

**ANN ARBOR CITY COUNCIL MINUTES  
REGULAR SESSION - AUGUST 16, 1999**

The regular session of the Ann Arbor City Council was called to order at 7:30 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, Jean Carlberg, Heidi Cowing Herrell, Patrick A. Putman, Christopher Kolb, Elisabeth L. Daley, Mayor Ingrid B. Sheldon, 10.

ABSENT : Councilmember Stephen C. Hartwell, 1.

**INTRODUCTIONS**

1999 ARBOROUGH GAMES PRESENTATION

Executive Director Peter Campbell reported that the 17th Annual Arborough Games, held August 6-8, 1999 in Petersborough, Ontario was a great success. He introduced the volunteers and athletes who represented the City of Ann Arbor. Mr. Campbell and the athletes presented the Friendship trophy to Mayor Sheldon on behalf of the Mayor of Petersborough.

SEVENTEEN MAGAZINE AWARD FOR THE CITY OF ANN ARBOR

Mayor Sheldon presented a plaque from Seventeen Magazine to representatives of The Neutral Zone. The plaque was awarded to recognize the City of Ann Arbor as a great place for teens. Present to receive the plaque on behalf of The Neutral Zone were Lee Bowbeer, Kelly Krigler and Juan Bushaw.

SISTER CITY MILLENNIUM WRITING PROJECT - ANN ARBOR DISTRICT LIBRARY/TUBINGEN, GERMANY

The Ann Arbor District Library was selected to participate in a millennium project through Sister City Libraries. Mary Ann Hodel, Ann Arbor District Library Director, and Brigette Maasan, Co-Chair of the Hospitality Committee were present to explain the project. Ms. Hodel presented the City of Ann Arbor with a plaque from the United States Commission on Libraries and Information Science and explained that the Ann Arbor District Library was chosen as one of 51 libraries across the country to participate in this program. The Commission working with Sister Cities International has chosen a library in Tuebingen, Germany to work with Ann Arbor.

**PUBLIC COMMENTARY - RESERVED TIME**

JENNIFER MILLER - MECHANICAL DYNAMICS/TRAVERWOOD SITE PLAN

Jennifer Miller, representing Friends of Traver Creek, spoke in support of the proposed changes to the development agreement of this project and stated that regrading the steep slopes will cause the creek more harm than good. Ms. Miller thanked City staff for enforcing the soil erosion protection and the storm water design at the site. (Letter on file in the City Clerk=s Office)

**PUBLIC HEARINGS**

AUDUBON WOODS SITE PLAN AND WET LAND USE PERMIT

A public hearing was conducted on the proposed Audubon Woods Site Plan and Wet Land Use Permit, 4.98 acres, Parkwood Avenue. Notice of public hearing was published August 15, 1999.

The following persons were present to speak:

Jeanine Palms, 2656 Easy Street, stated that the proposed development will have a major negative impact on Mallet=s Creek, on South Pond and ultimately on the Huron River. She pointed out that Mallet=s Creek already has serious problems with flooding, and developing this property will interrupt current restoration plans and cause damage to existing natural features.

Parma Yarkin, representing Huron Valley Sierra Club, spoke in opposition to the

proposed development and read a letter of objection from Doug Cowherd, Co-Chairman of the Sierra Club. Ms. Yarkin urged City Council to concur with the Planning Commission and reject the Audubon Woods proposal. (Letter on file in the City Clerk's Office)

Ethel Potts, representing Urban Environment Associates (UEA), stated that the natural features in Audobon Woods have ongoing functions affecting the Mallet's Creek Watershed and the Huron River. Ms. Potts stated that if the property is left undeveloped the parcel may appear in the Mallet's Creek management plan as a crucial safety belt area for flood and sediment control.

Ron Emaus, Mallet's Creek Association volunteer, opposed the proposed project and stated that City Council adopted a resolution to down zone land in flood plains and floodways to limit their development potential, and to identify property that currently serves as flood storage for possible acquisition. He urged City Council to adhere to the resolution and deny the Audobon Woods site plan.

Jennifer Miller, 895 Whitfield Court, read a letter from Dr. A. A. Reznick in opposition to the proposed site plan. The letter emphasized that the site is mostly wetlands and floodplains, and contains many significant natural features. (Letter on file in City Clerk's Office)

Ann Paris, Pittsfield Township resident, urged City Council to concur with the decision of the Planning Commission and not allow the proposed development. She reminded City Council that the impact of their decision will affect neighboring Pittsfield Township as well.

Jesse Wood, representing Old Hickory Place Condominium Association, opposed the proposed site plan and stated that in 1991 they were told by the developer that this site would not be developed in the future. He stated that this proposal does not represent affordable housing. Mr. Wood pointed out that the site plan violates city ordinances, does not meet the existing zoning or the natural features open space requirements.

Mary Borkowski, representing Atwell-Hicks, designer of this development, stated that the Washtenaw County Drain Commissioner's Office has reviewed the plan and approved it in principle. She explained that there is fill all around the entire site and that the wetland and landmarks trees will be preserved.

J. Bradley Moore, architect for the project, clarified that the proposed homes will not have full basements. He stated that the lower level of the units will be 50% below grade to minimize the impact on the natural features.

Joe Grammatico of Master Key Northern, owner of the property, gave the history of the site and stated that this development will beautify the abused land and prevent it from becoming a dump. He stated that he has done everything that has been required by City staff, including enhancing the floodplain, therefore the City should approve the site plan and allow the project to move forward.

Valerie Lampkin, representing residents of The Village, expressed opposition to the proposed site plan. She stated that this development will cause emotional inequity to many residents and will cause a decrease in property value. Ms. Lampkin felt that the quality of life will be destroyed because the development would eliminate many natural features and create more traffic.

Dan Grammatico of Master Key Northern, spoke in support of the proposed site plan and stated that Ann Arbor desperately needs affordable housing. He recalled that the proposed land was up for sale for 5-7 years and no one made an effort to develop it. He urged City Council to approve the site plan as proposed.

Gregory Elliot, Attorney for Master Key Northern, encouraged City Council to balance the City's interests with those of the owner when making a decision on the proposed site plan. He stated that Master Key Northern has worked very hard to address the concerns of everyone in an effort to achieve an acceptable plan.

Sharon Foster, representing Darlington Neighborhood Coalition, urged City Council to continue to uphold the City's requirements to protect wetlands and natural features.

Dennis Wojcik, Washtenaw County Deputy Drain Commissioner, stated that his office has been working with the developer's engineer in order to come up with a storm water management plan and they are very close to a site plan that would meet all of the county's requirements standards for approval. He pointed out that his office does encourage the protection of floodplains and natural features but does not have the jurisdiction to enforce it.

Janet Shane, 2442 Fernwood, opposed the Audubon Woods site plan and stated that she is proud to live in a city that protects natural features and wetlands. She encouraged City Council to follow the decision of the Planning Commission and reject the proposed site plan.

Scott Terrell, 803 E. Kingsley, stated that the proposed homes are \$130,000 to \$170,000 per unit, which is not affordable housing. He noted that preserving the few remaining wetlands, natural areas and open spaces is very important to the residents of the neighborhood.

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

ST. PAUL EVANGELICAL LUTHERAN SCHOOL LAND DIVISION AND SITE PLAN

A public hearing was conducted on the proposed St. Paul Evangelical Lutheran School Land Division, Site Plan and Development Agreement, 31.03 acres, 495 Earhart Road. Notice of public hearing was published August 15, 1999.

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

TRAVERWOOD TWO REVISED SITE PLAN

A public hearing was conducted on the proposed Traverwood Two Revised Site Plan, 8.03 acres, south side of Huron Parkway between Nixon Road and Traverwood Drive. Notice of public hearing was published August 15, 1999.

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

**APPROVAL OF AGENDA**

AGENDA APPROVED WITH CHANGES

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

<u>Correct</u>	CA-4	Resolution to Approve the Collective Bargaining Agreement Between the City of Ann Arbor and <a href="#">the Ann Arbor Deputy Chiefs Unit of</a> Local 214 of the International Brotherhood of Teamsters - July 1, 1998-June 30, 2001 (Administrator)
<u>Title &amp; Revise:</u>		
<u>Revise:</u>	CA-9	Resolution Approving Street Closings for the ADancing In The Street= Special Event ( <del>\$500.00</del> <a href="#">\$800.00</a> ) (Building)

## D - MOTIONS AND RESOLUTIONS

- Revise: D-10 Resolution Accepting Public Right-of-way Easement from NSF, International - Plymouth Road-Green Road Turn Lane Improvements (Attorney) (8 Votes Required)
- Add: D-13 Resolution to Approve Option Agreement for Sale of City-Owned Packard/Main Property (\$400,000.00) (Attorney) (8 Votes Required)
- Add: D-14 Resolution to Rescind Resolution No. R-462-8-99 which Approved a Millage Proposal for Land Acquisition (Mayor Sheldon)

On a voice vote the Mayor declared the motion carried.

**APPROVAL OF COUNCIL MINUTES**MINUTES OF AUGUST 2 APPROVED AS CORRECTED

Councilmember Upton moved that the regular session minutes of August 2, 1999 be approved with the following correction:

Page 22

(RESOLUTION TO APPROVE MECHANICAL DYNAMICS, INC./  
TRAYERWOOD TWO LAND DIVISION)...

Councilmember Carlberg moved that Phase 2 of the project be tabled to allow discussions regarding the slopes and footbridge construction method.

| After further discussion, the motion to ~~postpone~~ table was withdrawn.

