

REGULAR SESSION - MARCH 4, 1991

The regular session of the Ann Arbor City Council was called to order at 7:31 p.m. in the City Hall Council Chamber by Mayor Gerald D. Jernigan.

Council stood for one moment of silence.

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

ROLL CALL OF COUNCIL

PRESENT: Councilmembers Larry Hunter, Ann Marie Coleman, M. Terry Martin (entered at 8:39 p.m.), Ingrid B. Sheldon, Elizabeth S. Brater, Nelson K. Meade, Jerry S. Schleicher, Mark Ouimet, Thais Anne Peterson, Joe Borda, Mayor Gerald D. Jernigan, 11.

ABSENT : 0.

INTRODUCTIONS

CERTIFICATES OF APPRECIATION FROM COMMUNITY DEVELOPMENT CORP.

Lendell McEwen and Nicola Binns, representing the Community Development Corporation "Wise Program," presented the Mayor and Council with certificates of appreciation in recognition of the City's continued support of the CDC's programs and goals.

AUDIENCE PARTICIPATION - Reserved Time

STEPHEN BERGMAN - DOWNTOWN PARKING

Stephen Bergman, 523 E. Liberty St., President of the State Street Area Association, spoke in support of securing the funding to repair City parking structures, in particular the Maynard Parking Structure. Mr. Bergman stated that a clean, safe and structurally-sound parking system is essential to a vital downtown.

ANN RUSSELL - DOWNTOWN PARKING

Ann Russell, President of the Ann Arbor Area Chamber of Commerce, urged Council to approve construction and funding of a parking structure on the Kline's lot. Ms. Russell stated that this action will contribute to a healthy downtown and send a strong message that the downtown is viable and worthy of continued investment.

DENNIS SERRAS - DOWNTOWN PARKING

Dennis Serras, 343 S. Main St., downtown business owner, urged Council's approval of the bonding resolution for construction of a parking structure on the Kline's lot. Mr. Serras cautioned against neglecting the downtown and stated that polls and studies have shown parking to be the number one problem in downtown Ann Arbor.

JAN ONDER - DOWNTOWN PARKING

Jan Onder, 337 S. Main St., downtown business owner, encouraged Council to support the construction and funding of the parking structure on the Kline's lot and the funding for repair of the existing parking structures. Ms. Onder thanked Council for filling one of the holes at the corner of Main and William Streets and helping to expedite the leasing of the Brown lot.

JAMES HART - DOWNTOWN PARKING

James Hart, 1755 Northbrook, Downtown Development Authority Chairman, stated that the major complaint from people who shop or work downtown is the lack of parking, and that studies have shown the need for more parking spaces downtown. Mr. Hart spoke in favor of a parking structure on the Kline's lot, but expressed concern that two Christmas seasons would be disrupted for downtown merchants if construction does not begin soon.

BILL HAWKINS - SENIOR CITIZEN CENTER

Bill Hawkins, 1549 Waltham Dr., stated that both the 1988 Parks and Open Space Report and the 1990 Proposal for an Ann Arbor Seniors' Center document the need for a comprehensive facility for seniors. Mr. Hawkins requested Council's support for the recommendations in the study, and submitted letters of support for the proposed seniors' center. (Letters on file in the City Clerk's Office)

BOB GAMBLE - SENIOR CITIZEN CENTER

Bob Gamble, 1475 Roxbury Rd., urged Council's support for the proposed seniors' center in Ann Arbor. Mr. Gamble stated that site studies made two years ago showed the Greenview property to be the best site for the proposed center. Mr. Gamble expressed appreciation of the support for the project and the efforts made to eliminate problems with the site.

PUBLIC HEARINGS

FAMILY DEFINITION AND RESIDENTIAL OCCUPANCY (ORDINANCE NO. 6-91)

A public hearing was conducted on the proposed amendment to Chapter 55, Sections 5.1 and 5:10.2 and add new Section 5.7: - Family Definition and Residential Occupancy. Notice of public hearing was published February 17, 1991.

The following people spoke in opposition to the proposal and expressed concern that the ordinance would negatively impact the character of Ann Arbor neighborhoods by allowing higher density levels. Objection was raised to the insufficient on-site parking and the use of lot size to determine the number of occupants. The speakers urged Council's support of the citizen ad hoc committee's amendments which attempt to preserve the neighborhoods and accommodate alternate living arrangements. The amendments include limiting a functional family permit to six adults plus offspring. (Ad hoc committee amendments on file in the City Clerk's Office):

Wendy Carman, 2340 Georgetown Blvd., representing the Orchard Hills-Maplewood Homeowners Association.

Gwen Nystuen, 1016 Olivia Ave.

Susan Greenberg, 1315 Culver Rd.

Ethel Potts, 1014 Elder Blvd.

Andrea VanHouweling, 920 Lincoln Ave.

John Kingdon, 1140 Michigan Ave.

Tom Boyd, 3551 Pheasant Run Cir.

Kirsten Kingdon, 1140 Michigan Ave.

Robert Magill, 121 W. Washington St.

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

U-HAUL SERVICE CENTER SITE PLAN

A public hearing was conducted on the proposed U-Haul Service Center Site Plan, 4.67 acres, 3655 South State Street. Notice of public hearing was published February 25, 1991.

There being no one to speak the Chair declared the hearing closed.

RAYER LAND DIVISION

A public hearing was conducted on the proposed Rayer Land Division, 0.459 acre, southeast corner of Ironwood and Ravenwood. Notice of public hearing was published February 25, 1991.

There being no one to speak the Chair declared the hearing closed.

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

Councilmember Martin entered at 8:39 p.m.

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

ORDINANCES - First Reading

Revise: Amendment to Chapter 126, Section 10:53 - Keys Left in Ignition of Vehicles

Add: Amendment to Chapter 126, Section 10:137 - Impoundment of Vehicles on Private Property

MOTIONS AND RESOLUTIONS

Move prior to Ord's.: Resolution to Approve Building Authority Contract and Notice - \$8,690,000.00 (Tabled February 21, 1991)

Move prior to Resolution to Approve Building Authority Contract and Notice - \$2,900,000.00 (Tabled February 21, 1991)

Ord's.:

Delete: Resolution to Approve Appointment of Police Chief

Add: Resolution to Support the Seniors Activity Center in an Alternate Location
(Mayor Jernigan and Councilmembers Schleicher and Ouimet)

Add: Resolution to Support World Cup (Councilmember Schleicher)

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Add: National Affordable Housing Act

Add: Youth Community Relations Coordinator

Add: Council Follow-Up Notes from Fire Chief

Add: Council Follow-Up Notes from Acting Police Chief

Add: Table for Applicants in Personnel/Human Rights Department

Add: "Property Tax Cut Plans Compete for Attention"

On a voice vote the Chair declared the motion carried.

