

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - NOVEMBER 4, 1999**

The regular session of the Ann Arbor City Council was called to order at 7:35 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

NATIONAL FRENCH WEEK

Mayor Sheldon presented a proclamation in recognition of National French Week, November 4-10, 1999, to a group of representatives from the education community who teach French as a foreign language. National French Week was created by the American Association of Teachers of French to make French more visible in schools and communities nationwide, and to celebrate the French-speaking heritage.

HOMELESSNESS AWARENESS WEEK

Mayor Sheldon presented a proclamation in recognition of Homelessness Awareness Week, November 7-13, 1999, to representatives of organizations that provide sheltering and support services to the homeless of Ann Arbor. The proclamation encourages all citizens to recognize homelessness as an unmet need and to support the efforts of nonprofit organizations providing shelter services.

The Mayor also presented a proclamation of appreciation to Charles Kieffer, former director of SOS Community Crisis Center, in recognition of his years of dedicated service to the community.

SPECIAL PRESENTATION BY BLONDEEN MUNSON

Blondeen Munson and Simone Lightfoot presented a resolution of appreciation to Councilmember Patricia Vereen-Dixon. The resolution recognizes Ms. Vereen-Dixon as the first African American female to serve on Ann Arbor City Council and recognizes her years of service to her Ward One constituents and to the entire City. The resolution was signed by Reverend Emmett L. Green, Pastor of Second Baptist Church, Reverend Dr. Albert J. Lightfoot, Pastor of New Hope Baptist Church, and Reverend Alfred E. Johnson, Pastor of Bethel A.M.E. Church.

PUBLIC COMMENTARY - RESERVED TIME

LARRY KELSAW - A.F.S.C.M.E. CONTRACT

Larry Kelsaw, 3555 Stone School Rd., President of A.F.S.C.M.E. Local 369, spoke in support of the informational picket in front of City Hall today requesting that City Council and the City administration bring an end to contract negotiations, which have gone on for 16 months. Mr. Kelsaw objected to an informational document prepared and distributed today by the chief negotiator for the City. He stated that the document contains misinformation concerning the collective bargaining process, and that the union will be distributing its own information. Mr. Kelsaw expressed hope that the union can have a fair and equitable contract.

RICHARD CRONN - AFSCME CONTRACT

Richard Cronn, 805 Fifth St., A.F.S.C.M.E. Local 369 member, expressed concern with the lengthy contract negotiations. He stated that now is the time for the City administration to settle the contract fairly and equitably to help restore the morale of union members and their faith in management to treat employees with the respect they deserve. Mr. Cronn further stated that a fair contract would mean that A.F.S.C.M.E. members would be better equipped to provide quality services that Ann Arbor citizens expect.

RICHIE COLEMAN - THANK YOU TO CITY COUNCIL

Richie Coleman, 839 Wickfield Ct., speaking on behalf of the Prevention Entertainment Movement, thanked City Council and Police Chief Ent for their support of the AWe Are Community≡ song project, which has been featured internationally. He stated that the

project reflects the community=s efforts to address the dangers of hate groups. Mr. Coleman distributed copies of the recording to Councilmembers.

JIM MORGENSEN - RESOLUTION REGARDING HOUSE BILL NO. 4777

Jim Morgensen, 3780 Green Brier Blvd., representing the Washtenaw Coalition for a Living Wage, spoke in support of the proposed resolution opposing House Bill 4777. He expressed concern with the loss of local control if the bill passes, and encouraged City of Ann Arbor officials to attend the hearings on this issue.

KATHLEEN SCHLIPP - A.F.S.C.M.E. CONTRACT

Kathleen Schlipp, 3520 Junior Dr., Pinckney, MI, A.F.S.C.M.E. Local 369 member, asked City Council and the City Administrator for help in settling the A.F.S.C.M.E. contract.

BRYAN FOLEY - A.F.S.C.M.E. CONTRACT

Bryan Foley, 349 Madison, Ypsilanti, MI, A.F.S.C.M.E. Local 369 member, stated that Ann Arbor is reaping the benefits of one of the greatest economic booms, but its workers are not receiving fair compensation, or even a contract. Mr. Foley asked Council democrats to get behind the union which gave the Michigan Democratic Party its greatest financial contribution.

MICHAEL MAYLEN - VISITABILITY

Michael Maylen, 543 Center Dr., thanked Councilmember Hanna-Davies for bringing forth the issue of visitability in residential housing, which would allow accessibility for disabled citizens. He reported that the developers of the Fox Glen development on Lohr Road have recently agreed to look into the possibility of putting visitability into their project. Mr. Maylen stated that building a home for visitability is not as costly as many believe.

KARIN PETERSON - A.F.S.C.M.E. CONTRACT

Karin Peterson, 2200 Fuller Rd., A.F.S.C.M.E. Local 369 member, stated that union members are the people who keep the city=s infrastructure functioning, and expressed concern that City Administration is not living up to its mission statement about treating employees with respect. Ms. Peterson objected to City administration=s claim that they are unable to pay union workers a fair and decent wage to keep up with inflation.

PUBLIC HEARINGS

ASHLEY/WASHINGTON BUILDING REZONING (ORDINANCE NO. 42-99)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.1 acre from C2B (Business Service District) to C2A (Central Business District), Ashley/Washington Building, 200 South Ashley Street. Notice of public hearing was published October 17, 1999.

The following people appeared:

Michael Van Goor, of Van Goor Architects, Inc., representing the developer, reported that the rezoning would allow a zero front setback on Ashley and Washington Streets and would allow an unlimited number of stories and building height. He stated that the existing 10-foot alley would be maintained for access to the adjoining properties. Mr. Van Goor further reported that variances have been received for the side setback requirement and that the project is providing a gift to the City for street amenity improvements to continue.

William Simpson, 1512 Plymouth Road, spoke in opposition to the rezoning. He stated that the City would not benefit from allowing unlimited building height and zero setbacks.

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

ASHLEY/WASHINGTON BUILDING REVISED SITE PLAN

A public hearing was conducted on the proposed Ashley/Washington Building Revised Site Plan, 0.1 acre, 200 South Ashley Street. Notice of public hearing was published October 24, 1999.

The following people appeared:

Michael Van Goor, of Van Goor Architects, Inc., representing the developer, reported that the project would provide one floor of retail use, three floors of office use, two floors of residential loft space, and on-site parking for the residential units. Mr. Van Goor stated that the project is located in the core downtown area and will be in scale and character with other buildings in the downtown.

William Simpson, 1512 Plymouth Road, spoke in opposition to the project, which he believes is too tall and out of scale for the block. Mr. Simpson recommended removing one story and reducing the size of the residential units.

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

CENTURY TEL MICHIGAN NETWORK, LLC APPLICATION FOR PERMIT FOR USE OF PUBLIC RIGHTS-OF-WAY

A public hearing was conducted on the proposed application of CenturyTel Michigan Network, LLC for permit for use of public rights-of-way to provide telecommunications services (Application No. 1999-3). Notice of public hearing was published October 24, 1999.

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

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

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

Add: RECESS FOR EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION
(Add after Approval of Council Minutes; prior to Consent Agenda)

CONSENT AGENDA

Revise: Resolution to Transfer Delinquent Housing Inspection Fees to the December, 1999 City Tax Roll (~~[\$10,308.10]~~ **\$8,787.90**)

ORDINANCES - FIRST READING

Add: Amendment to Chapter 119, Section 9:366 - Noise Control (Solid Waste)

MOTIONS AND RESOLUTIONS

Move: Resolution to Approve Ashley/Washington Building Revised Site Plan and Development Agreement, 0.1 acre, 200 South Ashley Street (Planning Commission recommendation: Approval - 7 yeas, 0 nays) **(Consider with Ordinance 42-99)**

Revised: Resolution Approving Building Authority Contract and Notice for Forest Parking Structure Financing (Finance)

Add: Resolution Recognizing the Shelter Association as a Nonprofit Organization in the City of Ann Arbor (Mayor Sheldon)

Add: Resolution to Oppose the Purchase of Dictionaries Which Define African-Americans, or Any Other Racial or Ethnic Group in an Offensive and Derogatory Manner (Councilmembers Vereen-Dixon and Kolb)

Add: Resolution Recognizing the Bach School Parent-Teacher Organization (PTO) as a Nonprofit Organization in the City of Ann Arbor (Mayor Sheldon)

CLERK=S REPORT

Add: City Board of Canvassers Report for the November 2, 1999 General City Election - File.