Page 23

(RESOLUTION TO APPROVE MECHANICAL DYNAMICS, INC. SITE  
PLAN, DEVELOPMENT AGREEMENT AND WETLAND USE PERMIT)...

Councilmember Carlberg moved that Phase 2 of the project be tabled to allow discussions regarding the slopes and footbridge construction method.

| After further discussion, the motion to ~~postpone~~ table was withdrawn.

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-463-8-99 APPROVED

**RESOLUTION TO APPROVE CONTRACT WITH PROLIME CORPORATION FOR FILTER PRESS SLUDGE CAKE HAULING SERVICES FOR THE WASTEWATER TREATMENT PLANT - BID NO. 3263**

Whereas, The Wastewater Treatment Plant (WWTP) needs filter press sludge cake to be hauled to a landfill for disposal during the winter period;

Whereas, Prolime Corporation submitted the lowest responsible bid of \$11.60 per ton for hauling filter press sludge cake in accordance with the requirements of Bid No. 3263; and

Whereas, Prolime Corporation received Human Rights approval on June 14, 1999;

RESOLVED, That Council accept the bid and approve a contract with Prolime Corporation for hauling filter press sludge cake for \$11.60 per ton according to the terms of Bid No. 3263;

RESOLVED, That Council approve the contract with Prolime Corporation to provide services to the WWTP, and that the Mayor and City Clerk be authorized to sign the contract approved as to form by the City Attorney;

RESOLVED, That the contract may be renewed annually for up to two additional years provided both parties agree to an extension; and

RESOLVED, That the City Administrator is authorized to obtain hauling services from the next lowest responsible bidder if Prolime Corporation is unable to provide adequate services.

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R-464-8-99 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH HARZA ENGINEERING COMPANY FOR CONSTRUCTION ENGINEERING SERVICES FOR THE BARTON AND SUPERIOR DAMS REHABILITATION PROJECT

Whereas, It is necessary to retain Harza Engineering Company for engineering services during construction of the Barton and Superior Dams Rehabilitation;

Whereas, Harza Engineering Company submitted a proposal in the amount of \$50,000 to provide the said engineering services; and

Whereas, Harza Engineering Company has received Human Rights approval on August 9, 1999;

RESOLVED, That the Council approves a professional services agreement with Harza Engineering Company in the amount of \$50,000 for engineering services during construction of the Barton and Superior dams rehabilitation and that the Mayor and City Clerk be authorized to sign the agreement approved as to form by the City Attorney;

RESOLVED, That City Council approve a contingency in the amount of \$5,00 to finance change orders to be approved by the City Administrator, and funds are available for the life of the project, to be available without regard to the fiscal year.

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R-465-8-99 APPROVED

RESOLUTION TO ACCEPT FUNDS FROM THE DEPARTMENT OF COMMUNITY HEALTH FOR THE ANN ARBOR MAYOR=S TASK FORCE ON INCREASING SAFETY FOR WOMEN

Whereas, The Ann Arbor Mayor=s Task Force on Increasing Safety for Women has been awarded \$60,000 from the Michigan Department of Community Health;

Whereas, The purpose of this grant is to positively impact and foster creation of a coordinated community response which addresses and works to prevent violence against women in our community;

Whereas, The Mayor=s Task Force on Increasing Safety for Women is a coalition of representatives from local non-profit agencies specializing in services to survivors of domestic and sexual violence, businesses, clergy, secondary and higher education health systems, and local government to create a model community effort to combat violence

against women;

Whereas, The ability of The Task Force to continue to achieve its goals effectively has been heightened by the Partnership Coordinator=s increased appointment fraction to .75 FTE in the fiscal year 1998/1999;

Whereas, The Task Force has been successful at coalition building, has already accomplished a wide variety of projects and plans to use these funds to foster a coordinated community response which works to address and prevent violence against women in Ann Arbor through continuation, expansion or implementation of Task Force projects in the following areas:

**PUBLIC AWARENESS CAMPAIGN PROJECTS:**

- \*Continuation of the Painted ARed= Bus Project
- \*Expansion of our Materials Distribution Project
- \*Development of Materials to distribute to non-English speaking residents
- \*Creation/running of Newspaper inserts and advertisements
- \*Creation/running of advertisements in local movie theaters
- \*Continuation of distribution of our video, AThere=s No Excuse...= to community organizations as an education and training tool, as well as regular CTN airing of the video on Channel 10 to educate and inform citizens about services available to survivors of domestic violence, sexual assault or stalking.

**EDUCATION/TRAINING PROJECTS:**

- \*Continue/expand our Clergy Education Project
- \*Develop an Employer Outreach Program
- \*Develop and Implement the Ann Arbor Teen Theatre Troupe Project
- \*Create a Task Force information Web page on the City=s Web-site

**LIGHTING/PHYSICAL SAFETY, POLICY/ENFORCEMENT PROJECTS:**

- \*Expand and publicize the Safety Phones Network through collaboration with the Ann Arbor Police Department, the DDA, other relevant City departments and local businesses,
- \*Continue the Porch-light Campaign via a series of quarterly ads ABe a Good Neighbor: Keep Light On= which urge citizens to keep their porch lights on from dusk to dawn,
- \*Monitor the 24 hour paging system (law enforcement - direct service providers) for sexual assault cases recently implemented and address concerns, evaluating the service at six months,
- \*Monitor the cooperative referral arrangement between the Assault Crisis Center, DVP SAFE House and U-M=s Sexual Assault Prevention and Awareness Center and address implementation concerns.

Whereas, City Council approved and appropriated a FY 99/00 budget total of

\$92,837 to The Ann Arbor Mayor=s Task Force on Increasing Safety for Women that included \$32,837 in City of Ann Arbor funds (as required local match) and \$60,000 in Michigan Department of Community Health grant funds;

Whereas, The Task Force has applied for several and received a Community Violence Prevention Partnership Grant from the State of Michigan Department of Community Health=s Violence Prevention and Reduction Program in the sum of \$60,000,

RESOLVED, That the City of Ann Arbor accept the Community Violence Prevention Partnership Grant for the Mayor=s Task Force on Increasing Safety for Women for the life of the program, without regard to fiscal year; and

RESOLVED, That the City Administrator be authorized to sign the necessary grant agreements, in a form acceptable to the City Attorney, to implement this resolution.

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R-466-8-99 APPROVED

RESOLUTION TO APPROVE THE COLLECTIVE BARGAINING AGREEMENT  
BETWEEN THE CITY OF ANN ARBOR AND THE ANN ARBOR DEPUTY CHIEFS  
UNIT OF LOCAL 214 OF THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
JULY 1, 1998 - JUNE 30, 2001

Whereas, The current agreement between the City of Ann Arbor and the Ann Arbor Deputy Chiefs Unit of Local 214 of the International Brotherhood of Teamsters expired on June 30, 1998;

Whereas, The parties have negotiated amendments to the current agreement to go into effect upon ratification by both parties with some provisions retroactive to July 1, 1998;

Whereas, The negotiated amendments to the current agreement to go into effect upon ratification by both parties provide for a three (3) year agreement emending from July 1, 1998 through June 30, 2001;

Whereas, Said 1998 through 2001 agreement carries forth all provisions of the former agreement except for the amendments and other stipulations contained in the attached document entitled Tentative Agreement; and

Whereas, The City Administrator recommends the approval of the amendments;

RESOLVED, That the City Council approve the amendments to the current

agreement negotiated between the City of Ann Arbor and Local 214 of the International Brotherhood of Teamsters;

RESOLVED, That the City Council authorize the Mayor and the City Clerk to sign the collective bargaining agreement substantially in the form on file in the office of the City Clerk.

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R-467-8-99 APPROVED

RESOLUTION TO APPROVE CONTRACTUAL AGREEMENT WITH AMERICAN MONEY MANAGEMENT ASSOCIATES (AMMA) FOR INVESTMENT ADVISORY SERVICES

Whereas, American Money Management Associates (AMMA) has been the City=s lead investment advisor since 1994;

Whereas, AMMA provides assistance to staff in managing portfolio performance, investment accounting, and cash flow management;

Whereas, AMMA=s fee for providing advisory portfolio management services is 9.5 basis points of the net asset value of the portfolio; and

Whereas, AMMA has received Human Rights approval from the City=s Human Rights Division on April 27, 1999;

RESOLVED, That City Council approve the contract agreement with American Money Management Associates for FY 1999-00 in the amount of \$105,000 for investment advisory services.

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R-468-8-99 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE MINUTES OF AUGUST 5, 1999 AND TO AUTHORIZE PAYMENTS

RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION MINUTES AND TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of August 5, 1999, be accepted and that the payments therein be authorized.

MINUTES  
CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION  
AUGUST 5, 1999

Present: Christopher Kolb, Councilperson  
David Kwan, Councilperson  
Brenda Smith, City Treasurer 3.

Absent: None

Also Present: Cyndi Beaudry, Risk Manager  
Eileen Goldman, Senior Secretary/Claims Processing Clerk  
Bob West, Assistant City Attorney 3.

