

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - MARCH 1, 1999**

The regular session of the Ann Arbor City Council was called to order at 7:36 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, Joseph Upton, David Kwan, Heidi Cowing Herrell, Stephen C. Hartwell, Christopher Kolb, Elisabeth L. Daley, Mayor Ingrid B. Sheldon, 9.

ABSENT : Councilmembers Jean Carlberg, Patrick A. Putman, 2.

INTRODUCTIONS

BOY SCOUT TROOPS AND GOVERNMENT CLASS WELCOMED

Mayor Sheldon welcomed members of Boy Scout Troops 88 and 100 who attended the meeting as part of the requirements for a Citizenship and Community Award. The Mayor also welcomed a government class from Washtenaw Community College.

ANN ARBOR STREET ART FAIR 40TH ANNIVERSARY

Mayor Sheldon presented a proclamation to Shary Brown, Ann Arbor Street Art Fair Executive Director, and Jeff Harshe, Ann Arbor Street Art Fair Board President, in recognition of the Ann Arbor Street Art Fair's fortieth anniversary. Ms. Brown and Mr. Harshe thanked Council for its support, and thanked all those in the community involved in the event. Ms. Brown announced that a reception honoring the 40th anniversary will be held at the Ann Arbor District Library on March 5.

PUBLIC COMMENTARY - RESERVED TIME

BILL THOMSON - LOCAL CAMPAIGN REGARDING SANCTIONS IN IRAQ

Bill Thomson, 874 Belfield Cir., stated that a local group was recently formed to address the effects of U.S. instigated and United Nations imposed economic sanctions upon the citizens of Iraq. Mr. Thomson reported that the group intends to bring the issue to public awareness and will be hosting a series of public talks within the next few weeks.

JIM NICITA - LOW POWER FM BROADCASTS

Jim Nicita, 3362 S. State St., representing the Michigan Music is World Class Campaign, urged Council to adopt the resolution supporting the Federal Communications Commission=s proposed rule to legalize microradio and community radio broadcasts. Mr. Nicita stated that low power FM broadcasting would restore public access and allow more types of radio programming.

BLAIR SHELTON - POLICE RELATIONS

Blair Shelton, 101 W. Liberty St., expressed concern that the Ann Arbor Police continue to be insensitive to African American citizens in the City. He stated that a strategic plan is needed to move the police department ahead.

SHARON BROWN - ANN ARBOR DOWNTOWN AFRICAN-AMERICAN FESTIVAL

Sharon Brown, 3016 Turnberry Ln., representing Community Leaning Post, requested Council=s support for the 1999 Downtown African-American Festival, scheduled for June 4 and 5. She reported that the proceeds from last year=s festival went toward scholarships for two college students.

PUBLIC HEARINGS

NON-DISCRIMINATION ORDINANCE (ORDINANCE NO. 10-99)

A public hearing was conducted on the proposed amendment to Chapter 112, Sections 9:150, 9:151 and 1:159 - Non-Discrimination Ordinance. Notice of public hearing was published February 21, 1999.

The following people appeared:

Robert Trombley, 1332 Brookfield Dr., read a letter from Linda Lombardini, Board President of the Washtenaw Rainbow Action Project, in support of

including Agender identity≡ as a class covered under the City=s human rights ordinance to address discrimination against transgendered people. (Letter on file in the City Clerk=s Office)

Sandra Cole, 1216 Bending Rd., read a letter on behalf of Rudolph Serra in support of including Agender identity≡ as a class covered under the City=s human rights ordinance to protect against discrimination of transgendered citizens.

Michael Koen, Human Rights Commission Chair, spoke in favor of the proposed amendments to the human rights ordinance, including the recent amendments to include AHIV status≡, to update minority names, and to move the phrase Aactual or perceived≡ so that it modifies all of the reasons a person might be discriminated against.

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

PARKS AND RECREATION DEPARTMENT FEES

A public hearing was conducted on the proposed 1999 Parks and Recreation Department fees and charges for the Leslie Science Center, Argo and Gallup Canoe Liveries, swimming pools, day camp, and Veterans Memorial Ice Arena. Notice of public hearing was published February 25, 1999.

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

BROADWAY BRIDGES FLOOD STORAGE MITIGATION AND TRAFFIC BARRIER DESIGN

A public hearing was conducted on the proposed Broadway Bridges flood storage mitigation and traffic barrier design. Notice of public hearing was published February 26, 1999.

The following people appeared in support of installing a railing between the traffic and pedestrian areas on the Broadway Bridges to provide a feeling of safety for pedestrians and bicyclists:

Laura Strowe, Broadway St. resident;

Kenneth Koral, 1643 Broadway St.;

Richard Derrick, 415 High St.;

Randall Jacob, 1510 Jones Dr.; and

Ann Lund, 1510 Jones Dr.

The following people also appeared:

Ethel Potts, 1014 Elder St., spoke in favor of the proposed floodplain remediation plan, and stated that an inner bridge railing is not necessary since the added width of the bridge sidewalk and the 9" rise above the traffic level is sufficient for pedestrian and bicyclist safety.

Chris Crockett, President of the Old Fourth Ward Historic District, thanked Council for extending the public process to allow residents further input on how the bridge project will affect their neighborhoods. Ms. Crockett requested that Carey Street remain two-way and that Detroit Street remain open.

William Simpson, 1512 Plymouth Rd., requested further opportunity for citizen input to discuss such issues as access during construction, the Fifth Street rail crossing, traffic calming measures, walkways with greenery, changing the direction of High Street to westbound, and the environmental impact of the bridge piers. (List of issues on file in the City Clerk's Office)

Ray Detter, DDA Citizen Advisory Council Chairman, thanked Council for working with the neighborhood residents to develop a plan to keep Carey Street open two ways and to keep Detroit Street open from the north. Mr. Detter further stated that issues such as safe pedestrian crossings and traffic calming measures still need to be addressed.

There being no one else present to speak, the Mayor declared the hearing recessed until the March 15, 1999 regular session of Council.

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

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

CONSENT AGENDA

Correct Resolution No. 2 - Prepare <Plans and Specifications> **ASSESSMENT**
Title: **ROLL** for South Industrial Highway Curb and Gutter Project (\$48,580.00)
(Public Services)

Correct Resolution No. 2 - Prepare <Plans and Specifications> **ASSESSMENT**
Title: **ROLL** for South Industrial Highway Sidewalk Improvements Project
(\$37,220.00) (Public Services)

Delete: Resolution to Purchase Duncan Eagle Parking Meters for Kerrytown Area
(\$25,500.00) (Public Services)

MOTIONS AND RESOLUTIONS

Correct Resolution in Support of **NEW LICENSES FOR LOW POWER FM** Community
Title: Radio (Councilmembers Daley and Kolb)

Add Resolution on Affordable Housing Process (Councilmember S Carlberg,
Sponsors: **HANNA-DAVIES AND KOLB**)

Revise: Resolution to Approve Broadway Bridges Traffic Barrier Design (Public
Services)

Add: Resolution to Approve Agreement to Temporary Extension to
Telecommunications Right-of-Way Permit #1997-3 for Michigan Bell Telephone
Company, a/k/a Ameritech or Ameritech Michigan, to Use Public Rights-of-
Way to Provide Telecommunication Services (Attorney) (8 Votes Required)

On a voice vote the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF FEBRUARY 16 APPROVED

Councilmember Hartwell moved that the regular session minutes of February 16, 1999 be approved as presented.

On a voice vote the Mayor declared the motion carried.

CONSENT AGENDA

CONSENT AGENDA ITEMS REMOVED

Councilmember Hartwell requested that roll call votes be taken on the resolutions regarding the Parks and Recreation Department fee increases.

CONSENT AGENDA ITEMS APPROVED

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

R-91-3-99 APPROVED

RESOLUTION TO APPROVE AN AGREEMENT WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION AND ESTABLISH A PROJECT BUDGET FOR THE SOUTH INDUSTRIAL HIGHWAY IMPROVEMENTS PROJECT

Whereas, The Federal Highway Administration has allocated funds for the improvement of South Industrial Highway;

Whereas, This project has been included in the City Capital Improvements Plan;
and

Whereas, City Planning Commission approved the Asite plan≅ on August 18, 1998 and City Council approved the design budget on February 2, 1998;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute contract number 98-5531 with the Michigan Department of Transportation for the South Industrial Highway Improvements Project, substantially in the form on file with the City Clerk, following approval as to substance by the City Administrator, and approval as to form

by the City Attorney;

RESOLVED, That a traffic signal at the intersection of South Industrial Highway and Stimson Street be authorized;

RESOLVED, That City Council adopt the following budget for the life of the project, to be expended without regard to fiscal year:

Section I, Revenue

\$ 1,206,440	1996 Street Resurfacing Millage (Fund 062)
73,475	1996 Street Resurfacing Millage (Fund 062), pending sale of Special Assessment bonds
70,000	Major Streets (Act 51) Fund
1,197,845	Water Supply Fund pending the sale of Water Revenue bond AX≡
<u>1,740,130</u>	Federal Aid
4,287,890	TOTAL

Section II, Expenses

\$3,034,060	Construction (including traffic signal work)
285,000	Design Engineering
444,610	Construction Engineering
148,200	Construction Testing
88,900	Miscellaneous Costs (city vehicle, materials, supplies, etc.)
237,120	Contingencies approved by the Administrator
<u>50,000</u>	Bond Overhead Charge/User Fee (per R-496-10-77)
4,287,890	TOTAL; and