APPROVAL OF COUNCIL MINUTES

None.

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-102-3-91 APPROVED

RESOLUTION TO APPROVE WALKER ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Walker annexation, 0.77 acre, 1815 North Maple Road.

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

Whereas, It is the desire of David Neil Walker 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 Scio, Washtenaw County, Michigan, be detached from said Township of Scio and annexed to the City of Ann Arbor, to wit:

Lot 38, Garden Homes Subdivision, Washtenaw County, Michigan.

R-103-3-91 APPROVED

RESOLUTION TO ENTER INTO A THREE-YEAR GAS TRANSPORTATION CONTRACT WITH MICHIGAN GAS

Whereas, The City has entered into the direct purchase of natural gas for the Water and Wastewater Treatment Facilities;

Whereas, This practice saves the City \$100,000.00 per year;

Whereas, To purchase natural gas directly requires contracting with gas pipeline companies for transportation of the gas;

Whereas, The contract with Michigan Consolidated Gas to transport gas from the Willow station to the Water and Wastewater Treatment Facilities has expired and needs renewing; and

Whereas, The rates charged for gas transport are set by the Michigan Public Service Commission;

RESOLVED, That City Council approve a three-year transportation contract with Michigan Consolidated Gas and authorize the Mayor and City Clerk to execute the contract

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

R-104-3-91 APPROVED

RESOLUTION ACCEPTING EASEMENT FOR PUBLIC UTILITIES
FROM EDWARDS BROTHERS, ET AL

WHEREAS, Edwards Brothers, Inc., a Michigan corporation, Donald S. Chisholm and Betty P. Chisholm, husband and wife, Citizens Trust, a Michigan banking corporation, and Chris L. McKenney, Co-Trustees of the Joseph E. Savarino Irrevocable Trust, and Selective Development Company, a Michigan corporation, are the owners of property described below; and

Whereas, The owners have delivered an easement for public utilities over property located in the City of Ann Arbor, Washtenaw County, Michigan and more fully described as follows:

Land in the City of Ann Arbor, Washtenaw County, Michigan, more particularly described as:

A PART OF THE NORTHWEST 1/4 OF SECTION 9, T-3-S, R-6-E, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 9; THENCE S 01E40'20" E 660.14 FEET ALONG THE WEST LINE OF SECTION 9 AND FOLLOWING STATE ROAD; THENCE N 87E09'00" E 1,253.11 FEET TO THE POINT OF BEGINNING ON THE EASTERLY LINE OF BOARDWALK DRIVE 66 FEET WIDE; THE FOLLOWING THREE COURSES BEING ALONG THE EASTERLY LINE OF SAID BOARDWALK DRIVE: (1) N 01E40'20" W 308.69 FEET, AND (2) N 04E41'44" E 126.23 FEET, AND (3) N 01E40'20" W 126.28 FEET TO A POINT ON THE SOUTHERLY LINE OF EISENHOWER PARKWAY; THENCE N 87E09'00" E 649.28 FEET ALONG SAID LINE TO A POINT ON THE WESTERLY LINE OF ANN ARBOR RAILROAD 100 FEET WIDE; THENCE S 08E19'40" E 725.63 FEET ALONG SAID LINE TO A POINT IN THE CENTERLINE OF A 40 FOOT WIDE DRAINAGE EASEMENT AS DESCRIBED IN LIBER 1765, PAGES 67 AND 68 OF DEEDS, WASHTENAW COUNTY RECORDS, THE FOLLOWING FIVE COURSES BEING ALONG SAID LINE: (1) S 46E12'44" W 63.10 FEET, AND (2) S 72E02'49" W 113.64 FEET, AND (3) N 83E17'17" W, 20.58 FEET AND (4) S 71E58'23" W 78.52 FEET, AND (5) S

52E30'26" W 57.71 FEET, THE FOLLOWING TWO COURSES BEING ALONG THE WESTERLY LINE OF A STORM WATER POND EASEMENT AS RECORDED IN LIBER 1765, PAGES 71 AND 72 OF DEEDS, WASHTENAW COUNTY RECORDS: (1) N 03E53'19" W 214.74 FEET, AND (2) N 21E40'20" E 75.29 FEET; THENCE S 87E09'00" W 305.48 FEET; THENCE N 01E40'20" W 140.03 FEET; THENCE S 87E09'00" W 125.00 FEET; THENCE S 01E40'20" E 140.03 FEET; THENCE S 87E09'00" W 40.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 436,165 SQUARE FEET OR 10.013 ACRES.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS OR RIGHTS-OF-WAY RECORDED OR OTHERWISE.

RESOLVED, That said easement be accepted by the City of Ann Arbor.

R-105-3-91 APPROVED

RESOLUTION ACCEPTING EASEMENT FOR PUBLIC UTILITIES FROM WESTMINSTER PRESBYTERIAN CHURCH

Whereas, Westminster Presbyterian Church, a Michigan corporation, is the owner of property described below; and

Whereas, The owner has delivered an easement for public utilities over property located in the City of Ann Arbor, Washtenaw County, Michigan and more fully described as follows:

Commencing at the S.E. corner of Section 11, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, thence S 89E15'00" W 1,312.81 feet along the south line of said Section 11, thence N 00E30'00" E 200.00 feet, thence S 89E15'00" W 125.00 feet, thence N 00E30'00" E 447.75 feet, thence S 89E34'00" E 112.00 feet along the south right-of-way line of Barnard Road to the center line of a 40.00 foot wide easement for watermain and to the POINT OF BEGINNING, thence S 00E26'00" W 115.00 feet to the point of ending. Being a part of Section 11, T2S, R6E, City of Ann Arbor, Washtenaw County Michigan.

RESOLVED, That said easement be accepted by the City of Ann Arbor.