CITIZENS' CLAIMS APPROVED: (and check issued)

<u>CASE NO.</u>	<u>CLAIMANT</u>	<u>AMOUNT</u>
CC 42-99	Property damage claim of Larry Adler	\$35.00
CC 39-99	Property damage claim of Marjory Sullivan	\$1,323.43
CC 62-99	Sewer back-up claim of Aaron & Aura Ahuvia	\$1,629.61
CC 53-99	Property damage claim of Spruce Knob Apartments	\$500.00
CC 192-98	Sewer back-up claim of Cindy Chen	\$3,500.00
CC 32-99	Vehicle damage claim of Automobile Club of Southern California (Ins.: Alfonso Ruiz)	\$976.12
CC 219-98	Claim of Stephanie Hu	\$6,158.31
CC 50-99	Property damage claim of Michael Singer	\$39.20
CC 65-99	Property damage claim of Village Park Apartments	\$2,135.00
<b>TOTAL</b>		<b>\$16,296.67</b>

LEGAL EXPENSES AND/OR CASE RELATED EXPENSES:

<u>CASE NO.</u>	<u>CLAIMANT</u>	<u>AMOUNT</u>
CC 46-98	Lawsuit of Antar Bantu by Daniel Manville, Attorney Robert West	\$77.04
CC 62-98	Lawsuit of Jasper Gatson by Douglas Spicer, Attorney Charlotte Turner	\$7.00

CC 46-98	Lawsuit of Antar Bantu by Daniel Manville, Attorney Henry Wilson	\$12.00
CC 117-96	Lawsuit of Est. of Faye Evans by Terrance Klump, Atty Soble & Rowe	\$393.75
CC 136-98	Lawsuit of Muhommed Hussain by David Fried, Atty Records Deposition Service	\$11.52
CC 66-96	Lawsuit of Jamar French by Arnold Reed, Attorney Esquire Deposition Service	\$66.80
CC 16-97	Lawsuit of Alan Valusek by Jonathan Rose, Attorney Helen Oliver	\$12.50
CC 66-96	Lawsuit of Jamar French by Arnold Reed, Attorney Record Copy Services	\$109.95
CC 205-98	Lawsuit of Donald Leach by Marla Linderman, Atty Huron Reporting Service, Inc.	\$155.85
CC 52-98	Lawsuit of Laura Anderson by Marla Linderman, Atty Charles R. Clark	\$1,687.50
CC 66-96	Lawsuit of Jamar French by Arnold Reed, Attorney Esquire Deposition Services - EDT	\$115.80
CC 16-97	Lawsuit of Alan Valusek by Jonathan Rose, Attorney Huron Reporting Service, Inc.	\$163.30
CC 66-96	Lawsuit of Jamar French by Arnold Reed, Attorney Record Copy Services	\$29.75
CC 28-98	Lawsuit of Jeanette Carr, et al. by Thomas Wieder O=Connor, DeGrazia & Tamm, P.C.	\$18,005.17
CC 49-99	Lawsuit of Christine Anderson by David A. Nacht, Atty Esquire Deposition Services	\$162.30
CC 132-97	Lawsuit of Duane Bowles by Daniel Randazzo, Atty Janice Coleman	\$38.00
CC 16-97	Lawsuit of Alan Valusek by Jonathan Rose, Attorney	\$79.75

	Record Copy Services	
CC 23-96	Lawsuit of Peggy Blattner by Robert Magill, Attorney Record Copy Services	\$40.65
CC 49-99	Lawsuit of Christine Anderson by David Nacht, Attorney Esquire Deposition Services	\$149.10
CC 62-98	Lawsuit of Jasper Gatson by Douglas Spicer, Attorney Huron Reporting Service, Inc.	\$149.00
	<b>TOTAL</b>	<b>\$21,466.73</b>

## MISCELLANEOUS:

## REIMBURSEMENTS RECEIVED --

CC 117-96	Refund of unused retainer from Van Kirk & Assoc. in Faye Evans lawsuit	\$2,643.25
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**TOTAL DEPOSITED SINCE 7-1-99** **\$2,643.25**

## CITIZEN'S CLAIMS DENIED:

CASE NO.

CC 70-99	Sewer back-up claim of Creative Windows Discussed by Cyndi Beaudry, Risk Manager, and the Board denied the claim.
CC 73-99	Vehicle damage claim of State Farm Insurance (Ins.: Pam Purcell) Discussed by Cyndi Beaudry, Risk Manager, and the Board denied the claim.
CC 69-99	Vehicle damage claim of Urban Foresters Discussed by Cyndi Beaudry, Risk Manager, and the Board denied the claim.

## OTHER BUSINESS:

CASE NO.

CC 105-97	Lawsuit of Catharine Auden-Stevens by George Brookover, Attorney
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Discussed by Cyndi Beaudry, Risk Manager, and the Board authorized settlement.

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

CASE NO.

- CC 68-99 Personal injury claim of Katherine Frisch by Nora Lee Wright, Atty
- CC 69-99 Vehicle damage claim of Urban Foresters
- CC 70-99 Sewer back-up claim of Creative Windows
- CC 71-99 Lawsuit of Master Key Northern, Inc. by Gregory M. Elliott, Atty
- CC 72-99 Personal injury claim of Herman Steinman by Stephen Goethel, Atty
- CC 73-99 Vehicle damage claim of State Farm Insurance (Ins.: Pam Purcell)
- CC 74-99 Personal injury claim of George C. Appel by Robert F. Magill, Jr., Attorney
- CC 75-99 Vehicle damage claim of Donna M. Moore
- CC 76-99 Vehicle damage claim of Eric Kaldjian
- CC 77-99 Vehicle damage claim of Kirk Erickson
- CC 78-99 Vehicle damage claim of Donald L. Martin
- CC 79-99 Vehicle damage claim of Pace Allstate Insurance Agency (Ins.: Umar Muhammad)
- CC 80-99 Personal injury claim of Sandra Evanski by James A. Iafrate, Atty
- CC 81-99 Vehicle damage claim of Camille Hutchinson

Prepared by,  
Cyndi Beaudry, Risk Manager

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R-469-8-99 APPROVED

RESOLUTION TO APPROVE CONTRACT FOR PURCHASE FROM  
DSS CORPORATION FOR ATIS PL-4000 DIGITAL RECORDING SYSTEM

Whereas, The ATIS PL-4000 Digital Recording System will allow the Police Department more efficiently and effectively to monitor and record radio and telephonic transmissions with instant recall access and to monitor and record local government radio traffic to ensure the safety of those individuals working outside of the confines of City Hall;

Whereas, DDS Corporation is the lowest bidder offering the City of Ann Arbor the best possible price at \$36,145.00 for the equipment purchased and \$11,200.00 for a service contract for five years;

Whereas, DDS Corporation has received Human Rights approval from the Human Resources Department on August 9, 1999; and

Whereas, The Ann Arbor Police Department is using funds available from Local Law Enforcement Block Grant;

RESOLVED, That the City Council approve a contract with DSS Corporation for the sum of \$47,345.00 for hardware, software and support services for five years, and that the Mayor and City Clerk be authorized to execute a contract in a form to be approved by the City Attorney; and

RESOLVED, That funds from the Local Law Enforcement Block Grant 00MG-031-0176-5130 be expended for the contract without regard to fiscal year.

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R-470-8-99 APPROVED

RESOLUTION TO APPROVE A HOUSING/HUMAN SERVICES  
CONTINGENCY ALLOCATION TO COMMUNITY LEANING POST

Whereas, The Community Leaning Post has requested additional funds from the City to cover an unanticipated increase in rental costs;

Whereas, The Community Leaning Post is currently receiving \$7,750 in City General Funds to provide needed services to very low income Ann Arbor youth and families;

Whereas, On July 29, 1999 the Human Services Task Force recommended the allocation of an additional \$2,250 for Community Leaning Post;

Whereas, The Human Resources Department has reviewed and approved this contractor as of April, 1999; and

Whereas, There is \$100,000 in the FY 1999/2000 Housing/Human Services Contingency;

RESOLVED, That the Mayor and City Council approve the allocation of \$2,250 to the Community Leaning Post from the Housing/Human Services Contingency with the understanding that the Community Leaning Post Board of Directors will report its fundraising efforts to the city; and

RESOLVED, That the Mayor and City Council authorize the Community Development Department, to execute an agreement with the Community Leaning Post in



## **ORDINANCES - FIRST READING**

38-99 APPROVED

### REVISE PARKING REQUIREMENTS FOR FUNERAL HOMES

An Ordinance to Amend Sections 5:165, 5:167 and 5:168  
of Chapter 59 of Title V of the Code of the City of Ann Arbor

(The complete text of Ordinance 38-99 is on file in the City Clerk=s Office).

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

On a voice vote the Mayor declared the motion carried.

## **MOTIONS AND RESOLUTIONS**

R-472-8-99 APPROVED

### RESOLUTION TO APPROVE MECHANICAL DYNAMICS, INC./TRAYERWOOD TWO LAND DIVISION

Whereas, First Martin Corporation has requested land division approval in order to reconfigure the two existing parcels at the southeast corner of Huron Parkway and Traverwood Drive (Assessor Parcel Nos. 09-15-301-003 and 09-15-410-008) into three separate parcels; and

Whereas, The Ann Arbor City Planning Commission, on July 20, 1999, recommended approval of said request;

RESOLVED, That City Council approve the Mechanical Dynamics, Inc./ Traverwood Two Land Division, as described below:

#### Parcel 1

Commencing at the South 1/4 corner of Section 15, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N 01°10'27" W 1000.01 feet along the North-South 1/4 line of said Section 15 for a PLACE OF BEGINNING; thence N 71°15'31" W 325.00 feet; thence N 30°29'46" W 215.77 feet; thence S 53°14'25" W 482.04 feet; thence the following four courses along the Easterly right-of-way line of Traverwood Drive (70 feet wide): 418.79 feet along the arc of a 672.98-foot radius non-tangential

circular curve to the right, with a central angle of 35°39'18", having a chord which bears N 05°57'27" E 412.06 feet, N 23°47'10" E 347.36 feet, 129.14 feet along the arc of a 538.00-foot radius circular curve to the right, with a central angle of 13°45'10", having a chord which bears N 30°39'46" E 128.82 feet, and N 37°32'08" E 307.25 feet; thence S 51°49'25" E 446.69 feet along the Southerly right-of-way line of Huron Parkway (variable width); thence S 01°10'27" E 808.10 feet to the Place of Beginning, being a part of the Southwest 1/4 of said Section 15, containing 13.19 acres of land, more or less, being subject to easements and restrictions of record, if any.