Add: Communication from Anthony T. Sinacola, of Sinacola, Inc., Brooklyn, MI, regarding flow meter installation project at water treatment plant - File.

On a voice vote the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF OCTOBER 11 AND 18 APPROVED

Councilmember Kolb moved that the working session minutes of October 11, 1999 and the regular session minutes of October 18, 1999 be approved as presented.

On a voice vote the Mayor declared the motion carried.

RECESS FOR EXECUTIVE SESSION

Councilmember Daley moved that the regular session of Council be recessed for an executive session to discuss pending litigation.

On roll call the vote was as follows:

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

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 8:41 p.m.

REGULAR SESSION RECONVENED

Councilmember Hanna-Davies moved that the regular session of Council be reconvened.

On a voice vote the Mayor declared the motion carried and the regular session reconvened at 9:37 p.m.

CONSENT AGENDA

CONSENT AGENDA ITEM REMOVED

With unanimous consent of Council, the following item was removed from the Consent Agenda and considered separately:

POSTPONED

RESOLUTION TO APPROVE PURCHASE OF A MODEL 300 ERIN STAR COMPOST SCREENER - BID NO. 3293

Whereas, The processing and sale of compost is an important recovery function undertaken by the Solid Waste Department;

Whereas, Competitive bids were solicited by the Purchasing Division for a new compost screener, with Aggtech, L.L.C. of Jennison, Michigan, submitting the only bid meeting the City=s specifications;

Whereas, Aggtech bid a total price of \$223,470.00, minus \$35,000.00, for a trade-in on the City=s current screener, for a total net price of \$188,470.00;

Whereas, Funding for the replacement of this equipment has been incorporated into the Solid Waste Department=s 1999/2000 general operating budget and the Solid Waste Fund *Compost Equipment Reserve Account*; and

Whereas, Aggtech, L.L.C. received Human Rights approval on October 25, 1999;

RESOLVED, That City Council approve the purchase of a model 300 Erin Star Compost Screener from Aggtech L.L.C. in the amount of \$188,470.00, which includes the trade-in value of the City=s existing screener;

RESOLVED, That funding for this purchase will be made out of the Solid Waste Department=s 1999/2000 general fund budget, with \$160,000.00 of the total purchase price then reimbursed though the Solid Waste Fund *Compost Equipment Reserve Account*; and

RESOLVED, That these funds may be carried over into fiscal 2000/2001, if necessary, in order to make this purchase.

Councilmember Upton moved that the resolution be adopted.

Councilmember Kwan moved that the resolution be postponed until the November 15, 1999 regular session of Council for further information concerning the bids.

On a voice vote the Mayor declared the motion carried.

CONSENT AGENDA ITEMS APPROVED

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

R-578-11-99 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION MINUTES OF OCTOBER 12, 1999 AND TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of October 12, 1999, be accepted and that the payments therein be authorized:

MINUTES CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION OCTOBER 12, 1999

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

Absent: None

Also Present: Cyndi Beaudry, Risk Manager
Stacey Washington, Assistant City Attorney
Abigail Elias, City Attorney
Neal Berlin, City Administrator
Carl Ent, Police Chief
Allen Dean Moore, Finance Director
Eileen Goldman, Claims Processing Clerk, 7.

CITIZENS' CLAIMS APPROVED: (and check issued)

<u>CASE NO.</u>	<u>CLAIMANT</u>	<u>AMOUNT</u>
CC 90-98	Sewer back-up claim of Li-Wen Chiu	\$3,500.00
CC 66-99	Vehicle damage claim of Guoying Mi	\$195.92
CC 23-96	Lawsuit of Margaret Blattner by Robert Magill, Atty	\$100,000.00
CC 16-97	Lawsuit of Alan Valusek by Jonathan Rose, Attorney	\$10,000.00
CC 67-99	Claim of Alison Roberts by Thomas Kent, Attorney	\$12,000.00
CC 214-98	Lawsuit of Michael Bondie by Iris Rubin, Attorney	\$26,000.00
CC 78-99	Vehicle damage claim of Donald Martin	<u>\$500.00</u>
	TOTAL	\$152,195.92

LEGAL EXPENSES AND/OR CASE RELATED EXPENSES:

<u>CASE NO.</u>	<u>CLAIMANT</u>	<u>AMOUNT</u>
CC 136-98	Lawsuit of Muhommed by David Fried, Attorney Records Deposition Service	\$37.70
CC 112-98	Lawsuit of Ann Strauch by Michael Kelman, Attorney Michael G. Kelman	\$10.00
CC 23-96	Lawsuit of Margaret Blattner by Robert Magill, Atty Record Copy Services	\$31.75
BI 175-98	Bodily injury claim of John Baker Huron Reporting Service, Inc.	<u>\$97.75</u>
	TOTAL	\$177.20

MISCELLANEOUS:

The ASU Group Third Party Administrator fees for third quarter (September-November, 1999) for Workers= Compensation administration.	\$12,200.00
The ASU Group Third Party Administrator fees for third quarter (September-November, 1999) for Liability administration.	<u>\$7,997.50</u>
TOTAL	\$20,197.50

CITIZEN'S CLAIMS DENIED:

CASE NO.

- CC 205-98 Lawsuit of Donald Leach by Marla Linderman, Attorney,
 Discussed by Stacey Washington, Asst. City Attorney, and the Board
 denied the claim.
- PD 72-99 Vehicle damage claim of Public Services Vehicle #8598/#4429
 Discussed by Cyndi Beaudry, Risk Manager, and the Board denied
 the claim.
- CC 77-99 Vehicle damage claim of Kirk Erickson
 Discussed by Cyndi Beaudry, Risk Manager, and the Board denied
 the claim.
- CC 91-99 Vehicle damage claim of Maxine Biber by Jean Rosella, Attorney
 Discussed by Cyndi Beaudry, Risk Manager, and the Board denied
 the claim.
- CC 95-99 Vehicle damage claim of Fay Edsall
 Discussed by Cyndi Beaudry, Risk Manager, and the Board denied
 the claim.
- CC 85-99 Vehicle damage claim of James Richardson
 Discussed by Cyndi Beaudry, Risk Manager, and the Board denied
 the claim.
- CC 89-99 Vehicle damage claim of Elizabeth Studley
 Discussed by Cyndi Beaudry, Risk Manager, and the Board denied
 the claim.
- CC 86-99 Vehicle damage claim of Norma Barbour
 Discussed by Cyndi Beaudry, Risk Manager, and the Board denied
 the claim.
- CC 68-99 Personal injury claim of Katherine Frisch by Nora Lee Wright, Atty
 Discussed by Cyndi Beaudry, Risk Manager, and the Board denied
 the claim.
- CC 90-99 Property damage claim of TIG Insurance (Ins.: Barbara Blom)
 Discussed by Cyndi Beaudry, Risk Manager, and the Board denied
 the claim.
- CC 103-99 Property damage claim of Barbara Blom

Discussed by Cyndi Beaudry, Risk Manager, and the Board denied the claim.

CC 94-99 Property damage claim of MEEMIC Insurance Co. (Ins: Michael McKeever)

Discussed by Cyndi Beaudry, Risk Manager, and the Board denied the claim.

CC 93-99 Property damage claim of Detroit Edison (1099 Highlander)

Discussed by Cyndi Beaudry, Risk Manager, and the Board denied the claim.

