a plan for the reuse of the former Ann Arbor Landfill property in FY 1999-2000;

Whereas, The Park Advisory Commission approved commencing the planning for the reuse of the landfill now rather than later in the millage program;

Whereas, The Park Advisory Commission established a subcommittee to work with City staff and other advisory commissions to develop RFP #397 and solicit proposals for the plan for the reuse of the landfill property;

Whereas, Ten proposals were received and reviewed and five firms interviewed resulting in Wade-Trim as the committees selection;

Whereas, Wade-Trim received human rights approval December 26, 1996; and

Whereas, There is sufficient unappropriated fund balance in the park Rehabilitation and Development Millage to move estimated \$55,000 for the landfill reuse concept plan forward from FY 1999-2000;

**RESOLVED, That the Mayor and City Council approve a contract with Wade-Trim consulting form for \$49,300 and authorize the Mayor, City Clerk and City Administrator to execute the contract documents substantially in the form on file in the City Clerk=s office necessary to retain Wade-Trim for completion of the concept plan for the reuse of the landfill property in accordance with RFP #397 and appropriate from the Park Rehabilitation and Development Millage fund balance \$55,000 to establish a project budget for the life of the project.**

Councilmember Lumm moved that the resolution be approved.

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

\*\*\*\*\*

**R-34-1-97 APPROVED**

**RESOLUTION TO APPROVE GUIDELINES**

**FOR THE CITY'S FISCAL YEAR 1997/1998  
COMMUNITY DEVELOPMENT BLOCK GRANT,  
HOME AND CITY 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 97/98 Community Development Block Grant and HOME funds;

Whereas, Priorities have been established based on needs identified in the City's FY 1995-2000 Consolidated Strategy and Plan and reviewed by the CDBG Executive Committee;

Whereas, The City is expected to receive a total of \$2,030,000 in FY 1997/98 federal funds, including \$1,423,000 in Community Development Block Grant funds and \$607,000 in HOME funds as well as \$929,555 of General Funds for programs and activities;

Whereas, The priorities and target amounts for public/human services are based on the premise of no funding increases;

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

Whereas, The CDBG Executive Committee has reviewed and endorsed the priorities and target amounts.

RESOLVED, That City Council approve guidelines for FY 1997/98 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.

CATEGORY	CDBG	HOME	GENERAL FUND	TOTAL
Housing	\$522,000	\$515,950	\$126,000	\$1,163,950
Public Facilities/ Improvements	\$100,000			\$100,000
Public/Human Services	\$396,000		\$745,000	\$1,141,000
Economic Development	\$30,000		\$50,000	\$80,000

**Councilmember Daley moved that the resolution be approved.**

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

\*\*\*\*\*

**R-35-1-97 APPROVED**

**RESOLUTION TO APPROVE A CONTRACT WITH  
THE ANN ARBOR HOUSING COMMISSION FOR  
TWO POLICE OFFICERS TO WORK IN FAMILY  
HOUSING SITES (\$80,000)**

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

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

**Whereas, The United States Department of Housing and Urban Development has awarded the Ann Arbor Housing Commission a drug elimination grant, that includes funds for two police officer positions to work exclusively in the family housing sites;**

**RESOLVED, That City Council approve a contract with the Ann Arbor Housing Commission in the amount of \$80,000 to fund two police officers to work exclusively in the family housing sites, and that the Mayor and City Clerk are authorized to sign the agreement substantially in the form on file with the City Clerk;**

**RESOLVED, That the authorized sworn strength of the police department will be increased by two positions, and that two police officers will be hired to fill the positions, and that should the contract not be renewed or the decision is made to not reapply for the grant in succeeding years, then the authorized sworn strength of the police department will be reduced by two positions, and that the total number of police officers employed will be reduced by two; and**

**RESOLVED, That the City Administrator is directed to take all actions necessary to appropriate the funds to the police budget OMG-031-0173 until expended in the time frame of the grant.**

**Councilmember Kolb moved that the resolution be approved.**

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

\*\*\*\*\*

**R-36-1-97 APPROVED**

**RESOLUTION TO EXTEND TEMPORARY MORATORIUM  
ON THE RECEIPT, PROCESSING AND ISSUANCE  
OF TELECOMMUNICATIONS AND CABLE  
PERMITS AND FRANCHISES**