R-106-3-91 APPROVED

RESOLUTION ACCEPTING EASEMENT FOR PUBLIC UTILITIES FROM OLD WALNUT HEIGHTS ASSOCIATION

Whereas, Old Walnut Heights Association, a Michigan corporation is the owner of property described below; and

Whereas, The owner has delivered an easement for public utilities over property located in the City of Ann Arbor, Washtenaw County, Michigan and more fully described as follows:

A 40.00 foot wide Utility Right-of-Way in part of Lots 11 and 12 in Thompson, Spoor and Thompson Addition to the City of Ann Arbor as recorded in Liber 48 of Deeds, Page 83, Washtenaw County Records, and being 20.00 feet on either side of a centerline described as

COMMENCING at the SE corner of said Lot 12; thence N 00E00'16" W 20.01 feet along the west line of South Seventh Street to the POINT OF BEGINNING; thence S 88E03'00" W 68.09 feet; thence N 60E42'00" W 144.00 feet to the POINT OF ENDING,

and, being subject to a 20.00 foot wide Utility Right-of-Way in part of Lots 11 and 12 in Thompson, Spoor and Thompson Addition to the City of Ann Arbor as recorded in Liber 48 of Deeds, Page 83, Washtenaw County Records, and being 10.00 feet on either side of a centerline described as

COMMENCING at the SE corner of said Lot 12; thence N 00E00'16" W 20.01 feet along the west line of South Seventh Street; thence S 88E03'00" W 68.09 feet; thence N 60E42'00" W 117.59 feet to the POINT OF BEGINNING; thence S 88E03'00" W 115.48 feet to the POINT OF ENDING,

and being subject to easements and restrictions of record, if any.

RESOLVED, That said easement be accepted by the City of Ann Arbor.

R-107-3-91 APPROVED

RESOLUTION ACCEPTING EASEMENT FOR PUBLIC UTILITIES
FROM JOHN LEE OLDSMOBILE, INC.

Whereas, John Lee Oldsmobile, Inc., a Delaware Corporation, is the owner of property described below; and

Whereas, The owner has delivered an easement for public utilities over property located in the City of Ann Arbor, Washtenaw County, Michigan and more fully described as follows;

Commencing at the W 1/4 corner of fractional Section 2, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N 00E32'32" W 918.56 feet along the west line of said fractional Section 2 and the centerline of Platt Road; thence N 89E27'28" E 328.83 feet; thence N 00E32'32" W 875.19 feet; thence S 73E15'32" E 361.30 feet along the south line of Washtenaw Avenue for a POINT OF BEGINNING of the centerline of a 40.0 foot wide easement for the installation and maintenance of a 8" water main; thence S 16E44'28" W 59.25 feet along the centerline of said 40.0 foot wide easement; thence S 00E37'00" E 120.00 feet along the centerline of said 40.0 foot wide easement to the POINT OF ENDING of the centerline of the W 1/2 of the N.W. 1/4 of said fractional Section 2, T3S, R6E and being subject to easements or restrictions of record, if any;

RESOLVED, That said easement be accepted by the City of Ann Arbor.

R-108-3-91 APPROVED

RESOLUTION AUTHORIZING WATER MAIN IMPROVEMENT
CHARGE FOR 2081 NEWPORT ROAD

Whereas, The City has previously constructed a watermain described as follows:

16" water main in Newport Road, Job A-463W and A-483W,
\$7.2652/front foot, 210 feet = \$1,525.69; and

Whereas, This Council desires, pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, to levy against certain properties their fair share of the cost of said improvements, such fair share not having heretofore been paid nor contracted for;

RESOLVED,

1. That Council hereby levy an improvement charge against the following newly-annexed property which is specially benefitted by the above improvements:

Annexation Address: 2081 Newport Road
City Assessor Code: 09-18-401-001
Annexation No.: A87-5
Planning File No.: 9184E.1 & .2

Lot 5 and Lot 6, Jennings Newport Heights Subdivision,
Ann Arbor Township, Washtenaw County, Michigan. Now
situated in the City of Ann Arbor;

2. That the improvement charge so levied be in the amount of \$1,525.69 and be hereby designated as Utilities Improvement Charge No. 544;

3. That said improvement charge be divided into 15 equal installments, the first to be due on June 1, 1991 and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of said improvement charge to bear interest at the rate of 8% per annum commencing June 1, 1991;

4. That the City Clerk be directed and ordered to send a copy of this resolution and give notice by first class mail to the persons chargeable therewith of the amounts hereby determined, and promptly have this resolution recorded in the Office of the Register of Deeds of Washtenaw County, Michigan; and

5. That the improvement charge so levied be invoiced to Thomas C. and Jane M. Edwards, 2081 Newport Road, Ann Arbor, Michigan 48103, and be credited in the amount of \$1,525.69 to Fund 042-073-7151.

R-109-3-91 APPROVED

RESOLUTION AUTHORIZING WATER MAIN IMPROVEMENT
CHARGE FOR 2115 NEWPORT ROAD

Whereas, The City has previously constructed a watermain described as follows:

16" water main in Newport Road, Job A-463W and A-483W,
\$7.2652/front foot, 106.65 feet = \$774.84; and

Whereas, This Council desires, pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, to levy against certain properties their fair share of the cost of said improvements, such fair share not having heretofore been paid nor contracted for;

RESOLVED,

1. That Council hereby levy an improvement charge against the following newly-annexed property which is specially benefitted by the above improvements:

Annexation Address: 2115 Newport Road
City Assessor Code: 09-18-402-001
Annexation No.: A87-5
Planning File No.: 9184G.1 & .2

Lot 7, Jennings Newport Heights Subdivision, Ann Arbor Township, Washtenaw County, Michigan. Now situated in the City of Ann Arbor;

2. That the improvement charge so levied be in the amount of \$774.84 and be hereby designated as Utilities Improvement Charge No. 549;

3. That said improvement charge be divided into 15 equal installments, the first to be due on June 1, 1991 and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of said improvement charge to bear interest at the rate of 8% per annum commencing June 1, 1991;

4. That the City Clerk be directed and ordered to send a copy of this resolution and give notice by first class mail to the persons chargeable therewith of the amounts hereby determined, and promptly have this resolution recorded in the Office of the Register of Deeds of Washtenaw County, Michigan; and

5. That the improvement charge so levied be invoiced to Betty Mae Morrison, 2115 Newport Road, Ann Arbor, Michigan 48103, and be credited in the amount of \$774.84 to Fund 042-073-7151.