CC 82-99 Property damage claim of Detroit Edison (First and Ann)

Discussed by Cyndi Beaudry, Risk Manager, and the Board denied the claim.

CC 83-99 Property damage claim of Detroit Edison (Ann and Division)

Discussed by Cyndi Beaudry, Risk Manager, and the Board denied the claim.

- CC 101-99 Property damage claim of Detroit Edison (Stadium and State)
Discussed by Cyndi Beaudry, Risk Manager, and the Board denied the claim.
- CC 102-99 Property damage claim of Detroit Edison (W. Washington and Ashley)
Discussed by Cyndi Beaudry, Risk Manager, and the Board denied the claim.

OTHER BUSINESS:

CASE NO.

- CC 52-98 Lawsuit of Laura Anderson by Marla Linderman, Attorney
Discussed by Stacey Washington, Asst. City Attorney, and the Board was given an update.
- CC 51-98 Lawsuit of Khurum Sheikh by Kurt Berggren, Attorney
Discussed by Stacey Washington, Asst. City Attorney, and the Board authorized settlement.
- PD 69-99 Vehicle damage claim of Police Vehicle #73
Discussed by Cyndi Beaudry, Risk Manager, and the Board authorized payment.
- PD 74-99 Vehicle damage claim of Police Vehicle #68
Discussed by Cyndi Beaudry, Risk Manager, and the Board authorized payment.
- CC 76-99 Vehicle damage claim of Eric Kaldjian
Discussed by Cyndi Beaudry, Risk Manager, and the Board authorized settlement.
- CC 96-99 Personal injury claim of Douglas Mooney by George Burke, Atty
Discussed by Cyndi Beaudry, Risk Manager, and the Board authorized settlement.
- CC 51-99 Personal injury claim of Frances Graham by George Burke, Atty
Discussed by Cyndi Beaudry, Risk Manager, and the Board authorized settlement.
- CC 97-99 Property damage claim of Spruce Knob Apartments
Discussed by Cyndi Beaudry, Risk Manager, and the Board

authorized settlement.

CC 99-99 Sewer back-up claim of Ozone House
Discussed by Cyndi Beaudry, Risk Manager, and the Board
authorized settlement.

REQUESTS FOR INFORMATION ON PENDING CLAIMS

awaiting more information:

<u>CASE NO.</u>	<u>NAME</u>	<u>INCIDENT DATE</u>	<u>CLAIM RECEIVED</u>	<u>INFO FROM CLAIMANT</u>	<u>DATE OF CORRES.</u>	<u>ND. RPT FROM</u>	<u>DATE TO CLM. SRVC.</u>
CC 75-99	Moore	6-6-99	7-27-99		9-27-99 9-30-99	Transp. DDA	8-12-99
CC 80-99	Evanski	1-18-99	7-22-99		9-28-99	Pub. Serv.	8-12-99
CC 92-99	Urban Jew.	1-7-99	8-23-99		9-27-99	DDA	9-14-99
CC 100-99	Delta Gamma	9-1-99	9-15-99		9-23-99	Solid Was.	9-23-99
				X	9-29-99	Claimant	

CLAIMS RECEIVED SINCE LAST MEETING:

CASE NO.

- CC 86-99 Vehicle damage claim of Norma Barbour
- CC 87-99 Lawsuit of Ernest Bateson by Eugene Hanlon, Attorney
- CC 88-99 Lawsuit of Dale Warren
- CC 89-99 Vehicle damage claim of Elizabeth Studley
- CC 90-99 Property damage claim of TIG Insurance (Ins.: Barbara Blom)
- CC 91-99 Vehicle damage claim of Maxine A. Biwer by Jean Rosella, Attorney
- CC 92-99 Property damage claim of Urban Jewelers
- CC 93-99 Property damage of Detroit Edison (1099 Highlander - Pittsfield)
- CC 94-99 Property damage claim of MEEMIC Insurance Co. (Ins: McKeever)
- CC 95-99 Vehicle damage claim of Fay E. Edsall
- CC 96-99 Personal injury claim of Douglas Mooney by George Burke, Attorney
- CC 97-99 Property damage of Spruce Knob Apartment Homes
- CC 98-99 Lawsuit of Erie Orchard and Cider Mill, Inc. by Leslie Nearpass, Attorney
- CC 99-99 Sewer back-up claim of Ozone House
- CC 100-99 Property damage claim of Delta Gamma
- CC 101-99 Property damage claim of Detroit Edison (Stadium & State)
- CC 102-99 Property damage claim of Detroit Edison (W. Washington & Ashley)
- CC 103-99 Property damage claim of Barbara Blom

Prepared by Cyndi Beaudry, Risk Manager

R-579-11-99 APPROVED

RESOLUTION TO AWARD CONTRACT FOR FLOW METER
INSTALLATION PROJECT FOR WATER TREATMENT PLANT -
BID NO. 3296

Whereas, It is necessary to provide accurate flow measurement for the City of Ann Arbor Water Treatment Plant to provide reliable operations to meet water demands and provide the best possible water quality;

Whereas, Of the three bids received, Douglas N. Higgins, Inc. furnished the lowest responsible bid in the amount of \$424,000.00 for installation of replacement flow meters and construction of four meter vaults; and

Whereas, On September 17, 1999, the Human Resources Department approved Douglas N. Higgins, Inc.;

RESOLVED, That Council accept the bid and award a contract to Douglas N. Higgins, Inc. in the amount of \$424,000.00 to install replacement flow meters and construct meter vaults at the Water Treatment Plant;

RESOLVED, That a contingency in the amount of \$42,400.00 be approved to finance change orders to be approved by the City Administrator;

RESOLVED, That the Mayor and the City Clerk be authorized and directed to sign the contract, which is substantially in a form on file with the City Clerk;

RESOLVED, That \$250,000.00 be funded from Water Supply System prior bond balance and \$216,400.00 be funded from Water Supply System Capital Reserve; and

RESOLVED, That the funds be available for the life of the project until expended without regard to the fiscal year.

R-580-11-99 APPROVED

RESOLUTION TO GRANT WATER SERVICE OUTSIDE
CITY LIMITS TO 2857 PACKARD ROAD

Whereas, On September 23, 1999, the owners of the property at 2857 Packard Road requested that the City extend public water service to their property in Pittsfield

Township prior to the completion of the annexation process;

Whereas, The owners desire 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 September 23, 1999, the owners petitioned the City for annexation under Planning Department File No. 12034A7.1 and 12034A7.2;

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 owners; and that the Water Utilities Department 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 owners.

R-581-11-99 APPROVED

RESOLUTION TO TRANSFER DELINQUENT HOUSING INSPECTION FEES TO THE DECEMBER 1999 CITY TAX ROLL

Whereas, There are unpaid charges for housing inspections of private properties within the City which were unpaid on June 30, 1999;

Whereas, On December 9, 1974, City Council resolved that notice be given by first class mail to the owners of such properties of the amount due, and that this Council did intend that such amount would be assessed against such property as a special assessment unless paid on or before October 19, 1999;

Whereas, The City Clerk has on file a list of such presently unpaid charges, which is incorporated as "Schedule A"; and

Whereas, Notice has been sent to all owners of property affected by such delinquent fees, in accordance with the Council Resolution of December 9, 1974; to advise said property owners of the impending assessment;

RESOLVED, That the City Clerk shall forthwith certify to the City Assessor such unpaid charges and the names of the owners of the premises so served; and

RESOLVED, That such charges be levied as special assessments against such owners and premises according to "Schedule A" together with an additional penalty charge

of 10% of the total unpaid, as provided in Section 1:292 of the Ann Arbor City Code, and that the City Assessor shall place the same on the next tax roll of the City and that such charges will be collected in the same manner as general City taxes.