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

R-92-3-99 APPROVED

RESOLUTION TO APPROVE A DESIGN GRANT CONTRACT
WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION
AND PROFESSIONAL SERVICES AGREEMENT WITH URS GREINER
WOODWARD CLYDE, INC., GREAT LAKES FOR DESIGN OF
IMPROVEMENTS AT THE ANN ARBOR MUNICIPAL AIRPORT

Whereas, Certain improvements, including repaving of the main runway and parallel taxiways, and seal-coating of the terminal apron, are needed at the Ann Arbor Municipal Airport;

Whereas, The Bureau of Aeronautics of the Michigan Department of Transportation (MDOT), determined that the design and construction of these improvements are grant eligible for partial funding at a cost split of 90% Federal, 5% State, and 5% City;

Whereas, Design consulting firms were interviewed in accordance with MDOT grant eligibility and Federal guidelines;

Whereas, URS Greiner Woodward Clyde, Inc., Great Lakes, as the selected firm, submitted a proposal in the sum of \$86,000.00, to prepare plans and specifications for the design of rehabilitation improvements at the Ann Arbor Municipal Airport;

Whereas, Pursuant to Federal regulations, MDOT approved on December 8, 1998 the proposal submitted by URS Greiner Woodward Clyde, Inc., Great Lakes, in the sum of \$86,000.00, for the design project;

Whereas, Pursuant to acceptance of a Federally funded Design Grant, the City is required to sign a Grant Contract with MDOT;

Whereas, On November 18, 1998, the Airport Advisory Committee voted unanimously to endorse, for Council approval, both a design contract with URS Greiner Woodward Clyde, Inc., Great Lakes, and a Grant Contract with MDOT, for rehabilitation improvements at the Ann Arbor Airport, and they recommend acceptance of 5% State participation;

Whereas, The City Attorney's Office and Public Services Department Staff have reviewed, and approved as to form, the language of both the Professional Services Agreement and the Grant Contract; and

Whereas, Sufficient funds are included in the current Airport budget for this work;

RESOLVED, That Grant Contract No. 98-1415, with the Michigan Department of Transportation, be approved;

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

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to sign a Professional Services Agreement with URS Greiner Woodward Clyde, Inc., Great Lakes, in the sum of \$86,000.00 after approval as to substance by the City Administrator, and approval as to form by the City Attorney; and

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

R-93-3-99 APPROVED

RESOLUTION NO. 2 - PREPARE ASSESSMENT ROLL FOR
SOUTH INDUSTRIAL HIGHWAY CURB AND GUTTER PROJECT

Whereas, The City Council has directed and ordered the City Administrator to have prepared plans, specifications and estimates of cost for the South Industrial Highway Curb and Gutter described as follows:

Construction of curb and gutter along South Industrial Highway from Stadium Boulevard to approximately 1200 meters south; File No. 97078, District No. 502;

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 and what part should be paid by the City at large, the number of installments in which the special assessments may be paid, and the lands which should be included in the special assessment district; and

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 described as follows:

Construction of curb and gutter along South Industrial Highway from Stadium Boulevard to approximately 1200 meters south;

4. That the City Council determine the cost of said improvement, including all incidentals, to be \$48,580.00 and that of said total cost, the sum of \$37,598.00 be paid by special assessment upon the property specially benefited within the City, and the balance of the cost thereof, \$10,982.00, be paid by the City at large;

5. That an amount of \$48,580.00 be advanced from the street resurfacing millage (062) fund pending the sale of the appropriate bonds;

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 CODE</u>	<u>OWNER</u>	<u>TOTAL FRONTAGE</u>	<u>ASSESSABLE FRONTAGE</u>	<u>ESTIMATED COST</u>
09-33-313-038	Nicholas & Sharon Genova 1935 S. Industrial Hwy. Ann Arbor, MI 48104	218.28	218.28	\$1,881.60
09-33-313-031	Botanical Gardens Assoc. P.O. Box 2480 Farmington Hills, MI 48333	504.0	252.0	\$2,172.24

<u>ASSESSOR CODE</u>	<u>OWNER</u>	<u>TOTAL FRONTAGE</u>	<u>ASSESSABLE FRONTAGE</u>	<u>ESTIMATED COST</u>
12-04-201-041	Botanical Gardens Assoc. P.O. Box 2480 Farmington Hills, MI 48333	334.5	167.25	\$ 1,441.76
09-33-314-003	South Industrial Dev. L.L.C. 1577 N. Woodward Ave. Suite 210 Bloomfield Hills, MI 48304	146.36	146.36	\$1,261.65
09-33-314-002	Colonial Lanes Plaza c/o C. Reinhart 2200 Green Rd., Ste E Ann Arbor, MI 48105	125	125	\$1,077.50
09-33-314-001	K & K Investment Co. 1958 S. Industrial Hwy. Ann Arbor, MI 48104	145	145	\$1,249.90
12-04-200-016	K & K Investment Co. 1958 S. Industrial Hwy. Ann Arbor, MI 48104	170	170	\$ 1,465.40
12-04-200-015	United States Army Reserves Washington D.C. 20000	450.73	450.73	\$3,885.30
12-04-201-042	Three D Investment 2025 S. Industrial Hwy. Ann Arbor, MI 48104	221.88	221.88	\$1,912.65
12-04-201-045	JD Investments C/O Swisher Realty Co. P.O. Box 1386 Ann Arbor, MI 48106	162.84	81.42	\$ 701.85
12-04-203-015	Larry Bane 3345 Oak Dr. Ypsilanti, MI 48197	195	97.5	\$840.45
12-04-203-016	Alice Cook 3542 Larchmont Dr. Ann Arbor, MI 48105	185	185	\$1,594.70

<u>ASSESSOR CODE</u>	<u>OWNER</u>	<u>TOTAL FRONTAGE</u>	<u>ASSESSABLE FRONTAGE</u>	<u>ESTIMATED COST</u>
12-04-203-017	Stadium Linoleum 2275 S. Industrial Hwy. Ann Arbor, MI 48104	195.37	97.68	\$842.10
12-04-204-014	Norladeen Ridha 2038 S. 7th St. Ann Arbor, MI 48103	218	109	\$939.60
12-04-204-015	Hutzel Plumbing 2311 S. Industrial Hwy. Ann Arbor, MI 48104	121.05	121.05	\$1,043.45
12-04-204-016	Finkbeiner Land Dev. L.L.C. 2401 S. Industrial Hwy. Ann Arbor, MI 48104	214.06	214.06	\$1,845.20
12-04-204-017	D.J. Investments 208 E. Washington St. Ann Arbor, MI 48104	171.46	171.46	\$1,478.05
12-04-200-012	Herbert & Laura Harper Trust 1920 Miller Ave. Ann Arbor, MI 48103	100	100	\$862.00
12-04-200-011	Carl Sly 2216 S. Industrial Hwy Ann Arbor, MI 48104	100	100	\$862.00
12-04-200-033	Richard Gross P.O. Box 7494 Toledo, OH 43615	200	200	\$1,724.00
12-04-200-022	Wedemeyer Mgmt. Co. 2280 S. Industrial Hwy. Ann Arbor, MI 48104	200	200	\$1,724.00
12-04-200-005	Coin Meter AA Co. 2304 S. Industrial Hwy. Ann Arbor, MI 48104	100	100	\$ 862.00
12-04-200-006	Coin Meter AA Co. 2304 S. Industrial Hwy. Ann Arbor, MI 48104	100	100	\$ 862.00
12-04-200-025	Special Metals Corp. c/o Donald Darling	300	300	\$2,586.00

<u>ASSESSOR CODE</u>	<u>OWNER</u>	<u>TOTAL FRONTAGE</u>	<u>ASSESSABLE FRONTAGE</u>	<u>ESTIMATED COST</u>
	4317 Middle Settlement Rd. New Hartford, NY 13413			
12-04-200-026	Campus Corner Asso. 2360 E. Stadium Blvd, Ste. 15 Ann Arbor, MI 48104	300	288	\$2,482.60
	TOTAL		4,361.685	\$37,598.00;

and

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.

R-94-3-99 APPROVED

REVISED RESOLUTION NO. 2 - PREPARE ASSESSMENT ROLL FOR SOUTH
INDUSTRIAL HIGHWAY SIDEWALK IMPROVEMENTS PROJECT

Whereas, The City Council has directed and ordered the City Administrator to have prepared plans, specifications and estimates of cost for the South Industrial Highway Sidewalk Gaps described as follows:

Construction of sidewalk in gaps along South Industrial Highway from Stadium Boulevard to approximately 1200 meters south; File No. 94063, District No. 26;

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 and what part should be paid by the City at large, the number of installments in which the special assessments may be paid, and the lands which should be included in the special assessment district; and

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 the South Industrial Highway Sidewalk Gaps of the described as follows:

Construction of sidewalk in gaps along South Industrial Highway from Stadium Boulevard to approximately 1200 meters south;

4. That the City Council determine the cost of said improvement, including all incidentals, to be \$37,220.00, and that of said total cost, the sum of \$35,877.00, be paid by special assessment upon the property specially benefited within the City, and the balance of the cost thereof, \$1,343.00, be paid by the City at large;