R-110-3-91 APPROVED

RESOLUTION AUTHORIZING WATER MAIN IMPROVEMENT
CHARGE FOR 2129 NEWPORT ROAD

Whereas, The City has previously constructed a watermain described as follows:

16" water main in Newport Road, Job A-463W and A-483W,
\$7.2652/front foot, 100 feet = \$726.52; and

Whereas, This Council desires, pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, to levy against certain properties their fair share of the cost of said improvements, such fair share not having heretofore been paid nor contracted for;

RESOLVED,

1. That Council hereby levy an improvement charge against the following newly-annexed property which is specially benefitted by the above improvements:

Annexation Address: 2129 Newport Road
City Assessor Code: 09-18-402-002
Annexation No.: A87-5
Planning File No.: 9184H.1 & .2

Lot 8, Jennings Newport Heights Subdivision, Ann Arbor Township, Washtenaw County, Michigan. Now situated in the City of Ann Arbor;

2. That the improvement charge so levied be in the amount of \$726.52 and be hereby designated as Utilities Improvement Charge No. 548;

3. That said improvement charge be divided into 15 equal installments, the first to be due on June 1, 1991 and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of said improvement charge to bear interest at the rate of 8% per annum commencing June 1, 1991;

4. That the City Clerk be directed and ordered to send a copy of this resolution and give notice by first class mail to the persons chargeable therewith of the amounts hereby determined, and promptly have this resolution recorded in the Office of the Register of Deeds of Washtenaw County, Michigan; and

5. That the improvement charge so levied be invoiced to Jeffrey Rosen, 2129 Newport Road, Ann Arbor, Michigan 48103, and be credited in the amount of \$726.52 to Fund 042-073-7151.

R-111-3-91 APPROVED

RESOLUTION AUTHORIZING WATER MAIN IMPROVEMENT
CHARGE FOR 2143 NEWPORT ROAD

Whereas, The City has previously constructed a watermain described as follows:

16" water main in Newport Road, Job A-463W and A-483W,
\$7.2652/front foot, 100 feet = \$726.52; and

Whereas, This Council desires, pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, to levy against certain properties their fair share of the cost of said improvements, such fair share not having heretofore been paid nor contracted for;

RESOLVED,

1. That Council hereby levy an improvement charge against the following newly-annexed property which is specially benefitted by the above improvements:

Annexation Address: 2143 Newport Road
City Assessor Code: 09-18-402-003
Annexation No.: A87-5
Planning File No.: 9184J.1 & .2

Lot 9, Jennings Newport Heights Subdivision, Ann Arbor
Township, Washtenaw County, Michigan. Now situated in the
City of Ann Arbor;

2. That the improvement charge so levied be in the amount of \$726.52 and be hereby designated as Utilities Improvement Charge No. 547;

3. That said improvement charge be divided into 15 equal installments, the first to be due on June 1, 1991 and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of said improvement charge to bear interest at the rate of 8% per annum commencing June 1, 1991;

4. That the City Clerk be directed and ordered to send a copy of this resolution and give notice by first class mail to the persons chargeable therewith of the amounts hereby determined, and promptly have this resolution recorded in the Office of the Register of Deeds of Washtenaw County, Michigan; and

5. That the improvement charge so levied be invoiced to Margot Kuhn, 2143 Newport Road, Ann Arbor, Michigan 48103, and be credited in the amount of \$726.52 to

Fund 042-073-7151.

R-112-3-91 APPROVED

RESOLUTION AUTHORIZING WATER MAIN IMPROVEMENT
CHARGE FOR 2153 NEWPORT ROAD

Whereas, The City has previously constructed a watermain described as follows:

16" water main in Newport Road, Job A-463W and A-483W,
\$7.2652/front foot, 101.66 feet = \$738.58; and

Whereas, This Council desires, pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, to levy against certain properties their fair share of the cost of said improvements, such fair share not having heretofore been paid nor contracted for;

RESOLVED,

1. That Council hereby levy an improvement charge against the following newly-annexed property which is specially benefitted by the above improvements:

Annexation Address: 2153 Newport Road
City Assessor Code: 09-18-402-004
Annexation No.: A87-5
Planning File No.: 9184K.1 & .2

Lot 10, Jennings Newport Heights Subdivision, Ann Arbor Township, Washtenaw County, Michigan. Now situated in the City of Ann Arbor;

2. That the improvement charge so levied be in the amount of \$738.58 and be hereby designated as Utilities Improvement Charge No. 546;

3. That said improvement charge be divided into 15 equal installments, the first to be due on June 1, 1991 and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of said improvement charge to bear interest at the rate of 8% per annum commencing June 1, 1991;

4. That the City Clerk be directed and ordered to send a copy of this resolution

and give notice by first class mail to the persons chargeable therewith of the amounts hereby determined, and promptly have this resolution recorded in the Office of the Register of Deeds of Washtenaw County, Michigan; and

5. That the improvement charge so levied be invoiced to William D. Middleton, 2153 Newport Road, Ann Arbor, Michigan 48103, and be credited in the amount of \$738.58 to Fund 042-073-7151.

R-113-3-91 APPROVED

RESOLUTION AUTHORIZING WATER MAIN IMPROVEMENT
CHARGE FOR 2165 NEWPORT ROAD

Whereas, The City has previously constructed a watermain described as follows:

16" water main in Newport Road, Job A-463W and A-483W,
\$7.2652/front foot, 220 feet = \$1,598.34; and

Whereas, This Council desires, pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, to levy against certain properties their fair share of the cost of said improvements, such fair share not having heretofore been paid nor contracted for;

RESOLVED,

1. That Council hereby levy an improvement charge against the following newly-annexed property which is specially benefitted by the above improvements:

Annexation Address: 2165 Newport Road
City Assessor Code: 09-18-402-005
Annexation No.: A87-5
Planning File No.: 918L12.1 & .2

Lot 11 and Lot 12, Jennings Newport Heights Subdivision,
Ann Arbor Township, Washtenaw County, Michigan. Now
situated in the City of Ann Arbor;

2. That the improvement charge so levied be in the amount of \$1,598.34 and be hereby designated as Utilities Improvement Charge No. 545;

3. That said improvement charge be divided into 15 equal installments, the first

to be due on June 1, 1991 and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of said improvement charge to bear interest at the rate of 8% per annum commencing June 1, 1991;

4. That the City Clerk be directed and ordered to send a copy of this resolution and give notice by first class mail to the persons chargeable therewith of the amounts hereby determined, and promptly have this resolution recorded in the Office of the Register of Deeds of Washtenaw County, Michigan; and

5. That the improvement charge so levied be invoiced to Alton L. and Judith O. Becker, 2165 Newport Road, Ann Arbor, Michigan 48103, and be credited in the amount of \$1,598.34 to Fund 042-073-7151.