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

ORDINANCES - SECOND READING

42-99 APPROVED

ASHLEY/WASHINGTON BUILDING ZONING

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

This ordinance would change the zoning of 0.1 acre, located at 200 South Ashley Street, from C2B (Business Service District) to C2A (Central Business District). (The complete text of Ordinance 42-99 is on file in the City Clerk=s Office).

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

With unanimous consent of Council, Michael Van Goor, of Van Goor Architects, Inc., representing the developer, answered questions.

The question being the ordinance as presented, on roll call the vote was as follows:

Yeas, Councilmembers Upton, Kwan, Carlberg, Herrell, Hartwell, Putman, Mayor Sheldon, 7;

Nays, Councilmembers Kolb, Daley, Hanna-Davies, Vereen-Dixon, 4.

The Mayor declared the motion carried.

R-582-11-99 APPROVED

**RESOLUTION TO APPROVE ASHLEY/WASHINGTON BUILDING
REVISED SITE PLAN AND DEVELOPMENT AGREEMENT**

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Ashley/Washington Building Revised Site Plan and Development Agreement, 0.1 acre, 200 South Ashley Street.

Whereas, Monti Ponce and Gui Ponce de Leon have requested site plan approval in order to construct a six-story, 21,400-square foot mixed-use building at 200 South Ashley Street;

Whereas, A development agreement has been prepared to address a park contribution for improvements to parks and plazas in the downtown area; and

Whereas, The Ann Arbor City Planning Commission, on September 9, 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 13, 1999; and

RESOLVED, That City Council approve the Ashley/Washington Building Revised 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.

With unanimous consent of Council, Michael Van Goor, of Van Goor Architects, Inc., representing the developer, answered questions.

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

Yeas, Councilmembers Upton, Kwan, Carlberg, Herrell, Hartwell, Putman, Mayor Sheldon, 7;

Nays, Councilmembers Kolb, Daley, Hanna-Davies, Vereen-Dixon, 4.

The Mayor declared the motion carried.

ORDINANCES - FIRST READING

46-99 APPROVED

NOISE CONTROL

An Ordinance to Amend Section 9:366 of Chapter 119 of
Title IX of the Code of the City of Ann Arbor

(The complete text of Ordinance 46-99 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-583-11-99 APPROVED AS AMENDED

RESOLUTION TO APPROVE FUNDING FOR
THE PROVISION OF ENHANCED MENTAL HEALTH AND
EMPLOYMENT SERVICES TO THE HOMELESS

A resolution to approve the funding for the provision of enhanced mental health and employment services to the homeless was considered.

Councilmember Putman moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the following third paragraph of the resolution be deleted:

Whereas, Staff has reviewed the proposal and recommended funding with certain special conditions;

On a voice vote the Mayor declared the motion carried.

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

RESOLVED, That City Council approve the allocation of \$50,000.00 from the fiscal year 1999/2000 Housing and Human Services Contingency Fund to Washtenaw County to provide enhanced mental health and employment services to the homeless for [one] **THE REMAINDER OF THIS FISCAL** year, and authorize the Mayor and City Clerk to execute a contract substantially in the form on file in the Office of the City Clerk.

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 amended reads as follows:

R-583-11-99

RESOLUTION TO APPROVE FUNDING FOR
THE PROVISION OF ENHANCED MENTAL HEALTH AND
EMPLOYMENT SERVICES TO THE HOMELESS

Whereas, The City recognizes the need for enhanced services targeted toward the homeless;

Whereas, Washtenaw County has submitted a proposal to provide mental health and specialized employment services to homeless and formerly homeless individuals who do not meet the eligibility criteria for existing services; and

Whereas, There is \$87,750.00 remaining in the City's fiscal year 1999/2000 Housing and Human Services Contingency Fund;

RESOLVED, That City Council approve the allocation of \$50,000.00 from the fiscal year 1999/2000 Housing and Human Services Contingency Fund to Washtenaw County to provide enhanced mental health and employment services to the homeless for the remainder of the fiscal year, and authorize the Mayor and City Clerk to execute a contract

substantially in the form on file in the Office of the City Clerk.

R-584-11-99 APPROVED

RESOLUTION OPPOSING HOUSE BILL 4777

Whereas, House Bill No. 4777 has been introduced to the Michigan House of Representatives by Representative Robert Gosselin, and hearings on the bill are currently being held by the Committee on Employment Relations, Training and Safety;

Whereas, House Bill No. 4777 would prohibit a local unit of government from enacting, adopting, maintaining, or enforcing any local ordinance, regulation, or resolution relating to the provisions or subject matter of state or federal law absent the specific and express delegation of authority to the local unit of government;

Whereas, House Bill No. 4777 would void any local ordinance, regulation, or resolution that violated this law;

Whereas, House Bill No. 4777 specifically identifies twenty-one (21) state and federal laws where a local unit of government be restricted from enacting, adopting, maintaining, or enforcing an ordinance, regulation, or resolution that regulates in any manner subject matter that is described by state or federal law, or that duplicates, extends, revises, or regulates in any manner the provisions or subject matter of a state or federal law;

Whereas, House Bill No. 4777 identifies twenty-one state or federal laws, including seven federal laws: The American with Disabilities Act of 1990; The Family and Medical Leave Act of 1993; Federal Prevailing Wage Law; The Fair Labor Standards Act; The National Labor Relations Act; The Occupational Safety and Health Act; and, Federal Water Pollution Control Act; and fourteen state laws including: The Minimum Wage Law; The Michigan Prevailing Wage Law; The Wages and Benefits Act; The Michigan Occupational Safety and Health Act; The Youth Employment Standards Act; The Michigan Employment Security Act; The Michigan Liquor Control Code; The State Construction Code Act; Employment Portion of Elliott-Larson Civil Rights Act; Employment Portion of Persons with Disabilities Civil Rights Act; The Highway Advertising Act; The Public Health Code; The Tobacco Products Tax Act; and, The Michigan Consumer Protection Act;

Whereas, House Bill No. 4777 defines Asubject matter≡ to include, but not limited to, Aany issue, term, concept, program, service, idea, or topic referenced directly or indirectly a statute. The term subject matter is to be liberally construed.≡

Whereas, House Bill No. 4777 severely restricts the constitutional authority granted to local units of government in the State of Michigan, under AHome Rule≡;

Whereas, House Bill No. 4777 is opposed by many individual local units of government and organizations that represent them including the Michigan Municipal League, the Michigan Township Association, as well as other regional organizations like the Grand Valley Metro Council;

Whereas, House Bill No. 4777 would severely impact the City of Ann Arbor and our ability to protect the health, safety and welfare of our citizens and our community; and

Whereas, House Bill No. 4777 is potentially unconstitutional, indefensibly broad and vague;

RESOLVED, That the City of Ann Arbor oppose the passage of House Bill No. 4777 in the strongest term possible for its attack on local control, its interference with the City=s ability to protect the health, safety and welfare of our citizens, and the vagueness of the bill that would prohibit City action in any of the areas regulated by the twenty-one state and federal laws due to the definition of subject matter including, but is not limited to, Any issue, term, concept, program, service, idea, or topic referenced directly or indirectly by≡ these statutes; and

RESOLVED, That this resolution be sent to the House Committee on Employment Relations, Training and Safety; Representative Liz Brater; Representative John Hansen, State Senator Alma Wheeler Smith, and Governor John Engler.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-585-11-99 APPROVED

RESOLUTION TO APPROVE YORK ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed York Annexation, 0.13 acre, 2927 Shady Lane.

