

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - SEPTEMBER 7, 1999**

The regular session of the Ann Arbor City Council was called to order at 7:41 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, Stephen C. Hartwell, Patrick A. Putman, Christopher Kolb, Elisabeth L. Daley, Mayor Ingrid B. Sheldon, 11.

ABSENT : 0.

INTRODUCTIONS

1999 HURON RIVER DAY RECOGNITION AWARDS

Parks and Recreation Marketing Specialist Irene Bushaw presented plaques of appreciation to the major sponsors of the 1999 Huron River Day and Corporate Challenge Canoe Race. The Corporate Challenge Canoe Race is a fund raising event for recreation scholarships for low-income families. The following companies were recognized: Kool 107 Radio, The Ann Arbor News, Domino=s Pizza, Parke-Davis and Ann Arbor Subaru.

CONSTITUTION WEEK PROCLAMATION

Mayor Sheldon presented a proclamation recognizing Constitution Week, September 17-23, 1999, to Sherry Barnes of the Sarah Caswell Angel Chapter of the National Society of Daughters of the American Revolution. The proclamation urges all citizens to reflect on the many benefits of the Federal Constitution and the privileges and responsibilities of American citizenship.

YELLOW RIBBON YOUTH SUICIDE AWARENESS AND PREVENTION WEEK PROCLAMATION

The Mayor presented a proclamation recognizing Yellow Ribbon Youth Suicide Awareness and Prevention Week, September 19-25, 1999, to Scott Chisolm representing the Ann Arbor Jaycees. The proclamation thanks the Ann Arbor Jaycees for raising awareness and working to prevent youth and teen suicide, and urges citizens to wear a yellow ribbon to raise awareness of these tragedies.

ANN ARBOR COUNCIL FOR TRADITIONAL MUSIC AND DANCE

Mayor Sheldon introduced Peter Baker, of the Ann Arbor Council for Traditional Music and Dance, sponsor of ADancing in the Streets event on Main Street. Mr. Baker reported that the Guinness Book of World Records recognized the 1998 dance as the world=s largest contra dance line. He stated that the event is a fundraiser for Food Gatherers, and thanked City Council for allowing it to take place downtown.

PUBLIC COMMENTARY - RESERVED TIME

GREGORY ELLIOT - BEECHWOOD PROPERTY SALE

Gregory Elliot, representing Johnson Holding Company, 202 E. Washington St., #710, one of the tie bidders for city property on Beechwood Drive, stated that one of the bids did not meet the bid requirements. He reported that his client provided a legal description for an easement to be reserved in the City, in accordance with the special terms and conditions required of all bidders, while the other bidder did not. Mr. Elliot commented that the sale should be decided as a matter of public policy and on the merits of the proposed use and access to the property.

DAVID WOJCIK - TRASH PROBLEM

David Wojcik, 621 Church St., expressed concern with the unsightly dumpsters in front of his business and requested help from the City to have them removed. He stated that his numerous complaints to the City Solid Waste Department have had no effect.

PUBLIC HEARINGS

SUMMERS ZONING (ORDINANCE NO. 35-99)

A public hearing was conducted on the proposed amendment to Chapter 55 of the Ann Arbor City Code, rezoning of 3.13 acres from TWP (Township District) to R1C (Single-Family Dwelling District), Summers property, 1710 Dhu Varren Road. Notice of public hearing was published August 15, 1999.

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

FUNERAL HOME AS A PERMITTED PRINCIPLE USE IN OFFICE ZONING DISTRICT (ORDINANCE NO. 36-99)

A public hearing was conducted on the proposed amendment to Sections 5:1 and 5:10.12(2) of Chapter 55 of the Ann Arbor City Code - defining funeral home and adding funeral home as a permitted principal use in the office zoning district. Notice of public hearing was published August 15, 1999.

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

ERIM/LOT 1 PUD SITE PLAN

A public hearing was conducted on the proposed ERIM/Lot 1 PUD Site Plan, 7.16 acres, Green Court/1968 Green Road. Notice of public hearing was published August 29, 1999.

The following person appeared:

Robert Black, representing ERIM, stated that the proposal is a continuation of the master plan for the site by Pollack Design Associates and ERIM Facility Planning, with similar considerations for separated parking areas and storm water detention ponds for more effective drainage control and landscaping. Mr. Black reported that ERIM is exploring voluntary options for alternative transportation plans, in response to Councilmembers' requests.

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

ERIM/LOT 5 PUD SITE PLAN

A public hearing was conducted on the proposed ERIM/Lot 5 PUD Site Plan, 8.69 acres, Green Court/1968 Green Road. Notice of public hearing was published August 29, 1999.

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

OLD NORTH CENTRAL APARTMENTS SITE PLAN

A public hearing was conducted on the proposed Old North Central Apartments Site Plan, 0.42 acre, 632 North Fourth Avenue. Notice of public hearing was published August 29, 1999.

There being no one present to speak, the Mayor declared the hearing recessed until the site plan is scheduled for consideration.

VERN LAND DIVISION

A public hearing was conducted on the proposed Vern Land Division, 0.53 acre, east side of Chalmers Drive north of Washtenaw Avenue. Notice of public hearing was published August 29, 1999.

The following person appeared:

Thomas Vern, owner of the property, briefly outlined the plan for the site. He stated that the proposed lot division would comply with all the requirements of the exiting R1B zoning district and would be compatible with the neighborhood, which already has a number of lot splits.

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

ADOPTION OF 1996 BOCA CODE (ORDINANCE NO. 37-99)

A public hearing was conducted on the proposed amendment to Chapter 98 of the Ann Arbor City Code - Adoption of the 1996 BOCA National Building Code, 1996 NFPA National Electrical Code and 1997 International Plumbing Code. Notice of public hearing was published August 15, 1999.

Maureen Sloan, Executive Officer of the Home Builders Association of Washtenaw County, stated that her organization is opposed to the proposed ordinance. She expressed concern that the requirements for Avisit-ability \cong in single-family homes would increase the cost of housing, and eliminate many new home buyers from entering the market. (Statement on file in the City Clerk=s Office).

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

APPLICATION OF MEDIA ONE FOR PERMIT FOR USE OF PUBLIC RIGHTS-OF-WAY

A public hearing was conducted on the application of MediaOne Telecommunications of

Michigan, Inc. for a permit for use of public rights-of-way to provide telecommunications services. Notice of public hearing was published August 22, 1999.

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

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

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

APPROVAL OF COUNCIL MINUTES

Revise: Regular Session of August 16, 1999 (*Pg. 1, date corrected*)

CONSENT AGENDA

Revise: Resolution Adopting a Debt Management Policy Statement (Finance)

MOTIONS AND RESOLUTIONS

Revise: Resolution to ~~Urge~~ **THANK** the University of Michigan **FOR ITS DECISION** to Close Down Its Medical Waste Incinerator (Councilmembers Hanna-Davies and Kolb) (Postponed August 2, 1999)

Revise & Delete: Resolution to Approve the Agreement Between the City of Ann Arbor and the University of Michigan for the Forest Avenue Parking Structure Project (Public Services)

Add: Resolution to Rebid the Sale of Excess City Property at Beechwood Site (Real Estate Committee)

CLERK'S REPORT

Add: Communication from Governor John Engler regarding approval of proposed charter amendment, funding for acquisition of parks - File.

On a voice vote the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF AUGUST 16 APPROVED

Councilmember Putman moved that the regular session minutes of August 16, 1999 be approved with the following corrections:

PUBLIC HEARINGS

AUDUBON WOODS SITE PLAN AND WETLAND USE PERMIT...

The following persons were present to speak:

<Jenine> **JEANINE** Palms, 2656 Easy St., ...

Ron <Ames> **EMAUS**, Mallett=s Creek Association volunteer,...

Dennis <Wojcik> **WOJCIK**, Washtenaw County Deputy Drain Commissioner,...

On a voice vote the Mayor declared the motion carried.

CONSENT AGENDACONSENT AGENDA ITEMS APPROVED

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

R-485-9-99 APPROVED

RESOLUTION TO AUTHORIZE EXECUTION OF COMPREHENSIVE
GRANT PROGRAM (CGP) AMENDMENT #707-99

Whereas, The City of Ann Arbor, Acting by and through the Housing Commission, and HUD have a consolidated Annual Contributions Contract #C-3001, dated 11-16-76;

Whereas, Annually HUD agrees to provide comprehensive grant assistance to the Housing Commission, upon submission of an annual and five-year plan, which reflects resident participation and Board approval (6-16-99 by Resolution 99-29);

Whereas, HUD has reviewed and accepted said submission for federal fiscal year 1999 and has returned for execution the requisite Comprehensive Grant Program (CGP) Amendment documents, (form HUD-52840) to grant \$584,769.00 in funding assistance under CGP# MI28-P064-707-99; and

Whereas, The Board of the Housing Commission approved the execution of Amendment #007 to the ACC #C-3001 for modernization funding at its August 25, 1999 regular board meeting;

RESOLVED, That City Council approve the execution of said CGP Amendment #007 by the Executive Director of the Housing Commission, to authorize grant funding in the amount of \$584,769.00 for the purpose of financing improvements to the physical condition of existing public housing and upgrades to the Commission's management and operations of those sites.