Whereas, On July 3, 1996, the City Council adopted Resolution No. R-320-7-96 which placed a ninety (90) day temporary moratorium on the receipt, processing, or issuance of permits and franchises by the City of Ann Arbor pursuant to either Michigan Public Act No. 216 of 1995 ("Act 216") or the Federal Telecommunications Act of 1996;

Whereas, On September 16, 1996, the City Council adopted Resolution No. R-427-9-96 which extended said temporary moratorium for sixty (60) days;

Whereas, On November 18, 1996, the City Council adopted Resolution No. R-526-11-96 which extended said temporary moratorium until January 31, 1997, or until the effective date of the telecommunications permit ordinance being considered by the City Council;

Whereas, The purpose of the moratorium was to allow the City time to prepare and enact ordinances to establish procedures for applying for a permit or a franchise under either Act 216 or the Federal Telecommunications Act of 1996;

Whereas, An ordinance which will govern telecommunications permits was introduced before City Council for first reading on November 18, 1996;

Whereas, A second reading of said ordinance and due consideration of the ordinance by City Council must take place before the City Council can enact said ordinance;

Whereas, Various interested persons and entities have expressed a desire to provide additional input and suggest revisions of the proposed ordinance prior to second reading;

Whereas, Additional time after enactment to allow for publication and time for the ordinance to take effect are necessary; and

Whereas, The ordinance cannot be enacted and take effect prior to January 31, 1997;

RESOLVED, That the City hereby extends the temporary moratorium imposed by Resolution No. R-320-7-96 and extended by Resolutions Nos. R-427-9-96 and R-526-11-96 on the receipt, processing, or issuance of any permits or franchises pursuant to either Act No. 216 of the Public Acts of 1995 or the Federal Telecommunications Act of 1996, until February 28, 1997, or until the effective date of the telecommunications permit ordinance being considered by City Council, whichever comes first;

RESOLVED, That no application for a permit or a franchise shall be received or processed by the City and no permit or a franchise shall be issued or granted by the City during the extended temporary moratorium;

RESOLVED, That any permit issued by the City for work within the public rights-of-way shall not constitute the permit required by Act No. 216 of the Public Acts of 1995 for access to and use of public rights-of-way by providers of telecommunications services;

RESOLVED, The permits required by Act No. 216 of the Public Acts of 1995 must be obtained separately from the City following expiration of the extended temporary moratorium provided in this Resolution; and

RESOLVED, That a copy of this resolution shall be provided to any persons who express interest in obtaining a permit or franchise pursuant to either Act 216 or the Federal Telecommunications Act of 1996 during the extended temporary moratorium.

**Councilmember Kolb moved that the resolution be approved.**

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

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**DEFERRED TO END OF MEETING**

The Council unanimously agreed to defer the following resolution to the end of the meeting:

**RESOLUTION APPROVING CLOSED SESSION TO DISCUSS SETTLEMENT STRATEGY IN MICHIGAN TAX TRIBUNAL CASE BETWEEN ARBORLAND ASSOCIATES, LTD. AND THE ASSESSOR**

**REPORTS FROM COUNCIL COMMITTEES**

Councilmember Vereen-Dixon announced that the Park Advisory Commission will be presenting some issues to Council soon concerning the Leslie Science Center and other properties. Of immediate interest is the City's involvement in the Flower show, April 3 through 6. It would be nice if members of Council could volunteer time to perform some of the work.

Councilmember Vereen-Dixon thanked Pam Stuckman of the Parks Department for her helpful instruction at a meeting this past week on the Barton Drive walkway. She commended the Parks Department for making a great presentation and allowing everyone to address their concerns.

Councilmember Carlberg said at the last meeting of the Community Corrections Advisory Board, the subject of a follow-up visit to a Council meeting by the CCCAB director was addressed. She said that the Board would determine if another presentation or a working session with the Council was needed.

