

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - MONDAY, FEBRUARY 2, 1998**

The regular session of the Ann Arbor City Council was called to order at 7:42 p.m. in the City Hall Council Chamber by Mayor Ingrid B. Sheldon.

Council stood for a moment of silence.

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

ROLL CALL OF COUNCIL

PRESENT : Councilmembers Tobi Hanna-Davies, Patricia Vereen-Dixon, Jane Lumm, David Kwan, Jean Carlberg, Heidi Cowing Herrell, Stephen C. Hartwell, Patrick A. Putman, Christopher Kolb, Elisabeth L. Daley, Mayor Ingrid B. Sheldon, 11.

ABSENT : 0.

INTRODUCTIONS

ARBOROUGH GAMES PRESENTATION

Arbborough Games representatives Ronald Passiak and Charles Douglas, Board of Directors Co-Chairs, presented the Arbborough Games Friendship Trophy and a progress report on the program. Mr. Passiak introduced the following officers of the Arbborough Games organization: Director Lee Carroll, President Kay Drake, Treasurer Anne Brett, and Secretary Francine Fein.

Mr. Douglas explained that the games are an athletic cultural exchange between the youth of Ann Arbor and its sister city, Peterborough, Ontario, Canada. He reported that last year, due to budget cuts, concerned citizens carried the games forward, and that a non-profit corporation has been formed this year to continue the games. Mr. Douglas thanked the City for its past support and stated that the friendship trophy is available to the City for display throughout the month of February to encourage awareness and participation in the games.

PUBLIC COMMENTARY - RESERVED TIME

MERVIN MIKULA - SHELTER ISSUE

Mervin Mikula, 2901 Northbrook Pl., #105, speaking on behalf of shelter residents, expressed concern with the management of the homeless shelter. He suggested that the shelter be run as a cooperative, in which residents sign a contract and perform chores as well as manage the shelter. Mr. Mikula stated that such an arrangement would teach the residents responsibility.

KEITH CROCKER - SCHOOL REDISTRICTING

Keith Crocker, 3078 Override Dr., representing Ann Arbor Hills residents, spoke in opposition to the Ann Arbor Public Schools redistricting plan. Mr. Crocker stated that the effort to alleviate overcrowding in the southwestern portion of the school district has been transformed into a massive disruption, in which children are demographic pawns in an abstract redistricting game. He expressed concern with the closing of neighborhood schools, and stated that many residents believe that the Board=s values are based on demographics rather than education.

EZRA ROWRY - SCHOOL REDISTRICTING

Ezra Rowry, 818 Pomona Rd., spoke in opposition to the Ann Arbor Public Schools redistricting plan. He expressed concern with the closing of Mack Elementary School, which is a unique neighborhood school that children can walk to. Mr. Rowry stated that the community needs Mack school.

ROBIN ALVAREZ - YMCA

Robin Alvarez, 350 S. Fifth Ave., Ann Arbor YMCA resident, stated that the issue of illegal spraying of pesticides at the Ann Arbor YMCA has been resolved, and thanked city officials for following up on the matter. She reported that the new exterminator used an effective, non-toxic process and was very sensitive to the residents needs. Ms. Alvarez stated that other issues at the YMCA need to be addressed and that she will continue to advocate on behalf of those people who cannot speak up for themselves.

ROGER RAYLE - PALL/GELMAN CONTAMINATION

Roger Rayle, 3141 N. Wagner Rd., stated that he has been involved for the last four years in working toward a cleanup of the Gelman dioxane contamination. Mr. Rayle displayed a three-dimensional chart showing the concentration of dioxane contamination in the groundwater and expressed concern that the higher levels of dioxane are approaching the Evergreen Subdivision. He urged state and city government and citizens to work together to convince Pall/Gelman to do a proper cleanup.

PAT RYAN - PALL/GELMAN CONTAMINATION

Pat Ryan, 303 Wildwood Ave., spoke in opposition to the Pall/Gelman cleanup plan. She stated that a recent letter from a Pall Corporation executive shows how much things stay the same even as the players change. Ms. Ryan expressed concern with Pall/Gelman=s mostly untreated discharges threatening Ann Arbor=s drinking water, and with Pall/Gelman=s invitation= to the City to join them in polluting the Huron River with untreated discharges.

SAFIYA KHALID - MAKING CHANGES AT SHELTER ASSOCIATION

Safiya Khalid, P.O. Box 130654, Ann Arbor, expressed concern with the serious problems at the homeless shelter and with what she believes are illegal activities by the shelter staff members. Ms. Khalid reported that the shelter clients have started a collection of funds to form their own nonprofit organization, which will have its articles of incorporation filed this week. She stated that the shelter clients have a designated site for a new shelter, other than the Ellsworth site, and have identified funding sources for the project.