#### Parcel 2

Commencing at the South 1/4 corner of Section 15, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N 01°10'27" W 1000.01 feet along the North-South 1/4 line of said Section 15 for a PLACE OF BEGINNING; thence continuing N 01°10'27" W 811.31 feet along said North-South 1/4 line; thence S 51°30'20" E 844.37 feet along the Southerly right-of-way line of Huron Parkway (100.00 feet wide); thence S 01°10'27" E 265.15 feet; thence S 88°11'42" W 650.00 feet to the Place of Beginning, being a part of the Southeast 1/4 of said Section 15, containing 8.03 acres of land, more or less, being subject to easements and restrictions of record, if any.

#### Parcel 3

Commencing at the South 1/4 corner of Section 15, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N 01°10'27" W 880.01 feet along the North-South 1/4 line of said Section 15 for a PLACE OF BEGINNING; thence S 88°49'33" W 325.41 feet; thence S 37°43'10" W 352.95 feet; thence the following two courses along the Easterly right-of-way line of Traverwood Drive (70.00 feet wide): N 52°10'15" W 23.80 feet, and 473.34 feet along the arc of a 672.98-foot radius circular curve to the right, with a central angle of 40°17'55", having a chord which bears N 32°01'17" W 463.64 feet; thence N 53°14'25" E 482.04 feet; thence S 30°29'46" E 215.77 feet; thence S 71°15'31" E 325.00 feet; thence S 01°10'27" E 120.00 feet along said North-South 1/4 line to the Place of Beginning, being a part of the Southwest 1/4 of said Section 15, containing 5.96 acres of land, more or less, and being subject to easements and restrictions of record, if any.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Mechanical Dynamics, Inc./Traverwood Two Land Division, 27.18 acres, southeast corner of Traverwood Drive and Huron Parkway.

Councilmember Putman moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-473-8-99 APPROVED AS AMENDED

RESOLUTION TO APPROVE MECHANICAL DYNAMICS, INC.  
SITE PLAN, DEVELOPMENT AGREEMENT AND WETLAND USE PERMIT

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Mechanical Dynamics, Inc. Site Plan, Development Agreement and Wetland Use Permit, 13.19 acres, southeast corner of Huron Parkway and Traverwood Drive.

A Resolution to Approve Mechanical Dynamics, Inc. Site Plan, Development Agreement and Wetland Use Permit was considered.

Councilmember Putman moved that the resolution be adopted.

With unanimous consent, Council allowed Chris Grant of First Martin to answer questions.

Councilmember Carlberg moved that the resolution be amended to include the requirement that the Wetland Monitoring Plan as shown on the Traverwood Two Site Plan approved August 9, 1996, be replicated on the Mechanical Dynamics, Inc. Site Plan.

On roll call the vote was as follows:

Yeas, Councilmembers Carlberg, Herrell, Putman, Kolb, Daley, Hanna-Davies, Vereen-Dixon, Upton, Mayor Sheldon, 9;

Nays, Councilmember Kwan, 1.

Mayor Sheldon declared the motion carried.

Councilmember Hanna-Davies moved that the resolution be postponed to look at parking lot reduction possibilities.

On roll call the vote was as follows:

Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Herrell, Kolb, 4;

Nays, Councilmembers Kwan, Carlberg, Putman, Daley, Upton, Mayor Sheldon, 6.

The Mayor declared the motion defeated.

Councilmember Herrell moved that the resolution be amended to include that the developer shall analyze the current sedimentation that has occurred beyond the erosion controls; document the location and degree of this sedimentation on the site plan; and provide a restoration plan for this sedimentation which shall include the removal of invasive species and their replacement with native wetland plantings in an area which may be disturbed as a result of bridge construction.

On roll call the vote was as follows:

Yeas, Councilmembers Carlberg, Herrell, Kolb, Daley, Hanna-Davies, Vereen-Dixon, 6;

Nays, Councilmember Upton, Mayor Sheldon, 2;

Absent during vote, Councilmembers Kwan, Putman, 2.

The Mayor declared the motion carried.

The question being the resolution as amended, on roll call the vote was as follows:

Yeas, Councilmembers Kwan, Carlberg, Putman, Kolb, Vereen-Dixon, Upton, Mayor Sheldon, 7;

Nays, Councilmembers Herrell, Daley, Hanna-Davies, 3.

Mayor Sheldon declared the motion carried.

The resolution as adopted reads as follows:

**RESOLUTION TO APPROVE MECHANICAL DYNAMICS, INC. SITE PLAN,  
DEVELOPMENT AGREEMENT AND WETLAND USE PERMIT**

Whereas, First Martin Corporation has requested site plan approval in order to construct a 133,756-square foot corporate center office building at the southeast corner of Huron Parkway and Traverwood Drive;

Whereas, A development agreement has been prepared to address a street tree planting escrow, an archaeological study, and improvements to the Plymouth/Green intersection; and

Whereas, The Ann Arbor City Planning Commission, on July 20, 1999, recommended approval of said request;

**RESOLVED**, That City Council approve the Development Agreement, substantially in the form of that attached, dated August 9, 1999;

RESOLVED, That City Council approve the Mechanical Dynamics, Inc, Site Plan, upon the conditions that (1) an archaeological study is completed prior to the issuance of permits, (2) the developer shall analyze the current sedimentation that has occurred beyond the erosion controls; document the location and degree of this sedimentation on the site plan; and provide a restoration plan for this sedimentation which shall include the removal of invasive species and their replacement with native wetland plantings in an area which may be disturbed as a result of bridge construction, (3) the Wetland Monitoring Plan as shown on the Traverwood Two Site Plan, approved August 9, 1996 be replicated on the Mechanical Dynamics, Inc. Site Plan, (4) the Traverwood Two Revised Site Plan is approved prior to the issuance of permits, (5) the Development Agreement is signed by all necessary parties; and (6) all terms of the Development Agreement are satisfied; and

RESOLVED, That City Council approve the wetland use permit to allow construction of a concrete walk and wooden footbridge over a contiguous wetland.

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R-474-8-99 APPROVED

RESOLUTION TO SUPPORT PROPOSED CHANGES TO THE  
BYLAWS OF THE ANN ARBOR SUMMER FESTIVAL, INC.

Whereas, The Ann Arbor Summer Festival, Inc. (AASF) was created as a partnership of the City of Ann Arbor and the University of Michigan to benefit the citizens of and visitors to Ann Arbor;

Whereas, Since 1978 AASF has promoted the performing arts through the operation of a regional program of performing arts events;

Whereas, After a review of the AASF governance practices, there is a sense that the corporation could run more smoothly and efficiently with minor changes to its current by-laws; and

Whereas, The current AASF By-Laws require approval from the two sponsoring organizations: the City of Ann Arbor and the University of Michigan.

RESOLVED, That the Ann Arbor City Council approve the following changes to the Ann Arbor Summer Festival, Inc. By-Laws:

- a) to delete the position of advisory director
- b) to increase the maximum number of directors from 34 to 35
- c) to add the President of the AASF Friends= Council as an *ex officio* voting director, and
- d) to modify the By-Law requiring that an equal number of directors be designated by the City and the University of Michigan so as to exclude from its operation the *ex officio* directors.

RESOLVED, That a copy of this approved resolution be forwarded to the secretary of the Ann Arbor Summer Festival, Inc.

Councilmember Putman moved that the resolution be adopted.

On a voice vote the Mayor declared motion carried.

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R-475-8-99 APPROVED AS AMENDED

RESOLUTION REJECTING DDA RATE SCHEDULE FOR FOURTH AND WASHINGTON PARKING STRUCTURE

A Resolution Rejecting DDA Rate Schedule for Fourth and Washington Parking Structure was considered.

Councilmember Putman moved that the resolution be adopted.

With unanimous consent from Council the resolution was amended as follows:

Eighth Paragraph:

RESOLVED, That the DDA consider other income possibilities (~~i.e. the parking meter A increment in the Parking Fund~~) to subsidize fair and competitive rates within the DDA managed public parking facilities.

On a voice vote the Mayor declared 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:

RESOLUTION REJECTING DDA RATE SCHEDULE FOR  
FOURTH AND WASHINGTON PARKING STRUCTURE

Whereas, The Downtown Development Authority has assumed responsibility for a major portion of the public parking system through contracts with the City of Ann Arbor;

Whereas, The Authority desires to be fiscally responsible and does not wish to jeopardize the financial standing of the parking system into the future;

Whereas, The Authority approved a series of rate increases for permit and evening parking and a new hourly rate schedule for the Fourth and Washington Structure when it opens this fall;

Whereas, Users of the parking system understand the high costs of construction, security and maintenance and will by necessity, underwrite those costs through the collection of their fees;

Whereas, The Ann Arbor City Council realizes that this structure is in a desirable location, and due to market demand, would be able to charge a higher hourly rate; and

Whereas, The City of Ann Arbor does not wish to unfairly penalize customers of the system.