5. That an amount of \$37,220.00 be advanced from the street millage fund pending the sale of the appropriate bonds;

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 CODE</u>	<u>OWNER</u>	<u>SIDEWALK LENGTH</u>	<u>ESTIMATED COST</u>
09-33-316-007	Marcia MacMullen 2020 Chalmers Drive Ann Arbor, MI 48104	71.36	\$ 1,338.70
09-33-314-008	John & Cathy McNary 16152 Negaunee Redford, MI 48240	150	\$ 2,814.00
09-33-314-004	South Industrial Dev. L.L.C. 1577 N. Woodward Ave. Suite 210 Bloomfield Hills, MI 48304	332.62	\$ 6,239.90
09-33-314-001	K & K Investment Co. 1958 S. Industrial Hwy. Ann Arbor, MI 48104	75	\$ 1,407.00
12-04-200-016	K & K Investment Co. 1958 S. Industrial Hwy. Ann Arbor, MI 48104	170	\$ 3,189.20
12-04-201-042	Three D Investment 2025 S. Industrial Hwy. Ann Arbor, MI 48104	221.88	\$ 4,162.40
12-04-203-016	Alice Cook 3542 Larchmont Dr. Ann Arbor, MI 48105	185	\$ 3,470.60
12-04-204-015	Hutzel Plumbing 2311 S. Industrial Hwy. Ann Arbor, MI 48104	121.05	\$ 2,270.90
12-04-204-016	Finkbeiner Land Dev. L.L.C. 2401 S. Industrial Hwy. Ann Arbor, MI 48104	214.06	\$ 4,015.70
12-04-204-017	D.J. Investments 208 E. Washington St. Ann Arbor, MI 48104	171.46	\$ 3,216.60
12-04-200-005	Coin Meter AA Co. 2304 S. Industrial Hwy.	100	\$ 1,876.00

<u>ASSESSOR CODE</u>	<u>OWNER</u>	<u>SIDEWALK LENGTH</u>	<u>ESTIMATED COST</u>
	Ann Arbor, MI 48104		
12-04-200-006	Coin Meter AA Co. 2304 S. Industrial Hwy. Ann Arbor, MI 48104	100	\$ 1,876.00
	TOTAL	1,912.43	\$35,877.00

and

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.

R-95-3-99 APPROVED

RESOLUTION TO AUTHORIZE SINGLE LOT SPECIAL
ASSESSMENTS FOR THE 1998 ANNUAL AND DOWNTOWN
STREET RESURFACING PROJECTS

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 Schedule A;

RESOLVED, That the payment of said special assessments be hereby authorized in 10 annual installments commencing on August 1, 1999, with a rate of interest of 7.00%, with subsequent installments due on June 1 of each year commencing in 2000. Interest is to commence on August 1, 1999, and is to be collected annually on June 1 of each and every year thereafter; and

RESOLVED, That the total amount of \$9,081.64 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>
09-14-211-016	3444 Yellowstone Drive	Michael and Dana Kremm	\$ 985.58
09-33-103-002	1502 Cambridge Road	Michael and Anita Griffin	\$ 2,257.39
09-29-211-028	224 S. First Street	Matthew D. Gutches	\$ 700.00
09-29-211-029	210 S. First Street	Antique Emporium Inc.	\$ <u>5,138.67</u>
		TOTAL	\$ 9,081.64

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

R-96-3-99 APPROVED

RESOLUTION TO APPROVE CHANGE ORDER FOR DIVING SERVICES CONTRACT WITH SOLOMON DIVING INC. FOR THE WATER TREATMENT PLANT

Whereas, In order to maintain and install necessary equipment at the water plant and its outstations, underwater diving services are required;

Whereas, Quotations for diving services were obtained from three commercial diving services;

Whereas, Solomon Diving Inc. has the lowest responsible quotation; and
Whereas, Solomon Diving Inc. received human rights approval on June 10, 1998;

RESOLVED, That Council approve a change order for the diving services contract with Solomon Diving Inc. to increase the total contract amount to \$35,000.00.

Source of Funds: Water Supply System FY 1998/98 Approved Operating and Maintenance Budget.

R-97-3-99 APPROVED

RESOLUTION TO APPROVE HOUSING REHABILITATION AGREEMENT WITH DIANA CASE FOR 16 BLAIN COURT

Whereas, An application was received from Diana Case for rehabilitation assistance for her home located at 16 Blain Court;

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

Whereas, On Friday, February 26, 1999 the Waiver and Review Board approved the waiver of the \$28,020.00 maximum for rehabilitation assistance up to the amount of \$31,499.00; and

Whereas, Four bids were received on February 18, 1999, and Ms. Case will be executing an agreement with the lowest responsible bidder, who has Human Rights approval, to complete the rehabilitation work;

RESOLVED, That City Council approve the Housing Rehabilitation Agreement with Diana Case in the amount of \$31,499.00 as a 0% interest, deferred payment loan, 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, with funds to be available without regards to fiscal year.

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

PARKS AND RECREATION DEPARTMENT FEE RESOLUTIONS

R-98-3-99 APPROVED

RESOLUTION ESTABLISHING 1999 FEES AT LESLIE SCIENCE CENTER

Whereas, The Department of Parks and Recreation recommends the proposed fees for 1999 to achieve the projected FY 1999-00 budget requirements for Leslie Science Center;

Whereas, Support material has been prepared which summarizes fiscal requirements for the Center and comparable rates;

Whereas, The Park Advisory Commission and Recreation Advisory Commission recommend the proposed fees; and

Whereas, The Department of Parks and Recreation FY 1999-00 budget requires

100% self support be achieved at Leslie Science Center;

RESOLVED, That the schedule of fees on file with the City Clerk=s Office, be adopted by the Mayor and Council.

LESLIE SCIENCE CENTER FEES

Summer Nature Day Camp Fees:

	<u>1998 fee</u>	<u>1999</u> <u>proposed fee</u>	<u>% change</u>
Residents	\$4.17/hour (\$125/week)	\$4.50/hour (\$135/week)	8%
Non- Residents	\$5.00/hour (\$150/week)	\$5.40/hour (\$162/week)	10%

School Science Field Trip Fees:

	<u>1998 fee</u>	<u>1999</u> <u>proposed fee</u>	<u>% change</u>
AA School	\$3.00	\$3.00	0%
Non-AA School	\$3.50	\$4.00	14%

Birthday Party Fees:

	<u>1998 fee</u>	<u>1999 proposed fee % change</u>	
Residents	\$85.00	\$100.00	18%
Non-Residents	\$102.00	\$120.00	17%

Scout Fees:

	<u>1998 fee</u>	<u>1999 proposed fee % change</u>	
2 hour scout program			
Residents	\$2.50/hour	\$2.75/hour	10%
Non-residents	\$3.00/hour	\$3.50/hour	17%
Overnight			
Resident	\$16/scout	\$17/scout	6%
Non-resident	\$19/scout	\$21/scout	11%

Public Fees:

	<u>1998 fee</u>	<u>1999 proposed fee % change</u>	
2 hr. public program	\$4.00/hour	\$4.50/hour	13%
2 hr. public family rate	\$15-20/program	\$15-25/program	0-12%

Councilmember Hartwell moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Herrell, Kolb, Daley, Hanna-Davies, Vereen-Dixon, Upton, Kwan, Mayor Sheldon, 8;

Nays, Councilmember Hartwell, 1.

The Mayor declared the motion carried.

R-99-3-99 APPROVED

RESOLUTION ESTABLISHING 1999 FEES AND CHARGES
FOR ARGO AND GALLUP CANOE LIVERIES

Whereas, The Department of Parks and Recreation recommends the proposed fees for 1999 to achieve the projected FY 1999-00 budget targets of recreational facility self support;

Whereas, Support materials have been prepared which show comparable rates at similar recreation facilities;

Whereas, The Park Advisory Commission reviewed and recommends the proposed fees; and

Whereas, The Department of Parks and Recreation FY 1998-99 budget provides for 100% self support level be achieved for the liveries as a part of the enterprise fund;

RESOLVED, That the schedule of recreation fee, on file with the Clerk=s Office, be adopted by the Mayor and Council.

CANOE, KAYAK, ROWBOAT
HOURLY RENTAL

	<u>Current</u>	<u>Proposed</u>
2 Hrs. Weekday	\$ 8.00	\$10.00
Weekend/Holiday	\$12.00	\$13.00
3 Hrs. Weekday	\$ 9.00	\$11.00
Weekend/Holiday	\$13.00	\$14.00
4 Hrs. Weekday	\$10.00	\$12.00
Weekend/Holiday	\$14.00	\$15.00
5 Hrs. Weekday	\$10.75	\$13.00
Weekend/Holiday	\$14.75	\$16.00
6 Hrs. Thru all day	N/A	\$14.00
Weekend/Holiday	N/A	\$18.00

PADDLE BOAT RENTALS		<u>Current</u>	<u>Proposed</u>
1/2 Hr. Weekday		\$4.50	\$5.00
1/2 Hr. Weekend/Hol.		\$6.00	\$7.00
BICYCLE RENTALS		<u>Current</u>	<u>Proposed</u>
1 Hr. Rental Single	\$5.00	\$6.00	
1 Hr. Rental Tandem		\$6.00	\$7.00
2 Hr. Rental Single	\$6.00	\$7.00	
2 Hr. Rental Tandem		\$7.00	\$8.00
1/2 Day Rental Single		N/A	\$8.00
1/2 Day Rental Tandem		N/A	\$9.00
PACKAGE TRIPS		<u>Current</u>	<u>Proposed</u>
Argo to Gallup 3 Hr.			
Weekday		\$10.00	\$12.00
Weekend/Hol.		\$14.00	\$16.00
Delhi to Argo 5 Hr.			
Weekday		\$13.00	\$16.00
Weekend/Hol.		\$18.00	\$21.00
Dexter to Argo 7 Hr.	\$21.00		\$24.00

Councilmember Hartwell moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Herrell, Kolb, Daley, Hanna-Davies, Vereen-Dixon, Upton, Kwan, Mayor Sheldon, 8;

Nays, Councilmember Hartwell, 1.

The Mayor declared the motion carried.