DREW LATHIN - LANDFILL REMEDIATION

Drew Lathin, 304 Wildwood Ave., representing the Northwest Ann Arbor Coalition of Neighborhoods, stated that the coalition is concerned with both the Pall/Gelman and the landfill dioxane contamination cleanup efforts and supports public action for a zero impact community.= He requested that the City maintain regulation and prevent further deterioration of the cleanups to protect neighborhoods and the environment. Mr Lathin asked that the same standards be applied to all situations, regardless of which area has been polluted and who is responsible. (Statement on file in the City Clerk=s Office)

PUBLIC HEARINGS**1998 FEES AND CHARGES FOR GOLF COURSES**

A public hearing was conducted on the proposed 1998 fees and charges for Department of Parks and Recreation golf courses. Notice of public hearing was published January 30, 1998.

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

APPROVAL OF AGENDA**AGENDA APPROVED AS AMENDED**

Councilmember Daley moved that the agenda be approved as presented.

Councilmember Hanna-Davies moved that the following item be added to the agenda:

Resolution Providing for Salary Adjustment for City Attorney Abigail Elias (City Attorney Committee - Mayor Sheldon, Councilmembers Hanna-Davies, Kwan, Herrell, Putman and Kolb).

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

Councilmember Daley moved that the following item be added to the agenda:

Resolution to Rescind the Current CTN Programming Policy and to Re-Implement the Former Programming Policy Which Had No time, Place and Manner Restrictions (Councilmember Daley).

On roll call the vote as follows:

Yeas, Councilmembers Herrell, Hartwell, Kolb, Daley, Hanna-Davies, Vereen-Dixon, Carlberg, 7;

Nays, Councilmembers Putman, Lumm, Kwan, Mayor Sheldon, 4.

The Mayor declared the motion defeated. (Consent of 3/4 of the members present required - ARules of the Council≡, Rule 24)

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

APPROVAL OF COUNCIL MINUTES

MINUTES OF JANUARY 5 AND 12 APPROVED

Councilmember Putman moved that the recessed regular session minutes of January 5, 1998, the continued regular session minutes of January 12, 1998, and the working session minutes of January 12, 1998 be approved as presented.

On a voice vote the Mayor declared the motion carried.

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-44-2-98 APPROVED

**RESOLUTION TO APPROVE TWO AMENDMENTS TO
THE CONSOLIDATED ANNUAL CONTRIBUTIONS CONTRACT
BETWEEN THE CITY OF ANN ARBOR AND HUD IN SUPPORT
OF THE SECTION 8 CERTIFICATE PROGRAM**

Whereas, The City of Ann Arbor, acting by and through the Housing Commission, has a Consolidated Annual Contributions Contract (ACC) to provide funding in support of 675 units of Section 8 (Certificates and Vouchers) subsidized housing;

Whereas, By statute, HUD must adequately fund all Certificate allocations and, therefore, will grant as needed, one-time Cost Amendments to provide needed funding, as determined by HUD;

Whereas, As allocations of Certificate or Vouchers expire, HUD must determine how to renew, either from existing appropriated program project reserves, or through new appropriations; and

Whereas, HUD has determined a need for a \$840,000.00 Cost Amendment for the Certificate Program, and has appropriated \$423,863.00 under a Renewal Amendment for an 11-30-97 expired allocation (M1064CE004), to fund a new allocation (M1064CE017) of 53 units for 15 months (12/01/98 to 02/28/99);

RESOLVED, That City Council approve the execution of both the \$840,000.00 Cost Amendment and the \$423,863.00 Renewal Amendment to the Consolidated ACC for Section 8 Voucher and Certificate programs, between the City of Ann Arbor and HUD, by the Executive Director of the Housing Commission.

R-45-2-98 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH WASHTENAW ENGINEERING COMPANY, INC. AND ESTABLISH A DESIGN BUDGET FOR THE SOUTH INDUSTRIAL HIGHWAY ROAD IMPROVEMENTS PROJECT

Whereas, The three lane improvement to South Industrial Highway is listed in the Capital Improvements Program as a priority project;

Whereas, It is necessary to retain the services of a professional engineering firm to perform the design of the South Industrial Highway Road Improvements Project;

Whereas, Washtenaw Engineering Company, Inc. has demonstrated the required experience, personnel, and competitive fee to design the South Industrial Highway Road Improvements project; and

Whereas, The Human Resources Department, on December 30, 1997, approved said company;

RESOLVED, That the City Council authorize a professional services agreement with Washtenaw Engineering Company, Inc. in the amount of \$150,000.00 for the design of the South Industrial Highway Road Improvements project;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute said professional services agreement after approval as to form by the City Attorney, and approval as to substance by the City Administrator;

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

Section I - Revenue

\$ 180,000

Street Resurfacing Millage

\$ 180,000

TOTAL

Section II - Expenses

\$ 150,000	Consulting
30,000	City Engineering
\$ 180,000	TOTAL; and

RESOLVED, That Council authorize the City Administrator to take necessary administrative actions to implement this resolution.