RESOLVED, That the Ann Arbor City Council disapproves the proposed rate schedule for the Fourth and Washington Parking Structure and asks the Downtown Development Authority to propose a schedule that a minimum, charges in half-hour increments after the first hour; and

RESOLVED, That the DDA consider other income possibilities to subsidize fair and competitive rates within the DDA managed public parking facilities.

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R-476-8-99 APPROVED

RESOLUTION RECOGNIZING INDIVIDUALIZED CARE AS A  
NON-PROFIT ORGANIZATION IN THE CITY OF ANN ARBOR

Whereas, Individualized Care is a non-profit organization;

Whereas, The United States Department of Treasury-Internal Revenue Service recognizes Individualized Care as a tax exempt, non-profit organization; and

Whereas, Individualized Care needs the City to recognize it as a non-profit organization in the community in order to conduct fundraising activities with State approval.

RESOLVED, That the Mayor and City Council recognize Individualized Care as a non-profit organization in the City of Ann Arbor.

Councilmember Kwan moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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DEFEATED

RESOLUTION TO APPROVE AUDOBON WOODS SITE PLAN  
AN WETLAND USE PERMIT

Whereas, Master Key Northern has requested site plan approval in order to construct 26 two-bedroom dwelling units in five townhouse structures on the west side of Parkwood Avenue, north of Edgewood;

Whereas, Master Key Northern has requested wetland use permit approval for the construction of detention basins in two areas containing noncontiguous wetlands and the construction of a noncontiguous wetland within the 25-foot natural features open space;

Whereas, Master Key Northern has requested modifications to Chapter 57 (Subdivision and Land Use Control) to reduce the required 50 percent of woodland/landmark replacement trees, conditioned upon creating 10,000 square feet of additional wetland area and removing invasive species from the entire site; and

Whereas, The Ann Arbor City Planning Commission, on April 20, 1999, reviewed said request;

RESOLVED, That City Council approve the Audubon Woods Site Plan, Wetland Use Permit, and modification to Chapter 57, subject to the granting of necessary variances by the Zoning Board of Appeals, conducting an archaeological field survey, and obtaining necessary approvals from the Washtenaw County Drain Commissioner prior to issuance of permits.

A communication was received from the City Planning Commission transmitting its recommendation of denial of the proposed Audobon Woods Site Plan and Wetland Use Permit, 4.98 acres, Parkwood Avenue.

Councilmember Putman moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, 0;

Nays, Councilmembers Kwan, Carlberg, Herrell, Putman, Kolb, Daley, Hanna-Davies, Vereen-Dixon, Upton, Mayor Sheldon, 10;

The Mayor declared the motion defeated.

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R-477-8-99 APPROVED

RESOLUTION TO APPROVE ST. PAUL EVANGELICAL LUTHERAN SCHOOL LAND DIVISION, SITE PLAN AND DEVELOPMENT AGREEMENT

Whereas, Concordia College has requested land division approval in order to divide the property at 495 Earhart Road (Assessor=s Parcel No. 09-26-400-001) into two separate parcels;

Whereas, Concordia College has requested site plan approval in order to construct an addition to the private school, consisting of 45,000 square feet, for additional classrooms, a gymnasium and expanded office space;

Whereas, A development agreement has been prepared to address improvements to the Geddes/Earhart intersection; and

Whereas, The Ann Arbor City Planning Commission, on July 20, 1999, recommended approval of said request;

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that attached, dated August 5, 1999; and

RESOLVED, That City Council approve the St. Paul Evangelical Lutheran School Site Plan, upon the conditions that (1) the Development Agreement is signed by all necessary parties, and (2) all terms of the Development Agreement are satisfied; and

RESOLVED, That City Council approve the St. Paul Evangelical Lutheran School

Land Division, as described below:

Parcel A (31.03 Acres)

Beginning at said East 1/4 corner of Section 26, T2S, R6E, Washtenaw County, Michigan; thence S 89°09'10" W 1335.29 feet (recorded as S 87°38'36" W 1343.61 feet) along the East-West 1/4 line of said Section 25 and the south line of Earhart Subdivision, as recorded in Liber 19, pages 20-25, Washtenaw County Records; thence S 00°18'26" E 326.38 feet; thence S 89°09'10" E 471.96 feet; thence S 00°08'50" E 1064.55 feet; thence N 89°09'10" E 859.32 feet to the East line of said Section 26 and the centerline of Earhart Road, 66.00 feet wide, thence N 00°01'10" W 1390.98 feet along said East line of Section 26 and the centerline of Earhart Road, 66.00 feet wide, to the Place of Beginning, being a part of the southwest 1/4 of said Section 26, containing 31.03 acres of land, more or less, being subject to the rights of the public over the Easterly 33.00 feet thereof as occupied by Earhart Road, and being subject to easements and restrictions of record, if any.

Parcel B

Beginning at the W 1/4 corner of Section 25, T2S, R6E; thence S 7°38'36" W 1343.61 feet in the E and W 1/4 line of Section 26; thence S 1°38'04" E 1781.97 feet in the W line of the E 1/2 of the SE 1/4 of Section 26, to the center of Geddes Road; thence S 1°15'40" E 903.64 feet to the N line of Section 35; thence S 6°10'02" W 362.50 feet; thence S 28°20'32" W 122.03 feet more or less to a point on the north bank of Geddes Pond at an elevation of 755 feet above mean Tide of the Atlantic Ocean as determined by surveys made in 1908 and 1909 under the direction of Gardner S. Williams, Consulting Engineer of Ann Arbor, Michigan; thence easterly downstream along said 755' contour line to a point on the east line of Section 36, 963.77 feet south of the NE corner thereof; thence southerly in the east line of Section 35, 40 feet more or less the water=s edge on the N side of Geddes Pond; thence easterly downstream along the water=s edge on the North side of Geddes Pond to a point which is S 82°28'18" W 77.67 feet from the E line of the W 1/2 of the NW 1/4 of Section 36; thence N 1°04'55" W 396.08 feet more or less; thence S 21°00'56" W 146.66 feet; thence N 01°04'55" W 450.00 feet; thence N 27°07'26" W 37.29 feet to the north line of Section 36; thence N 27°07'26" W 200.35 feet; thence N 64°29'15" W 304.63 feet; thence N 87°41'10" W 300 feet parallel to and 50 feet south of the centerline of Geddes Road; thence N 2°18'50" E 100.00 feet; thence S 87°41'10" E 80.00 feet parallel to and 50 feet north of the centerline of Geddes Road; thence N 48°51'43" E 261.74 feet; thence N 02°18'50" E 170.00; thence N 35°05'50" E

618.36 feet; thence N 13°37'56" E 558.31 feet to the east line of the W 1/2 of the SW 1/4 of Section 25; thence N 0°59'59" W 873.36 feet to the E and W 1/4 line of Section 25; thence N 89°02'40" W 1473.16 feet to the Place of Beginning. Excepting from said description a parcel of land described as commencing at the West 1/4 corner of Section 25; thence S on the W line of the section 289.00 feet; thence deflecting 90°00' to the left 165.00 feet; thence deflecting 90°00' to the right 426.0 feet; thence deflecting 88°47' to the right 165.0 feet; thence deflecting 91°13' to the right 429.5 feet and containing 1.51 acres. Also excepting a parcel as described in Liber 782 of Deeds, page 403, as recorded in Liber 814 of Deeds, page 386. Also excepting Pine Brae Subdivision, as recorded in Liber 31, pages 30-34 of Washtenaw County Records. Reserving a right of temporary occupancy to the Michigan State Highway Department of 0.40 acres of land described as beginning at the south 1/4 corner of Section 25, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan; thence along the N-S 1/4 line bearing N 0°55'35" W a distance of 294.676 feet more or less, to the centerline of Geddes Road; thence along the centerline of Geddes Road; bearing N 87°41'10" W a distance of 1972.65 feet more or less; thence along a bearing S 02°18'50" W a distance of 50.00 feet more or less, for a point of beginning; thence along a line bearing S 64°29'15" E a distance of 228.74 feet more or less; thence along a line bearing N 87°41'10" W a distance of 210.00 feet more or less; thence along a line bearing N 63°27'30" W a distance of 219.32 feet more or less; thence along a line bearing S 87°41'10" E a distance of 200.00 feet more or less to the point of beginning. Also reserving an easement for highway purposes to the State Highway Department over a parcel of land described as commencing at the 750' contour line at the most southeasterly corner of the parcel hereby conveyed; thence N 01°04'55" W 153.42 feet for a place of beginning; thence S 88°55'05" W 10.00 feet; thence N 01°04'55" W 75.98 feet; thence N 86°30' E 10.05 feet; thence S 01°04'55" E 75.00 feet to the place of beginning. Subject to the rights of the public in and to Earhart Road and Geddes Road running through said property, to easements and restrictions of record, to flowage rights heretofore granted, to applicable zoning and building ordinances and recorded limitation of access to abutting highways.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed St. Paul Evangelical Lutheran School Land Division, Site Plan and Development Agreement, 31.03 acres, 495 Earhart Road.

Councilmember Putman moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-478-8-99 APPROVED

RESOLUTION TO APPROVE TRAVERWOOD TWO REVISED SITE PLAN

Whereas, First Martin Corporation has requested revised site plan approval in order to construct two one-story office/limited manufacturing buildings, totaling 72,880 square feet, on the south side of Huron Parkway between Nixon Road and Traverwood Drive; and

Whereas, The Ann Arbor City Planning Commission, on August 2, 1999, recommended approval of said request;

RESOLVED, That City Council approve the Traverwood Two Revised Site Plan.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Traverwood Two Revised Site Plan, south side of Huron Parkway between Nixon Road and Traverwood Drive.