R-486-9-99 APPROVED

RESOLUTION TO APPROVE A STATE OF MICHIGAN
NATURAL RESOURCES TRUST FUND GRANT PROJECT
AGREEMENT FOR ACQUISITION OF 25 ACRES ADJACENT
TO SCARLETT-MITCHELL WOODS FOR PARK USE

Whereas, The City of Ann Arbor Mayor and Council approved an agreement with the State of Michigan MiDNR regarding the Natural Resources Trust Fund grant in the amount of \$575,500.00 toward the purchase of 25 acres on Platt Road adjacent to I-94;

Whereas, The grant project agreement between the City of Ann Arbor and the Michigan MiDNR Natural Resources Trust Fund grant is for the purchase of 25 acres and a grant award of \$575,000.00 (64%) toward the estimated \$900,000.00 purchase (subject to a DNR approved real estate appraisal);

Whereas, Part 19, Natural Resources Trust Fund, of the Natural Resources and Environmental Act, Act 451 of the Public Acts of 1994, establishes the Michigan Natural Resources Trust Fund which provides for acquisition and development of lands for public outdoor recreation purposes;

Whereas, The deadline for completing the purchase is September 1, 2000; and

Whereas, The City of Ann Arbor agrees to be solely responsible for the operation and maintenance of the property set forth in the grant project agreement;

RESOLVED, That Mayor and City Council approve the Michigan Natural Resources Trust Fund grant project agreement between the City of Ann Arbor and the Michigan Department of Natural Resources to purchase 25 acres adjacent to Scarlett-Mitchell Woods, and authorize the Mayor and City Clerk to sign the grant agreement substantially in

the form on file with the City Clerk, to complete the project.

R-487-9-99 APPROVED

RESOLUTION TO APPROVE HOUSING AFFORDABILITY
AGREEMENT WITH HABITAT FOR HUMANITY OF HURON VALLEY
REGARDING FERRY STREET LAND ACQUISITIONS

Whereas, An application was received in August, 1999 from Habitat for Humanity of Huron Valley for financial assistance to be used for property acquisition relating to a proposed project to be located on Ferry Street;

Whereas, The City=s Consolidated Strategy and Plan identifies homeownership opportunities for lower income families as a high priority need;

Whereas, For the total estimated project cost of \$330,000.00, Habitat expects to leverage funds from the Federal Home Loan Bank, Michigan State Housing Development Authority, private donations and project sponsors;

Whereas, The Housing Policy Board at its meeting on September 2, 1999 recommended City Council approval of \$105,000 for the project; and

Whereas, Human Rights approval was received for the contractor on March 11, 1999;

RESOLVED, That City Council approve the Housing Affordability Agreement with Habitat for Humanity of Huron Valley in the amount of \$105,000.00 in Housing Trust Funds (\$40,000.00 General Funds) and CDBG funds (\$65,000.00) as a 0% interest, 20-year decreasing term, nonsecured loan; and

RESOLVED, That City Council authorize the Mayor and City Clerk to execute the Housing Affordability Agreement and all other documents necessary to implement this agreement substantially in the form on file in the office of the City Clerk, with funds to be available until expended without regard to fiscal year.

R-488-9-99 APPROVED

RESOLUTION TO APPROVE HOUSING/HUMAN SERVICE CONTINGENCY
ALLOCATION TO AFFORDABLE HOUSING PLAN PROCESS

Whereas, City Council has been discussing housing issues over the past several months and on May 17, 1999 approved a process to develop an Affordable Housing Plan;

Whereas, The plan development will require expenditure of funds relating to the public participation component, technical assistance and administrative costs;

Whereas, No funds have yet been budgeted for this process; and

Whereas, There is \$97,750.00 in the Fiscal Year 1999/2000 Housing/Human Services Contingency;

RESOLVED, That the Mayor and City Council approve the allocation of \$10,000.00 to the Affordable Housing Plan Process under the non-departmental budget from the Housing/Human Services Contingency to be administered by the Community Development Department.

R-489-9-99 APPROVED

RESOLUTION TO APPROVE A PURCHASE ORDER TO
INTERNATIONAL BUSINESS MACHINES (IBM) FOR OPERATING
SYSTEM SOFTWARE LEASE AND HARDWARE MAINTENANCE
OF THE MAINFRAME COMPUTING SYSTEM

Whereas, The Information Technology Services Division of the Administrative Services Department seeks authorization to continue the operating system software lease and hardware maintenance for the Mainframe Computing System for the period of September 1, 1999 through June 30, 2000;

Whereas, The Mainframe Computing System equipment is in the fourth year of a five year bank loan, and the three year prepaid operating system software lease and hardware maintenance expired on June 30, 1999;

Whereas, Continued and uninterrupted performance is required of the Mainframe Computing System due to the three critical business applications it hosts;

Whereas, IBM is the sole source provider of upgrades to the operating system software and to the Microcode within the hardware;

Whereas, IBM received Human Rights approval on April 20, 1999; and

Whereas, The source of funds is located in the fiscal year 1999-00 operating budget of the Information Technology Services Division of the Administrative Services Department and IBM guarantees to hold this price firm for fiscal year 1999-00;

RESOLVED, That a purchase order be issued to International Business Machines in the amount of \$81,860.00.

R-490-9-99 APPROVED

RESOLUTION AUTHORIZING AMENDMENTS TO
NON-UNION PAY SCHEDULES

Whereas, The City Administrator traditionally recommends to City Council a yearly adjustment to the non-union and Executive and Professional Plan pay schedules to allow for non-union pay increases;

Whereas, The amount of this increase historically follows a pattern set by the results of union labor contract negotiations and is solely dependent upon the economic health of

the City; and

Whereas, Settlement has been reached with the Deputy Chiefs= unit. It is recommended that the City proceed with making the pay adjustment to the non-union and Executive and Professional Pay Plan (EPP) employees;

RESOLVED, That the Mayor and City Council authorize the City Administrator to take all appropriate administrative action to amend non-union and EPP pay schedules to incorporate a pay increase equal to two and one-quarter (2.25%) percent effective July 1, 1999, with the exception of the Pension Administrator whose salary is determined by the Pension Board, the DDA Executive Director whose salary is determined by the DDA Board, and the City Administrator whose contract specifies an effective date of December 17.

R-491-9-99 APPROVED

RESOLUTION TO APPROVE A CONTRACT WITH THE BOSTWICK
COMPANY FOR STREET REPAIRS - BID NO. 3286

Whereas, Repairs of water mains, sanitary and storm sewers necessitate street cuts and streets need to be restored properly;

Whereas, The Water Utilities Department does not have resources to repair streets conforming to the City standard specifications and require services of paving contractors for street repairs;

Whereas, Of the two bids received, The Bostwick Company submitted the lower responsible bid in the amount of \$210,510.00 for street repairs; and

Whereas, The Bostwick Company received Human Rights approval on July 26, 1999;

RESOLVED, That Council accept the bid of The Bostwick Company and approve a contract with the Bostwick Company for street repairs for an estimated cost of \$210,510.00/yr. for the fiscal years 1999/00, 2000/01 and 2001/02;

RESOLVED, That the contract be renewed annually for additional three years provided both parties agree to an extension;

RESOLVED, That the Mayor and City Clerk be authorized and directed to sign said contract approved as to form by the City Attorney; and

RESOLVED, That the City Administrator be authorized and directed to sign the purchase orders necessary to execute the contract in this and following years.

Source of Funds: Water Supply System, Sewage Disposal System and Storm Sewer System Operations and Maintenance Budgets.

R-492-9-99 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICES
OUTSIDE CITY LIMITS TO 1887 UPLAND DRIVE

Whereas, On August 16, 1999, the owner of the property at 1887 Upland Drive requested that the City extend public water and sewer service to his property in Ann Arbor Township prior to the completion of the annexation process;

Whereas, The owner desires to enter into the standard agreements with the City which provides an equitable method of obtaining City services outside of its corporate boundaries; and

Whereas, On August 5, 1999 the owner petitioned the City for annexation under Planning Department File No. 9222U2.1;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreements to allow City water and sewer services to the land during the time it is still outside of the corporate city limits; that the City Clerk be directed to send a copy of this resolution by first class mail to the above property owner; and that the Water Utilities Department shall promptly have this resolution and the agreements recorded in the office of the Register of Deeds of Washtenaw County, Michigan, and send a completely executed copy of the agreements to the owners.

R-493-9-99 APPROVED

RESOLUTION TO GRANT WATER SERVICE OUTSIDE CITY
LIMITS TO 3051 GEDDES ROAD

Whereas, On August 10, 1999, Ralph P. Youngren, owner of the property at 3051 Geddes Road, requested that the City extend public water service to his property in Ann Arbor Township prior to the completion of the annexation process;

Whereas, The owner desires to enter into the standard agreement with the City which provides an equitable method of obtaining City service outside of its corporate boundaries; and

Whereas, On July 13, 1999 the owner petitioned the City for annexation under Planning Department File No. 9274C11.1 and 9274C11.2;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreement to allow City water service to the land during the time it is still outside of the corporate city limits; that the City Clerk be directed to send a copy of this resolution by first class mail to the above property owner; and that the Water Utilities Department shall promptly have this resolution and the agreement recorded in the office of the Register of Deeds of Washtenaw County, Michigan, and send a completely executed copy of the agreement to the owner.

R-494-9-99 APPROVED

RESOLUTION TO GRANT WATER SERVICE OUTSIDE CITY
LIMITS TO 4141 SHETLAND DRIVE

Whereas, On August 8, 1999, the owners of the property at 4141 Shetland Drive signed an agreement requesting that the City extend public sewer service to their property in Ann Arbor Township; and

Whereas, The owners desire to enter into the agreement with the City which provides an equitable method of obtaining the City service outside of its corporate boundaries;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreement to allow City sewer service to the land during the time it is still outside of the corporate city limits; that the City Clerk be directed to send a copy of this resolution by first class mail to the above property owners; and that the Water Utilities Department shall promptly have this resolution and the agreements recorded in the office of the Register of Deeds of Washtenaw County, Michigan, and send a completely executed copy of the agreements to the owners.