R-46-2-98 APPROVED

**RESOLUTION TO APPROVE PURCHASE WITH
BUFF WHELAN CHEVROLET FOR SIX SEDANS -
OAKLAND COUNTY BID**

Whereas, The Fleet Services Division of the Public Services Department and the Utilities Department need to purchase replacement automobiles;

Whereas, Buff Whelan was the lowest responsible bidder, Oakland County=s Cooperative Purchasing Program, for \$89,885.52; and

Whereas, Buff Whelan received Human Rights approval from the Human Resources Department on January 6, 1998;

RESOLVED, That City Council approve the issuance of purchase orders to Buff Whelan for the purchase of six 1998 Chevrolet Luminas, in the total amount of \$89,885.52, and the funds to be available without regard to fiscal year.

R-47-2-98 APPROVED

**RESOLUTION TO APPROVE PURCHASE WITH BUFF
WHELAN CHEVROLET FOR FOUR COMPACT CARS -
MACOMB COUNTY BID**

Whereas, The Fleet Services Division of the Public Services Department needs to purchase replacement automobiles;

Whereas, Buff Whelan was the lowest responsible bidder, Macomb County=s

Cooperative Purchasing Program, for \$46,801.88; and

Whereas, Buff Whelan received Human Rights approval from the Human Resources Department on January 6, 1998;

RESOLVED, That City Council approve the issuance of a purchase order to Buff Whelan for the purchase of four 1998 Chevrolet Cavaliers, in the total amount of \$46,801.88, and the funds to be available without regard to fiscal year.

R-48-2-98 APPROVED

**RESOLUTION TO APPROVE PURCHASE WITH BUFF
WHELAN CHEVROLET FOR THREE MINI PICKUP TRUCKS -
MACOMB COUNTY BID**

Whereas, The Fleet Services Division of the Public Services Department needs to purchase replacement pickup trucks;

Whereas, Buff Whelan was the lowest responsible bidder, Macomb County's Cooperative Purchasing Program, for \$43,154.73; and

Whereas, Buff Whelan received Human Rights approval from the Human Resources Department on January 6, 1998;

RESOLVED, That City Council approve the issuance of a purchase order to Buff Whelan for the purchase of three 1998 Chevrolet S-10 Pickup Trucks, in the total amount of \$43,154.73, and the funds to be available without regard to fiscal year.

R-49-2-98 APPROVED

**RESOLUTION TO AUTHORIZE SINGLE LOT
SPECIAL ASSESSMENTS FOR THE 1997 ANNUAL
STREET RESURFACING PROJECT**

Whereas, The City has constructed improvements in the public right-of-way abutting certain lots and premises; and

Whereas, Notices have been given by first class mail to the owners of each premises of the total amount due as required by the City Code;

RESOLVED, That single lot special assessments for the unpaid amounts be levied against such owners and premises as described in the attached Schedule A;

RESOLVED, That the payment of said special assessments be hereby authorized in 10 annual installments commencing on August 1, 1998, with a rate of interest of 7.00% with subsequent installments due on June 1 of each year commencing in 1999. Interest is to commence on August 1, 1998, and is to be collected annually on June 1 of each and every year thereafter; and

RESOLVED, That the total amount of \$6,229.20 be credited to the Street Millage Fund (Fund 062).

SCHEDULE A

<u>Assessor's Code</u>	<u>Address</u>	<u>Owner</u>	<u>Amount</u>
12-09-104-017	1355 King George	Janet Balliet	\$ 700.00
09-14-201-016	3276 Bluett Dr.	Louis & Meredith Delone	\$ 448.88
09-14-201-010	3296 Bluett Dr.	Arnold & Judy Spellman	\$ 1,831.87
09-29-204-003	114 Eighth St.	Dorothy Nordness	\$ 731.75
09-29-205-006	214 Eighth St.	Martin Soave & Koos Conway	\$ 660.87
09-29-308-003	340 Eighth St.	Harold & Pamela A Kirchen	\$ 1,297.96
09-29-307-010	339 Eighth St.	Leonard & R. Johnson	\$ <u>557.87</u>
TOTAL			\$ 6,229.20

The above amounts are not estimates. They are actual, final costs and will not be revised.