Councilmember Putman moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-479-8-99 APPROVED

RESOLUTION TO APPROVE A LEASE AGREEMENT WITH AIRPORT BOULEVARD ASSOCIATES

Whereas, The Police Department requires approximately 3,200 square feet of secure storage;

Whereas, The City of Ann Arbor has leased secure storage space from Airport Boulevard Associates for the past three years that uniquely fits the needs of the Police Department;

Whereas, The Police Department wishes to continue to lease the property from Airport Boulevard Associates and significant costs would be incurred by moving to a new location;

Whereas, The lease rate for this property is the market rate for similar properties in this area; and

Whereas, Airport Boulevard Associates received Human Rights approval on July 27, 1999.

RESOLVED, That the City of Ann Arbor enter into a lease agreement with Airport Boulevard Associates in the amount of \$57,103.20 for the period from September 1, 1999 to June 30, 2001 with the option for the City Administrator to renew the lease for one year if it is in the best interests of the City to do so; and

RESOLVED, That the Mayor and City Clerk are authorized to sign the lease with Airport Boulevard Associates.

Councilmember Upton moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-480-8-99 APPROVED

RESOLUTION ACCEPTING PUBLIC RIGHT-OF-WAY EASEMENT FROM NSF,  
INTERNATIONAL - PLYMOUTH ROAD/GREEN ROAD TURN LANE IMPROVEMENTS

WHEREAS, NSF, International, is the owner in fee simple of certain property located in City of Ann Arbor, Washtenaw County, Michigan;

WHEREAS, NSF, International, pursuant to the terms of a certain land division approved by City Council on April 19, 1999 (R-220-4-99), was required to grant the City an easement for roadway purposes; and

WHEREAS, Kevan P. Lawlor, Vice President and Chief Financial Officer, on behalf of NSF, International, has delivered an easement to the City of Ann Arbor for public right-of-way to run with the land and burden the respective property perpetually, being more particularly described as follows:

Commencing at the Center of Section 14, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan: thence S 00E05' 25" W 667.92 feet along the north and south 1/4 line of said Section; thence N 89E54' 35" W 40.00 feet to a point on the westerly right-of-way line of Green Road; thence along the said right-of-way line in the following courses: southerly 46.90 feet along the arc of a 490.00 foot radius circular curve to the left through a central angle of 05E29' 00" having a chord which bears S 02E39' 05" E 46.88 feet, S 05E23' 35" E 353.86 feet, southerly 271.22 feet along the arc of a 630.00 foot radius circular curve to the right through a central angle of 24E40' 00" having a chord which bears S 06E56' 25" W 269.13 feet and S 19E16' 25" W 71.37 feet; thence continuing S 19E16' 25" W 115.58 feet; thence southerly 317.81 feet along the arc of a 490.00 foot radius circular curve to the left through a central angle of 37E09' 44" having a chord which bears S 00E41' 32" W 312.27 feet to the northerly right-of-way line being 50 feet northerly of the centerline of Plymouth Road; thence along said northerly right-of-way line of Plymouth Road S 70E54' 25" W 20.00 feet TO THE PLACE OF BEGINNING; thence continuing along said northerly right-of-way line of Plymouth Road S 70E54' 25" W 6.56 feet; thence N 26E44' 15" E 9.38 feet; thence southerly 6.54 feet along the arc of a 510.00 foot

radius circular curve to the left through a central angle of 00E44'05" having a chord which bears S 17E36'09" E 6.54 feet TO THE PLACE OF BEGINNING; being a part of the E 2 of the SW 1/4 of Section 14, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan and containing 21 sq. Ft. of land, more or less.

Also, the easterly 20 feet, and the southerly 50 feet of the following described parcel:

Commencing at the Center of Section 14, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan: thence S 00E05'25" W 667.92 feet along the north and south 1/4 line of said Section; thence N 89E54'35" W 40.00 feet to a point on the westerly right-of-way line of Green Road; thence along the said right-of-way line in the following courses: southerly 46.90 feet along the arc of a 490.00 foot radius circular curve to the left through a central angle of 05E29'00" having a chord which bears S 02E39'05" E 46.88 feet, S 05E23'35" E 353.86 feet, southerly 271.22 feet along the arc of a 630.00 foot radius circular curve to the right through a central angle of 24E40'00" having a chord which bears S 06E56'25" W 269.13 feet and S 19E16'25" W 71.37 feet TO THE PLACE OF BEGINNING; thence continuing S 19E16'25" W 115.58 feet; thence southerly 328.12 feet along the arc of a 490.00 foot radius circular curve to the left through a central angle of 38E22'02" having a chord which bears S 00E 05'24" W 322.02 feet; thence S 19E05'35" E 40.00 feet; thence S 70E54'25" W 621.71 feet along the centerline of Plymouth Road to a point on the east line of APlymouth Professional Park, ≅ a subdivision of part of the west 2 of Section 14, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, as recorded in Liber 23 of Plats, pages 30 through 32 inclusive, Washtenaw County Records: thence N 00E05'25" E 672.29 feet along said east line; thence N 90E E 612.02 feet TO THE PLACE OF BEGINNING, being a part of the E 2 of the SW 1/4 of Section 14, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan and containing 7.47 acres of land, more or less. Being subject to the rights of the public over the northerly 50 feet of Plymouth Road. Also being subject to easements and restrictions of record, if any.

RESOLVED, That said easement is hereby accepted.

Councilmember Upton moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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## R-481-8-99 APPROVED

RESOLUTION TO ACCEPT QUIT CLAIM DEED FROM  
RICHARD E. RATLIFF AND LINSAY A. OLSON FOR RECONSTRUCTION  
OF GLAZIER WAY

Whereas, Richard E. Ratliff and Lindsay A. Olson, are the owners in fee simple of property located at 3091 Glazier Way in the City of Ann Arbor, Washtenaw County, Michigan as described in the Washtenaw County Records at Liber 2701, Page 445, recorded October 29, 1992;

Whereas, Richard E. Ratliff and Lindsay A. Olson, conveyed a portion of said parcel by quit claim deed, dated August 7, 1999, to the City of Ann Arbor for roadway purposes, more particularly described as follows:

Commencing at the SW Corner of Section 23, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan: thence North 89 degrees 05 minutes 30 seconds East 499.93 feet along the south line of Section 23 to the point of beginning; thence North 00 degrees 57 minutes 00 seconds West, 50.19 feet along the west line of the Ratliff Parcel as recorded in Liber 2701, Page 446, Washtenaw County Records and to the south line of Glazier Way as occupied; thence along said south line 147.28 feet along the arc of a curve concave to the south and bearing South 83 degrees 11 minutes 42 seconds East and chord length of 146.69 feet and radius of 475.24 feet to the east line of said Ratliff Parcel; thence continuing along said south line South 74 degrees 12 minutes 53 seconds East 1016 feet; thence South 00 degrees 46 minutes 45 seconds East, 27.60 feet along said east line of the Ratliff Parcel; thence along the south line of Section 23 South 89 degrees 05 minutes 30 seconds West 155.01 feet to the point of beginning. Containing 6,705 square feet or 0.15 acres of land more or less and being subject to easements of record.

Together with any rights Grantor has in the existing roadway commonly known as Glazier Way being 66 feet in width, more or less.

Subject to Grantees reservation of its right to bring federal or state cost recovery actions against the Grantor and any other potentially responsible parties, arising out of the release of hazardous substances on the property prior to the date of this conveyance; and

Whereas, The Engineering Division has reviewed the quit claim deed and has no objections to the acceptance of the property;

RESOLVED, That the City hereby accept the quit claim deed dated August 7, 1999, for roadway purposes.

Councilmember Upton moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-482-8-99 APPROVED

RESOLUTION TO APPROVE AMENDMENT TO INDENTURE  
UNIVERSITY OF MICHIGAN FOR CITY WATERTOWER - PLYMOUTH ROAD

Whereas, The City acquired an Indenture for Easements from The Regents of the University of Michigan for the construction and maintenance of water lines, as recorded in Liber 821, pages 572-574, dated January 3, 1958, Washtenaw County Records; and

Whereas, The City of Ann Arbor and The Regents of the University of Michigan, a Michigan constitutional corporation, as the fee simple owner, now desire to amend the above described easements by expanding the terms and conditions to include other necessary utility services through and over the following properties:

Parcel No. 1

Commencing at the N1/4 corner of Section 22, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan; thence along the N & S 1/4 line of said section S 0° 47' 40" E 165.96 feet; thence along the southeasterly line of Plymouth Road 396.11 feet in the arc of a circular curve concave to the Southeast, radius 1097.28 feet, chord S 50°50' W 393.99 feet; thence continuing along the southeasterly line of said road S 40° 29' 30" W 274.44 feet; thence continuing along said southeasterly line in the arc of a circular curve concave to the Northwest, radius 2612.70 feet in the arc of a circular concave to the Southeast, radius 843.98 feet, chord S 38° 20' E 364.223 feet; thence E 81.08 feet FOR A PLACE OF BEGINNING; thence N 235.0 feet; thence E 250.0 feet; thence S 250.0 feet; thence W 250.00 feet; thence N 15.0 feet to the PLACE OF BEGINNING, being a part of the N 1/2 of said section and containing 1.43 acres of land more or less.