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

The Chair declared a recess at 8:41 p.m.

The Chair again called the meeting to order at 8:48 p.m.

MOTIONS AND RESOLUTIONS

R-114-3-91 APPROVED

RESOLUTION TO APPROVE BUILDING AUTHORITY CONTRACT AND NOTICE - \$8,690,000.00

Whereas, There exists in and for the City of Ann Arbor (the "City"), an imperative need to acquire and construct a parking structure, and to improve an existing parking structure, as hereinafter in the Contract of Lease (the "Contract") 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 facilities for the use of the City; and

Whereas, Act 32, 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; and

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 "Authority"), with full powers to acquire and construct such facilities;

Whereas, This City Council determines it to be in the best interest of the City to acquire and finance said facilities 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 facilities 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 facilities 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 facilities 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 facilities;

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 are authorized to execute immediately and deliver to the Authority the Contract approved by this resolution. The Contract shall become effective upon the expiration of forty-five days (45) 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 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 City 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 be and is hereby authorized to file a request for expedited approval with the Michigan Municipal Finance Division and pay the related fee therefor; and

8. All resolution 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 acquire and construct a parking structure and improve an existing structure and WILL ISSUE ITS BONDS TO FINANCE THE ESTIMATED COST OF THE SAME FOR SAID CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$8,690,000. Said bonds will mature serially from 1995 to 2008, inclusive, and will bear interest not exceeding 10% 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 complete 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 45 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 SAID PERIOD. 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 in the Office of the City Clerk for public inspection.

Clerk, City of Ann Arbor

Councilmember Schleicher moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Hunter, Martin, Sheldon, Meade, Schleicher, Ouimet, Borda, Mayor Jernigan, 8;

Nays, Councilmembers Coleman, Brater, Peterson, 3.

The Chair declared the motion carried.

R-115-3-91 APPROVED

RESOLUTION TO APPROVE BUILDING AUTHORITY
CONTRACT AND NOTICE - \$2,900,000.00

Whereas, There exists in and for the City of Ann Arbor (the "City"), an imperative need to rehabilitate and improve existing parking structures as hereinafter in the Contract of Lease (the "Contract") 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 facilities for the use of the City; and

Whereas, Act 32, 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; and

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 "Authority"), with full powers to acquire and construct such facilities;

Whereas, This City Council determines it to be in the best interest of the City to acquire and finance said facilities 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 facilities 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 facilities 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 facilities 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 facilities;

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 are authorized to execute immediately and deliver to the Authority the Contract approved by this resolution. The Contract shall become effective upon the expiration of forty-five days (45) 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 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 City 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 be and is hereby authorized to file a request for expedited approval with the Michigan Municipal Finance Division and pay the related fee therefor; and

8. All resolution 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 REGARDING
PARKING STRUCTURE REHABILITATION 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 rehabilitate and improve existing structures and WILL ISSUE ITS BONDS TO FINANCE THE ESTIMATED COST OF THE SAME FOR SAID CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$2,900,000. Said bonds will mature serially from 1992 to 2006, inclusive, and will bear interest not exceeding 10% 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 complete 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 45 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

SAID PERIOD. 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 in the Office of the City Clerk for public inspection.

Clerk, City of Ann Arbor

Councilmember Sheldon moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

Councilmember Martin exited.

ORDINANCES - Second Reading

6-91 TABLED

FAMILY DEFINITION AND RESIDENTIAL OCCUPANCY

An Ordinance to Amend Sections 5.1 and 5:10.2 of Chapter 55 and to Add New Section 5.7 to Chapter 55 of Title V of the Code of the City of Ann Arbor

This ordinance would revise the zoning regulations on the number of people who can occupy residential buildings. The new regulations would limit the occupancy of dwelling units to specified numbers of unrelated persons, to families and persons living in a relationship which is the functional equivalent of a family.

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

Councilmember Brater moved that the ordinance be amended as follows:

PREAMBLE

WHEREAS, THE CITY WISHES TO PRESERVE RESIDENTIAL NEIGHBORHOODS AS STABLE, QUIET PLACES FOR CITIZENS TO LIVE AND RAISE CHILDREN;

WHEREAS, THE CITY WISHES TO INSURE THAT ADEQUATE

PUBLIC AND PRIVATE FACILITIES ARE AVAILABLE TO SERVE THE RESIDENTS OF EACH DWELLING UNIT;

WHEREAS, THE CITY RECOGNIZES THAT THERE ARE A NUMBER OF LEGITIMATE RESIDENTIAL LIVING ARRANGEMENTS OTHER THAN THE TRADITIONAL BIOLOGICAL FAMILY AND WISHES TO ACCOMMODATE THOSE ALTERNATE LIVING ARRANGEMENTS;

WHEREAS, THE CITY WISHES TO REASONABLY REGULATE THE DENSITY AND INTENSITY OF USE OF DWELLING UNITS;

WHEREAS, IN THIS CITY THE AVERAGE NUMBER OF OCCUPANTS PER HOUSEHOLD INCLUDING CHILDREN IS LESS THAN 2.5 PERSONS;

WHEREAS, THE AVERAGE NUMBER OF ADULTS PER HOUSEHOLD IS LESS THAN 2;

WHEREAS, 98% OF ALL HOUSEHOLDS HAVE LESS THAN 5 ADULTS PER DWELLING UNIT;

WHEREAS, 99.6% OF ALL HOUSEHOLDS HAVE LESS THAN 7 ADULTS PER DWELLING UNIT;...