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

Whereas, Grace Ann York is the owner of said property; and

Whereas, It is the desire of Grace Ann York 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 Pittsfield, Washtenaw County, Michigan, be detached from said Township of Pittsfield and annexed to the City of Ann Arbor, to-wit:

Lot 22 of Walden Woods, part of the SW 1/4 of the SW 1/4 of Section 3, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan, according to the Plat thereof, as recorded in Liber 10 of Plats, page 50, Washtenaw County Records.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-586-11-99 APPROVED

RESOLUTION APPROVING BUILDING AUTHORITY CONTRACT AND NOTICE FOR FOREST PARKING STRUCTURE FINANCING

Whereas, There exists in and for the City of Ann Arbor (the ACity≡), an imperative need to undertake certain parking improvements as hereinafter in the Contract of Lease (the AContract≡), on file in the City Clerk=s, more particularly set forth;

Whereas, This City Council has determined, and does hereby reaffirm, that it is necessary for the public health, safety and welfare of the City to acquire said improvement for the use of the City;

Whereas, The City has or will enter into an Agreement with the University of Michigan to pay part of the cost of the improvement;

Whereas, Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended, provides through the procedures of building authority financing a means for the acquisition, construction and financing of such facilities;

Whereas, The City, in accordance with the provisions of said Act 31, as amended, has previously adopted Articles of Incorporation and has established the Ann Arbor Building Authority (the AAuthority), with full powers to acquire, construct and equip and improve such facilities;

Whereas, This City Council determines it to be in the best interest of the City to acquire and finance the City's share of the improvement through the Authority in accordance with the provisions of said Act 31, as amended; and

Whereas, A Contract between the City and the Authority providing for the acquisition, construction and financing of said improvements and such matters as are deemed necessary thereto has been prepared;

RESOLVED, That:

1. The City Council of the City hereby determines it to be necessary for the public health, safety and welfare of the City to acquire the said facility as set forth in the Contract (on file in the City Clerk's Office) for the use of the City;

2. This City Council deems it to be in the best interest of the City to finance the cost of such facility through the Authority in accordance with the provisions of the aforesaid Act 31, as amended;

3. This City Council hereby approves the Contract for the acquisition and financing of said facility, as filed in the City Clerk's Office;

4. The Notice of Intention of Entering into Contract of Lease as hereto attached shall be published in the Ann Arbor News, a newspaper of general circulation in the City, promptly upon adoption of this resolution, said Notice to appear as a display advertisement at least one-quarter (1/4) page in size;

5. The Mayor and City Clerk of the City be authorized to execute immediately and deliver to the Authority the Contract approved by this resolution. The Contract shall become effective upon the expiration of sixty days (60) days following the date of publication of the aforesaid Notice, unless, under the provisions of Section 8(b) of said Act

31, as amended, the effectiveness of the Contract is stayed by reason of the filing of a petition for referendum thereon within forty-five (45) days following the publication of the aforesaid notice and the resultant necessity of prior approval thereof by the qualified electors of the City. The City Council does hereby determine that the designated newspaper is the newspaper circulating in the City which reaches the largest number of persons to whom the aforesaid Notice is directed and that publication of the aforesaid Notice in the designated newspaper represents the most practical and feasible means of informing the taxpayers and electors of the City of the aforesaid project and the financing thereof. A copy of the Contract shall be placed on file in the office of the City Clerk and shall be available for public examination;

6. The Council of the City does hereby ratify and confirm its covenant in the aforesaid Contract to levy ad valorem taxes against all taxable property in the City to the extent necessary to meet the obligations of the City thereunder in the event revenues from other sources are insufficient for any reason whatsoever. Any such taxes levied to pay the Cash Rental under said Contract shall be limited as to rate or amount in the manner provided by law;

7. The City Clerk or the Finance Director of the City be and are hereby authorized to file with the Michigan Department of Treasury a Notice of Intent to Issue the Obligation and to pay the fee relating thereto;

8. The City hereby covenants to comply with Securities and Exchange Commission Rule 15c2-12 (the "Rule") and appoints the City's Finance Director as its Disclosure Representative. The Finance Director be and is hereby directed to provide a disclosure undertaking pursuant to the Rule; and

9. All resolutions and parts of resolutions insofar as the same conflict with the provisions of this resolution be and the same hereby are rescinded.

NOTICE OF INTENTION OF ENTERING INTO LIMITED
TAX-SUPPORTED CONTRACT OF LEASE AND OF
RIGHT TO PETITION FOR REFERENDUM THEREON
TO THE TAXPAYERS AND ELECTORS
OF THE CITY OF ANN ARBOR, MICHIGAN:

PLEASE TAKE NOTICE that the City of Ann Arbor has approved and executed a Contract of Lease with the Ann Arbor Building Authority pursuant to Act No. 31, Public Acts of Michigan, 1948 (First Extra Session), as amended. Such Contract provides, among other things, that said Building Authority will demolish the existing Forest Avenue parking structure and acquire, construct and equip a new parking structure to be located at Forest Avenue and WILL ISSUE ITS BONDS TO FINANCE THE PART OF ESTIMATED COST OF THE SAME FOR SAID CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$13,300,000. Said bonds will mature serially from 2001 to 2020, inclusive, and will bear

interest not exceeding 8% per annum on the outstanding principal balance.

The Contract further provides that the City will lease said facilities from said Building Authority and WILL PAY AS RENTAL TO SAID BUILDING AUTHORITY ALL SUMS NECESSARY TO RETIRE THE PRINCIPAL OF AND INTEREST ON SAID BONDS, TOGETHER WITH ALL COSTS OF OPERATING AND MAINTAINING SAID FACILITIES AND ALL COSTS of said Building Authority in connection therewith, regardless of whether the facilities are completed or are untenable. The principal amount to be borrowed by the Building Authority will be indebtedness of the City for purposes of City Charter, statutory and constitutional debt limitations, and said principal amount, together with the City=s rental obligation for payment thereof, may be increased to cover increased costs of the facilities.

CITY CONTRACT OBLIGATION

BY VIRTUE OF SAID CONTRACT AND ACT, ALL OF THE CITY=S REQUIRED PAYMENTS TO THE BUILDING AUTHORITY WILL BE LIMITED TAX FULL FAITH AND CREDIT GENERAL OBLIGATIONS OF THE CITY PAYABLE FROM ANY AVAILABLE FUNDS OF THE CITY, AND THE CITY WILL BE REQUIRED TO LEVY AD VALOREM TAXES ON ALL TAXABLE PROPERTY WITHIN ITS BOUNDARIES, TO THE EXTENT NECESSARY TO MAKE THE PAYMENTS REQUIRED TO RETIRE THE BONDS AND INTEREST THEREON, IF OTHER FUNDS FOR THAT PURPOSE ARE NOT AVAILABLE, AND AS LIMITED BY LAW. HOWEVER, THE OBLIGATION TO LEVY TAXES IS LIMITED BY APPLICABLE CONSTITUTIONAL, CHARTER AND STATUTORY TAX RATE LIMITATIONS.

SAID CONTRACT SHALL BECOME EFFECTIVE WITHOUT VOTE OF THE ELECTORS OF THE CITY, AS PERMITTED BY LAW, UPON THE EXPIRATION OF 60 DAYS FOLLOWING THE DATE OF PUBLICATION OF THIS NOTICE, UNLESS A PETITION REQUESTING AN ELECTION ON THE QUESTION OF WHETHER SUCH CONTRACT SHOULD BE EFFECTIVE, SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY, IS FILED WITH THE CITY CLERK WITHIN 45 DAYS FOLLOWING THE DATE OF PUBLICATION OF THIS NOTICE. If such petition is so filed, said Contract shall not be effective without an approving vote by a majority of electors of the City voting on the question.

This Notice is given pursuant to the requirements of Section 8(b) of the aforesaid Act 31, as amended. Further information concerning the details of said Contract, the facilities being financed and the matters set out in this Notice may be secured from the City Clerk=s office.

A copy of said Contract is on file for public inspection in the office of the City Clerk, 2nd floor of the Guy C. Larcom Municipal Bldg., 100 N. Fifth Ave., Ann Arbor.