R-495-9-99 APPROVED

RESOLUTION APPROVING A CONTRACT WITH MILLER &
VAN EATON, P.L.L.C. TO PROVIDE LEGAL SERVICES TO
THE CITY OF ANN ARBOR - CABLE TELEVISION

Whereas, Section 5.2(c) of the Ann Arbor City Code authorizes the City Attorney to recommend to City Council retaining special legal Counsel to handle any matter in which the City has an interest or to assist the City Attorney therein;

Whereas, The City is currently in negotiation of renewal of its cable franchise with its cable provider;

Whereas, Miller & Van Eaton, P.L.L.C. has the experience, staff and resources to provide assistance to the City Attorney in representing the City on cable television matters;

Whereas, The City Attorney prepared the proposed agreement retaining Miller & Van Eaton, P.L.L.C., for a period of two years, at billable hourly rate specified in the agreement with a not to exceed amount of \$70,000.00;

Whereas, The City Clerk/CTN budget approved by Council contains sufficient funds to pay for such services; and

Whereas, Miller & Van Eaton, P.L.L.C. have received Human Rights approval;

RESOLVED, That City Council approve the professional services agreement with Miller & Van Eaton, P.L.L.C.; and

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to execute said agreement.

R-496-9-99 APPROVED

RESOLUTION TO APPROVE PURCHASE ORDER TO
E.J. WARD, INC. FOR COMPUTER AND SOFTWARE FOR
CITY=S FUEL DISPENSING SYSTEM

Whereas, The City=s existing fuel dispensing system needs a new computer and a new operating system in order to be Y2K compliant;

Whereas, E.J. Ward, Inc. is the sole source supplier of an upgrade to the current City of Ann Arbor Fuel Dispensing System;

Whereas, E.J. Ward, Inc. has received Human Rights approval on August 25, 1999;
and

Whereas, Funding for this purchase is available within the approved Motor Equipment Fund budget;

RESOLVED, That City Council approve a purchase order to E.J. Ward, Inc. in the amount of \$26,643.48.00.

R-497-9-99 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES
AGREEMENT WITH IMAGING SUBSURFACE, INC. FOR
CONSTRUCTION TESTING SERVICES FOR EISENHOWER PARKWAY,
ANN ARBOR-SALINE ROAD AND SOUTH MAIN STREET
SIDEWALKS AND BICYCLE PATHS PROJECT

Whereas, It is necessary to employ a qualified testing firm to perform essential testing for the Eisenhower Parkway, Ann Arbor-Saline Road and South Main Street Sidewalks and Bikepaths Project;

Whereas, Proposals for this testing were received and evaluated by the Engineering Division on the basis of qualifications and fees;

Whereas, Imaging Subsurface, Inc. has demonstrated the required experience, personnel and competitive fee schedule to perform the work;

Whereas, Imaging Subsurface, Inc. received Human Rights approval on May 5, 1999; and

Whereas, Sufficient funds have been budgeted in Council Resolution No R-445-8-99, approved on August 2, 1999, for the work of this contract;

RESOLVED, That Council authorize a professional services agreement in the standard City form in the amount of \$21,000.00 with Imaging Subsurface, Inc. for construction testing and inspection services for the Eisenhower Parkway, Ann Arbor-Saline Road and South Main Street Sidewalks and Bikepaths Project;

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

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

R-498-9-99 APPROVED

RESOLUTION TO PROCLAIM THE CITY OF ANN ARBOR=S
RECOGNITION AND SUPPORT OF THE 4TH ANNUAL
ANN ARBOR MUNICIPAL AIRPORT OPEN HOUSE

Whereas, Tenants, users, and staff at the Ann Arbor Municipal Airport have coordinated an airport open house the past three years, which have turned out to be well attended, positive community events;

Whereas, These tenants, users and staff have again met this year to coordinate a 4th annual airport open house;

Whereas, This event is to be held at the Ann Arbor Municipal Airport on Sunday, September 12th from 10:00 a.m. to 5:00 p.m.;

Whereas, The open house event is meant for families of the aviation and non-aviation community, in order that they might have an opportunity to visit the airport and learn about its operations and aviation; and

Whereas, The Airport Advisory Committee has supported the open house event in the past, and also supports the continuation of the annual event;

RESOLVED, That the Mayor and City Council do hereby proclaim the City of Ann Arbor=s recognition and support of the 4th annual Ann Arbor Municipal Airport Open House.

R-499-9-99 APPROVED

RESOLUTION ADOPTING A REVISED INVESTMENT POLICY
STATEMENT FOR THE CITY OF ANN ARBOR

Whereas, City Council adopted an investment policy on November 7, 1999 (R-529-11-94) and adopted revisions to that policy on November 18, 1996 and March 2, 1998;

Whereas, The investment policy requires an annual review of the policy by the Finance Advisory Committee;

Whereas, Act 20 PA 1943, as amended by Public Act 1996 and 1997, requires local units of government to have a written policy to govern investment; and

Whereas, The Finance Advisory Committee, Finance Director and investment advisors have reviewed the Investment Policy and recommend certain revisions;

RESOLVED, That the Mayor and City Council adopt the revised Investment Policy as recommended by the Finance Advisory Committee (on filed in the City Clerk=s Office).

R-500-9-99 APPROVED

RESOLUTION ADOPTING A DEBT MANAGEMENT
POLICY STATEMENT

Whereas, The Ann Arbor City Council adopted a debt management policy statement on June 5, 1995; and

Whereas, The Ann Arbor Finance Advisory Committee on August 9, 1999 reviewed the debt management policy with staff recommends revisions to sections 2.1 and 9.2;

RESOLVED, That the Mayor and City Council adopt the revised debt management

policy as recommended and direct the City Administrator to distribute the policy to all City departments:

CITY OF ANN ARBOR
DEBT MANAGEMENT POLICY STATEMENT

The following debt management policy should be used to provide the general framework for planning and reviewing debt proposals. City Council recognizes there are no absolute rules or easy formulas that can substitute for a thorough review of all information affecting the City's debt position. Debt decisions should be the result of deliberative consideration of all factors involved.

1. General Debt Policy

- 1.1 The City shall seek to maintain and, if possible, to improve its current Aa/AA bond rating so borrowing costs are minimized and access to credit is preserved. It is imperative that the City demonstrate to rating agencies, investment bankers, creditors, and taxpayers that City officials are following a prescribed financial plan. The City will follow a policy of full disclosure by communicating with bond rating agencies to inform them of the City's financial condition.
- 1.2 Every future bond issue proposal will be accompanied by an analysis provided by the proposing department, demonstrating conformity to the debt policies adopted by City Council. The Finance Director will review and comment on each bond issue proposal regarding conformance with existing debt and financial policies, and specific aspects of the proposed financing package and its impact on the City's creditworthiness.
- 1.3 The City recognizes that it is of the utmost importance that elected and appointed City officials, and all others associated with the issuance of City debt, not only avoid the reality of a conflict of interest, but the appearance thereof as well. City officials must conduct themselves in a fashion consistent with the best interests of the City and taxpayers. Elected and appointed City officials should avoid even the appearance of linkages between politics and public finance that can erode the confidence of taxpayers, ratepayers, and voters. This includes avoiding gratuities, and political contributions of more than nominal value from service providers and the disclosure of all possible conflicts of interest shall be provided in writing and filed with the City Clerk.
- 1.4 Bonds will be sold on a competitive basis unless it is in the best interest of the City to conduct a negotiated sale. Competitive sales will be the preferred method. Negotiated sales may occur when selling bonds for a defeasance of existing debt, for current or advanced refunding of debt, or for other appropriate reasons.

2. Taxpayer Equity

- 2.1 Ann Arbor's property taxpayers and citizens who benefit from projects financed by bonds should be the source of the related debt service funding. This principle of taxpayer equity should be a primary consideration in determining the type of projects selected for financing through bonds. **FURTHERMORE, THE PRINCIPLE OF TAXPAYER EQUITY SHALL BE APPLIED FOR SETTING RATES IN DETERMINING NET REVENUES FOR BOND COVERAGE RATIOS.**

3. Uses

- 3.1 Bond proceeds should be limited to financing the costs of planning, design, land acquisition, buildings, permanent structures, attached fixtures or equipment, and movable pieces of equipment, such as fire engines, or other costs as permitted by law. Utility revenue bond proceeds may be used to establish a debt service reserve as allowed by State law. Acceptable uses of bond proceeds can be viewed as items which can be capitalized. Non-capital furnishings and supplies will not be financed from bond proceeds. Refunding bond issues designed to restructure currently outstanding debt are an acceptable use of bonds proceeds.
- 3.2 The City will not use short-term borrowing to finance operating needs except in the case of an extreme financial emergency which is beyond its control or reasonable ability to forecast. Recognizing that bond issuance costs add to the total interest costs of financing, bond financing should not be used if the aggregate cost of projects to be financed by the bond issue does not exceed \$1,000,000.

4. Decision Analysis

4.1 Whenever the City is contemplating a possible bond issue, information will be developed concerning the following four categories commonly used by rating agencies assessing the City's creditworthiness. The subcategories are representative of the types of items to be considered. This information will be presented by the Finance Director to the Finance Advisory Committee for its review and recommendation to the City Administrator.

4.1.a Debt Analysis

- Debt capacity analysis
- Purpose for which debt is issued
- Debt structure
- Debt burden
- Debt history and trends
- Adequacy of debt and capital planning
- Obsolescence of capital plant

4.1.b Financial Analysis

- Stability, diversity, and growth rates of tax or other revenue sources
- Trend in assessed valuation and collections
- Current budget trends
- Appraisal of past revenue and expenditure trends
- History and long-term trends of revenues and expenditures
- Evidences of financial planning
- Adherence to generally accepted accounting principles
- Audit results
- Fund balance status and trends in operating and debt funds
- Financial monitoring systems and capabilities
- Cash flow projections

4.1.c Governmental and Administrative Analysis

- Government organization structure
- Location of financial responsibilities and degree of control
- Adequacy of basic service provision
- Intergovernmental cooperation/conflict and extent of duplication
- Overall city planning efforts

4.1.d Economic Analysis

- Geographic and location advantages
- Population and demographic characteristics
- Wealth indicators
- Housing characteristics

- Level of new construction
- Types of employment, industry, and occupation
- Evidences of industrial decline
- Trend of the economy

4.2 The City may use the services of qualified internal staff and outside advisors to assist in the analysis, evaluation, and decision process, including bond counsel and financial advisors. Recognizing the importance and value to the City's creditworthiness and marketability of the City's bonds, this policy is intended to insure that potential debt complies with all laws and regulations, as well as sound financial principles.