R-50-2-98 APPROVED

**RESOLUTION TO APPROVE EXECUTION OF CONTRACT
WITH SWS ENGINEERING, INC. FOR MICHIGAN THEATER HEATING
VENTILATION AND AIR-CONDITIONING PLANS - RFP #426**

Whereas, The City of Ann Arbor is a Certified Local Government (CLG) and, therefore, eligible to apply for federal historic preservation matching funds through the Michigan Department of State;

Whereas, Funding for restoration or rehabilitation projects is only available to CLGs;

Whereas, The Michigan Theater was designated an Individual Historic Property by the City Council in 1988 and is listed in the National Register of Historic Places making the property eligible for federal matching funds;

Whereas, The city submitted a grant application for funds to prepare engineering plans and specifications for the rehabilitation of the Theater=s heating, ventilating, and air-

conditioning systems;

Whereas, The Department of State has allocated \$24,000.00 in federal grant funds for this project and the Michigan Theater has agreed to provide \$26,250.00 in matching funds; and

Whereas, Of the two proposals received by the city for this project, that submitted by SWS Engineering, Inc is clearly the most qualified;

RESOLVED, That the City Council approve the execution of a contract with SWS Engineering, Inc. in the form approved by the City Attorney in the amount of \$50,250.00 to prepare engineering plans and specifications for the rehabilitation of the HVAC systems at the Michigan Theater.

R-51-2-98 APPROVED

**RESOLUTION TO APPROVE TRANSFER OWNERSHIP
OF A CLASS C LICENSED BUSINESS TO ATO DINE
FOR RESTAURANTS, LTD. FROM THE MOVEABLE
FEAST, INC., 326 WEST LIBERTY STREET**

RESOLVED, That the request from To Dine for Restaurants, Ltd. to transfer the ownership of a 1997 Class C licensed business, located at 326 West Liberty Street, Ann Arbor, from The Moveable Feast, Inc., be approved.

The question being the foregoing Consent Agenda items as presented, on a voice vote the Mayor declared the motion carried.

ORDINANCES - SECOND READING

None.

ORDINANCES - FIRST READING

None.

MOTIONS AND RESOLUTIONS

R-52-2-98 APPROVED

**RESOLUTION REGARDING TERM OF LEASE BETWEEN
THE CITY OF ANN ARBOR AND THE MICHIGAN THEATER
FOUNDATION, INC. FOR THE MICHIGAN
THEATER BUILDING**

Whereas, The historic Michigan Theater is a treasured asset to the Ann Arbor community, drawing thousands of visitors annually to the State Street area;

Whereas, The City of Ann Arbor and the Michigan Theater Foundation, Inc. agree that it is necessary 1) to jointly protect and maintain the Michigan Theater building as an historic landmark in perpetuity; 2) to cooperatively assure that the Michigan Theater building be operated as a specialty film exhibition venue and community performing arts center; and 3) to support and assist one another in fulfilling these purposes for the good of our community;

Whereas, Pursuant to those goals, the City of Ann Arbor agreed to lease the Michigan Theater building to the Michigan Theater Foundation, Inc. beginning in 1982. The terms of that lease included five year renewal options for up to 30 years,

and the current option will expire December 31, 1999;

Whereas, The Michigan Theater Foundation is undertaking a \$4.4 million capital campaign to complete restoration of the Michigan Theater building. The Foundation feels that a longer lease term would favorably impact the campaign by demonstrating the stability of the relationship between the City and the Foundation and has therefore requested a renegotiation of the lease term, as well as some other lease provisions; and

Whereas, The City Attorney and the City Administrator have recommended a 25 year lease, with two renewal options of 25 years, and have asked for Council's direction on the term of the lease;

RESOLVED, That the City Council direct the City Administrator and the City Attorney to proceed with renegotiating the lease for the Michigan Theater with the Michigan Theater Foundation, Inc. for a term of 25 years, with two renewal options of 25 years, at which points the terms and conditions of the lease would be subject to review.

Councilmember Putman moved that the resolution be adopted.

Councilmember Kwan moved that the last paragraph of the resolution be amended as follows:

RESOLVED, That the City Council direct the City Administrator and the City Attorney to proceed with renegotiating the lease for the Michigan Theater with the Michigan Theater Foundation, Inc. for a term of ~~25~~ 15 years, with ~~two~~ THREE renewal options of ~~25~~ 10 years, at which points the terms and conditions of the lease would be subject to review.

On a voice vote the Mayor declared the motion defeated.

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

R-53-2-98 APPROVED

**RESOLUTION TO APPROVE A PROFESSIONAL SERVICES
AGREEMENT WITH LUCKENBACK ZIEGELMAN ARCHITECTS
AND ESTABLISH A PROJECT BUDGET FOR THE FOREST
AVENUE PARKING STRUCTURE PROJECT**

Whereas, It is necessary to retain the services of a professional architectural firm to perform the design phase of the Forest Avenue Parking Structure project;

Whereas, The professional architectural firm of Luckenbach Ziegelman Architects, PLLC, Birmingham and Ann Arbor, Michigan has submitted to the City a proposal for design services, setting forth the services to be performed by them, and the payments to be made by the City therefor, all of which are agreeable to the City and the Downtown Development Authority (DDA);