R-100-3-99 APPROVED

RESOLUTION ESTABLISHING 1999 FEES AND CHARGES FOR SWIMMING POOLS

Whereas, The Department of Parks and Recreation recommends the proposed fees for 1999 to achieve the projected FY 1999-00 budget targets of recreational facility self support;

Whereas, Support material has been prepared which summarizes facility self support levels;

Whereas, The Park Advisory Commission and Recreation Advisory Commission reviewed and recommend the proposed fees; and

Whereas, The Department of Parks and Recreation FY 1998-99 budget provides that a 100% level of self support be achieved for Fuller Pool and 45%, 49% and 74% for Mack, Buhr and Veterans Memorial pools respectively;

RESOLVED, That the schedule of recreation facilities fees, on file with the City Clerk's Office, be adopted by the Mayor and Council.

	<u>Present Fee</u>			<u>Recommended fee</u>
	<u>Fuller-Veterans</u>	<u>Buhr</u>		
Adult	\$3.00	\$2.00	Adult	\$ 3.50
Youth/Senior	\$2.50	\$1.25	Youth/Senior	\$ 3.00
Family	\$8.00	\$4.00	Family	\$10.00

Note: Mack pool rates will remain the same.

SWIMMING POOL SEASON PASSES

<u>Pre-Season Discount</u>	<u>Present Fee</u>	<u>Recommended fee</u>
Resident Adult	\$ 65.00	\$ 78.00
Resident Youth/Senior	\$ 45.00	\$ 55.00
Resident Family	\$110.00	\$135.00
Nonresident Adult	\$ 78.00	\$ 95.00
Non-resident Youth/Senior	\$ 52.00	\$ 70.00
Non-resident Family	\$132.00	\$160.00

<u>Regular Season</u>	<u>Present Fee</u>	<u>Recommended fee</u>
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Resident Adult	\$ 78.00	\$ 90.00
Resident Youth/Senior	\$ 55.00	\$ 65.00
Resident Family	\$132.00	\$165.00
Non-resident Adult	\$ 95.00	\$110.00
Non-resident Youth/Senior	\$ 70.00	\$ 78.00
Non-resident Family	\$160.00	\$198.00

POOL RENTAL RATES

	<u>Current</u>	<u>Proposed</u>	<u>Non-Resident</u>
Tot Pool only	\$25.00 (Buhr)	\$50.00	\$60.00
	\$40.00 (Fuller)	\$50.00	\$60.00
	\$50.00 (Vets)		
Main Pool	\$50.00 (Mack)	\$75.00	\$90.00
	\$75.00 (outdoor)		
Complete Facility	\$75.00 (Buhr)	\$150.00	\$180.00
	\$150.00 (Vets)		
	\$150.00 (Fuller)		

MASTERS FEES

	<u>Current</u>	<u>Proposed 99</u>	<u>Non-R</u>	<u>Proposed 00</u>	<u>Non-R</u>
10 week program:					
five days	\$ 88.00	\$100.00	\$120.00	\$110.00	\$132.00
three days	\$ 68.00	\$ 76.00	\$ 82.00	\$ 85.00	\$102.00
two days	\$ 48.00	\$ 55.00	\$ 66.00	\$ 60.00	\$ 72.00
13 week program:					
five days a.m.	\$ 88.00	\$120.00	\$145.00	\$150.00	\$180.00
five days p.m.	\$ 88.00	\$120.00	\$145.00	\$150.00	\$180.00
Both	\$108.00	\$140.00	\$168.00	\$170.00	\$205.00

Councilmember Hartwell moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Herrell, Kolb, Daley, Hanna-Davies, Vereen-Dixon, Upton, Kwan, Mayor Sheldon, 8;
Nays, Councilmember Hartwell, 1.

The Mayor declared the motion carried.

R-101-3-99 APPROVED

RESOLUTION ESTABLISHING 1999 DAY CAMP FEES

Whereas, The Department of Parks and Recreation recommends the proposed fees for 1999 to achieve the projected FY 1999-00 budget targets of recreational facility self support;

Whereas, Support material has been prepared which compares day camp fees from 1998;

Whereas, The Park Advisory Commission and Recreation Advisory Commission have reviewed and recommend the proposed fees; and

Whereas, The Department of Parks and Recreation FY 1998-99 budget defines levels of self support for each facility;

RESOLVED, That the schedule of day camp fees, on file with the City Clerk's Office, be adopted by the Mayor and Council.

		<u>Current</u>	<u>Proposed</u>	<u>Hourly</u>
Fuller Park				
6 hours per day - resident	\$ 110	\$ 120	\$ 145	\$4.00
6 hours per day - non-resident		\$ 120	\$ 145	\$4.80
1 1/2 hours early a.m. - resident	\$ 30	\$ 36	\$ 40	\$4.00
1 1/2 hours early a.m. - non-resident		\$ 36	\$ 40	\$4.80
2 hours late p.m. - resident	\$ 30	\$ 40		\$4.00
2 hours late p.m. - non-resident	\$ 36	\$ 48		\$4.80
Gallup Park				
3 hours per day - resident	\$ 70	\$ 75	\$ 90	\$5.00
3 hours per day - non-resident		\$ 84	\$ 90	\$6.00

Leslie Science Center

2 1/2 hours per day - resident	\$ 60	\$ 60	\$4.80
2 1/2 hours per day - non-resident	\$ 65	\$ 78	\$5.75
6 hours per day - resident	\$ 125	\$ 135	\$4.50
6 hours - non-resident	\$ 150	\$ 180	\$5.40
extended time - resident	\$ 45	\$ 50	\$5.00
extended time - non-resident	\$ 54	\$ 60	\$6.00

Cobblestone Farm

9 hours per day - resident	\$ 145	\$ 180	\$4.00
9 hours per day - non-resident	\$ 174	\$ 215	\$4.80

Buhr Park (New program)

6 hours per day - resident	NA	\$ 135	\$4.50
6 hours per day - non-resident	NA	\$ 162	\$5.40
1 1/2 hours per day - resident	NA	\$ 35	\$4.50
1 1/2 hours per day - non-resident	NA	\$ 42	\$5.40
2 hours per day - resident	NA	\$ 45	\$4.50
2 hours per day - non-resident	NA	\$ 55	\$5.40

Councilmember Hartwell moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Herrell, Kolb, Daley, Hanna-Davies, Vereen-Dixon, Upton, Kwan, Mayor Sheldon, 8;

Nays, Councilmember Hartwell, 1.

The Mayor declared the motion carried.

R-102-3-99 APPROVED

RESOLUTION TO APPROVE FEES AND CHARGES FOR
VETERANS MEMORIAL ICE ARENA

Whereas, The Department of Parks and Recreation recommends the proposed fees for 1999 to achieve specific levels of arena self-support;

Whereas, A review of current rate policies was conducted and the Park Advisory Commission and Recreation Advisory Commission reviewed and recommend the proposed

fees;

Whereas, Comparative analysis of comparable ice arenas has been provided; and

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

RESOLVED, That the schedule of fees, on file with the Clerk=s Office, be adopted by the Mayor and Council.

ICE RENTAL

	<u>Current</u>	<u>Proposed</u>	<u>Change</u>
Independent			
Prime-time R	\$140.00	\$150.00	7%
Prime-time N	\$172.00	\$185.00	7%
Non-prime R	\$134.00	\$134.00	0%
Non-prime N	\$156.00	\$134.00	(14)%
Organization			
Prime-time R	\$129.00	\$138.00	7%
Prime-time N	\$155.00	\$166.00	7%
Non-prime R	\$116.00	\$124.00	7%
Non-prime N	\$136.00	\$124.00	(9)%
High School and or Club Hockey			
All Prime	\$129.00	\$138.00	7%
All Non-prime	\$116.00	\$124.00	7%

(R = Residents; N = Non-residents)

LOCKER ROOM RENTAL	\$ 20.00	\$ 22.00	7%
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SKATE LESSONS

6 Week residents			
School-age	\$ 48.00	\$ 52.00	7%
Pre- School	\$ 37.00	\$ 40.00	7%
8 Week residents			
School-age	\$ 59.00	\$ 63.00	7%
Pre-School	\$ 49.00	\$ 53.00	7%
6 Week Non-resident			
School-age	\$ 53.00	\$ 57.00	7%
Pre- School	\$ 43.00	\$ 46.00	7%
8 Week Non-resident			
School-age	\$ 63.00	\$ 68.00	7%

Pre- School	\$ 53.00	\$ 57.00	7%	
ADULT HOCKEY				
	<u>Current</u>	<u>Proposed</u>	<u>#Ice</u>	<u>Change</u>
Senior A B or C	\$3,150.00	\$3,370.00	23	7%
Masters, over 30				
Resident	\$216.00	\$231.00	22	7%
Non- resident	\$236.00	\$247.00	22	7%
Spring, A Never Ever				
Resident	\$140.00	\$150.00	14	7%
Non- resident	\$159.00	\$170.00	14	7%
Drop-in, Wednesday				
Term I				
Resident	\$205.00	\$219.00	20	7%
Non- resident	\$226.00	\$242.00	20	7%
Term II				
Resident	\$102.00	\$109.00	10	7%
Non- resident	\$112.00	\$120.00	10	7%
Drop-in Sunday				
Resident	\$ 90.00	\$ 97.00	14	7%
Non-resident	\$100.00	\$107.00	14	7%
Women Only Drop-in				
Resident	\$ 83.00	\$ 89.00	9	7%
Non- resident	\$ 92.00	\$ 99.00	9	7%
Past Masters (55 and over)				
Term I				
Resident	\$170.00	\$170.00	19	0%
Non- resident	\$187.00	\$187.00	19	0%
Term II				
Resident	\$ 85.00	\$ 85.00	9	0%
Non- resident	\$ 94.00	\$ 94.00	9	0%

Councilmember Hartwell moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Herrell, Kolb, Daley, Hanna-Davies, Vereen-Dixon, Upton, Kwan, Mayor Sheldon, 8;

Nays, Councilmember Hartwell, 1.