5. Debt Planning

- 5.1 Unlimited-tax general obligation bond borrowing should be planned and the details of the plan must be incorporated in the Ann Arbor Capital Improvement Plan.
- 5.2 Unlimited-tax general obligation bond issues should be included in at least two Capital Improvement Plans preceding the year of the bond sale. The first inclusion should include a general description of the project, its timing, and financial limits; subsequent inclusions should become increasingly specific.

6. Communication and Disclosure

- 6.1 Significant financial reports affecting or commenting on the City will be forwarded to the rating agencies. Each bond prospectus will follow the disclosure guidelines of the Government Finance Officers Association of the U.S. & Canada.
- 6.2 The City should attempt to develop coordinated communication processes with all other jurisdictions with which it shares a common property tax base concerning collective plans for future debt issues. Reciprocally, shared information on debt plans including amounts, purposes, timing, and types of debt would aid each jurisdiction in its debt planning decisions.

7. General Obligation Bonds

- 7.1 Every project proposed for financing through general obligation debt should be accompanied by a full analysis of the future operating and maintenance costs associated with the project.
- 7.2 Generally, bonds cannot be issued for a longer maturity schedule than a conservative estimate of the useful life of the asset to be financed. The City will attempt to keep the average maturity of general obligation bonds at or below 20

years. The City will limit the total of its general obligation debt to 8% of the City's assessed value.

- 7.3 Whenever possible, the City will finance capital projects by using self-supporting revenue bonds. Revenue bonds assure the greatest degree of equity because those who benefit from a project and those who pay for a project are most closely matched.

8. Limited Tax General Obligation Debt

- 8.1 Limited tax general obligation bonds should be considered only when constraints preclude the preferred practice of voter approved general obligation bonds. As a precondition to the issuance of limited tax general obligation bonds, all alternative methods of financing should have been investigated. Consideration should always be given to provide a pledge of facility revenue to accompany the basic pledge of limited tax revenues.

- 8.2 Limited tax general obligation bonds should only be issued under certain conditions:

8.2.a A project to be financed will generate positive net revenues, i.e., additional revenues generated by the project will be greater than the debt service requirements. The net revenues should be positive over the life of the bonds, and be positive each year if possible. The City recognizes that net revenues may not be positive in the early years of certain projects, but should be positive within a reasonable time period of five to seven years. These calculations will be made on a conservative basis so that the potential for a long-term net decrease in general fund revenues is minimized.

8.2.b Matching fund monies are available which may be lost if not applied for in a timely manner.

8.2.c Catastrophic conditions.

9. Revenue Bonded Debt

- 9.1 It will be a long-term goal that each utility or enterprise will ensure future capital financing needs are met by using a combination of current operating revenues and revenue bond financing. Therefore a goal is established that 15% of total project costs should come from operating funds of the utility or enterprise.

- 9.2 It **IS CITY** ~~<will be>~~ policy that each utility or enterprise should provide adequate debt service coverage. A specific factor is established by City Council that projected **OPERATING** revenues in excess of operating expenses less **CAPITAL**

EXPENDITURES, depreciation and amortization **IN THE OPERATING FUND** should be at least 1.25 times the annual ~~<principal>~~ **DEBT** service costs. ~~<Debt interest costs are included in operating expenses.>~~ An example of the debt coverage calculation follows.)

Debt Coverage Example:

Operating Revenues	\$13,903,166	
OPERATING INVESTMENT INCOME	<u>751,270</u>	
Total OPERATING Revenue	\$14,654,436	
Operating Expenses <Capital Expenditures>	\$11,644,355	
<Total Expenditures>		
Less: Depreciation and Amortization	<u>1,155,004</u>	
Net Expenses <Expenditures>	\$ 10,489,351	
<Excess> Net Revenue Available for Debt Service	\$ 4,165,085	(1*)
<Revenue Bond> Principal	\$ 1,520,000	
<Revenue Bond> Interest	<u>1,963,116</u>	
Total Debt Service	\$ 3,483,116	(2*)
Debt Coverage Ratio (1* divided by 2*)	1.19	

10. Short Term Financing/Capital Lease Debt

- 10.1 Short-term financing or capital lease debt will be considered to finance certain equipment and rolling stock purchases when the aggregate cost of equipment to be purchased exceeds \$25,000. Adequate funds for the repayment of principal and interest must be included in the requesting department's approved budget.
- 10.2 The term of short-term financing will be limited to the usual useful life period of the vehicle or equipment, but in no case will exceed ten years.
- 10.3 Departments requesting capital financing must have an approved budget appropriation. Departments shall submit documentation for approved purchases to the Finance Department each year within sixty days after the annual budget is adopted. The Finance Department will consolidate all requests and may solicit competitive or negotiated proposals for capital financing to insure the lowest possible interest costs.

R-501-9-99 APPROVED

RESOLUTION TO APPROVE THE CLOSING OF WEST WASHINGTON STREET FOR STAGING OF THE GRIZZLY PEAK OKTOBERFEST

Whereas, The City has received a request from the Grizzly Peak Brewing Company to close West Washington Street between Main and Ashley Streets from 6:30 p.m. on Friday, September 24, 1999 until 12:00 p.m. on Sunday, September 26, 1999 to facilitate the staging of the Grizzly Peak Oktoberfest;

Whereas, The street closures will be properly signed, barricaded and supervised by the sponsor;

Whereas, The sponsor requires the approval of the Michigan Liquor Control Commission for a special outdoor liquor license;

Whereas, The sponsor agrees to defend and indemnify and hold the City harmless against all claims arising from their sponsorship of this event;

Whereas, The sponsor has requested that the City waive the parking meter bag deposit fees (\$180.00); and

Whereas, The Grizzly Peak Brewing Company will obtain all necessary permits, provide evidence of proper liability insurance and pay the following estimated service charges associated with their sponsorship of the event:

Transportation Department:	
Lost Meter Revenue	\$144.00
Barricades	\$240.00

RESOLVED, That City Council approve the closing of West Washington from Main to Ashley at the indicated times (contingent upon approval of the special liquor license from the State of Michigan); and

RESOLVED, That City Council waive the parking meter bag deposit fees.

R-502-9-99 APPROVED

RESOLUTION APPROVING THE CLOSING OF CITY STREETS

FOR THE EVANS SCHOLAR 5K RACE ON OCTOBER 3, 1999

Whereas, The City has received a request to hold the Evans Scholar Fraternity 5K Race on Sunday, October 3, 1999;

Whereas, The sponsor is requesting that the City provide the following services:

- 1) Closing the following streets from 9:00-9:30 a.m. to provide a staging area for the participants: b
 - * Hoover - S. Division to Sybil
- 2) Closing the following streets from 9:30 - 10:00 a.m. for the race itself:
 - *Hoover - S. Division to S. State
 - *S. State - Hoover to Arch
 - *Arch - Packard to S. State
 - *White Street - Arch to E. Stadium
 - *Hill - S. Main to S. Division
 - *S. Fifth Ave. - Hill to E. Madison
 - *E. Madison - S. Fifth Ave. to S. Division
 - *S. Division - E. Madison to E. Hoover
- 3) Use of the sidewalks on E. Stadium from White to S. Main and the east side of S. Main from E. Stadium to Hill from 9:30 -9:50 a.m. b
- 5) Provide directional cones and barricades as needed (sponsor will pick up and return);

Whereas, The sponsor has agreed to pay the costs associated with the event for Police Department and Transportation Department services;

Whereas, The sponsor agrees to defend and indemnify and save the city harmless against any claim arising from their sponsorship of this event; and

Whereas, The sponsor will obtain the necessary permits and provide evidence of proper liability insurance;

RESOLVED, That City Council approve the street closings as requested; and

RESOLVED, That the sponsor reimburse the City for the following city services:

Police	\$600.00 (est.)
--------	-----------------

The question being the foregoing Consent Agenda items as presented, on a voice vote the

Mayor declared the motion carried.

ORDINANCES - SECOND READING

35-99 APPROVED

SUMMERS 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 3.13 acres, located at 1710 Dhu Varren Road, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 35-99 is on file in the City Clerk=s Office).

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

On a voice vote the Mayor declared the motion carried.

36-99 APPROVED

DEFINE FUNERAL HOME AND ADD
FUNERAL HOME AS A PERMITTED PRINCIPAL
USE IN OFFICE ZONING DISTRICT

An Ordinance to Amend Sections 5:1 and 5:10.12(2) of
Chapter 55 of Title V of the Code of the City of Ann Arbor

(The complete text of Ordinance 36-99 is on file in the City Clerk=s Office).

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

On a voice vote the Mayor declared the motion carried.

37-99 POSTPONED

ADOPTION OF 1996 BOCA NATIONAL BUILDING CODE,
1996 NFPA NATIONAL ELECTRICAL CODE AND
1997 INTERNATIONAL PLUMBING CODE

An Ordinance to Amend Chapter 98 of Title V of
the Code of the City of Ann Arbor

(The complete text of Ordinance 37-99 is on file in the City Clerk=s Office).

Councilmember Hanna-Davies moved that the ordinance be adopted at second reading.