W. Northcross,
Clerk, City of Ann Arbor

Councilmember Kwan moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-587-11-99 APPROVED

RESOLUTION TO APPROPRIATE EXCESS 1998-1999
GENERAL FUNDS AND TRANSFER \$2,100,000 TO
THE MAINTENANCE FACILITY CONSTRUCTION FUND

Whereas, It is anticipated that the General Fund will have approximately \$2.1 million more funds available than was anticipated when the 1999-2000 budget was developed;

Whereas, The two maintenance facility are in critical need of being replaced; and

Whereas, The surplus funds in the General Fund will help fund the project and reduce the need for additional funds;

RESOLVED, That \$2.1 million in General Fund fund balance be appropriated and transferred to the Maintenance Facility Construction Fund.

Councilmember Putman moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-588-11-99 APPROVED

RESOLUTION TO APPROVE A CONTRACT AMENDMENT WITH
WEST SHORE SERVICES FOR THE INSTALLATION OF FOUR OUTDOOR
SIREN WARNING SITES TO IMPLEMENT A SEVERE WEATHER WARNING
SYSTEM FOR THE PROFOUNDLY DEAF OF THE COMMUNITY
AND TO APPROPRIATE THE NECESSARY FUNDS

Whereas, City Council resolved on October 19, 1998 to approve a contract with West Shore Services for the installation of a new outdoor siren warning system;

Whereas, The new outdoor siren warning system has been installed and tested;

Whereas, System testing revealed three areas with marginal coverage due to geographical terrain, ambient noise and large buildings;

Whereas, West Shore Services received Human Rights approval on October 25, 1999 for conducting business with the City;

Whereas, Persons with profound hearing disabilities are not aided by an outdoor siren warning system, and they too have need of notification of the advent of severe weather; and

Whereas, The Data Technologies Network Weather Safety Center and paging system has been found to provide up to date weather information and notification and will be able to provide severe weather notifications to the profoundly deaf of our community through the use of alpha numeric pagers;

RESOLVED, That City Council accept and approve the contract amendment with West Shore Services in the amount of \$71,200.00 (plus a 10% contingency in the amount of \$7,120.00, for a total amount of \$78,320.00) for the installation of four outdoor siren warning system sites;

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

RESOLVED, That the Police and Fire Departments be authorized to install the Data Technologies Network Weather Safety Center and paging system as the means for providing severe weather warnings for the deaf at a cost of \$8,500.00 for the remainder of fiscal year 1999/2000; and

RESOLVED, That \$86,820.00 be appropriated from the General Fund undesignated fund balance with \$82,320.00 appropriated to the Police Department=s fiscal year 1999/2000 budget and \$4,500.00 appropriated to the Fire Department=s fiscal year 1999/2000 budget.

Councilmember Putman moved that the resolution be adopted.

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

RESOLVED, That \$86,820.00 be appropriated from the [~~General fund undesignated fund balance~~] **PARKS AND RECREATION CONTINGENCY FUNDS....**

After further discussion, the motion to amend was withdrawn.

Councilmember Upton moved that the resolution be postponed to the November 15, 1999 regular session of Council to review the funding.

The motion died for lack of support.

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

R-589-11-99 APPROVED

RESOLUTION APPROPRIATING NOTE PROCEEDS FOR THE PURCHASE OF TWO FIRE TRUCKS FROM GENERAL FUND, FUND BALANCE

Whereas, Mayor and City Council approved the purchase of two Emergency One Fire Trucks on November 16, 1998;

Whereas, Mayor and City Council approved financing for the fire trucks on March 15, 1999 through a five-year installment purchase contract with Comerica Bank;

Whereas, Proceeds from the five-year note were received in March and deposited in the General Fund pending delivery and payment of the apparatuses;

Whereas, Delivery of the fire equipment was delayed past the end of the fiscal year and the unspent funds became part of the General Fund fund balance; and

Whereas, The funds are now a part of the General Fund fund balance and an appropriation is necessary to make payment for the fire apparatuses;

RESOLVED, That the Mayor and City Council approve an appropriation from the General Fund fund balance of up to \$563,417.00 for the purchase of two Emergency One Fire Trucks.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

POSTPONED

RESOLUTION TO APPROVE PERMIT AGREEMENT #1999-2 FOR

MEDIAONE TELECOMMUNICATIONS OF MICHIGAN, INC. TO USE PUBLIC RIGHTS-OF-WAY TO PROVIDE TELECOMMUNICATION SERVICES

Whereas, MediaOne Telecommunications of Michigan, Inc., has applied for a permit to install and operate telecommunications facilities in public rights-of-way in the City of Ann Arbor; and

Whereas, The application of MediaOne Telecommunications of Michigan, Inc., for this permit was reviewed and recommended for approval by staff in the Building Department, Public Services Department and City Attorney=s Office;

RESOLVED, That City Council approve and authorize the Mayor and City Clerk to execute Telecommunications Permit Agreement #1999-2 for MediaOne Telecommunications of Michigan, Inc., to use public rights-of-way in the City to provide telecommunication services substantially in the form on file in the City Clerk=s Office for a term which ends December 31, 2009.

Councilmember Kwan moved that the resolution be adopted.

Councilmember Kolb moved that the resolution be postponed until the November 8, 1999 special session of Council for further information.

On roll call the vote was as follows:

Yeas, Councilmember Kolb, Upton, Kwan, Carlberg, Putman, Mayor Sheldon, 6;

Nays, Councilmembers Daley, Hanna-Davies, Vereen-Dixon, Herrell, Hartwell, 5.

The Mayor declared the motion carried.

R-590-11-99 APPROVED

RESOLUTION TO APPROVE PERMIT AGREEMENT #1999-3 FOR CENTURY TEL MICHIGAN NETWORK, L.L.C. TO USE PUBLIC RIGHTS-OF-WAY TO PROVIDE TELECOMMUNICATION SERVICES

Whereas, CenturyTel Michigan Network, L.L.C., has applied for a permit to install and operate telecommunications facilities in public rights-of-way in the City of Ann Arbor; and

Whereas, The application of CenturyTel Michigan Network, L.L.C., for this permit was reviewed and recommended for approval by staff in the Building Department, Public Services Department and City Attorney=s Office;

RESOLVED, That City Council approve and authorize the Mayor and City Clerk to execute Telecommunications Permit Agreement #1999-3 for CenturyTel Michigan Network, L.L.C., to use public rights-of-way in the City to provide telecommunication services substantially in the form on file in the City Clerk=s Office for a term which ends December 31, 2009.

Councilmember Hartwell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-591-11-99 APPROVED

RESOLUTION ACCEPTING WARRANTY DEED FROM
WINDEMERE I LIMITED PARTNERSHIP - PORTION OF
NIXON ROAD, NORTH OF GREEN ROAD

Whereas, Windemere I Limited Partnership, a Michigan limited partnership, is the owner in fee simple of certain property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 2113, Pages 391-392;

Whereas, Mortgage Investors Fund II Limited Partnership, a Delaware limited partnership, as the Sole Limited Partner of Partners Mortgage Services, Inc., the General Partner of Windemere I Limited Partnership, a Michigan limited partnership, has authorized, by consent resolution, dated October 14, 1999, the delivery of a warranty deed to the City for a portion of Nixon Road; and

Whereas, Windemere I Limited Partnership, a Michigan limited partnership, has delivered a warranty deed to the City for the 83 feet of Nixon Road, north of Green Road, being more particularly described as follows:

The westerly 83.00 feet of the following described parcel:
Part of Sections 10, 11, 14 and 15, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, described as commencing at the Northeast corner of Section 15 and proceeding thence South 00E 05'10" West 365.26 feet along the East line of Section 15 to the POINT OF BEGINNING; thence North 89E 36'07" West 337.88 feet; thence 385.88 feet along the arc of a curve to the right, having a radius of 1250.00 feet, a delta of 17E 41'15" and a chord length of 384.35 feet that bears North 80E 45'29" West; thence North 71E 54'52" West 417.75 feet; thence 116.65 feet along the arc of a curve to the left, having a radius of 1176.24 feet, a delta of 05E 40'55" and a chord length of 116.60 feet that bears North 74E 45'20" West; thence South 66E11'07" West 43.45 feet; thence North 89E 57'07" West 83.00 feet; thence North 00E 02'53" East 156.45 feet and North 00E 11'20" West 661.17 feet along the West line of Nixon Road, 66 feet wide; thence North 89E 55'10" East 1351.29 feet to the East line of Section 10; thence along said line South 00E 04'50" West 0.85 feet; thence South 89E 36' 10" East 1320.12 feet; thence South 00E 02'40" West 660.32 feet to the South line of Section 11; thence South 00E 00'07" East 78.39 feet; thence South 64E 23' 53" West 365.82 feet; thence 567.23 feet along the arc of a curve to the right, having a radius of 1250.00 feet, a delta of 26E 00'00" and a chord length of 562.38 feet that bears South 77E 23'53" west; thence North 89E 36'07" west 440.50 feet to

the POINT OF BEGINNING, the Southerly portion of the above-described land having been dedicated to the public as AGreen Road≡, 100 feet wide, in the plat of AWindemere Sub.≡, according to the Plat thereof as recorded in Liber 25 of Plats, Pages 90 through 93, inclusive, Washtenaw County Records.

RESOLVED, That said warranty deed be hereby accepted.

Councilmember Putman moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-592-11-99 APPROVED

RESOLUTION ACCEPTING WARRANTY DEED FROM
WINDEMERE I LIMITED PARTNERSHIP FOR OAKWOODS
NATURE AREA

Whereas, Windemere I Limited Partnership, a Michigan limited partnership, is the owner in fee simple of certain property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 2113, Pages 391-392;

Whereas, Mortgage Investors Fund II Limited Partnership, a Delaware limited partnership, as the Sole Limited Partner of Partners Mortgage Services, Inc., the General Partner of Windemere I Limited Partnership, a Michigan limited partnership, has authorized, by consent resolution, dated October 14, 1999, the delivery of a warranty deed to the City for Oakwoods Nature Area; and

Whereas, Windemere I Limited Partnership, a Michigan limited partnership, has delivered a warranty deed to the City for Oakwoods Nature Area, being more particularly described as follows:

Part of South 20.0 acres of the West 2 of the Southwest 1/4 of Section 11, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan. Also part of the North 20.0 acres of the West 2 of the Northwest 1/4 of Section 14, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan, being described as follows:

Commencing at the Northwest corner of said Section 14 and proceeding

thence South 89E 36'10" East 662.01 feet to the POINT OF BEGINNING; thence due North 104.59 feet; thence N31E 44'50" West 188.15 feet; thence N04E 12'53" East 397.28 feet; thence S89E 36'10" East 727.00 feet; thence South 00E 02'40" West 564.40 feet; thence 303.39 feet along the arc of a circular curve to the left, radius 850.00 feet, chord South 69E 27'17" West 301.79 feet; thence South 59E 13'45" West 280.23 feet; thence 75.03 feet along the arc of a circular curve to the right, radius 750.00 feet, chord South 62E 05'43" West 75.00 feet; thence North 25E 02'20" West 158.51 feet; thence due North 49.41 feet to the POINT OF BEGINNING. This property is conveyed subject to a restriction that the property can only be used as a public nature area. (11.59 acres more or less);

RESOLVED, That said warranty deed be hereby accepted.

Councilmember Putman moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-593-11-99 APPROVED

RESOLUTION RECOGNIZING THE SHELTER ASSOCIATION AS A NONPROFIT ORGANIZATION IN THE CITY OF ANN ARBOR

Whereas, The Shelter Association is a nonprofit organization;

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

Whereas, The Shelter Association needs the City to recognize it as a nonprofit organization in the community in order to conduct fundraising activities with State approval;

RESOLVED, That the Mayor and City Council recognize The Shelter Association as a nonprofit 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-594-11-99 APPROVED

RESOLUTION RECOGNIZING THE BACH SCHOOL PARENT-TEACHER ORGANIZATION AS A NONPROFIT ORGANIZATION IN THE CITY OF ANN ARBOR

Whereas, The Bach School Parent-Teacher Organization (PTO) is a nonprofit organization;

Whereas, The United States Department of Treasury-Internal Revenue Service recognizes The Bach School Parent-Teacher Organization (PTO) as a tax exempt, nonprofit organization; and

Whereas, The Bach School Parent-Teacher Organization (PTO) needs the City to recognize it as a nonprofit organization in the community in order to conduct fundraising activities with State approval;

RESOLVED, That the Mayor and City Council recognize The Bach School Parent-Teacher Organization (PTO) as a nonprofit 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-595-11-99 APPROVED

RESOLUTION TO OPPOSE THE PURCHASE OF DICTIONARIES WHICH DEFINE AFRICAN-AMERICANS OR ANY OTHER RACIAL OR ETHNIC GROUP IN AN OFFENSIVE AND DEROGATORY MANNER

Whereas, The City of Ann Arbor, is committed to equal treatment of all of its citizens, residents, and employees within its jurisdiction;

Whereas, The City Council is committed to promoting positive race and ethnic relations towards and among all citizens of the City of Ann Arbor;

Whereas, The City of Ann Arbor will not tolerate, and expressly condemns, any language which fosters racism and bigotry, and which serves to legitimize racial or ethnic stereotyping;

Whereas, The City Council expressly condemns any conduct or language which is deeming, insulting or disrespectful to African-Americans or any ethnic or racial group;

Whereas, The City Council is outraged by definitions found in dictionaries which define any word in a manner that is itself derogatory and offensive to any racial group, color, religion, National origin, sex, age, sexual orientation, gender identity, or any other protected class under the City=s Non-discrimination Ordinance;

Whereas, The word Anigger≡ is currently defined in the tenth edition of the Merriam Webster=s Collegiate Dictionary, in part as Aa black person usually taken to be offensive≡;

Whereas, A woman named Delphine Abraham, of Ypsilanti, Michigan, started a campaign over two years ago against the publisher of the Merriam Webster=s Collegiate Dictionary to have the word Anigger≡ redefined in the dictionary;

Whereas, Delphine Abraham=s goal is to spread awareness of this issue and the negative effect that the use of these demeaning, derogatory and offensive words have on individuals and our community;

Whereas, The City Council understands that the widespread use of this racial slur arose out of a historical ignorance and as an effort to demean the victims of such slurs and it is particularly offensive;

Whereas, The City Council considers any usage or perpetuation of such racial, ethnic, sex, age, sexual orientation, gender identity, or religious slurs as reprehensible; and

Whereas, The City Council condemns such language and encourages all persons not to use, utter, publish or speak such racial slurs;

RESOLVED, That the City Council condemn the use of racial slurs, written or spoken, and encourage the editors of the tenth edition of the Merriam Webster=s Collegiate Dictionary to rewrite its definition of the word Anigger≡ to state that it is Aan offensive term referring to a black person≡, the definition should not indicate that a Anigger≡ is a black person;

RESOLVED, That the City Council direct the City Administrator and all city departments, divisions, employees, boards and commissions not to purchase any dictionaries which define African-Americans, or any other group or type of people in an offensive and derogatory manner, or in any manner which perpetuates the use of racial and ethnic slurs;

RESOLVED, That the City Administrator be urged to join the City Council in its effort to petition the publisher of dictionaries to define all racial and ethnic slurs, and any other slang, which may be or are in fact included in their respective publications as offensive slang or racial and ethnic slurs, and to discontinue the use of definitions which are

themselves demeaning, offensive and derogatory in the effort to define the offensive terminology; and

RESOLVED, That the City Clerk shall forward a copy of this resolution, upon its adoption, to the appropriate and aforementioned publisher, persons, boards and commissions.

Councilmember Vereen-Dixon moved that the resolution be adopted.

Councilmember Kwan requested that the question be divided.

The question being the first Resolved clause, on roll call the vote was as follows:

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

Nays, 0.