The Mayor declared the motion carried.

ORDINANCES - SECOND READING

10-99 APPROVED AS AMENDED

NON-DISCRIMINATION ORDINANCE

An Ordinance to Amend Sections 9:150, 9:151 and 9:159 of Chapter 112 of Title IX of the Code of the City of Ann Arbor

(The complete text of Ordinance 10-99 is on file in the City Clerk=s Office).

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

Councilmember Kolb moved that the ordinance be further amended as follows:

(Add new language at the end of the first paragraph in Section 9:150):

9:150. Intent.

It is the intent of the City that no person be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his or her civil or political rights or be discriminated against because of actual or perceived race, color, religion,.... **AS USED HEREIN, APERCEIVED≅ REFERS TO THE PERCEPTION OF THE PERSON WHO ACTS, AND NOT TO THE PERCEPTION OF THE PERSON FOR OR AGAINST WHOM THE ACTION IS TAKEN.**

(Add a new paragraph at the end of subsection 9:151(4)):

9:151. Definitions

As used in this chapter, the following words and phrases have the following meaning:...

- (4) ADiscriminate.≡ To make a decision, offer to make a decision or refrain from making a decision based in whole or in part on the actual or perceived race, color, religion,....

AS USED HEREIN, APERCEIVED≡ REFERS TO THE PERCEPTION OF THE PERSON WHO ACTS, AND NOT TO THE PERCEPTION OF THE PERSON FOR OR AGAINST WHOM THE ACTION IS TAKEN.

(Add new language at the end of Section 9:159):

9:159. Discriminatory Effects.

No person shall adopt, enforce or employ any policy or requirement which as the effect of creating unequal opportunities according to actual or perceived race, color, religion,....**AS USED HEREIN, APERCEIVED≡ REFERS TO THE PERCEPTION OF THE PERSON WHO ACTS, AND NOT TO THE PERCEPTION OF THE PERSON FOR OR AGAINST WHOM THE ACTION IS TAKEN.**

On a voice vote the Mayor declared the motion carried.

The question being the ordinance as amended, on a voice vote the Mayor declared the motion carried.

ORDINANCES - FIRST READING

11-99 APPROVED

DHU VARREN WOODS AND TRAVER CREEK PARKS ZONING

An Ordinance to Amend the Zoning Map Being a Part of Chapter 55 of Title V of the Code of the City of Ann Arbor

This ordinance would change the zoning of 20.03 acres, located on the south side of Dhu Varren Road, east and west of the Ann Arbor Railroad tracks, from TWP (Township District) to PL (Public Land District). (The complete text of Ordinance 11-99 is on file in the City Clerk=s Office).

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

On a voice vote the Mayor declared the motion carried.

12-99 APPROVED

FERRARIO ZONING

An Ordinance to Amend the Zoning Map Being a Part of Chapter 55 of Title V of the Code of the City of Ann Arbor

This ordinance would change the zoning of 0.55 acre, located on Heatherway south of Chestnut Road, from TWP (Township District) to R1A (Single-Family Dwelling District). (The complete text of Ordinance 12-99 is on file in the City Clerk=s Office).

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

On a voice vote the Mayor declared the motion carried.

13-99 APPROVED

FIRST MARTIN CORPORATION ZONING

An Ordinance to Amend the Zoning Map Being a Part of Chapter 55 of Title V of the Code of the City of Ann Arbor

This ordinance would change the zoning of 0.98 acre, located south of Eisenhower Parkway, east of Baylis Drive, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 13-99 is on file in the City Clerk=s Office).

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

On a voice vote the Mayor declared the motion carried.

14-99 APPROVED

THE GAGE COMPANY ZONING

An Ordinance to Amend the Zoning Map Being a Part of Chapter 55 of Title V of the Code of the City of Ann Arbor

This ordinance would change the zoning of 0.69 acre, located at 2025 and 2027 South State Street, from TWP (Township District) to M1 (Limited Industrial District). (The complete text of Ordinance 14-99 is on file in the City Clerk=s Office).

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

On a voice vote the Mayor declared the motion carried.

MOTIONS AND RESOLUTIONS

R-103-3-99 APPROVED

RESOLUTION TO APPROVE BANK OF ANN ARBOR SITE PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Bank of Ann Arbor Site Plan, 0.57 acre, 125 South Fifth Avenue.

Whereas, The Bank of Ann Arbor has requested site plan approval in order to construct a 7,920-square foot addition to the east side of the existing bank at 125 South Fifth Avenue;

Whereas, The petitioner also has requested modifications from Chapter 62 (Landscaping and Screening) in order to reduce the required ten-foot right-of-way buffer to eight feet along Washington Street; and

Whereas, The Ann Arbor City Planing Commission, on January 21, 1999, recommended approval of said requests; and

RESOLVED, That City Council approve the Bank of Ann Arbor Revised Site Plan and modifications to Chapter 62.

Councilmember Kwan moved that the resolution be adopted.

With unanimous consent of Council, Lori Sipes and Dan Schneider, of Smith Group/Architects Four, representing the petitioner, answered questions.

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

R-104-3-99 APPROVED AS AMENDED

RESOLUTION IN SUPPORT OF NEW LICENSES FOR
LOW POWER FM COMMUNITY RADIO

A resolution in support of new licenses for low power FM community radio was considered.

Councilmember Daley moved that the resolution be adopted.

With unanimous consent of Council, Jim Nicita answered questions concerning the proposed FCC regulation.

Council unanimously agreed that the 10th and 11th paragraphs of the resolution be amended as follows:

RESOLVED, That the City of Ann Arbor support the concept of Low Power radio stations, and urge the FCC to fulfill its mandate as guardian of a public resource, and to enact a licensing regulation to grant affordable, simple, **COMMERCIAL AND** non-commercial broadcast licenses to citizens of this and other communities in this country; and

RESOLVED, That the City of Ann Arbor support the efforts of those who endeavor to advocate such regulatory change, and to enrich the life of our diverse community through legally establishing a **COMMERCIAL AND** non-commercial public-access radio outlet; and

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

The resolution as adopted reads as follows:

R-104-3-99

RESOLUTION IN SUPPORT OF NEW LICENSES FOR
LOW POWER FM COMMUNITY RADIO

Whereas, The City of Ann Arbor is committed to the principles of free speech guaranteed in the First Amendment to the United States Constitution;

Whereas, Citizens of our community hold the broadcast airwaves to be public property and a public trust;

Whereas, The Federal Communications Commission (FCC) has not made affordable, Low Power (<100 watts) FM broadcast frequencies available for community use since 1978 when regulatory changes eliminated Class D FM licenses for less than 100 watts of power;

Whereas, The passage of the Telecommunications Act of 1996 has led to an unprecedented consolidation of broadcast industry ownership, and a marked decrease in both local and minority ownership of radio stations and origination of programming;

Whereas, The rights of free speech and a free press are threatened when access to communications media is concentrated in the hands of the few;

Whereas, The Ann Arbor community has already demonstrated its commitment to local access through its long-term and enthusiastic support for the local community access television, Community Television Network, and its local low power radio station, WCBN;

Whereas, The FCC is now hearing public comment on a proposal to once again offer simple, affordable, non-commercial Low Power FM broadcast licenses (FCC=s MM Docket No. 95-25);

Whereas, Non commercial radio stations operating under such a license could provide a community voice t individuals, musicians, artist, writers, activists, students, and points of view which are presently economically barred from access to their own above-mentioned airwaves; and

Whereas, Issuance of said licenses would constitute a net benefit to the social, cultural, and political life of Ann Arbor and its citizens, and to communities across the state of Michigan and the U.S.;

RESOLVED, That the City of Ann Arbor support the concept of Low Power radio stations, and urges the FCC to fulfill its mandate as guardian of a public resource, and to enact a licensing regulation to grant affordable, simple, commercial and non-commercial broadcast licenses to citizens of this and other communities in this country;

RESOLVED, That the City of Ann Arbor support the efforts of those who endeavor to advocate such regulatory change, and to enrich the life of our diverse community through legally establishing a commercial and non-commercial public-access radio outlet; and

RESOLVED, That copies of this resolution be sent to FCC Chairman William Kennard, to Michigan Senators Spencer Abraham and Carl Levin, Congresswoman Lynn Rivers, and to Ann Arbor=s representatives in Lansing, with the request that they support the FCC=s proposal to reintroduce Low Power FM radio broadcasting to our country.

R-105-3-99 APPROVED AS AMENDED

RESOLUTION ON AFFORDABLE HOUSING PROCESS

A resolution on the affordable housing process was considered.

Councilmember Kolb moved that the resolution be adopted.

Council unanimously agreed to amend the 17th and 19th paragraphs of the resolution as follows:

RESOLVED, That the City Administrator coordinate the **EVENTUAL** development of potential ordinance changes to prompt affordable **AND LOWER COST** housing, including the city departments= recommendations, and the public participation process for discussion of those proposals; and...

RESOLVED, That the City Administrator bring a proposal which includes an overview of the process and strategy we will use for decision-making on creating **AND PRESERVING** affordable housing, at the first meeting in May.