## COUNCIL PROPOSED BUSINESS

### For a Future Meeting:

Resolution Regarding Impervious Surfaces (Councilmember Carlberg)

Resolution Regarding the Second Annual Afro-American Downtown Celebration (Councilmember Vereen-Dixon)

## COMMUNICATIONS FROM THE MAYOR

### Announcements

Mayor Sheldon received an announcement from the University of Michigan Utilities Department of a National Town Meeting on February 19, 1997 from 1:00 until 4:30 p.m., in the Michigan Union Wolverine Room, on the subject of Environmentally Sustainable Energy Choices. A teleconference during the meeting on this subject is scheduled from 2:00 until 3:30.

Recently Signed Proclamations: Clinical Engineering and Biomedical Technology Week - February 16-22, 1997

The meeting to discuss the Groundwater Cleanup Plan for the City's landfill has been rescheduled for Wednesday, January 29, at 7:00 p.m. at the Scarlett Middle School.

Mayor Sheldon thanked all citizens who attended and participated tonight's Council meeting.

### APPOINTMENTS APPROVED

Mayor Sheldon requested confirmation of the following appointments which were placed in nomination at the last Council meeting:

#### Board of Review

Garett Evans (reappointment)  
1644 Argyle Crescent 48103  
Term: 02-01-97 to 01-31-2000  
(Appointment date: 01-21-97)

#### Second Board of Review

Warren McLean (reappointment)  
3295 Bolgos Circle 48105  
Term: 02-01-97 to 01-31-2000  
(Appointment date: 01-21-97)

### Employees Retirement System Board of Trustees

**Larry Hahn (reappointment)**  
**1524 Brookfield Dr. 48103**  
**Term: 01-20-97 to 12-31-2000**  
**(Appointment date: 01-21-97)**

**Individual Historic Properties Historic District Study Committee**

**Marc M. Rueter (to fill vacancy)**  
**515 Fifth St. 48103**  
**Term: 01-20-97 to 05-01-97**  
**(Appointment date: 01-21-97)**

**Domestic Violence Coordinating Board**

**Rebecca Sheimke (replacing Lynelle Detzler-Morgan as Family Law Project representative)**  
**Family Law Project**  
**University of Michigan Law School**  
**Hutchins Hall 48109-1215**  
**Term: 01-20-97 to 07-17-97**  
**(Appointment date: 01-21-97)**

**Park Advisory Commission**

**Nelson K. Meade (Reappointment)**  
**2484 Pinecrest Ave. 48104**  
**Term: 01-20-97 to 01-19-2000**  
**(Appointment date: 01-21-97)**

**Patricia Creal (reappointment)**  
**2655 Esch 48104**  
**Term: 01-20-97 to 01-19-2000**  
**(Appointment date: 01-21-97)**

**Bicycle Coordinating Committee**

**Dieter Hohnke (reappointment)**  
**1201 Harbrooke Ave. 48103**  
**Term: 01-20-97 to 01-19-2000**  
**(Appointment date: 01-21-97)**

**Mary Underwood (reappointment)**  
**1219 Traver 48105**  
**Term: 01-20-97 to 01-19-2000**  
**(Appointment date: 01-21-97)**

**Karl Kleitsch (reappointment)**  
**3642 Wellington Cross 48105**  
**Term: 01-20-97 to 01-19-2000**  
**(Appointment date: 01-21-97)**

**Joe Christy (reappointment)**  
2475 Traver Blvd. 48105  
Term: 01-20-97 to 01-19-2000  
(Appointment date: 01-21-97)

**Councilmember Putman moved that the Council concur in the recommendation of the Mayor.**

**Councilmember Hanna-Davies moved that the appointment of Larry Hahn to the Employees Retirement System Board of Trustees be postponed until February 3, 1997, in order to consider the appointment concurrently with another to fill a vacancy on the Board.**

**On a voice vote on the motion to postpone the appointment of Larry Hahn, the Mayor dissented but declared the motion carried, and the appointment postponed.**

**The question under consideration was approval of the appointments, with the exception of the Employees Retirement System, on a voice vote, the Mayor declared the motion carried unanimously.**

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

**Cable Communications Commission**

**Kenneth T. Latta (reappointment)**  
P.O. Box 7258 48107  
Term: 02-03-97 to 02-02-2002

**Airport Advisory Committee**

**Sandra A. Hazlett (reappointment)**  
3215 Charing Cross Rd. 48108  
Term: 02-22-97 to 02-21-2000

**Housing Policy Board**

**Robert Gillett (reappointment)**  
Legal Services of Southeastern Michigan  
420 N. Fourth Ave. 48104  
Term: 02-06-97 to 02-05-2000

**Kate Warner (reappointment)**  
1804 Linwood 48103  
Term: 02-06-97 to 02-05-2000

**COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

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

- \* **Operation CheKPOINT Brochures Distribution**
- \* **Broadway Bridges Environmental Assessment - Summary of Comments Received - 12/11/1996 Community Workshop**
- \* **Public Act 18 Amendments**

These communications were filed with the City Clerk.