## Parcel No. 2

Commencing at the NW corner of Section 23, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan; thence along the W line of said section S 0° 49' 30" E 42.1 feet; thence along the S line of Plymouth Road N 88° 04' 30" E 40.9 feet; thence continuing along said S line in the arc of a circular curve concave to the N, radius 1479.69 feet, chord N 78° 51' 00" E 474.42 feet; thence continuing along said S line N 69° 37' 30" E 580.16 feet; thence S 20° 25' 30" E 154.27 feet FOR A PLACE OF BEGINNING; thence E 79.25 feet; Thence S 100.0 feet; thence W 100.0 feet; thence N 100.0 feet; thence E 20.75 feet to the PLACE OF BEGINNING, being a part of the SW1/4 of Section 14 of said township and the NW 1/4 of Section 23 of said township and containing 0.23 acres of land more or less.

Also granting to the grantee herein an easement to construct and maintain water lines and other necessary utility services through and over the following described properties:

## Easement No. 1

Commencing at the N1/4 corner of Section 22, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan; thence along the N & A 1/4 line of said section S 0° 47' 40" E 165.96 feet; thence along the southeasterly line of Plymouth Road 396.11 feet in the arc of a circular curve concave to the Southeast, radius 1097.28 feet, chord S 50° 50' W 393.99 feet; thence continuing along the southeasterly line of said road S 40° 29' 30" W 274.22 feet; thence continuing along said southeasterly line in the arc of a circular curve concave to the Northwest, radius 2612.70 feet, chord S 4° 44' W 22.83 feet FOR A PLACE OF BEGINNING; thence S 50° 48' E 217.95 feet; thence 367.11 feet in the arc of circular curve concave to the Southwest, radius 843.98 feet, chord S 38° 20' E 364.22 feet; thence E 81.08 feet; thence S 15.0 feet; thence E 250.0 feet; thence N 21.45 feet; thence N68° 28' 30" E 489.17 feet; thence S 21° 30' 30" E 20.0 feet; thence S68° 28' 30" W 480.20 feet; thence S 51° 24' E 243.95 feet; thence S 38° 36' W 20.0 feet; thence N 51° 24' W 219.08 feet; thence W 357.30 feet to the E line of Beal Road; thence along the easterly line of said road 266.21 feet in the arc of a circular curve concave to the SW, radius 823.98 feet, chord S 14° 13' E 265.04 feet; thence continuing along the E line of said road in the arc of a circular curve concave to the W, radius 8624.43 feet, chord S 4° 58' E 322.0 feet; thence S 85° 02' W 30.0 feet; thence along the W line of Beal Road in the arc of a circular curve concave to the W, radius 8594.43 feet, chord N 4° 58' W 322.0 feet; thence continuing along the westerly line of said road 635.14 feet in the arc of a circular curve concave to the SW, radius 793.98 feet, chord N 27° 53' W 618.34 feet; thence continuing along the southwesterly line of said road N 50° 48' W 219.86 feet;

thence along the southeasterly line of Plymouth Road in the arc of a circular curve concave to the NW, radius 2612.70 feet, chord N41° 32' E 50.04 feet to the PLACE OF BEGINNING, being a part of the N 1/2 of said section.

Easement No. 2

Commencing at the NW corner of Section 23, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan; thence along the W line of said section S 0° 49' 30" E 42.1 feet; thence along the S line of Plymouth Road N 88° 04' 30" E 40.9 feet; thence continuing along said S line in the arc of a circular curve concave to the N, radius 1479.69 feet, chord N 78° 51' 00" E 474.42 feet; thence continuing said S line N 69° 37' 30" E 580.16 feet FOR A PLACE OF BEGINNING; thence continuing along said S line N 69° 37' 30" E 20.0 feet; thence S 20° 25' 30" W 154.27 feet to the PLACE OF BEGINNING; being a part of the SW1/4 of Section 14, T2S, R6E, Ann Arbor Township, Washtenaw County, MI.

RESOLVED, That the City of Ann Arbor hereby agrees to and accepts the amendment to Indenture.

Councilmember Upton moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-483-8-99 APPROVED

**(Original resolution):**

RESOLUTION TO APPROVE OPTION AGREEMENT FOR SALE  
OF CITY-OWNED PACKARD/MAIN PROPERTY

Whereas, The City of Ann Arbor is the owner of certain property which is located in the City of Ann Arbor, Washtenaw County, State of Michigan and more fully described as follows:

Commencing at the northeast corner of Block 4 South of Huron Street, Range 3 East, of the Original Plat of the Village (now City) of Ann Arbor, as recorded in Transcripts, pages 152 and 153, Washtenaw County Records; thence south 296.41 feet along the west line of South Main Street for a Place of Beginning; thence north 48°41' west 121.17 feet; thence west 57.5 feet; thence north 0°3'10" west 33 feet; thence west 115.5 feet; thence south 0°6'15" east 132 feet; thence east 115.5 feet; thence south 88 feet; thence east 148.5 feet; thence north 107 feet to the Place of

Beginning, being parts of Lots 3, 4, 5, 6, 7, 10, 11, 12 and 13, B4S, R3E, City of Ann Arbor, Washtenaw County Michigan (Parcel ID 09-29-411-030)

Whereas, On October 16, 1995, City Council approved Resolution R-495-10-95 relating to evaluating city-owned real estate and making disposition recommendations to Council;

Whereas, The Real Estate Committee developed and implemented a process to dispose of such real estate, which includes the property described above;

Whereas, On January 20, 1998 City Council approved Resolution R-421-1-98 to issue a Request for Proposals (RFP) for the property and on February 2, 1998, the RFP was issued;

Whereas, On March 19, 1998, one proposal, AJames Ashley Mews≡ was submitted by Steve Kaplan of Kaplan Properties in response to the RFP;

Whereas, Between March and July 1998, the project was reviewed by administrative staff and public officials and presented at a public presentation;

Whereas, On July 20, 1998, City Council accepted the recommendation of the Real Estate Committee and approved the concept of the proposal submitted by Kaplan Properties for the James Ashley Mews Project;

Whereas, On March 15, 1999, City Council passed R-157-3-99 approving the assignment of rights of Kaplan Properties under RFP #436 and R-340-7-98 to Syndeco Realty Corporation; and

Whereas, The City Administrator has negotiated an option agreement for the sale of the property, as well as the purchase back by the City of eight condominium units; and

Whereas, The appraisal report on the property is on file in the City Assessor's Office;

RESOLVED, That City Council approve the Option Agreement for the sale of the property described above to Syndeco Realty Corporation for the sum of \$400,000.00 upon exercise of the option;

RESOLVED, That City Council authorize the Mayor and City Clerk to execute the Option Agreement substantially in the form on file in the Office of the City Clerk and any other documents necessary to implement this agreement; and

RESOLVED, That the proceeds be deposited in the Affordable Housing Fund in accordance with City Council approved Resolution R-481-11-98.

RESOLVED, That the City Administrator is authorized to take any necessary administrative actions to complete the transaction.

Councilmember Putman moved that the resolution be adopted.

Council unanimously agreed that the following substitute resolution be placed on the table for consideration:

***(Substitute resolution):***

(RESOLUTION TO APPROVE OPTION AGREEMENT FOR SALE  
OF CITY-OWNED PACKARD/MAIN PROPERTY

Whereas, All City Councilmembers are united in community efforts to increase the affordable housing supply stock and encourage more affordable housing assistance as broadly as possible;

Whereas, City Council is also charged with the duty of being stewards of the city's resources whether financial, natural, or human;

Whereas, The original proposal was submitted as a joint venture of Syndeco Realty and the Kaplans but now only includes Syndeco Realty;

Whereas, Syndeco Realty's parent DTE Energy, has resources far and above the City of Ann Arbor with 1998 revenues in excess of \$4.22 billion, profits of \$443 million, and cash in excess of \$130 million;

Whereas, The city-owned Packard Main parcel is key to completing the land

assembly for the Syndeco development to move forward;

Whereas, The proposed project would yield 8 units of upscale housing at about two-thirds of the fair market value for the units;

Whereas, The DDA is being asked in the present proposal to subsidize the development by \$600,000 or \$75,000 per affordable unit;

Whereas, Maximum benefit to increase housing affordability would be gained by continuous income stream such as a long-term lease;

Whereas, Real estate experts believe that the proposed deal is well below fair market value; and

Whereas, Many of the details of keeping the propose 8 units affordable need to be worked out.

RESOLVED, That City Council requests that the City Administrator:

1. Secure the services of a local developer to amend the deal in the community and city=s best long term interests which would potentially include a parcel swap and long term sale leaseback of the land, and present such proposal to city council by the first council meeting in October 1999.
2. Request the Affordable Housing Steering Committee in conjunction with city staff to recommend a plan to implement a first time home buyer down payment assistance program, such as a second mortgage program, for adoption by City Council.
3. Remove the requirement that Syndeco provide affordable housing units at the site and rescind DDA participation.

Councilmember Kwan moved that the substitute resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Kwan, Putman, 2;

Nays, Councilmembers Carlberg, Herrell, Kolb, Daley, Hanna-Davies, Vereen-Dixon, Upton, Mayor Sheldon, 8.

The Mayor declared the motion defeated.

With unanimous consent of Council Scott Munzel, Attorney for Syndeco Realty, and Mario Fernandez of Syndeco Realty answered questions.

Councilmember Kwan moved that the option agreement be amended as follows:

Page 1:

1. Grant and Term of Option. Seller hereby grants to Buyer the Option for the Option Term (as defined below)... Buyer shall apply for necessary grading and demolition permits to commence construction immediately within two (2) business days after receiving final PUD zoning and site plan approval of the Project...