Whereas, The DDA Board, at its January 26, 1998, meeting, authorized a professional services agreement with Luckenbach Ziegelman Architects, PLLC, for the design of the Forest Avenue Parking Structure project; and

Whereas, The Human Resources Department has given approval of Luckenbach Ziegelman Architects, PLLC, on February 2, 1998;

RESOLVED, That a professional services agreement in the amount of \$400,000 be approved with Luckenbach Ziegelman Architects, PLLC;

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

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

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

\$ 430,000 Interim financing from the Downtown Development Authority Parking System Fund (063), pending the sale of appropriate bonds

\$ 430,000 TOTAL

Section II, Expense

\$ 400,000 Consulting

\$ 30,000 City Charges

\$ 430,000 TOTAL

Councilmember Kolb moved that the resolution be adopted.

The Mayor declared a recess at 8:58 p.m.

The Mayor again called the meeting to order at 9:05 p.m.

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

POSTPONED

RESOLUTION NO. 2 - PREPARE ASSESSMENT ROLL FOR JONES DRIVE SANITARY SEWER EXTENSION PROJECT

Whereas, The City Council has directed and ordered the City Administrator to have prepared plans, specifications and estimates of cost for the Jones Drive Sanitary Sewer Extension Project described as follows:

Jones Drive - Approximately 188 meters of 200 mm sanitary sewer in Jones Drive; File No. 97044; District No. 473;

Whereas, The City Administrator has had the same prepared and has filed the same with the City Clerk together with his recommendations as to what part of the cost thereof should be paid by special assessment, the number of installments in which the special assessments may be paid, and the lands which should be included in the special assessment district;

Whereas, The same has been presented to the City Council and examined and reviewed by the Council:

RESOLVED,

1. That the plans, specifications, estimate of cost, and the recommendations of the City Administrator be filed with the City Clerk and be available for public examination;

2. That the plans, specifications, estimate of cost, and recommendations of the City Administrator for said improvements as filed with the City Clerk by the City Administrator and presented to the Council be approved;

3. That the City Council hereby determine to proceed with the acquisition and construction of the Jones Drive Sanitary Sewer Extension described as follows:

Jones Drive - Approximately 188 meters of 200 mm sanitary sewer in Jones Drive.

4. That the City Council determine the cost of said improvement, including all incidentals, to be \$174,750.00, and that of said total cost, the sum of \$14,562.50 be paid by special assessment upon the property specially benefited within the City, and that the balance of the cost thereof, \$160,187.50 be paid by the City at large;

5. That an amount of \$174,750.00 be advanced from the sanitary sewer supply system fund (Fund 043) pending the sale of the appropriate bonds and that the funds be available until expended without regard to fiscal year;

6. That the following described lots and parcels of land be designated as constituting the special assessment district against which the cost of said improvement shall be assessed, or against which an improvement charge shall, pursuant to Section 1.278 of the City Code, be levied:

LAND INSIDE THE CITY

<u>Assessor's Code</u>	<u>Owner</u>	<u>Estimated Cost</u>	<u>Improvement Charge</u>	<u>Est. Cost</u>
09-21-300-024	Sahba La=al 583 Dellwood Drive Ann Arbor, MI 48103	\$14,562.50	None	\$14,562.50

7. That the City Assessor be hereby directed to prepare a special assessment roll in accordance with the foregoing determinations of the City Council, and to file the same, together with his certificate attached thereto, with the City Clerk for presentation to the City Council.

Jones Drive Sanitary Sewer Extension
File No. 97044; District No. 473

Estimated Project Cost Breakdown:

Construction Cost	\$115,000.00
Design Engineering	13,800.00
Construction Engineering	17,250.00
Testing (Consulting)	5,750.00
Contingencies	9,200.00
Miscellaneous	5,700.00
Bond Costs	<u>8,050.00</u>
Estimated Project Cost	\$174,750.00

Proposed Distribution of Costs:

Total Number of Connections	12
Estimated Cost Per Connection	\$ 14,562.50
Property Share Assessable (1 Connection)	\$ 14,562.50
City Share Non-Recoverable (11 Connections)	\$160,187.50

Councilmember Putman moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the resolution be postponed to the February 17, 1998 regular session of Council to review the apportionment of costs.

On a voice vote the Mayor declared the motion carried.