5.7 Residential Occupancy

- (1) **INTENT. THIS SECTION IS INTENDED TO REASONABLY REGULATE THE NUMBER OF PERSONS WHO CAN LIVE IN A RESIDENTIAL DWELLING UNIT. THE CITY FINDS THAT OCCUPANCY LIMITS ARE NEEDED TO PROVIDE DENSITY CONTROL; PRESERVE AND ENHANCE RESIDENTIAL NEIGHBORHOODS AS STABLE, QUIET PLACES FOR CITIZENS TO LIVE AND RAISE CHILDREN; PROTECT SAFETY AND WELFARE; AND MAINTAIN PROPERTY VALUES. SUCH LIMITS ARE ALSO NEEDED TO INSURE THAT THERE ARE ADEQUATE PUBLIC AND PRIVATE FACILITIES INCLUDING ADEQUATE OFF-STREET PARKING, UTILITIES, AND ADEQUATE LOT SIZE TO ACCOMMODATE THE RESIDENTS OF EACH DWELLING UNIT WITHOUT IMPAIRING THE CHARACTER OF THE NEIGHBORHOOD. THE CITY ALSO FINDS THERE ARE A**

NUMBER OF RESIDENTIAL LIVING ARRANGEMENTS OTHER THAN THE TRADITIONAL BIOLOGICAL FAMILY ARRANGEMENT. THIS ORDINANCE IS INTENDED ALSO TO ACCOMMODATE THOSE ALTERNATIVE LIVING ARRANGEMENTS.

~~(1)~~ **(2)** A dwelling unit may not be occupied by more persons than one of the following family living arrangements:

- (a) One or more persons related by blood, marriage, or adoption, **OR GUARDIANSHIP**, ~~together with not more than 3 additional persons,~~ living as a single housekeeping unit, **IN ALL DISTRICTS.**
- (b) Four persons plus their offspring living as a single housekeeping unit in ~~R1, R2, R3 and R6~~ **ALL** districts.
- (c) Six persons ~~plus their offspring~~ living as a single housekeeping unit in ~~other~~ **R4** districts.
- (d) A functional family living as a single housekeeping unit which has received a special exception use permit pursuant to section 5:104.

~~(2)~~ **(3)** In this section offspring means descendants, including natural offspring, adopted children, foster children and legal wards.

~~(3)~~ **(4)** In this section functional family means a group of **NO MORE THAN 6** people **PLUS THEIR OFFSPRING** having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

~~(4)~~ **(5)** In addition to the standards of section 5:104, a permit for a functional family is subject to the following standards and regulations:

- (a) It must meet the definition of this section.

~~(b)~~ ~~The parcel must have a lot area of at least 1,200 square feet per~~

~~building occupant.~~

~~_____ (c) (b) ...~~

~~_____ (d) (c) ...~~

~~_____ (e) (d) ...~~

~~_____ (5) (6) ...~~

~~_____ (6) (7) ...~~

Councilmember Borda moved that the ordinance be tabled to the March 18, 1991 regular session of Council and that the amendments be sent to the Planning Commission for review.

On roll call the vote was as follows:

Yeas, Councilmembers Sheldon, Brater, Schleicher, Ouimet, Peterson, Borda, Mayor Jernigan, 7;

Nays, Councilmembers Hunter, Coleman, Meade, 3.

The Chair declared the motion carried and the ordinance tabled at second reading.

7-91 APPROVED AS AMENDED

EMERGENCY ESCAPE WINDOWS

An Ordinance to Amend Section 8:504 of Chapter 105
of Title VIII of the Code of the City of Ann Arbor

This ordinance would increase the maximum sill height requirement for emergency escape windows in existing rental residential properties.

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

Councilmember Sheldon moved that the Section 8:504(3)(c) be amended as follows:

(3)(c) ...The emergency escape window shall have a minimum clear

opening height of 20". The clear width may be reduced to a minimum of 14", provided the height is increased, so that there is a clear opening area of 500 square inches. The maximum sill height shall be 44" 54" above the floor....

On roll call the vote was as follows:

Yeas, Councilmembers Hunter, Coleman, Sheldon, Peterson, Borda, Mayor Jernigan, 6;

Nays, Councilmembers Meade, Schleicher, Ouimet, 3;

Absent during vote, Councilmember Brater, 1.

The Chair declared the motion carried.

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

Yeas, Councilmembers Hunter, Coleman, Sheldon, Ouimet, Borda, Mayor Jernigan, 6;

Nays, Councilmembers Meade, Schleicher, Peterson, 3.

Absent during vote, Councilmember Brater, 1.

The Chair declared the motion carried and the ordinance adopted at second reading.

ORDINANCES - First Reading

8-91 APPROVED

**JENNINGS NEWPORT HEIGHTS
SUBDIVISION PARCELS 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 8 parcels in Jennings Newport Heights Subdivision, 4.0 acres, located on Newport Road, from TWP (Township District) to R1A (Single-Family Dwelling District).

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

On a voice vote the Chair declared the motion carried and the ordinance approved at first reading.

9-91 APPROVED

GAYNOR 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 0.17 acre, located at 2509 James Street, from TWP (Township District) to R1C (Single-Family Dwelling District).

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

On a voice vote the Chair declared the motion carried and the ordinance approved at first reading.

10-91 APPROVED

GRAMBAU 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 0.25 acre, located at 2740 Valley Drive, from TWP (Township District) to R1C (Single-Family Dwelling District).

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

On a voice vote the Chair declared the motion carried and the ordinance approved at first reading.

11-91 APPROVED

PRICE 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 0.22 acre, located at 310 Glenwood Street, from TWP (Township District) to R1C (Single-Family Dwelling District).

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

On a voice vote the Chair declared the motion carried and the ordinance approved at first reading.

12-91 APPROVED

WIEDMANN 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 0.46 acre, located at 1870 Independence Blvd., from TWP (Township District) to R1C (Single-Family Dwelling District).

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

On a voice vote the Chair declared the motion carried and the ordinance approved at first reading.

13-91 APPROVED

SAFETY BELTS

An Ordinance to Amend Section 10:121(1) of Chapter 126 of Title X of the Code of the City of Ann Arbor

This ordinance would conform City Code to State law by requiring all children under the age of 16 to be restrained by either a seat belt or other proper restraint system if the child is under four years of age.

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

On a voice vote the Chair declared the motion carried and the ordinance approved at first reading.

14-91 APPROVED

KEYS LEFT IN IGNITION OF VEHICLES

An Ordinance to Amend Section 10:53 of Chapter 126 of Title X of the Code of the City of Ann Arbor

This ordinance would prohibit persons from leaving motor vehicles unattended without first stopping the engine, locking the ignition and removing the ignition key.