Councilmember Kwan requested that the question be divided and that a separate vote be taken on the adoption of the BOCA Code.

Councilmember Hanna-Davies moved that the ordinance be postponed for a working session, and to obtain further information on similar ordinances in other communities and input from builders.

On a voice vote the Mayor declared the motion carried.

ORDINANCES - FIRST READING

39-99 APPROVED

ASHLEY MEWS 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 1.86 acres, located on the west side of South Main Street, south of William Street, from R4C/D (Multiple-Family Dwelling District) and C2B/R (Business Service/Residential District) to PUD (Planned Unit Development District). (The complete text of Ordinance 39-99 is on file in the City Clerk=s Office).

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

With unanimous consent of Council, Carl Luckenbach, of Luckenbach-Ziegelman Architects, representing the petitioner, and Paul Potter, President of Ashley Mews Limited Liability Corp./Syndeco Realty Corp., answered questions.

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

40-99 APPROVED

NIELSEN SQUARE 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 3.19 acres, located at 1021 Maiden Lane, from AG (Agricultural-Open Space District) to R4C (Multiple-Family Dwelling District). (The complete text of Ordinance 40-99 is on file in the City Clerk=s Office).

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

Council unanimously agreed with Councilmember Kwan=s request that he be allowed to abstain from the vote.

The question being the ordinance as presented, on a voice vote the Mayor declared the motion carried, with Councilmember Kwan dissenting.

41-99 SUBSTITUTE ORDINANCE
APPROVED AS AMENDED

ELECTRIC UTILITY FRANCHISE FOR
ENGAGE ENERGY US, L.P.

An Ordinance to Amend Chapter 37 of Title II of the Code of
the City of Ann Arbor by Adding New Sections 2:635-2:657

(The complete text of Ordinance 41-99, as substituted and amended, is on file in the City Clerk=s Office).

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

Council unanimously agreed to place a substitute ordinance on the table for consideration and adoption.

Councilmember Herrell moved that Sections 2:647 and 2:648 of the substitute ordinance be amended as follows:

2:647 Information Required to Be Provided to Customers

Grantee shall provide all its customers in the City with the following information:...

- (4) Fuel and Emissions Characteristics - information on the fuel mix and emissions characteristics associated with the Grantee=s load-serving resource portfolio<, to the maximum extent possible, based on all information reasonably available to Grantee, or as otherwise requested by the customer>.

2:648 Portfolio of Renewable Energy Sources; Options to Purchase Greater Percentage of Power from Renewable Energy Sources; Prohibition Against Degradation of Quality of Energy Sources....

- (8) <At the request of a customer,> Grantee shall offer **TO ALL ITS CUSTOMERS IN THE CITY** the option to purchase a portion of their power greater than the percentages required by Subsections 2:648(1) through (5) as power which is non-nuclear and non-fossil fuel based power, but which is, instead, power produced by renewable energy

sources such as, but not limited to, solar, wind, hydro, or biomass energy sources~~<, to the extent such renewable energy is available>....~~

On roll call the vote was as follows:

Yeas, Councilmember Carlberg, Herrell, Hartwell, Putman, Kolb, Daley, Hanna-Davies, Vereen-Dixon, 8;

Nays, Councilmembers Upton, Kwan, Mayor Sheldon, 3.

The Mayor declared the motion carried.

Councilmember Kolb moved that Section 2:647 of the substitute ordinance be amended as follows:

2:647 Information Required to Be Provided to Customers

Grantee Shall Provide all its customers in the City with the following information:

- (1) Price Information, including average annualized cents per kilowatt hour measured at the customer's meter, price variability information by time of use and volume, and all charges, fees and penalties, or as otherwise requested by the customer~~<, or as otherwise requested by the customer>~~;
- (2) Terms of Service - including length and kind of contract, billing policies, warranties and notice procedures~~<, or as otherwise requested by the customer>~~;
- (3) Customer Service Information - including a contact address, telephone number and procedures for obtaining and maintaining service and for making complaints~~<, or as otherwise requested by the customer>~~; and...

On roll call the vote was as follows:

Yeas, Councilmembers Carlberg, Herrell, Hartwell, Putman, Kolb, Daley, Hanna-Davies, Vereen-Dixon, Upton, Kwan, Mayor Sheldon, 11;

Nays, 0.

The Mayor declared the motion carried.

The question being the substitute ordinance as amended, on a voice vote the Mayor

declared the motion carried.

MOTIONS AND RESOLUTIONS

R-503-9-99 APPROVED AS AMENDED

RESOLUTION TO THANK THE UNIVERSITY OF MICHIGAN FOR ITS DECISION TO CLOSE DOWN ITS MEDICAL WASTE INCINERATOR

A resolution to thank the University of Michigan for its decision to close down its medical waste incinerator was considered.

Councilmember Hanna-Davies moved that the resolution be adopted.

Council unanimously agreed that the resolution be amended as follows:

1st paragraph:

Whereas, The University of Michigan ~~<Health and Hospital Center>~~
HOSPITAL AND HEALTH CENTERS (UMHHC) currently operates a
medical waste incinerator that burns an average of nine tones of medical and
solid waste every day;

6th and 7th paragraphs:

RESOLVED, That the City of Ann Arbor **SINCERELY** thanks the
University of Michigan ~~<Health and Hospital Center>~~ **HOSPITAL AND
HEALTH CENTERS** and ~~<supports>~~ **COMMENDS IT FOR** its decision to
close down its medical waste incinerator and employ an alternative treatment
technology (Autoclaves) for the processing of its waste;

RESOLVED, That the City of Ann Arbor recognizes the University of
Michigan's leadership role in its mercury reduction program and in other
pollution prevention initiatives, and **GREATLY** appreciates their efforts to
help to protect and enhance the Ann Arbor environment and public health of
our community; 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-503-9-99

RESOLUTION TO THANK THE UNIVERSITY OF MICHIGAN FOR ITS
DECISION TO CLOSE DOWN ITS MEDICAL WASTE INCINERATOR

Whereas, The University of Michigan Hospital and Health Centers (UMHHC) currently operates a medical waste incinerator that burns an average of nine tones of medical and solid waste every day;

Whereas, The operation of the medical waste incinerator has many environmental and public health concerns including being a source of dioxin, lead, cadmium and other contaminants to the Ann Arbor environment;

Whereas, UMHHC has been reviewing it options for compliance with new federal regulations, these options included an incinerator retrofit, alternative treatment technologies, or off-site disposal;

Whereas, Alternative treatment technologies, such as autoclaves, have been found to be less polluting, have been implemented by more than a thousand hospitals across the country, are generally cost-competitive with controlled incineration, and have been found feasible by the UMHHC; and

Whereas, UMHHC after careful study (which involved a public process) of its options, has recently announced that it will shut down the medical waste incinerator and implement alternative treatment technologies;

RESOLVED, That the City of Ann Arbor sincerely thanks the University of Michigan Hospital and Health Centers and commends it for its decision to close down its medical waste incinerator and employ an alternative treatment technology (Autoclaves) for the processing of its waste;

RESOLVED, That the City of Ann Arbor recognizes the University of Michigan's leadership role in its mercury reduction program and in other pollution prevention initiatives, and greatly appreciates their efforts to help to protect and enhance the Ann Arbor environment and public health of our community; and

RESOLVED, That a copy of this resolution be sent to the University of Michigan Board of Regents, Office of the President, and to the University of Michigan Hospital Executive Board.

R-504-9-99 APPROVED

RESOLUTION RECOGNIZING COMMUNITY ACTION NETWORK AS
A NONPROFIT ORGANIZATION IN THE CITY OF ANN ARBOR

Whereas, Community Action Network is a non-profit organization;

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

Whereas, Community Action Network 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 Community Action Network as a non-profit organization in the City of Ann Arbor.

Councilmember Putman moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-505-9-99 APPROVED

RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF
ORDINANCE NO. 36-99 - AMENDMENT TO CHAPTER 55,
DEFINE FUNERAL HOME AND ADD FUNERAL HOME AS
PERMITTED PRINCIPAL USE IN OFFICE ZONING DISTRICT

Whereas, Section 7.4 of the City Charter authorizes the publication by summary of ordinances over 500 words in length;

RESOLVED, That the publication of Ordinance 36-99 be by the following summary:

Ordinance 36-99 revises Chapter 55 (Zoning Ordinance) to add a definition for A Funeral Home and to allow funeral homes as a permitted principal use in the Office Zoning District.

The complete text of this ordinance is available at the Ann Arbor City Clerk's Office.

Councilmember Kwan moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-506-9-99 APPROVED

RESOLUTION TO APPROVE ERIM/LOT 1 PUD
SITE PLAN AND DEVELOPMENT AGREEMENT

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed ERIM/Lot 1 PUD Site Plan and Development Agreement, 7.16 acres, Green Court/1968 Green Road.

Whereas, ERIM has requested PUD site plan approval in order to construct an 85,000-square foot office building at 1968 Green Road;

Whereas, A development agreement has been prepared to address improvements to the Plymouth/Green intersection and installation of utilities; and

Whereas, The Ann Arbor City Planning Commission, on August 17, 1999, recommended approval of said request;

RESOLVED, That City Council approve the development agreement, substantially in the form of that on file in the City Clerk=s Office, dated August 19, 1999; and

RESOLVED, That City Council approve the ERIM/Lot 1 PUD 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.

Councilmember Putman moved that the resolution be adopted.

Council unanimously agreed with Councilmember Kwan=s request that he be allowed to abstain from the vote.

With unanimous consent of Council, Robert Black, representing ERIM, answered questions concerning plans for exploring alternative transportation options.