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

The resolution as adopted reads as follows:

R-105-3-99

RESOLUTION ON AFFORDABLE HOUSING PROCESS

Whereas, There has been much public concern expressed about the lack of affordable housing in Ann Arbor for working families and individuals;

Whereas, The City Council has held two workshop meetings to discuss the City's goals for creating more affordable housing;

Whereas, Affordable housing is a necessity to maintaining an economically and socially diverse, stable and healthy community;

Whereas, The lack of affordable housing causes problems for local businesses to fill their labor needs when more and more of the available work force lives farther and farther away from the local businesses hurting our community economically;

Whereas, The lack of affordable housing turns former residents into commuters increasing pollution, traffic congestion and a sense of alienation from our community;

Whereas, 35% of all Ann Arbor Households experience a very heavy burden of paying more than 30% of their income for housing and 62% of Ann Arbor Households making less than 96% of median income pay more than 30% of their income for housing;

Whereas, At the workshops it was agreed that the City should focus its efforts on households making less than 80% of median income and more specifically identifying three groups of households whose income is from 65 to 51%, from 50 to 30%, and less than 30% of the median income which is \$65,100.00 for a family of four and \$45,600.00 for an individual;

Whereas, This translates into the need to create housing for families of four whose income is 42,000.00 or less, and for individuals whose income is \$30,000.00 or less, as

these are working families and individuals who are making important contributions to the vitality of Ann Arbor and are severely affected by the shortage of affordable housing;

Whereas, Starting in 2005 the housing cooperatives in the city will be facing the decision of whether to continue as coops with very affordable rates or to convert to market-rate housing, with the possible outcome of eliminating 2000 affordable housing units in the next decade;

Whereas, There are many cities, counties and states throughout the United States which are addressing the need for affordable housing by a variety of strategies which include obtaining land, creating zoning and building ordinances which promote affordability, creating financial mechanisms which are incentives to support the building and ownership or rental of affordable units, and development of local, state and federal resources to be used in the creation of affordable units;

Whereas, The Chamber of Commerce and the Washtenaw County Commission are interested in a region-wide approach to the need for affordable housing, and the city has a vital interest in a partnership with them to provide the most comprehensive program to address the need;

Whereas, Many of city departments have interests and responsibilities which contribute to the strategies for creating affordable housing and yet do not have staff to devote to new efforts;

Whereas, The Council at the last workshop informally embraced the idea of forming three task forces to help gather information and evaluate potential solutions to increase the construction and availability of affordable housing;

Whereas, The Council wishes to see the information-gathering and dissemination, the public participation process and the design of the framework for decision-making proceed as expeditiously as possible; and

Whereas, This very important new project requires a centralized coordination that is best handled by the City Administrator's office;

RESOLVED, That the City Administrator prepare a plan for the dissemination and discussion of those affordable housing programs which are successful in other cities;

RESOLVED, That the City Administrator coordinate the eventual development of potential ordinance changes to prompt affordable and lower cost housing, including the city departments' recommendations, and the public participation process for discussion of those proposals;

RESOLVED, That the City Administrator determine the staff needed to accomplish

these tasks, including the possibility of hiring a consultant; and

RESOLVED, That the City Administrator bring a proposal which includes an overview of the process and strategy we will use for decision-making on creating and preserving affordable housing, at the first Council meeting in May.

R-106-3-99 APPROVED AS AMENDED

RESOLUTION TO APPROVE BROADWAY BRIDGES
FLOOD STORAGE MITIGATION PLAN

A resolution to approve the Broadway Bridges flood storage mitigation plan was considered.

Councilmember Hanna-Davies moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the following paragraph be added to the resolution:

RESOLVED, That the larger, healthy trees along the river bank be saved if possible.

On a voice vote the Mayor declared the motion carried.

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

The resolution as adopted reads as follows:

R-106-3-99

RESOLUTION TO APPROVE BROADWAY BRIDGES
FLOOD STORAGE MITIGATION PLAN

Whereas, The approval of the Broadway Bridges Project by Council resolution #R-291-6-98 was contingent on development of a plan to mitigate the loss of 100 year flood storage;

Whereas, The Flood Storage Mitigation Plan developed and presented to Council on February 22 and March 1, 1999, provides an appropriate mitigation plan in Fuller Park adjacent to the Huron River; and

Whereas, The estimated City cost of this plan is \$237,000.00;

RESOLVED, That the Flood Storage Mitigation Plan, which provides mitigation in Fuller Park adjacent to the Huron River, be approved; and

RESOLVED, That the larger, healthy trees along the river bank be saved if possible.

POSTPONED

RESOLUTION TO APPROVE BROADWAY BRIDGES
TRAFFIC BARRIER DESIGN

Whereas, The approval of the Broadway Bridges Project by Council resolution #R-291-6-98 required that alternate designs for a barrier separating the roadway from the sidewalk be prepared and presented to Council for final approval;

Whereas, The environmental assessment and staff recommendation was that there be no barrier between the roadway and the sidewalk; and

Whereas, The estimated City cost of adding the barrier is \$410,000.00;

RESOLVED, That City Council choose Option ____ for the barrier and railing design.

Councilmember Vereen-Dixon moved that the resolution be adopted.
Councilmember Hanna-Davies moved that the resolution be postponed until the March 15, 1999 regular session of Council for further review of the options.

On a voice vote the Mayor declared the motion carried.

R-107-3-99 APPROVED

RESOLUTION TO APPROVE THE DESIGN OF CARRY STREET
FOR THE BROADWAY BRIDGES PROJECT

Whereas, The approval of the Broadway Bridges Project by Council resolution #R-291-6-98 required that Carey Street be left open to one-way northbound traffic, and two-way traffic if possible;

Whereas, The environmental assessment and staff recommendation was that Carey Street be closed to through traffic;

Whereas, Council has reviewed the plans presented on February 22 and March 1, 1999, showing one-way and two-way options for Carey Street, including retaining a brick surface and a maximum grade of less than 11%; and

Whereas, The estimated extra City cost of keeping two-way Carey Street is \$50,000.00;

RESOLVED, That Council determines to proceed with incorporating two-way Carey Street into the Broadway Bridges Project.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-108-3-99 APPROVED

RESOLUTION AUTHORIZING THE TRANSFER AND EXPENDITURE OF \$38,248.00 TO THE FIRE DEPARTMENT BUDGET FROM THE POLICE DEPARTMENT BUDGET TO PROVIDE FUNDING FOR THE EMERGENCY MANAGEMENT DIVISION

Whereas, The Fire Department has assumed the Emergency Management function for the City;

Whereas, This change in responsibility was effective this past January, 1999;

Whereas, The Emergency Management Division funding currently is retained in the Police Department Budget; and

Whereas, The funding for the Emergency Management Division must be transferred from the Police Budget to the Fire Budget;

RESOLVED, That the Mayor and Council authorize the City Administrator to direct the transfer and expenditure of \$38,248.00 from the fiscal year 1998-1999 Police Department Budget to the fiscal year 1998-1999 Fire Department Budget.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-109-3-99 APPROVED

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICES AGREEMENT WITH THE DISPUTE RESOLUTION CENTER OF WASHTENAW COUNTY AND TO APPROPRIATE FUNDS FOR CONSULTING SERVICES

Whereas, The Dispute Resolution Center of Washtenaw County, a nonprofit organization, provided mediation services to the Farmers Market and its vendors from October, 1997 to March, 1998;

Whereas, The Dispute Resolution Center assigned two mediators to work with representative vendors at mediation;

Whereas, The vendors participating in mediation reached agreement on market issues which resulted in the submission of proposed market operating rules to the City

Administrator; and

Whereas, The mediators spent over 131 hours mediating the Farmers Market and vendor issues;

RESOLVED, That City Council authorize the execution of a professional services agreement with the Dispute Resolution Center of Washtenaw County, and that the Mayor and the City Clerk be authorized to sign the agreement substantially in the form on file with the City Clerk; and

RESOLVED, That \$10,000.00 be appropriated from the Market Enterprise Fund for consulting services by the Dispute Resolution Center of Washtenaw County.

Councilmember Hartwell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-110-3-99 APPROVED

RESOLUTION TO APPROVE FIFTH AMENDMENT
TO LEASE AGREEMENT WITH HURON ASHLEY LIMITED
PARTNERSHIP FOR 112 SOUTH ASHLEY STREET

Whereas, The City of Ann Arbor and Huron Ashley Limited Partnership have a current lease agreement for property at 112 South Ashley Street;

Whereas, The agreement allows use of the building for a day shelter only; and

Whereas, The City wishes to contract with the Shelter Association of Washtenaw County to operate a night warming shelter at 112 S. Ashley St. during the winter months;

RESOLVED, That the Mayor and Council approve the Fifth Amendment to the lease agreement for 112 S. Ashley St., allowing its use as a warming shelter as needed between October 1st and March 31st for the duration of the lease agreement; and

RESOLVED, That the Mayor and City Clerk be authorized to execute the amendment to the lease agreement substantially in the form on file in the office of the City Clerk.

Councilmember Vereen-Dixon moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-111-3-99 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM BATH STREET PARTNERS, 1015 BATH STREET - HURON WEST PARK SANITARY SEWER REPLACEMENT PROJECT-PHASE I

Whereas, Bath Street Partners, a Michigan Co-Partnership, is the owner in fee simple of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 2170, Page 360, dated September 11, 1987;

Whereas, A Resolution of the Partnership, dated January 29, 1999, ratified the execution of a perpetual easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system; and

Whereas, Bath Street Partners, has delivered an easement to the City for the construction and maintenance of municipally operated public services to run with the land and burden the respective property perpetually, being more particularly described as follows:

The southerly 20 feet of the following described property:

Commencing at the W line of Bath Street on the Section line of Sections 29 and 30; thence S along said Section line 209.5 feet; thence E parallel with the S line of Bath Street 49.5 feet; thence N parallel with the section line 209.5 feet; thence W along the S line of Bath Street 49.5 feet to the PLACE OF BEGINNING, being part of the W 1/2 of the NW 1/4 of Section 29, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan.