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

Councilmember Peterson moved that Section 10:53(3) be amended as follows:

- (3) No person shall leave a motor vehicle unattended on any ~~street, alley,~~ new car lot, used car lot **OR** lease company lot, ~~or unattended parking lot~~ without first stopping the engine, locking the ignition and removing the ignition key from the motor vehicle.

The amendment was withdrawn for further study.

The question being the ordinance as originally presented, on a voice vote the Chair declared the motion carried and the ordinance approved at first reading.

15-91 APPROVED

IMPOUNDMENT OF VEHICLES ON PRIVATE PROPERTY**An Ordinance to Amend Section 10:137 of Chapter 126
of Title X of the Code of the City of Ann Arbor**

This ordinance would eliminate the direct involvement of the City concerning impoundments of vehicles illegally parked on private property. The City would remain indirectly involved because impoundments could only be done by firms having contracts with the City. Also, the City would still require paperwork concerning each impoundment.

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

On a voice vote the Chair declared the motion carried and the ordinance approved at first reading.

Mayor Jernigan exited.

MOTIONS AND RESOLUTIONS

R-116-3-91 APPROVED

**RESOLUTION TO APPROVE U-HAUL
SERVICE CENTER SITE PLAN**

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed U-Haul Service Center Site Plan, 4.67 acres, 3655 South State Street.

Whereas, U-Haul Company of Detroit has requested site plan approval in order to construct five 2,500-square foot storage buildings, and rehabilitate the existing structure on the site; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of February 12, 1991, recommended approval of said request;

RESOLVED, That the U-Haul Site Plan be hereby approved.

Councilmember Peterson moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-117-3-91 APPROVED

RESOLUTION TO APPROVE RAYER LAND DIVISION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Rayer Land Division, 0.459 acre, southeast corner of Ironwood and Ravenwood.

Whereas, Thomas and Patricia Rayer have requested land division approval in order to divide the 20,000 square foot parcel at the southeast corner of Ironwood and Ravenwood into two separate parcels; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of March 28, 1989, recommended approval of said request;

RESOLVED, That the Rayer Land Division be hereby approved.

Councilmember Peterson moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

DEFEATED

RESOLUTION TO SET HEARING DATE ON
REVOCATION OF DOOLEY'S LIQUOR LICENSE

Whereas, The City Council finds that there is probable cause to consider a revocation of the liquor license issued to Dooley's, 310 Maynard Street, Ann Arbor, Michigan, based on information that the owner of the business has knowingly permitted unlawful activities on the premises;

RESOLVED, By the Ann Arbor City Council that a hearing be held before the City Council on _____ for receiving and considering evidence on whether the Dooley's license should be revoked. The City Administrator is directed to notify Dooley's of the particulars of the charges and of the licensee's rights at the hearing.

Councilmember Peterson moved that the resolution be adopted.

On a voice vote the Chair declared the motion defeated.

TABLED

RESOLUTION TO APPROVE ANN ARBOR HOUSING TRUST FUND

Whereas, The Housing Policy of the City of Ann Arbor, adopted in July, 1989, called for the establishment of a Trust Fund which could be used to finance elements of the Housing Policy;

Whereas, The Housing Policy Board has reviewed and recommended approval of the Ann Arbor Housing Trust Fund at its meeting of February 20, 1991; and

Whereas, The Housing Policy Board supports the request of the Community Development Department to include funding in the FY 1991-92 budget for the Housing Trust Fund;

RESOLVED, That the Mayor and City Council approve the Ann Arbor Housing Trust Fund substantially in the form on file in the Office of the City Clerk; and

RESOLVED, That the Mayor and City Council rename the existing Affordable Housing Fund within the Community Development Department budget to the "Ann Arbor Housing Trust Fund".

Councilmember Coleman moved that the resolution be adopted.

Councilmember Brater moved that the resolution be tabled for information on trust funds of other cities.

The motion died for lack of support.

Councilmember Peterson moved that Section VII of the "Ann Arbor Housing Trust Fund" be amended as follows:

VII TERMS AND CONDITIONS

...Whenever funds from the Housing Trust Fund are awarded for acquisition, construction or rehabilitation, the owner shall agree to an enforceable requirement relating to resale restrictions relating to keeping the unit

affordable to lower income occupants for the longest feasible time, with a minimum of ~~ten~~ **TWENTY** years....

Councilmember Hunter moved that the resolution be tabled for further information and for review by the Housing Policy Board.

On a voice vote the Chair declared the motion carried and the resolution tabled.

R-118-3-91 APPROVED

RESOLUTION AUTHORIZING CONTRACT WITH AMERICAN MANAGEMENT SYSTEMS, INC. FOR SOFTWARE MAINTENANCE SERVICES

RESOLVED, That the City Council direct the Mayor and City Clerk to enter into a contract with American Management Systems, Inc. for LGFS software maintenance support services in conformance with the terms and conditions of the original agreement executed in July, 1981.

Councilmember Hunter moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

TABLED

RESOLUTION TO APPROVE SUMMARY PUBLICATION OF ORDINANCE NO. 6-91 - FAMILY DEFINITION AND RESIDENTIAL OCCUPANCY

Whereas, Ordinance 6-91 may be published by summary because it is over 500 words long;

RESOLVED, That Ordinance 6-91 may be published by the following summary:

Ordinance 6-91 amends City Code Chapter 55, by revising the zoning regulations on the number of people who can occupy residential buildings. The new regulations limit the occupancy of dwelling units to specified numbers of unrelated persons, to families and persons living in a relationship which is the functional equivalent of a family.

A complete text of the ordinance is available at the Office of the City Clerk.

Councilmember Coleman moved that the resolution be adopted.

Councilmember Coleman moved that the resolution be tabled to the March 18, 1991 regular session of Council, to be considered with the Ordinance at second reading.

On a voice vote the Chair declared the motion carried and the resolution tabled.

R-119-3-91 APPROVED AS AMENDED

RESOLUTION TO ENCOURAGE CONSIDERATION OF ALTERNATIVE SITES FOR THE SENIOR ACTIVITY CENTER

A resolution to support the senior activity center in an alternate location was considered.

Councilmember Ouimet moved that the resolution be adopted.

Councilmember Sheldon moved that the fourth paragraph of the resolution be amended as follows:

RESOLVED, That the Ann Arbor City Council encourage the Ann Arbor Seniors Task Force to ~~accept~~ **CONSIDER** this **OR OTHER** alternate location**S** for the Senior Activity Center;

On a voice vote the Chair declared the motion carried.