The City Administrator received requests from members of the Council for information on other subjects.

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

None.

#### **COMMUNICATIONS FROM COUNCIL**

Councilmember Lumm responding to an earlier comment regarding the need to address the subject of impervious surfaces, asked that Councilmembers keep in mind that compact cars are not the current choice of consumers.

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

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

- \* **Downtown Development Authority of Scio Township Letter to Jackson Road residents and property owners regarding status of Jackson Rd. construction project - FILED**
- \* **Petition from residents of Fairglen Subdivision who oppose the City=s plan to alter the creek and adjoining natural park area in the Fairglen Subdivision Commons and who urge the retention of an environmental planning consultant to provide additional options - FILED**

#### **CLERK=S REPORT OF MINUTES RECEIVED AND FILED**

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

- \* **Downtown Development Authority - November 14, 1996**
- \* **Ann Arbor Energy Commission - December 12, 1996**
- \* **Zoning Board of Appeals - July 31, 1996**
- \* **Zoning Board of Appeals - August 28, 1996**
- \* **Building Board of Appeals - November 19, 1996**
- \* **Housing Policy Board - December 18, 1996**
- \* **Zoning Board of Appeals - September 25, 1996**
- \* **Zoning Board of Appeals - October 23, 1996**
- \* **Historic District Commission - December 12, 1996**
- \* **Historic District Commission - November 14, 1996**

**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.**

#### **RECESS TO EXECUTIVE SESSION**

#### **R-37-1-97 APPROVED**

#### **RESOLUTION APPROVING CLOSED SESSION TO DISCUSS SETTLEMENT STRATEGY IN MICHIGAN TAX TRIBUNAL CASE BETWEEN ARBORLAND ASSOCIATES, LTD. AND THE ASSESSOR**

Whereas, Arborland Associates, Ltd., has appealed the Assessor=s assessment of the property known as Arborland Mall to the Michigan Tax Tribunal for the years 1994 through 1996;

Whereas, Arborland Associates, Ltd., has initiated settlement discussions with the Assessor;

Whereas, The City Attorney has requested a closed session to discuss settlement strategy in the case; and

Whereas, A discussion in open meeting would have an adverse financial effect on the Assessor=s settlement position;

RESOLVED, That the City Council hold a closed session to discuss settlement strategy in the Michigan Tax Tribunal cases between Arborland Associates, Ltd., and the Assessor.

**Councilmember Kolb moved that the resolution be approved.**

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Lumm, Kwan, Carlberg, Herrell, Hartwell, Putman, Kolb, Daley, Mayor Sheldon, 11  
Nays, 0

The Mayor declared the motion carried unanimously and the meeting recessed to an executive session.

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**ANN ARBOR CITY COUNCIL EXECUTIVE SESSION  
TUESDAY - JANUARY 21, 1997 - 9:25 P.M.**

The Executive session of the Ann Arbor City Council was called to order at 9:25 p.m. in the City Council workroom by Mayor Ingrid B. Sheldon.

**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 Sheldon, 11

**Absent:** 0

**Discussion:** City Attorney: Settlement Strategy in Michigan Tax Tribunal Case Between Arborland Associates, Ltd. and the Assessor

**ADJOURNMENT OF EXECUTIVE SESSION**

The executive session was adjourned and the regular session reconvened at 9:50 p.m.

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**ADJOURNMENT OF REGULAR SESSION**

There being no further business, Councilmember Putman moved that the regular session be adjourned.

On a voice vote, the Mayor declared the motion carried unanimously and the regular session adjourned at 9:50 p.m.

Linda J. Wise  
Recording Secretary  
Acting Clerk of the Council