2. Expiration of Option. This Option shall expire automatically upon the occurrence of any of the following: (a) final PUD zoning and site plan approval of the Project is denied; (b) after receiving final PUD zoning and site plan approval, Buyer fails immediately within two (2) business days to submit applications for grading and demolition permits to commence construction; or (c) Buyer fails to exercise the Option on or before 5:00 p.m. (EDT) on the ninety-first (91st) calendar day after Buyer or its authorized agent receives the first permit to commence construction with regard to the Project.

On a voice vote the Mayor declared the motion carried.

The question being the original resolution with the amended option agreement, on roll call the vote was as follows:

Yeas, Councilmembers Kwan, Carlberg, Herrell, Putman, Kolb, Daley, Hanna-Davies, Vereen-Dixon, Upton, Mayor Sheldon, 10;

Nays, 0.

The Mayor declared the motion carried.

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## R-484-8-99 APPROVED AS AMENDED

RESOLUTION TO RESCIND RESOLUTION NO. R-462-8-99  
WHICH APPROVED A MILLAGE PROPOSAL FOR LAND ACQUISITION

A Resolution to Rescind Resolution No. R-462-8-99 Which Approved a Millage Proposal for Land Acquisition was considered.

Councilmember Putman moved that the resolution be adopted.

Councilmember Kolb moved that the resolution be amended as follows:

Paragraph 4:

RESOLVED, That City Council hereby rescinds Resolution No. R-462-8-99, provided, however, that this rescission shall take effect only in the event the City receives notice that the charter amendment proposal presented to the City Clerk through petitions has received all necessary approvals from the Governor and Attorney General so that it will be placed on the November 2, 1999, ballot; and

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:

RESOLUTION TO RESCIND RESOLUTION NO. R-462-8-99  
WHICH APPROVED A MILLAGE PROPOSAL FOR LAND ACQUISITION

Whereas, On August 2, 1999, City Council approved Resolution No. R-462-8-99 which approved a charter amendment millage proposal for land acquisition.

Whereas, On August 5, 1999, a nearly identical charter amendment proposal was presented to the City Clerk through petitions circulated throughout the community;

Whereas, On August 9, 1999, the City Clerk declared that sufficient valid signatures had been gathered to allow the citizen drafted proposal to be placed upon the ballot;

RESOLVED, That City Council hereby rescinds Resolution No. R-462-8-99, provided, however, that this rescission shall take effect only in the event the City receives notice that the charter amendment proposal presented to the City Clerk through petitions has received all necessary approvals from the Governor and Attorney General so that it will

be placed on the November 2, 1999, ballot;

RESOLVED, That City Council directs the City Clerk to notify the Governor and Attorney General for the State of Michigan of the action of City Council.

### **REPORTS FROM COUNCIL COMMITTEES**

None.

### **COUNCIL PROPOSED BUSINESS**

None.

### **COMMUNICATIONS FROM THE MAYOR**

#### ANNOUNCEMENTS

Mayor Sheldon made the following announcements:

- Y2K Information Series broadcasting on CTN - AWhat You Need to Know About Y2K≡, every 3rd Wednesday beginning August 18th through December 15th
- Officer Joe Dye retired after 29 years of service with the Ann Arbor Police Department
- Over 140 youth of the YMCA=s Youth Volunteer Corps contributed 7500 hours to community agencies this summer
- Ann Arbor ranked 13th by the Business Development Outlook, an Economic Development Magazine, in best cities for quality of life
- The Information Technology Services Department, Administrative Services Division was awarded the AGreen Jug≡ award for winning the City of Ann Arbor Employee Participant Challenge for AChristmas in April≡
- Ann Arbor Police Department will hold a ceremony to swear in six new police officers August 20th at 11:00 a.m.

#### APPOINTMENTS APPROVED

Mayor Sheldon recommended the following appointments at the August 2, 1999 regular session of Council:

Recreation Advisory Commission

Martha Graham (reappointment)  
1415 Wisteria  
Ann Arbor, MI 48104  
Term: 08/16/99 to 08/31/2002

Donna Phillips (to fill unexpired term)  
800 Heatherway  
Ann Arbor, MI 48104  
Term: 08/16/99 to 08/31/2000

Building Board of Appeals

Paul Darling (reappointment)  
1430 Hatcher Crescent  
Ann Arbor, MI 48103  
Term: 08/16/99 to 08/15/2004

Roger Reik (to fill vacancy)  
953 Aurora  
Ann Arbor, MI 48105  
Term: 08/16/99 to 12/04/99

Employees= Retirement System Board of Trustees

G. Phil Zepeda (to fill vacancy)  
3335 Tacoma Circle  
Ann Arbor, MI 48108  
Term: 08/16/99 to 12/31/2001

Cable Communications Commission

Dr. Jianhua Zhou (to fill vacancy)  
2645 Sherman Terrace  
Ann Arbor, MI 48105  
Term: 08/16/99 to 08/15/2004

Ed Saunders (to fill vacancy)  
1402 Culver  
Ann Arbor, MI 48103  
Term: 08/16/99 to 02/02/2002

Individual Historic Properties Historic District Study Committee

Jan S. Enns (reappointment)  
1815 Ferdon Road  
Ann Arbor, MI 48104  
Term: 08/16/99 to 05/01/2002

Thomas Stullberg (reappointment)  
1202 Traver Street  
Ann Arbor, MI 48105  
Term: 08/16/99 to 05/01/2002

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

Councilmember Daley requested that a separate vote be taken on the appointments to the Building Board of Appeals.

The question being the appointment of Paul Darling to the Building Board of Appeals, on roll call the vote was as follows:

Yeas, Councilmembers Kwan, Carlberg, Herrell, Putman, Kolb, Hanna-Davies, Vereen-Dixon, Upton, Mayor Sheldon, 9;

Nays, Councilmember Daley, 1.

The Mayor declared the motion carried.

The question being the appointment of Roger Reik to the Building Board of Appeals, on a voice vote the Mayor declared the motion carried.

The question being the remaining appointments, 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:

Building Board of Appeals

Samuel Callan (reappointment)  
2245 Mershon Drive  
Ann Arbor, MI 48103  
Term: 09/07/99 to 08/15/2004

Individual Historic Properties Historic District Study Committee

Gretchen Pfaehler (to fill vacancy)  
1211 Franklin Blvd.  
Ann Arbor, MI 48103  
Term: 09/07/99 to 05/01/2002

Local Officers= Compensation Commission

Fred McDonald (reappointment)  
2657 Salisbury Lane  
Ann Arbor, MI 48103  
Term: 09/07/99 to 09/30/2006

Community Development Citizen Participation Executive Committee

Bryce Kelley (to fill unexpired term)  
424 Soule Blvd.  
Ann Arbor, MI 48103  
Term: 09/07/99 to 06/30/2000

James Mogensen (to fill expired term)  
3780 Greenbrier #354C  
Ann Arbor, MI 48105  
Term: 09/07/99 to 06/30/2002

Ava L. Hansen (to fill expired term)  
711 N. Maple  
Ann Arbor, MI 48103  
Term: 09/07/99 to 06/30/2001

Ann Arbor Commission on Art in Public Places

Susan L. Froelich (to fill unexpired term)  
1218 Ardmoor Avenue  
Ann Arbor, MI 48103  
Term: 09/07/99 to 12/31/2000

**COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

REPORT SUBMITTED

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

1. 4th Quarter - Quarterly Report

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

**COMMUNICATIONS FROM THE CITY ATTORNEY**

City Attorney Abigail Elias reported on the Master Key Northern lawsuit.

**COMMUNICATIONS FROM COUNCIL**

None.

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

The following communications were referred as indicated:

1. Report of the City Board of Canvassers for the August 3, 1999 City Primary Election - File **(See Page 50 for Summary Report)**
2. Communication from the law offices of Honigman, Miller, Schwartz and Cohn regarding 500 E. William - Project Review Request - File

3. Communication from Clan Crawford, 1215 Brooklyn Avenue, regarding airport zoning - File

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

On a voice vote the Mayor declared the motion carried.

### **PUBLIC COMMENTARY - GENERAL**

#### TOM PARTRIDGE

Tom Partridge, Ann Arbor resident, suggested that the City of Ann Arbor adopt a citizen friendly attitude towards the elderly and disabled, and create discount programs for them with taxi services and Media One. He expressed the need for the creation of a commission to deal with Anno smoking policies in businesses.

### **MEETING RECESSED TO EXECUTIVE SESSION**

Councilmember Upton moved that the meeting be recessed for an executive session to discuss Collective Bargaining and Land Acquisition.

On roll call the vote was as follows:

Yeas, Councilmembers Kwan, Carlberg, Herrell, Putman, Kolb, Daley, Hanna-Davies, Vereen-Dixon, Upton, Mayor Sheldon, 10;

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 11:34 p.m.

### **MEETING RECONVENED**

Councilmember Kolb moved that the regular session of City Council be reconvened.

On a voice vote the Mayor declared the motion carried and the regular session reconvened at 12:31 a.m.

### **ADJOURNMENT**

There being no further business to come before Council, the Mayor declared the meeting adjourned at 12:31 a.m.

W. Northcross  
Clerk of the Council

Frances M. McMullan  
Recording Secretary

SUMMARY OF RESULTS FOR  
THE AUGUST 3, 1999 CITY PRIMARY ELECTION  
ANN ARBOR, MICHIGAN

CITY COUNCILMEMBER - WARD 1

<u>Candidate</u>	<u>Votes Received</u>
John Hieftje <b>(D)</b>	818
Simone Lightfoot <b>(D)</b>	350

John Hieftje, having received the largest number of votes, is declared the Democratic candidate for the office of City Councilmember in the First Ward.

(Complete Report of the City Board of Canvassers is on file in the City Clerk=s Office).