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

R-507-9-99 APPROVED

RESOLUTION TO APPROVE ERIM/LOT 5 PUD SITE PLAN AND DEVELOPMENT AGREEMENT

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed ERIM/Lot 5 Site Plan and Development Agreement, 8.69 acres, Green Court/1968 Green Road.

Whereas, ERIM has requested PUD site plan approval in order to construct a 115,000-square foot office building at 1968 Green Road;

Whereas, A development agreement has been prepared to address improvements to the Plymouth/Green intersection and installation of utilities; and

Whereas, The Ann Arbor City Planning Commission, on August 17, 1999, recommended approval of said request;

RESOLVED, That City Council approve the development agreement, substantially in the form of that on file in the City Clerk=s Office, dated August 19, 1999; and

RESOLVED, That City Council approve the ERIM/Lot 5 PUD 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.

Councilmember Putman moved that the resolution be adopted.

Council unanimously agreed with Councilmember Kwan=s request that he be allowed to abstain from the vote.

With unanimous consent of Council, Robert Black, representing ERIM, answered questions concerning plans for exploring alternative transportation options.

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

R-508-9-99 APPROVED

RESOLUTION TO APPROVE GREGORKA ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Gregorka Annexation, 0.31 acre, west side of Ridgemor Drive, south of Liberty Street.

Whereas, The territory hereinafter described is located in the Township of Ann Arbor and is adjacent to the corporate limits of the City of Ann Arbor;

Whereas, David A. Gregorka and Joan Morrell-Gregorka are the owners of said property; and

Whereas, It is the desire of David A. Gregorka and Joan Morrell-Gregorka to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Ann Arbor, Washtenaw County, Michigan, be detached from said Township of Ann Arbor and annexed to the City of Ann Arbor, to-wit:

Commencing at the Northwest corner of AEber White First Addition,≡ as recorded in Liber 3, pages 13 and 14, Washtenaw County Records, Washtenaw County, Michigan; thence S 75°28'00" W 731.43 feet along the South line of Liberty Street; thence S 00°05'00" W 225.77 feet for a PLACE OF BEGINNING; thence S 80°35'21" E 197.55 feet; thence S 25°55'00" W

28.75 feet; thence 43.35 feet along the arc of a 122.66-foot radius curve to the left with a chord bearing S 15°47'26" W 43.13 feet; thence N 83°33'14" W 171.80 feet; thence N 00°05'00" E 80.37 feet to the Place of Beginning, being a part of the Southeast 1/4 of Section 30, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan, together with and subject to a 40.00-foot wide right-of-way, and a sewer right-of-way easement, and subject to easements and restrictions of record, if any.

Councilmember Putman moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-509-9-99 APPROVED

RESOLUTION TO APPROVE VERN LAND DIVISION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Vern Land Division, 0.53 acre, east side of Chalmers Drive, north of Washtenaw Avenue.

Whereas, Thomas E. Vern has requested land division approval in order to divide the property on the east side of Chalmers Drive, north of Washtenaw Avenue (Assessor=s Code No. 12-02-201-003) into two separate parcels; and

Whereas, The Ann Arbor City Planning Commission, on August 17, 1999, recommended approval of said request;

RESOLVED, That City Council approve the Vern Land Division, as described below, subject to the recording of access and utility easements:

Parcel A

The Westerly 105 feet of Lot 10, Washtenaw Hills Estates, as recorded in Liber 7 of Plats, page 19, Washtenaw County Records, subject to and granting a common drive and public utilities easement over the North 30 feet of the Westerly 105 feet of said Lot 10.

Parcel B

Lot 10, Washtenaw Hills Estates, except the Westerly 105 feet, as recorded in Liber 7 of Plats, page 19, Washtenaw County Records, subject to and granting a public utilities easement over the South 10 feet of said Easterly Lot 10 partition.

Councilmember Putman moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-510-9-99 APPROVED

RESOLUTION TO APPROVE YOUNGREN ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Youngren Annexation, 1.0 acre, 3051 Geddes Road.

Whereas, The territory hereinafter described is located in the Township of Ann Arbor and is adjacent to the corporate limits of the City of Ann Arbor;

Whereas, Ralph and Ann Youngren are the owners of said property; and

Whereas, It is the desire of Ralph and Ann Youngren to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Ann Arbor, Washtenaw County, Michigan, be detached from said Township of Ann Arbor and annexed to the City of Ann Arbor, to-wit:

Part of the Southeast 1/4 of Section 27, Town 2 South, Range 6 East, Ann Arbor Township, Washtenaw County, Michigan, and more particularly described as follows: commencing at the South 1/4 post of said Section 27, thence North 88 degrees 24 minutes East along the South line of said

Section 954.80 feet; thence North 1 degrees 36 minutes West 200.63 feet; thence North 88 degrees 24 minutes East 100.4 feet; thence North 27 degrees 34 minutes East 50.48 feet; thence North 1 degrees 36 minutes West 271.60 feet; thence North 68 degrees 13 minutes East 133.29 feet; thence South 1 degrees 36 minutes East 361.75 feet; thence South 88 degrees 24 minutes West 149.60 feet; to the Place of Beginning. Also together with and subject to joint driveway easements as set forth in Liber 1074, page 103, and Liber 1119, pages 456 and 457, Washtenaw County Records.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-511-9-99 APPROVED

RESOLUTION DIRECTING PREPARATION OF REVISIONS
TO CITY OF ANN ARBOR RETIREMENT SYSTEM ORDINANCE TO
ELIMINATE PLAN ANACHRONISMS AND ENHANCE BENEFITS

Whereas, The City Administrator created a Pension Task Force to examine the feasibility and costs of various ideas to improve the City=s pension system and other related issues;

Whereas, The Pension Task Force working with Aon Consulting, Inc., has completed its review of the pension system and delivered a final report to the City Administrator dated April 1999;

Whereas, The Ann Arbor Employees= Pension System Board of Trustees, with its actuary, has studied the effects of the recommended changes on Pension System funding and determined that each of the recommendations in the Pension Task Force=s report can be made to the pension system without increasing the City=s annual contribution; and

Whereas, The Ann Arbor Employees= Pension System Board of Trustees recommends that City Council adopt the necessary ordinance changes to implement the benefit improvements outlined in Board of Trustees Resolution dated August 19, 1999;

RESOLVED, That the City Council direct the City Administrator and the City Attorney to prepare and present to City Council, at the earliest opportunity, the necessary ordinance amendments to adopt the above stated recommendations; and

RESOLVED, That the City Administrator request the Retirement System Board of Trustees to allocate the necessary staff and resources to develop an implementation and education process for employees.

EXHIBIT A
SUMMARY OF RECOMMENDED PENSION SYSTEM CHANGES

1. SINGLE RATE BENEFIT CALCULATION

Changing to a single rate benefit calculation is proposed to simplify provisions in our present retirement ordinance regarding employee contributions and the pension benefit calculation. Current provisions designed at the inception of the pension system are outdated. The current general Employee contributions and benefits calculations are:

General employee contributions are 3.0% of the first \$6,600 of earnings and 5% of all earnings above \$6,600. Pension benefits are calculated on 1.8% of the first \$6,600 of earnings and 2.5% of all earnings above \$6,600. Police and Fire employee contributions are 5% on all earnings and pension benefits are calculated on 2.75% times the first 25 years of service, plus 1.5% times years in excess of 25 years.

The lower contribution percentages on the first \$6,600 were to compensate for social security benefits an employee would earn and the percentage and dollar amounts have never been adjusted. FICA taxes are currently withheld on employees salaries up to \$72,600. All employees will contribute 5% on all earnings into their annuity account and receive a slight increase in earned benefits at retirement.

The proposed change in benefit calculation would streamline benefit calculation making it easier to understand and compute. It was noted in the Aon Study that leveling the A steps in the pension formulas also addressed the needs of the lowest paid employees (ultimately the retirees who would receive the smallest pension).

RECOMMENDATION: Require employee contributions of 5% on all earnings and pension benefit calculated at 2.5% of all earnings (FAC) for general employees and 2.75% of all earnings (FAC) for Police and Fire employees times years of service.

2. THREE YEAR FINAL AVERAGE COMPENSATION (FAC)

Ann Arbor benefits are determined based on a formula which includes Final Average Compensation (FAC) calculated as the average of the highest annual compensation by a member during five successive years of service within the last ten years of the member's employment with the City. Aon's recommendation for using a three-year average would put

the Ann Arbor Employees= Retirement System more in line with national norms for similar government systems. The shorter number of years will slightly improve pension benefits for a majority of system members.

RECOMMENDATION: Allow calculation of pension benefits on the basis of a three-year Final Average Compensation (FAC) in lieu of the current five-year calculation.

3. FIVE YEAR VESTING

Aon=s recommendation included moving from ten year vesting to five year vesting. Its recommendation is based upon national norms for similar government systems. This system change carries relatively little costs and addresses a concept of portability of pensions. Employees feel strongly that vesting in a shorter time period allows a person the opportunity to change jobs if desirable. The ability to move to other employment and improve ones earning potential is an important aspect of this perception. Portability has also perceived as creating a sense of security for employees supporting the concept of A not having to but wanting to= continue employment with the City.

In reality, the demographics of the City=s workforce does not predict a high incidence of use of this feature. City employees generally begin work for the City at an early age and work for long periods. Whether this benefit is actually used or not, adopting a five year vesting (i.e., non-forfeitable benefits) provision has been a high priority request of employees over the last several years and the issue has repeatedly appeared in both the Retirement System Board of Trustees recommendations and Employee-initiated proposals.

RECOMMENDATION: Allow vesting in the retirement system to occur after five years of service in lieu of the current ten year requirement.