RESOLVED, That the City hereby accept said easement. Councilmember Upton moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-112-3-99 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM

FOOD GATHERERS - DHU VARREN ROAD

Whereas, Food Gatherers, a Michigan non-profit corporation, is the owner in fee simple of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 03563, Page 0667-0668, dated January 9, 1998;

Whereas, The grant of easement was authorized and approved by motion of the Board as recorded in the minutes of the February 2, 1999, regular meeting of the Board of Directors of Food Gatherers; and

Whereas, Food Gatherers has delivered an easement to the City for the construction and maintenance of municipally operated public services to run with the land and burden the respective property perpetually, being more particularly described as follows:

Commencing at the S 1/4 Corner of Section 9, T2S, R6E, City of Ann Arbor, Washtenaw County, MI; thence N 85° 47' 30" E 1026.70 feet along the S line of Section 9; thence N 04° 15' 00" W 33.00 feet to the PLACE OF BEGINNING; thence N 85° 47' 30" E 508.62 feet; thence N 04° 12' 30" W 17.00 feet; thence S 85° 47' 30" W 508.63 feet; thence S 04° 15' 00" E 17.00 feet to the PLACE OF BEGINNING; being a part of the SE 1/4 of said Section 9, Ann Arbor Township. Commonly known as 1731 Dhu Varren Road, Ann Arbor, MI;

RESOLVED, That the City hereby accept said easement.

Councilmember Upton moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-113-3-99 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENTS FROM BARCLAY DEVELOPMENT COMPANY - BARCLAY PARK CONDOMINIUMS

Whereas, Barclay Development Company, a Michigan corporation, is the fee simple owner of property located in the City of Ann Arbor, Washtenaw County, Michigan as described in the Washtenaw County Records at Liber 3776, Pages 482-483, dated October 5, 1998;

Whereas, Authorization Resolution of Barclay Development Company, dated October 5, 1998, authorized the delivery of perpetual easements to the City for the

construction and maintenance of municipally operated public services comprising the public utilities system; and

Whereas, Barclay Development Company has delivered easements to the City for the construction and maintenance of municipally operated public services comprising the public utilities system to run with the land and burden the respective property perpetually, being more particularly described as follows:

SANITARY SEWER

Commencing at the S 1/4 corner of Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, thence N 89E56=13≅ E 1316.52 feet along the South line of said Section 10, thence N 00E11=20≅ W 661.18 feet along the centerline of Nixon Road (66.00 feet wide), and along the West line of the E 1/2 of the SE 1/4 of said Section 10, thence N 89E55=10≅ E 1239.19 feet to the POINT OF BEGINNING, thence N 10E15=31≅ E 58.21 feet; thence N 00E04=50≅ W 49.24 feet; thence S 89E55=10≅ W 150.34 feet; thence N 53E13=28≅ W 115.73 feet; thence N 24E56=35≅ W 103.13 feet; thence N 86E53=09≅ W 98.50 feet; thence S 08E56=19≅ W 168.06 feet; thence S 89E55=10≅ W 482.00 feet; thence N 78E13=52≅ W 68.32 feet; thence N 24E01=36≅ W 165.24 feet; thence N 65E58=24≅ E 30.00 feet; thence S 24E01=36≅ E 149.88 feet; thence S 78E13=52≅ E 30.37 feet; thence N 89E55=10≅ E 468.92 feet; thence N 08E56=19≅ E 136.09 feet; thence N 85E37=38≅ W 231.38 feet; thence N 02E35=46≅ W 74.98 feet; thence N 87E24=14≅ E 36.00 feet; thence S 02E35=46≅ E 43.11 feet; thence S 86E05=04≅ E 350.61 feet; thence S 24E56=41≅ E 104.51 feet; thence S 53E13=28≅ E 101.76 feet; thence N 89E55=10≅ E 179.68 feet; thence S 00E04=50≅ E 94.86 feet; thence S 10E15=31≅ W 54.53 feet; thence S 89E55=10≅ W 40.66 feet to the POINT OF BEGINNING of said easement for sanitary sewer, being subject to easements and restrictions of record, if any.

WATER MAIN

Commencing at the S 1/4 corner of Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, thence N 89E56=13≅ E 1316.52 feet along the South line of said Section 10, thence N 00E11=20≅ W 661.18 feet along the centerline of Nixon Road (66.00 feet wide), and along the West line of the E 1/2 of the SE 1/4 of said Section 10, thence N 89E55=10≅ E 657.44 feet to the POINT OF BEGINNING, thence N 00E04=50≅ W 4.35 feet; thence S 89E55=10≅ W 37.53 feet; thence N 00E04=50≅ W 135.65 feet; thence S 89E55=10≅ W 195.99 feet; thence S 11E59=41≅ W 13.83 feet; thence N

78E00=19≅ W 40.00 feet; thence N 11E59=41≅ E 28.11 feet; thence N 01E10=21≅ E 140.86 feet to a point hereafter known as Point AA≅; thence Northwesterly 30.43 feet along the arc of a circular curve to the right, radius 402.00 feet, central angle 04E20=13≅, long chord N 80E10=26≅ W 30.42 feet; thence N 78E00=19≅ W 108.03 feet; thence Northwesterly 41.07 feet along the arc of a circular curve to the left, radius 584.00 feet, central angle 04E01=45≅, long chord N 80E01=12≅ W 41.06 feet; thence S 89E48=40≅ W 182.47 feet; thence N 00E11=20≅ W 40.00 feet; thence N 89E48=40≅ E 108.08 feet; thence N 00E11=42≅ W 10.31 feet; thence N 89E48=40≅ E 21.93 feet; thence N 00E11=20≅ W 9.69 feet; thence N 89E48=40≅ E 40.00 feet; thence S 00E11=20≅ E 20.00 feet; thence N 89E48=40≅ E 15.28 feet; thence Southeasterly 46.78 feet along the arc of a circular curve to the right, radius 624.00 feet, central angle 04E17=43≅, long chord S 80E09=11≅ E 46.77 feet; thence S 78E00=19≅ E 108.03 feet; thence Southeasterly 120.59 feet along the arc of a circular curve to the left, radius 362.00 feet, central angle 19E05=09≅, long chord S 87E32=54≅ E 120.03 feet; thence N 82E54=32≅ E 66.61 feet; thence Northeasterly 51.57 feet along the arc of a circular curve to the right, radius 938.00 feet, central angle 03E09=01≅, long chord N 84E29=02≅ E 51.57 feet; thence N 02E43=09≅ W 20.21 feet; thence N 87E16=51≅ E 40.00 feet; thence S 02E43=09≅ E 20.21 feet; thence Southeasterly 212.75 feet along the arc of a circular curve to the right, radius 938.00 feet, central angle 12E59=43≅, long chord S 84E59=59≅ E 212.29 feet; thence S 78E30=08≅ E 37.28 feet; thence Easterly 97.11 feet along the arc of a circular curve to the left, radius 262.00 feet, central angle 21E14=13≅, long chord S 89E07=15≅ E 96.56 feet; thence N 14E07=02≅ W 9.71 feet; thence N 74E20=50≅ E 40.01 feet; thence S 14E07=02≅ E 51.12 feet; thence S 74E20=50≅ W 11.91 feet; thence Westerly 143.11 feet along the arc of a circular curve to the right, radius 302.00 feet, central angle 27E09=02≅, long chord S 87E55=21≅ W 141.77 feet; thence N 78E30=08≅ W 26.39 feet; thence S 10E19=25≅ W 159.51 feet; thence S 89E55=10≅ W 171.98 feet; thence S 00E04=50≅ E 95.65 feet; thence N 89E55=10≅ E 37.53 feet; thence S 00E04=50≅ E 44.35 feet; thence S 89E55=10≅ W 40.00 feet to the POINT OF BEGINNING of said easement for water main.

EXCEPTING THEREFROM THE FOLLOWING PARCEL OF LAND:

Commencing at the above-mentioned Point AA≅, thence Easterly 40.10 feet along the arc of a circular curve to the left, radius 402.00 feet, central angle 05E42=54≅, long chord S 85E11=59≅ E, 40.08 feet to the POINT OF BEGINNING, thence Northeasterly 63.38 feet along the arc of a circular curve to the left, radius 402.00 feet, central angle 09E02=02≅, long chord N

87E25=33≅ E 63.32 feet; thence N 82E54=32≅ E 66.61 feet; thence Southeasterly 262.23 feet along the arc of a circular curve to the right radius 898.00 feet, central angle 16E43=53≅, long chord S 88E43=31≅ E 261.30 feet; thence S 10E19=25≅ W 106.20 feet; thence S 89E55=10≅ W 26.82 feet; thence S 00E04=50≅ E 20.00 feet; thence S 89E55=10≅ W 347.23 feet; thence N 01E10=21≅ E 119.78 feet to the POINT OF BEGINNING of said easement for water main, being subject to easements and restrictions of record, if any.

RESOLVED, That the City hereby accept said easement.