The Mayor declared the motion carried.

The question being the second Resolved clause, on roll call the vote was as follows:

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

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

The Mayor declared the motion carried.

The question being the third Resolved clause, on roll call the vote was as follows:

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

Nays, 0.

The Mayor declared the motion carried.

The question being the fourth Resolved clause, on roll call the vote was as follows:

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

Nays, 0.

The Mayor declared the motion carried.

The question being the 11 Whereas clauses, on roll call the vote was as follows:

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

Nays, Councilmember Kwan, 1.

The Mayor declared the motion carried.

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

NOVEMBER 15 REGULAR SESSION:

Resolution to Restore Two-Way Traffic in State Street Area (Councilmember Kolb)

Resolution to Provide Funding for Community Impact/Student Advocacy Center (Councilmember Kolb)

Resolution Regarding A Library Bill (Mayor Sheldon)

COMMUNICATIONS FROM THE MAYOR

ANNOUNCEMENTS

- X The annual A Water Quality Report () has been released by Interim Water Utilities Director Sumedh Bahl. A copy was mailed to every household and is also available on the City's web site.
- X The Mayor attended a meeting in Lansing regarding the census count for the state of Michigan. Governor Engler reported that Michigan could lose up to \$50 billion in revenue over the next decade if the state's population is not counted correctly.

- X Thank you to the Main Street merchants and Arbor Brewing for making the downtown street party for the new Fourth and Washington parking structure a success last Friday evening.
- X A ceremony was held this morning for Detective Mike Schubring, who retired from the Police Department after 26 years of service, and for Detective Michael Anderson who was promoted.
- X A Council working session on the citizen survey will be held November 8, following the special session to swear in the newly elected Councilmembers.
- X A fundraiser event for the Summer Festival Top of the Park will be held November 9.
- X City Hall will be closed November 11 in observance of Veterans Day.
- X A Council public policy planning retreat is scheduled for November 13.

APPOINTMENTS APPROVED

Mayor Sheldon recommended the following appointments at the October 18, 1999 regular session of Council:

Human Rights Commission

Harry Mial, Sr. (reappointment)
1200 Minglewood Way 48103
Term: 11/4/99 to 10/31/2002

Lynn B. D=Orio (to fill expired term)
2104 Pauline Blvd., #107 48103
Term: 11/4/99 to 10/31/2002

Sign Board of Appeals

Christine Brummer (to fill expired term)
326 Mulholland Ave. 48103
Term: 11/4/99 to 11/3/2002

Councilmember Carlberg 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:

Ann Arbor Hospitality Committee

Kevin Dailey
645 N. Fifth Ave. 48104
Term: 11/15/99 to 1/1/2002

Gina Dailey
645 N. Fifth Ave. 48104
Term: 11/15/99 to 1/1/2002

Building Board of Appeals

Jeff Wurst (to fulfill Acontractor≅ alternate vacancy)
1967 Coronda Dr. 48103
Term: 11/15/99 to 11/14/2004
Kenneth J. Winters (reappointment)
416 Cloverdale Rd. 48105
Term: 11/15/99 to 11/14/2004

Finance Advisory Committee

Kevin Dailey (to fill unexpired term)
645 N. Fifth Ave. 48104
Term: 11/15/99 to 5/31/2001

Domestic Violence Coordinating Board

Richard Tolman (reappointment)
2323 Londonderry Rd. 48104
Term: 11/15/99 to 7/1/2001

Mary Lea Montgomery (to fill vacancy)
SAFE House
Term: 11/15/99 to 11/14/2002

Blaine Longworth (County Prosecutor=s Office representative)
Assistant Prosecuting Attorney

County Prosecutor=s Office
P.O. Box 8645 48107-8645
Term: 11/15/99 to 11/14/2002

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

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

1. Update on Enhanced Management of Ann Arbor=s Floodplain and Floodways
2. September 1999 Investment Portfolio Report
3. 1st Quarter - Quarterly Report
4. Resolution to Restore Two-Way Traffic in the State Street Area
(Reports on file in the City Clerk's Office)

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER CARLBERG

Councilmember Carlberg brought Council=s attention to the ALegislative Alert--Urgent Action Needed!≡ bulletin, sponsored by the National Alliance of Preservation Commissions. The issue involves an attempt to take away the city=s right to maintain its zoning capabilities for religious institutions. Ms. Carlberg urged Councilmembers to contact their U.S. senators to voice objections.

COUNCILMEMBER HERRELL

Councilmember Herrell invited the community to the fourth annual ACommunity Celebration of Style≡, benefitting Community Action Network, to be held November 5. The event includes a fashion show and silent auction with local celebrities.

COUNCILMEMBER KOLB

Councilmember Kolb announced that the Ann Arbor branch of the NAACP will be holding its annual Freedom Fund Dinner on November 6, 6:30 p.m., at Weber=s.

MAYOR SHELDON

The Mayor announced that a fundraiser for the Ark will be held on November 5.

FAREWELLS

Outgoing Councilmembers Vereen-Dixon, Putman and Kwan gave farewell speeches, and were presented with words and gifts of appreciation from the remaining members of Council.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from Ralph Loomis, 2667 Powell Ave., regarding MediaOne Franchise - CTN
2. Communication from Peter Bilakos, of Bilakos & Hanlon, 109 E. Ann St., regarding Glen-Ann Towing - File.
3. Communication from Detroit Edison transmitting no objection to proposed vacation of a portion of Pennsylvania Ave. described in Resolution R-567-10-99, approved October 18, 1999 - Planning.
4. City Board of Canvassers Report for the November 2, 1999 General City Election - File. (See Page 44)
5. Communication from Anthony T. Sinacola, of Sinacola, Inc., Brooklyn, MI, regarding flow meter installation project at water treatment plant - File.

The following minutes were received for file:

1. Planning Commission - September 9 and September 21, 1999
2. Downtown Development Authority - August 26 and September 9, 1999
3. Farmer=s Market Commission - September 16, 1999
4. Ann Arbor Transportation Authority - September 22, 1999
5. Building Board of Appeals - August 11 and September 8, 1999
6. Housing Board of Appeals - August 3 and September 21, 1999
7. Sign Board of Appeals - September 14, 1999
8. Human Rights Commission - September 15, 1999
9. Housing Commission - June 16, August 13 and September 22, 1999
10. Employees= Retirement System Board - September 16 and September 30, 1999
Councilmember Putman moved that the Clerk's Report be accepted.

On a voice vote the Mayor declared the motion carried.

PUBLIC COMMENTARY - GENERAL

None.

ADJOURNMENT

There being no further business to come before Council, the Mayor declared the meeting adjourned at 1:58 a.m.

W. Northcross
Clerk of the Council

Janet L. Chapin
Recording Secretary

SUMMARY
CITY BOARD OF CANVASSERS REPORT FOR
THE GENERAL CITY ELECTION OF NOVEMBER 2, 1999

(Complete report on file in the City Clerk=s Office)

<u>County Commissioner 11th District</u>	<u>Votes Received</u>
Jeff Irwin (Dem)	349
<u>Councilmember - Ward 1</u>	
John Hieftje (Dem)	1,090
Charles Goodman (Lib)	140
<u>Councilmember - Ward 2</u>	
Dee Freiberg (Rep)	1,295
Parma Yarkin (Dem)	830
<u>Councilmember - Ward 3</u>	
Tim Ralston (Rep)	284
Heidi Cowing Herrell (Dem)	1,451
<u>Councilmember - Ward 4</u>	
Marcia Higgins (Rep)	1,094
Lawrence Kestenbaum (Dem)	1,015
<u>Councilmember - Ward 5</u>	
Michael H. Maylen (Rep)	602
Christopher Kolb (Dem)	2,186
Bill Krebaum (Ref)	45
<u>City Charter Amendment - Tax for Land Acquisition for Parks</u>	
Yes	6,761
No	3,667