4. POST RETIREMENT BENEFIT ADJUSTMENT

The Aon Study indicated that employees rank a post retirement benefit increase adjustment as critical to long-term security. Most employees highest preference in the Aon Study was a guaranteed post retirement benefit increase adjustment to pensions on retirement. The current Retirement Ordinance gives the Retirement System Board of Trustees discretionary authority to approve periodic adjustments based on past earnings and reserve balances. A retiree must have reached the age of 65 to be eligible to receive any periodic adjustment approved by the Retirement System Board of Trustees.

The actuarial costs of guaranteeing a post retirement benefit increase are very expensive because costs are projected for twenty years and incorporated into the City=s annual contribution requirement. However, by retaining the Retirement Board=s discretionary authority to make the determination as to when a post retirement benefit increase

adjustment is authorized, actuarial costs are avoided.

The Pension Task Force did not identify any substantive reason for differentiating between a service retirement and duty disability/death disability retirement on this issue and therefore recommend that the post retirement benefit increase benefit also be extended to duty disability and duty death retirement beneficiaries. Though there are no costs to these changes because the Task Force recommends this benefit remains discretionary, its provision by the Retirement System Board will require more earnings deposits to reserves for post retirement benefit increase adjustments. Larger reserves will be needed because the change increases the number of pensioners who will receive the adjustment.

RECOMMENDATION: Continue the Pension Board's discretionary authority to approve periodic adjustments based on past earnings and reserve balances. Make the post retirement benefit increase adjustment available immediately upon retirement and provide a post retirement benefit increase adjustments to duty disability and duty death beneficiaries

5. PARTIAL BENEFIT ACCRUAL

The present benefit structure provides for a combined City-financed and members-financed retirement allowance computed using a benefit formula. The formula-based allowance provides full benefits proportional to the service and final average compensation (FAC) of an individual.

Current ordinance provisions are known as Aearly retirement penalty≡ by members and are perceived as such because the reduction for early retirement is nearly 5% for each year the option is exercised before full retirement benefits are earned. The Pension Task Force recommends adopting a more positive term, **Apartial benefit accrual**A that more accurately reflects what occurs when an employee retires from City employment before the normal retirement (i.e., benefit earned at the point of retirement). Reducing the factor impacts the formula so a larger partial benefit is earned based an individual's number of years before Normal Retirement Age (NRA). The partial benefit accrual allows an individual to elect an earlier retirement date than he\she might otherwise choose by assessing accrued benefits against other factors such as age and other earnings potential. The more liberal benefit accrual rate may allow some employees to retire at an earlier age.

An advantage of using the term Apartial benefit accrual≡ and the proposed benefit percentages is that it will be easier to understand and compute for employees.

RECOMMENDATION: Create a right to a larger APartial Benefit Accrual≡ within five years of Normal Retirement Age (NRA).

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-512-9-99 APPROVED

RESOLUTION ACCEPTING GRANT OF EASEMENT FROM EASTWIND APARTMENTS, L.L.C. - HURON PARKWAY-WASHTENAW AVENUE INTERSECTION IMPROVEMENTS PROJECT, 2025 S. HURON PARKWAY

Whereas, Eastwind Apartments, L.L.C., a Michigan limited liability company, 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 3584, Page 441, dated February 11, 1998; and

Whereas, Eastwind Apartments, L.L.C., has delivered an easement to the City for public road right-of-way to run with the land and burden the respective property perpetually, being more particularly described as follows:

The Westerly 5.00 feet of a parcel of land owned by Eastwind Apartments as described in Tax Code Identification No. 81-12-02-200-020, and containing 437 square feet of land, more or less;

RESOLVED, That the City hereby accept said easement.

Councilmember Herrell moved that the resolution be adopted.
On a voice vote the Mayor declared the motion carried.

R-513-9-99 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM FIRST AAN, L.L.C. - APPLEBEE=S RESTAURANT/HAMPTON INN, 2300 GREEN ROAD

Whereas, First AAN, L.L.C., an Illinois limited liability company, 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 3844, Page 436, dated January 27, 1999;

Whereas, A Resolution of The Sole Member of First AAN, L.L.C., on August 18,

1999 authorized the delivery of a perpetual easement to the City for public utilities; and

Whereas, First AAN, L.L.C. 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 Center of Section 14, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S89E32'40" E 40.00 feet; thence Southerly along the Easterly right-of-way line of Green Road (80 feet wide) the following four courses: S00E05' 10" W 321.47 feet, S00E05'50" W 346.19 feet, 39.23 feet along the arc of a 410.00 foot radius circular curve to the left, with a chord bearing S02E38' 40" E39.22 feet and S05E23'10" E161.31 feet for a PLACE OF BEGINNING; thence S89E21'23" E 11.81 feet; thence N82E30'40" E 168.76 feet; thence N70E57'51" E 239.87 feet; thence N19E04'00" W 13.35 feet; thence N70E54'30" E 40.00 feet; thence S19E04'00" E 13.55 feet; thence N71E27'56" E 191.44 feet; thence N17E20'10"W 15.42 feet; thence N70E54'30" E 40.02 feet; thence S17E20'10" E 84.43 feet; thence S63E15'00" E 40.83 feet; thence S19E05'30" E 57.42 feet; thence N63E15'00"W 98.97 feet; thence N17E20'10" W 44.72 feet; thence S71E27'56" W 210.33 feet; thence S70E57'51" W 241.81 feet; thence S19E02'40"E 146.55 feet; thence N71E09'20" E 73.00 feet; thence N19E05'30" W 18.56 feet; thence N71E09'20" E 73.10 feet; thence S18E50'40" E 40.00 feet; thence S71E09'20" W 32.93 feet; thence S19E05'30" E 18.56 feet; thence S71E09'20" W 153.03 feet; thence N19E02'40" W 190.09 feet; thence S82E30'40" W157.31 feet; thence N89E21'23" W 10.43 feet; thence N05E23'10" W40.22 feet along the easterly right-of-way line of said Green Road to the PLACE OF BEGINNING, being a part of the SE1/4 of said Section 14;

RESOLVED, That the City hereby accept said easement.

Councilmember Herrell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

POSTPONED

RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 37-99 WHICH REVISES CHAPTER 98 - ADOPTION OF 1996 BOCA NATIONAL BUILDING CODE, 1996 NFPA NATIONAL ELECTRICAL CODE AND 1997 INTERNATIONAL PLUMBING CODE

Whereas, Section 7.4 of the City Charter authorizes the publication by summary of ordinances over 500 words in length;

RESOLVED, That Ordinance No. 37-99 be published by the following summary:

Ordinance No. 37-99 amends the City Code by adopting the 1996 BOCA National Building Code, 1996 NFPA National Electrical Code, and 1997 International Plumbing Code. The amendments to these nationally written codes include special criteria for consideration of appeals in flood hazard zones; addition of electrical code amendments for statewide uniformity; requirements for restroom facilities consistent with State regulations; and otherwise provides for uniformity with the construction code requirements within the county and state.

The complete text of this ordinance is available for inspection at the City Clerk=s office on the 2nd Floor of the Guy C. Larcom Municipal Building, 100 N. Fifth Ave., Ann Arbor.

Councilmember Kwan moved that the resolution be adopted.

Councilmember Putman moved that the resolution be postponed until the October 4, 1999 regular session of Council for consideration with Ordinance 37-99.

On a voice vote the Mayor declared the motion carried.

R-514-9-99 APPROVED

RESOLUTION AUTHORIZING APPROVAL OF FIRST AMENDMENT TO EMPLOYMENT CONTRACT BETWEEN CITY OF ANN ARBOR AND NEAL G. BERLIN

Whereas, The City entered into an employment contract on October 25, 1995, with Neal G. Berlin to serve as City Administrator of the City of Ann Arbor, and renewed the contract in 1997 for a period ending December 16, 1999;

Whereas, The City and the Employee desire to amend and extend the employment contract beyond December 16, 1999, in accordance with Section 4 of the contract;

Whereas, The proposed First Amendment to Employment Contract Between the City of Ann Arbor and Neal G. Berlin incorporates changes in the employment contract which are mutually desired and agreed to between City Council and Mr. Berlin, and which are in the best interests of the City; and

Whereas, The City Attorney has approved the form of the proposed First Amendment to Employment Contract Between the City of Ann Arbor and Neal G. Berlin;

RESOLVED, That the Mayor and City Clerk be authorized to execute the First Amendment to Employment Contract Between the City of Ann Arbor and Neal G. Berlin in the form on file in the Clerk=s Office.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-515-9-99 APPROVED AS AMENDED

RESOLUTION TO REBID THE SALE OF EXCESS CITY PROPERTY AT BEECHWOOD SITE

A resolution to rebid the sale of excess City property at the Beechwood site was considered.

Councilmember Herrell moved that the resolution be adopted.

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

RESOLVED, That City Council direct the City Administrator ~~<and the Real Estate Committee to take actions necessary to sell the described city property, including rebidding with a minimum bid amount of \$31,000.00 to the abutting two property owners and to present City Council with recommendations>~~ **TO REJECT ALL BIDS.**

On a voice vote the Mayor declared the motion carried.

Councilmember Vereen-Dixon moved that the following language be added to the

resolution:

RESOLVED, That the expanded Real Estate Committee, including 2 Councilmembers (one from each caucus), the City Administrator, a representative of the City Engineering Division, and the Land Development Coordinator, consider the deed restrictions and contents of the Requests for Proposals in order to make recommendations to City Council on the disposition of the property.