Councilmember Upton moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-114-3-99 APPROVED

RESOLUTION ACCEPTING PUBLIC RIGHT-OF-WAY
EASEMENT FROM BARCLAY DEVELOPMENT COMPANY -
BARCLAY PARK CONDOMINIUMS

Whereas, Barclay Development Company, a Michigan corporation, is the owner in fee simple of certain property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 3776, Pages 482-483;

Whereas, An Authorization Resolution of Barclay Development Company, dated October 5, 1998, authorized the delivery of a perpetual easement to the City for public right-of-way; and

Whereas, Barclay Development Company has delivered an easement to the City for public right-of-way over the following described parcel, to run with the land and burden the respective property perpetually:

A 27.00 foot wide easement for public right-of-way purposes with the following description:

Commencing at the S 1/4 corner of Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, thence N 89E56=13≅ E 1316.52 feet along the South line of said Section 10, thence N 00E11=20≅ W 661.18 feet along the centerline of Nixon Road (66.00 feet wide), and along the West line of the E

1/2 of the SE 1/4 of said Section 10, thence N 89E55=10≅ E 33.00 feet to the POINT OF BEGINNING, thence N 00E11=20≅ W 656.68 feet along the East right-of-way line of said Nixon Road; thence N 89E29=37≅ E 27.00 feet; thence S 00E11=20≅ E 656.88 feet; thence S 89E55=10≅ W 27.00 feet to the POINT OF BEGINNING, being a part of the E 1/2 of the SE 1/4 of said Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, containing 0.41 acres of land, more or less, and being subject to easements and restrictions of record, if any.

RESOLVED, That said easement be hereby accepted.

Councilmember Upton moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-115-3-99 APPROVED

RESOLUTION TO APPROVE AGREEMENT TO TEMPORARY
EXTENSION TO TELECOMMUNICATIONS RIGHT-OF-WAY PERMIT
#1997-3 FOR MICHIGAN BELL TELEPHONE COMPANY, A/K/A
AMERITECH OR AMERITECH MICHIGAN, TO USE PUBLIC RIGHTS-
OF-WAY TO PROVIDE TELECOMMUNICATION SERVICES

Whereas, Michigan Bell Telephone Company, a/k/a Ameritech or Ameritech Michigan (AAmeritech≡), has applied for an amendment to its existing Permit #1997-3 so that it may install and operate additional telecommunications facilities in two locations in public rights-of-way in the City of Ann Arbor;

Whereas, Although City staff is willing to recommend approval of the pending Amendment No. 1, City staff did not have time to complete its review and all the other steps required in time to place the proposed Amendment No. 1 on the March 1, 1999, agenda of City Council for action;

Whereas, Ameritech has requested the City to grant a temporary extension to Permit #1997-3 to enable it to install the facilities and provide service to its customers pending final approval of the proposed Amendment No. 1 at the March 15, 1999, session of Council;

Whereas, The term of the Temporary Extension ends at the time the City Council either grants or denies Amendment No. 1, in whole or part, or with modifications, and further provides for Ameritech to remove or modify its installations under the Temporary Extension in the event City Council does not grant the application for Amendment No. 1, grants it only in part, or grants it with modifications;

Whereas, The Temporary Extension provides for Ameritech to indemnify and hold the City harmless in the event of claims which may arise as a result of the City=s decision to grant the Temporary Extension, or in the event of claims may arise as a result of the City=s decision to grant or deny the pending application for Amendment No. 1; and

Whereas, Ameritech is responsible for obtaining all other City permits which are required for Ameritech to proceed with the installation of the covered facilities after approval of this Temporary Extension;

RESOLVED, That City Council approve and authorize the Mayor and City Clerk to execute the Agreement to Temporary Extension to Telecommunications Right-of-Way Permit Agreement #1997-3 for Michigan Bell Telephone Company, a/k/a Ameritech or Ameritech Michigan, to use certain public rights-of-way in the City to provide telecommunication services substantially in the form on file in the City Clerk=s Office.

Councilmember Vereen-Dixon moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

REPORTS FROM COUNCIL COMMITTEES

COUNCILMEMBER VEREEN-DIXON

Councilmember Vereen-Dixon reported that the Taxicab Board will hold a public hearing this month on proposed changes to the taxicab ordinance. She stated that the proposed ordinance will come before Council in April.

COUNCILMEMBER KOLB

Councilmember Kolb reported that the Sign Ordinance Task Force will be providing an update to Council.

COUNCIL PROPOSED BUSINESS

MARCH 15 REGULAR SESSION:

Resolution Regarding the Annual Unity Rally, April 11, 1999 (Councilmember Hanna-Davies.

Resolution Regarding the Extension of Commonwealth Boulevard and the Installation of a Traffic Signal at Commonwealth and Green Road (Councilmember Hartwell)

UPCOMING MEETING:

Resolution Regarding the Downtown African-American Festival, June 4 and 5, 1999 (Councilmember Vereen-Dixon)

COMMUNICATIONS FROM THE MAYOR

ANNOUNCEMENTS

- X A Council working session is scheduled for 7:00 p.m., March 8, 1999, on Human Rights Commission issues and the Forest Parking Structure;
- X Get well wishes are extended to Fifteenth District Court Judge Ann Mattson who had open heart surgery;
- X March has been declared ANational Women in History Month≡;
- X A dinner with the University of Michigan regents will be scheduled for early summer.
- X Proclamations were recently signed in recognition of the fortieth anniversary of the Ann Arbor Street Art Fair, and in recognition of Parenting Awareness Month, March 1999.

APPOINTMENTS APPROVED

Mayor Sheldon recommended the following appointments at the February 16, 1999 regular session of Council:

Huron River Watershed Council Liaisons

John Hieftje (to fill Haldon Smith=s vacancy)
1800 Traver Rd. 48105
Term: 3/1/99 to 10/31/2000

Alternate:

Haldon Smith (to fill John Hieftje=s alternate position)
1606 Shadford Rd. 48104
Term: 3/1/99 to 10/31/2000

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

On a voice vote the Mayor declared the motion carried.

NOMINATIONS PLACED ON TABLE

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

City Market Commission

Artisan Representative:
Adele Ponvert (to fill expired term)
739 Brooks St. 48103
Term: 3/15/99 to 12/31/2001

Historic District Commission

Larry Bollman (to fill expired term)
443 Waymarket 48103
Term: 3/15/99 to 3/14/2002

Sonia Schmerl (to fill expired term)
539 S. First St. 48103
Term: 3/15/99 to 3/14/2002

Taxicab Board

Gerald Lutz (reappointment)
252 Crest St. 48103
Term: 4/99 to 4/2002

Barbara Krick (reappointment)
2345 Delaware Dr. 48103
Term: 4/99 to 4/2002

Commission on Disability Issues

Marjorie Oliver-Cash (reappointment)
1560 Woodland Dr. 48103
Term: 3/17/99 to 3/16/2002

Sam Breck (reappointment)
306 Westwood Ave. 48103
Term: 3/17/99 to 3/16/2002
Deborah Murray (reappointment)
2303 Sandalwood Cir. 48105
Term: 3/31/99 to 3/30/2002

Mayor=s Task Force on Increasing Safety for Women

Dr. Ruth Moorman, Minister
St. Paul=s Missionary Baptist Church
3630 Platt Rd. 48108

Ann Arbor Energy Commission

Parma Yarkin (to fill expired term)
2330 Adare Rd. 48104
Term: 3/15/1999 to 3/14/2002

Community Development Citizen Participation Executive Committee

Marjorie Luther (to fill expired term)
447 Hilldale Dr. 48104
Term: 3/15/99 to 6/30/2002

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

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

1. Creating a Premium Parking Area in the Ann Ashley Parking Structure and Establishing a Premium Parking Rate
2. Downtown Development Authority Resolution Recommending Changes to the City Parking Standards
3. Second Quarter 1998-1999 Budget Status Report
4. January 1999 Investment Portfolio Report

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

COMMUNICATIONS FROM THE CITY ATTORNEY

BOLT CASE

City Attorney Abigail Elias reported that the Michigan Supreme Court denied rehearing in the Bolt case.

NORDIC ELECTRIC

Ms. Elias reported that in the Nordic Electric case the parties before the Public Service Commission submitted a stipulation and a proposed order. She stated that the Commission is likely to accept the stipulation and issue a certificate of necessity.

COURT VACANCIES

City Attorney Elias stated that her office is working with the 15th District Court and the 22nd Circuit Court with respect to the vacancies.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER UPTON

Councilmember Upton announced that Angell Elementary School will be celebrating its 75th anniversary on March 19.

COUNCILMEMBER HERRELL

Councilmember Herrell reported that she received complaints about people not cleaning up after their dogs. She asked everyone to be responsible dog owners.

MAYOR SHELDON

Mayor Sheldon announced that the Summer Festival will hold a fundraising event on March 13, at the Ann Arbor Civic Theater, to support the Festival's Top of the Park activities.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communication was referred as indicated:

1. Communication from Elmer White, attorney representing The Chapel Hill Condominium Association, regarding proposal to extend Commonwealth Blvd. and Install a traffic light - Public Services.

The following minutes were received for file:

1. Housing Commission - August 19, September 16, October 21, November 18, December 16, 1998
2. Commission on Art in Public Places - January 9, 1999
3. Planning Commission - January 5 and January 21, 1999
4. Ann Arbor Transportation Authority - January 20, 1999
5. Building Board of Appeals - December 9, 1998 and January 13, 1999
6. Housing Board of Appeals - November 17, 1998, December 1, 1998 and January 5, 1999
7. Zoning Board of Appeals - December 16, 1998
8. Employees= Retirement System Board - January 21, 1999

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

On a voice vote the Mayor declared the motion carried.

PUBLIC COMMENTARY - GENERAL

None.

ADJOURNMENT

There being no further business to come before Council, the Mayor declared the meeting adjourned at 10:35 p.m.

W. Northcross
Clerk of the Council

Janet L. Chapin
Recording Secretary