POSTPONED

RESOLUTION NO. 3 - SET PUBLIC HEARING DATE
FOR JONES DRIVE SANITARY SEWER EXTENSION

SPECIAL ASSESSMENT PROJECT

Whereas, The City Council has ordered the City Assessor to prepare a special assessment roll for the purpose of defraying that part of the cost of the following described sanitary sewer to be defrayed by special assessment:

Approximately 188 meters of 200 mm sanitary sewer in Jones Drive, District No. 473, File No. 97044; and

Whereas, The City Assessor has prepared said special assessment roll and has the same on file in the Assessor=s Office with his certificate attached thereto;

RESOLVED,

1. That said special assessment roll be on file in the office of the City Assessor and be made available for public examination;

2. That the City Council meet on March 2, 1998, at 7:30 o=clock p.m. at the Council Chamber in the Guy C. Larcom, Jr. Municipal Building in said city for the purpose of reviewing said special assessment roll;

3. That the City Clerk give notice of said hearing to review the special assessment roll by having notice thereof published in The Ann Arbor News not less than 10 full days prior to the date of the hearing, and by mailing notice at least 10 days prior to the date of hearing to the owner of each lot and parcel of land subject to the assessment, as indicated by the records of the City Assessor=s Office; and

4. That said notice so published and mailed be in substantially the following form:

**NOTICE OF REVIEW OF
SPECIAL ASSESSMENT ROLL**

PLEASE TAKE NOTICE That the City Council has caused to be prepared a special assessment roll for the purpose of defraying the private property=s share of the cost of sanitary sewer as described as follows:

Approximately 188 meters of 200 mm sanitary sewer in Jones Drive, District No. 473, File No. 97044.

TAKE FURTHER NOTICE That the property to be included in said special assessment district is as follows:

<u>Assessor=s Code</u>	<u>Property Owner</u>	<u>Property Share</u>
09-21-300-024	La=al, Sahba	\$14,562.50

583 Dellwood Drive
Ann Arbor, Michigan 48103

TOTAL \$14,562.50

TAKE FURTHER NOTICE That said special assessment roll is on file in the Office of the City Assessor and is available for public examination.

TAKE FURTHER NOTICE That the City Council will meet on March 2, 1998, at the City Hall Council Chamber in the Guy C. Larcom, Jr. Municipal Building at 7:30 p.m., for the purpose of reviewing said special assessment roll. Any person aggrieved by the special assessment roll or the necessity of the improvement may file his/her objections thereto in writing prior to the closing of said hearing.

TAKE FURTHER NOTICE That appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner of party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the clerk prior to the close of said hearing and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

City Clerk

Councilmember Putman moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the resolution be postponed to the February 17, 1998 regular session of Council to review the apportionment of costs.

On a voice vote the Mayor declared the motion carried.

R-54-2-98 APPROVED

RESOLUTION TO INCREASE THE ENGINEERING DIVISION
OPERATING BUDGET

Whereas, In fiscal year 1997/98, the private sector has generated more projects than anticipated when the 1997/98 operating budget for the Engineering division was being prepared;

Whereas, These activities have resulted in more expenditures to manage the

projects than budgeted;

Whereas, It is now projected that there will be a deficit of \$65,000 in the private development section of the Engineering division budget;

Whereas, Such increase in expenditures will be offset by a \$65,000 increase in the revenues generated from private development; and

Whereas, The current General Fund budget for the Engineering division is \$873,732;

RESOLVED, That the Engineering division operating budget expenditures for fiscal year 1997/98 be raised by \$65,000 to \$938,732;

RESOLVED, That the General Fund revenue budget (revenue source 1510-utilities-technician) be increased by \$65,000; and

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

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-55-2-98 APPROVED**RESOLUTION NO. 1 - PREPARE PLANS AND SPECIFICATIONS
FOR WEHR SANITARY SEWER EXTENSION PROJECT**

Whereas, Council deems it necessary to acquire and construct the following improvement: Sanitary Sewer Extension, District No. 475, File No. 97074, described as:

Wehr Sanitary Sewer Extension Project - The extension of a sanitary sewer in the City parcel commonly known as AdeKoning Dr.≡ to service 2509 S. State Street;

RESOLVED, That:

- 1. The City Administrator be directed to have prepared plans and specifications for said improvement project, and an estimate of the cost thereof;**
- 2. The City Administrator be 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 \$37,000.00 be appropriated for the planning and design of said project, such sum being advanced from the Sewage Disposal System (Operating) fund pending the sale of appropriate bonds;**
- 5. Any unspent portion of said sum be re-appropriated and re-advanced as above for said project for succeeding fiscal years until bonds are sold and the Sewage Disposal System (Operating) 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 Putman moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-56-2-98 APPROVED

**RESOLUTION NO. 1 - PREPARE PLANS AND SPECIFICATIONS FOR
DHU VARREN ROAD SANITARY SEWER EXTENSION PROJECT**

Whereas, Council deems it necessary to acquire and construct the following improvement: Dhu Varren Road Sanitary Sewer Extension, District No. 474, File No. 96062, described as:

Dhu Varren Road Sanitary Sewer Extension - To serve the Chinese Christian Church site at 1616 Dhu Varren Road, located on the south side of Dhu Varren Road, immediately west of Dhu Varren on the Park;

RESOLVED, That:

1. The City Administrator be directed to have prepared plans and specifications for said improvement project, and an estimate of the cost thereof;
2. The City Administrator be 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 \$22,000.00 be appropriated for the planning and design of said project, such sum being advanced from the Sewage Disposal System (Operating) fund (043) 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 Sewage Disposal System (Operating) fund (043) 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 Putman moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-57-2-98 APPROVED

**RESOLUTION ESTABLISHING 1998 FEES AND CHARGES FOR
DEPARTMENT OF PARKS AND RECREATION GOLF
COURSES**

Whereas, The Department of Parks and Recreation recommends the proposed fees for 1998 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, 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 attached golf course fee schedule be adopted and be effective commencing with the start of the 1998 season and remain active unless modified:

CITY OF ANN ARBOR 1998 GOLF FEES

DAILY RATES

		<u>Huron Hills</u>	<u>Leslie Park</u>
Weekday 9		10.00	13.50
Weekday 18	16.00	21.00	
Weekend 9/Holiday	11.00	14.50	
Weekend 18/Holiday	17.00	24.00	
Twilight		8.50	11.00
9 Hole Junior*		7.50	10.00

18 Hole Junior*	11.00	13.50
9 Hole Senior*	7.50	10.00
18 Hole Senior*	11.00	13.50
9 Hole Cart**	NA	14.00
18 Hole Cart**	NA	24.00
9 Hole Cart - single rider**	NA	7.00
18 Hole Cart - single rider**	NA	12.00
Senior 9 Hole Cart***	NA	9.00
Senior 18 Hole Cart ***	NA	18.00
9 Hole Pull Cart	2.00	2.00
18 Hole Pull Cart	3.00	3.00
9 Hole Disabled Cart	8.00	8.00
18 Hole Disabled Cart	13.00	13.00
9 Hole Club Rental	7.50	7.50
18 Hole Club Rental	10.00	10.00

*Ann Arbor residents only, not good on holiday=s or weekends

**Includes a \$2.00 refundable key deposit

***Ann Arbor residents only, is not good on holiday=s or weekends, and includes a \$2.00 refundable key deposit

HIGH SCHOOL GOLF TEAM RATES*

	<u>Huron Hills</u>	<u>Leslie Park</u>
Weekday 9	4.00	5.00
Weekday 18	5.50	7.00

*These rates are for team practices and matches only and are good only during the actual golf teams season.

SEASON PASS RATES

Option 1 - Good for Huron Hills Golf Course only

**Pre Season Discount
(March 1-14)**

	<u>Resident</u>	<u>Non-Resident</u>
5 day*	525.00	660.00
7 day	555.00	700.00
Youth* (17 & under)	300.00	NA
Senior* (60 & older)	300.00	NA

**Regular Sales
(March 15 - end of season)**

5 day*	560.00	700.00
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7 day	625.00	780.00
Youth* (17 & under)	330.00	NA
Senior* (60 & older)	330.00	NA

Option 2 - Good for Huron Hills and Leslie Park

**Pre Season Discount
(March 1-14)**

	<u>Resident</u>	<u>Non-Resident</u>
5 day*	690.00	870.00
7 day	750.00	940.00
Youth* (17 & under)	400.00	NA
Senior* (60 & older)	400.00	NA

**Regular Sales
(March 15 - end of season)**

5 day*	735.00	920.00
7 day	820.00	1025.00
Youth* (17 & under)	435.00	NA
Senior* (60 & older)	435.00	NA

*weekdays only, excluding holidays

Councilmember Daley moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-58-2-98 APPROVED

**RESOLUTION PROVIDING FOR SALARY ADJUSTMENT
FOR CITY ATTORNEY ABIGAIL ELIAS**

Whereas, On November 9, 1995, the Ann Arbor City Council approved an employment agreement with Abigail Elias as its City Attorney; and

Whereas, According to the terms of the agreement, the employee=s salary will be subject to a review (and if the City and the Employee mutually agree, adjustment) on an annual basis;

RESOLVED, That the fiscal year 1997-98 salary for City Attorney Abigail Elias be hereby increased in the same amount and effective on the same dates as the Fiscal Year 1997-98 increases provided for other non-union employees of the City; and

RESOLVED, That future salary increases for City Attorney Elias shall be in same amount as and effective on the same dates as increases provided for other non-union City employees, unless Council otherwise directs.

Councilmember Vereen-Dixon moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

REPORTS FROM COUNCIL COMMITTEES

COUNCILMEMBER HANNA-DAVIES

Councilmember Hanna-Davies reported that the Ann Arbor Commission on Disability Issues is asking for one person to be in charge of oversight of the Americans with Disabilities Act and is requesting that all department heads bring related issues to the Commission before decisions are made concerning people with disabilities.

COUNCILMEMBER DALEY

Councilmember Daley reported that the Cable Communications Commission will be meeting for a retreat on January 7, and that the main issue for discussion will be the renewal of the cable franchise.