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-515-9-99

RESOLUTION TO REBID THE SALE OF EXCESS CITY
PROPERTY AT BEECHWOOD SITE

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:

All that part of Lot 11 of Ganzhorn Hill Subdivision, City of Ann Arbor, Washtenaw County, Michigan as recorded in Liber 7 of Plats, page 34, Washtenaw County Records, which lies Southerly of a line 150 Southerly of (measured at right angles) and parallel to a line described as: beginning at a point on the West line of Section 20, Town 2 south, Range 6 East, Ann Arbor Township, Washtenaw County, Michigan, which is South 01 degrees, 18'28" East a distance of 821.89 feet from the Northwest corner of said Section 20: thence South 85 degrees 36'33" East a distance 2000 feet to a point ending. Excepting therefrom the Easterly 15 feet. Subject to an easement to be reserved to grantor City of Ann Arbor for public utilities. Also subject to easement and restrictions of record including but not limited to any access restrictions contained in the instrument recorded in Liber 1296, page 300, Washtenaw County Records;

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, On May 4, 1998, City Council approved resolution R-205-5-98 declaring the parcel on Beechwood Drive excess city property;

Whereas, Two bids were received on August 12, 1999 for the property described above, both meeting the bid requirements and in the amount of \$31,000.00; and

Whereas, At its meeting on September 1, 1999, the Real Estate Committee recommended that the property be rebid to the two adjacent property owners with a minimum bid of \$31,000.00;

RESOLVED, That City Council direct the City Administrator to reject all bids; and
RESOLVED, That the expanded Real Estate Committee, including 2 Councilmembers (one from each caucus), the City Administrator, a representative of the City Engineering Division, and the Land Development Coordinator, consider the deed restrictions and contents of the Requests for Proposals in order to make recommendations to City Council on the disposition of the property.

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM THE MAYOR**ANNOUNCEMENTS**

- X The City of Ann Arbor has been named number four in the AFriendly Cities In the U.S.≡ list sponsored by Zero Population Growth;
- X The Vietnam Veterans of America presented the ANational Chapter of the Year Award≡ to Washtenaw County Chapter 310;
- X With the beginning of the new school year, the community should be aware of young pedestrians crossing the streets;
- X Thanks to all the staff members and Councilmembers who participated in the annual Council/Media Softball Game;
- X September 9 (9/9/99) will be an emergency practice day for the City of Ann Arbor in preparation for the year 2000. The exercise will be headed by Deputy Fire Chief/Disaster Preparedness Coordinator Bob Lechtanski and will look at areas where computers may fail and how the City would respond.
- X The Ann Arbor Airport Open House will be held Sunday, September 12, from 10:00 a.m. until 5:00 p.m. The event is free to the public.
- X The City will host a dinner meeting with the Ann Arbor School Board on October 20;
- X Gallup, Island, Furstenburg and Cedar Bend Parks received National Centennial Medallion Awards from the American Society of Landscape Architects because of their outstanding landscape architecture; and

- X Upcoming Council work sessions: 9/13/99 - DDA/Parking Charges; 9/27/99 - Informed Planning for Sustainable Communities; and 10/11/99 - Broadway Bridges and Traffic Calming.

APPOINTMENTS APPROVED

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

Building Board of Appeals

Samuel Callan (reappointment)
2245 Mershon Dr. 48103
Term: 9/7/99 to 8/15/2004

Individual Historic Properties Historic District Study Committee

Gretchen Pfaehler (to fill vacancy)
1211 Franklin Blvd. 48103
Term: 9/7/99 to 5/1/2002

Local Officers= Compensation Commission

Fred McDonald (reappointment)
2657 Salisbury Ln. 48103
Term: 9/7/99 to 9/30/2006

Community Development Citizen Participation Executive Committee

Bryce Kelley (to fill unexpired term)
424 Soule Blvd. 48103
Term: 9/7/99 to 6/30/2000

James Mogensen (to fill expired term)
3780 Greenbrier Blvd, #354C 48105
Term: 9/7/99 to 6/30/2002

Ava L. Hansen (to fill expired term)
711 N. Maple Rd. 48103
Term: 9/7/99 to 6/30/2001

Ann Arbor Commission Art in Public Places

Susan L. Froelich (to fill unexpired term)
1218 Ardmoor Dr. 48103
Term: 9/7/99 to 12/31/2000

Councilmember Putman 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:

Downtown Development Authority

Robert Aldrich (to fill vacancy)
303 N. Fifth Ave. 48104
Term: 09/20/99 to 07/31/2003

Fred J. Beal (to fill vacancy)
2008 Morton Ave. 48104
Term: 09/20/99 to 07/31/2003

Ann Arbor Energy Commission

Donn Wolf (reappointment)
Detroit Edison, Regional Manager
425 S. Main St. 48104
Term: 09/20/99 to 09/19/2002

Elizabeth Dean Fund Committee

Merrill Dudley (to fill vacancy)

1126 Fair Oaks Pkwy. 48104
Term: 09/20/99 to 07/31/2001

Zoning Board of Appeals

Al Raymond (reappointment)
2375 Mershon Dr. 48103
Term: 09/20/99 to 09/19/2002

Park Advisory Commission

Wendy Ann Woods (to fill vacancy)
1035 Newport Rd. 48103
Term: 09/20/99 to 09/19/2002

Individual Historic Properties Historic District Study Committee

Earl Greene (to fill expired term)
1553 Broadway St. 48105
Term: 09/20/99 to 05/01/2002

Louisa Pieper (to fill expired term)
408 Awixa Rd. 48104
Term: 09/20/99 to 05/01/2002

Street Advisory Committee

George Beal (reappointment)
3361 Yellowstone Dr. 48105
Term: 09/20/99 to 07/31/2001

Susan Reznicek (reappointment)
890 Wickfield Ct. 48105
Term: 09/20/99 to 07/31/2001

Ann Arbor Hospitality Committee

Ebba Hierta (reappointment)
915 Miner St. 48103
Term: 09/29/99 to 01/01/2000

Ann Arbor Building Authority

Jeff Hauptman (to fill unexpired term)
805 Oxford Rd. 48104
Term: 09/20/99 to 06/30/2000

Washtenaw/Hill Street Historic District Study Committee

Karen Coulter (to fill vacancy)
1819 Hill St. 48104
Term: for duration of project

L. Walter Helmreich (to fill vacancy)
4 Fair Oaks Pkwy. 48104
Term: for duration of project

H.M. Hildebrandt (to fill vacancy)
1930 Cambridge Rd. 48104
Term: for duration of project

Mary Kathryn Newton (to fill vacancy)
1908 Lindsay Ln. 48104
Term: for duration of project

Peter Karl Pleitner (to fill vacancy)
2017 Hill St. 48104
Term: for duration of project

Ellen Ramsburgh (to fill vacancy)
1503 Cambridge Rd. 48104
Term: for duration of project

Emily Hopp Salvette (to fill vacancy)
2016 Devonshire Rd. 48104
Term: for duration of project
Christine Trautwein (to fill vacancy)
1025 Berkshire Rd. 48104

Term: for duration of project

Jean Wilkins (to fill vacancy)
2083 Ascot Rd. 48103
Term: for duration of project

Louisa Pieper (to fill vacancy)
408 Awixa Rd. 48104
Term: for duration of project

Ann Arbor Transportation Authority Board

Thomas Fegan (to fill unexpired term)
500 W. Keech Ave. 48103
Term: 09/20/99 to 05/01/2000

City Market Commission

John Rasmussen (to fill unexpired term)
600 Peninsula Ct. 48105
Term: 10/01/99 to 12/31/2000

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

PLANNING SESSION

City Administrator Neal G. Berlin announced that following the November City election, a planning session with Councilmembers is scheduled for November 13, from 8:00 a.m. until 12:30 p.m.

REPORTS SUBMITTED

Mr. Berlin submitted the following reports for information of Council:

1. Street Closing for the Football Pep Rally
2. Petitions Protesting Rezoning Requests
3. Fitch IBCA Investment Portfolio Rating
4. Inclusion of Racial Information on Tickets

5. Old North Central Apartments Site Plan

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

COMMUNICATIONS FROM THE CITY ATTORNEY

GREEN PARTY CASE

City Attorney Abigail Elias reported that the City has not yet heard from the judge in the Green Party case, but that she would let Councilmembers and the Clerk's Office know as soon as the news is received.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER CARLBERG

Councilmember Carlberg requested that the list of appointments from the Mayor indicate which vacancies are being filled.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from Richard Christmas, 500 S. Pine, Lansing, MI, regarding space program - File.
2. Communication from Gerome and Mary Jane Kamrowski, 1501 Beechwood Dr., regarding bid for purchase of vacant land, Lot 11, Beechwood Drive - File.
3. Communication from Stegeman Group regarding NBD and Olga's Sites - DDA, Planning.
4. Communication from Governor John Engler regarding approval of proposed charter amendment, funding for acquisition of parks - File.
5. "The Report of Supplemental Actuarial Valuation of Pension Task Force Proposals and The Report of An Actuarial Investigation of Active Member, Retired Life and Financial Experience, July 1, 1998 - June 30, 1998" - File

The following minutes were received for file:

1. Planning Commission - July 8 and July 20, 1999
2. City Market Commission - July 15, 1999
3. Ann Arbor Commission on Disability Issues - May 19, 1999
4. Finance Advisory Committee - June 10, 1999
5. Sign Board of Appeals - December 8, 1998
6. Building Board of Appeals - June 16 and July 14, 1999
7. Ann Arbor Transportation Authority - June 16, 1999
8. Deferred Compensation Administrative Board - July 14, 1999
9. Zoning Board of Appeals - April 28 and July 28, 1999

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

On a voice vote the Mayor declared the motion carried.

PUBLIC COMMENTARY - GENERAL

None.

MEETING RECESSED

Councilmember Putman moved that the regular session of Council be recessed until 7:00 p.m., Monday, September 13, 1999 to consider the remaining agenda items:

- X Recess for Executive Session to Discuss City Administrator=s Evaluation
- X Adjournment

On a voice vote the Mayor declared the motion carried and the meeting recessed at 10:48 p.m.

W. Northcross
Clerk of the Council

Janet L. Chapin
Recording Secretary