COUNCIL PROPOSED BUSINESS**FEBRUARY 17 REGULAR SESSION**

Resolution to Rescind the Current CTN Programming Policy and to Re-Implement the Former Programming Policy Which Had No Time, Place and Manner Restrictions (Councilmember Daley)

COUNCILMEMBER KWAN

Councilmember Kwan reported that he received a complaint from a constituent who maintains a fleet of service vehicles and had received misdemeanor charges for minor safety issues with his vans. Mr. Kwan asked whether it was necessary to issue tickets for minor, easily-correctable safety violations, such as a missing mud flap.

COMMUNICATIONS FROM THE MAYOR**ANNOUNCEMENTS**

- Recently signed proclamations: A Chinese New Year Celebration Weekend, February 13-15; and Leave a Legacy Month, March, 1998, which encourages inclusion of non-profit community service agencies in estate planning.
- Proposed business: Resolution to Encourage State Legislators to Fully Fund Public Act 289 - Fire Service Reimbursement.
- A Council working session is scheduled for 7:00 p.m., February 9, on the Ann Arbor Parking Study by the University of Michigan School of Public Policy.
- City Hall will be closed February 16 in observance of Presidents Day. The regular session of Council will be held a day later on February 17. Trash collection will not be affected.
- Thank you to Councilmembers Daley and Lumm for participating in a corporate spelling bee to benefit Help Source, an agency that combines Services for Youth and Child and Family Services.

APPOINTMENT APPROVED

Mayor Sheldon requested that the Council rules be waived in order to confirm the following nomination at tonight's meeting:

BOARD OF REVIEW

Jean S. Willing (replacing Jill Anderson at term expiration)
1717 Avondale Ave. 48103
Term: 02/01/98 to 01/31/2001

Councilmember Putman moved that the Rules of the Council be waived and that Council concur with the recommendation of the Mayor.

On a voice vote the Mayor declared the motion carried.

NOMINATION PLACED ON TABLE

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

HUMAN RIGHTS COMMISSION

Said M. Issa, M.D.
3551 Packard Rd. 48108
Term: 02/17/98 to 10/31/2001

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

RECYCLING BID PROCESS

City Administrator Neal Berlin asked Council to note that the recycling bid process is in the works again and will come before Council within a couple of months.

REPORTS SUBMITTED

City Administrator Berlin submitted the following reports for information of Council:

1. December Investment Portfolio Report
2. Liberty-Glendale Circle Drainage Project
3. Electric Utility Deregulation Update
4. Fiscal Year 1998/99 Request for Proposals (RFP) for Housing, Economic Development and Human Services
5. Recycling Collection RFP #432
6. Liberty-Glendale Circle Drainage Project - Tree Conditions

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

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL**COUNCILMEMBER PUTMAN**

Councilmember Putman congratulated Councilmember Vereen-Dixon for being chosen as one of six AWomen of Distinction by the Huron Valley Girl Scout Council.

COUNCILMEMBER DALEY

Councilmember Daley thanked Councilmember Herrell for distributing copies of a cartoon from The New Yorker, which she appreciated.

COUNCILMEMBER HANNA-DAVIES

Councilmember Hanna-Davies invited everyone to the April 4 Unity Rally for Racial Justice, in recognition of the 30th anniversary of the assassination of Dr. Martin Luther King, Jr. The route will begin at Wheeler Park and proceed through downtown to the First Methodist Church. Ms. Hanna-Davies stated that one of the high points of the rally will be the keynote speaker Mattie Jones.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following minutes were received for file:

1. Ann Arbor Transportation Authority - December 17, 1997
2. Sign Board of Appeals - November 13 and December 9, 1997
3. Housing Board of Appeals - November 4 and December 2, 1997
4. Building Board of Appeals - November 12 and December 10, 1997
5. Zoning Board of Appeals - November 26, 1997
6. Housing Policy Board - January 15, 1998
7. Downtown Development Authority - December 11, 1997
8. Joint Steering Committee on Homelessness - January 13, 1998
9. Cable Communications Commission - October 28, 1997
10. Airport Advisory Committee - November 19, 1997

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

On a voice vote the Mayor declared the motion carried.

PUBLIC COMMENTARY - GENERAL

LUIS VAZQUEZ - RESTRICTIONS POLICY AT CTN

Luis Vazquez, 1442 Pontiac Tr., spoke in opposition to the restrictions policy on programming content at Community Television Network, and stated that he is opposed to any form of censorship. Mr. Vazquez expressed concern with the undemocratic process that brought about the policy and requested that the matter be investigated by Council.

ADJOURNMENT

There being no further business to come before Council, the Mayor declared the meeting adjourned at 9:59 p.m.

**W. Northcross
Clerk of the Council**

**Janet L. Chapin
Recording Secretary**