Council unanimously agreed to further amend the fourth paragraph as follows:

RESOLVED, That the Ann Arbor City Council encourage the Ann Arbor Seniors Task Force to consider this or other alternate locations for the Senior Activity Center, **IN CONSULTATION WITH THE SCHOOL BOARD AND THE PARK ADVISORY COMMISSION.**

Councilmember Hunter moved that the third paragraph be deleted and the fourth paragraph be amended as follows:

~~Whereas, An alternate site has been located in the south side of Ann Arbor in an area bound by South Main Street, Eisenhower Parkway, and Ann Arbor Saline Road;~~

RESOLVED, That the Ann Arbor City Council encourage the Ann Arbor Seniors Task Force to consider ~~this or other alternate locations~~ **ALTERNATIVE SITES** for the Senior Activity Center, in consultation with the School Board and the Park Advisory Commission.

On a voice vote the Chair declared the motion carried.

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

The resolution as adopted reads as follows:

R-119-3-91

RESOLUTION TO ENCOURAGE CONSIDERATION OF ALTERNATIVE SITES FOR THE SENIOR ACTIVITY CENTER

Whereas, The Ann Arbor Seniors Task Force has indicated a strong need for a larger senior center and has tentatively selected a site on Greenview Road; and

Whereas, Building on this site would destroy a natural area with an abundance of wildlife that adds to the quality of this area of Ann Arbor and we need to maintain and preserve such open areas;

RESOLVED, That the Ann Arbor City Council encourage the Ann Arbor Seniors Task Force to consider alternative sites for the Senior Activity Center, in consultation with the School Board and the Park Advisory Commission; and

RESOLVED, That the Ann Arbor City Council encourage the Ann Arbor Board of Education to dedicate the Greenview site to the City as parkland to preserve it for future generations.

R-120-3-91 APPROVED

RESOLUTION TO SUPPORT WORLD CUP

Whereas, The United States will play host to the World Championship of Soccer in 1994 and soccer enthusiasts are attempting to solicit the University of Michigan to provide facilities for selected World Cup matches;

Whereas, World Cup is the world's most popular sporting event, the City of Ann Arbor and the University of Michigan could become the world's center for activities in summer of 1994;

Whereas, In addition to participation in soccer events, visitors would attend cultural events, provide increased volume for businesses and hotels to the tune of tens of thousands of participants, thus generating several million dollars to local economy; and

Whereas, The University of Michigan so far has shown very little interest in providing the Michigan Stadium for the World Cup;

RESOLVED, That the Ann Arbor City Council strongly endorse this City to be the host for the World Cup matches and challenge the University of Michigan to come forward and become active participants with the Michigan Stadium as a hosting facility and work closely with backers and supporters of the soccer matches, thus, putting the City of Ann Arbor and the University of Michigan on the world map as a center of activities during the 1994 World Cup.

Councilmember Hunter moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

COUNCILMEMBER MEADE

Councilmember Meade suggested that an executive session concerning the Katz property be held at the next Council meeting because of the potential litigation.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Jernigan placed the following recommendation for appointment on the table and requested that the nomination be considered for confirmation at this time:

BOARD OF REVIEW

Warren D. McLean (to replace Walter Frisbie)
1036 Olivia Ave.
Term: 3/4/91 to 1/31/94

Council agreed to consider the appointment and unanimously concurred with the recommendation of the Mayor.

Mayor Jernigan recommended the following appointments at the February 21, 1991 regular session of Council:

BOARD OF REVIEW

Garrett Evans (reappointment)
1644 Argyle Crescent
Term: 3/4/91 to 1/31/94

ECONOMIC DEVELOPMENT CORPORATION BOARD

George S. Milroy
1625 Morehead Dr.
Term: 3/4/91 to 9/30/96

HISTORIC DISTRICT COMMISSION

Mary M. Culver
1840 Brookfield Dr.
Term: 3/4/91 to 3/3/94

ANN ARBOR COMMISSION ON HANDICAPPER CONCERNS

George R. Fisher (to replace John Jackson)
2405 Elizabeth Ave.

Term: 3/4/91 to 1/6/93

Council unanimously concurred with the recommendations of the Mayor.

VOTING MACHINES

Mayor pro tem Schleicher expressed concern with the City's outdated voting machines and encouraged the State to act quickly to approve the optical scanning system.

Councilmember Hunter requested that the City Clerk provide information concerning punch card voting.

CITY NEWSLETTER

Mayor pro tem Schleicher congratulated the City Clerk and staff on the publication of the first City Hall newsletter, "For the People", to be distributed to the public quarterly.

POLICE OFFICER COMMENDED

Mr. Schleicher commended Officer Mark Brayton for excellent police work following an accident involving a teenager.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

DRAFT PROPOSAL FOR PRIVATIZATION BIDDING

Acting City Administrator Mason asked Councilmembers whether the Coopers and Lybrand draft RFP concerning bidding for privatization should be brought back to Council for formal adoption.

Council agreed that the proposal be scheduled for consideration at the next regular session.

REPORTS SUBMITTED

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

1. Solid Waste Department Program Report - March 1991
2. Purchasers of City's Environmental Bonds

3. Repair to Liberty Street Sidewalks
4. Community Reinvestment Act
5. 1991 Assessments
6. National Affordable Housing Act
7. Youth Community Relations Coordinator
8. Council Follow-Up Notes from Fire Chief
9. Council Follow-Up Notes from Acting Police Chief
10. Table for Applicants in Personnel/Human Rights Department
11. "Property Tax Cut Plans Compete for Attention"

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

COMMUNICATIONS FROM THE CITY ATTORNEY

REPORT ON COMPLETED ANNEXATIONS

City Attorney R. Bruce Laidlaw submitted reports on the following completed annexations:

1. Wiedmann property, 1870 Independence Blvd., from Pittsfield Township;
2. Gaynor property, 2509 James St., from Pittsfield Township;
3. Grambau property, 2740 Valley Dr., from Scio Township;
4. Price property, 310 Glenwood St., from Scio Township;
5. Steere Gardens (Chizek) property, southeast corner of Packard Rd. and Independence Blvd., from Pittsfield Township; and
6. 13 Lots in Westover Hills Subdivision from Scio Township.

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

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER BORDA

Councilmember Borda stated that he is investigating the possibility of reactivating the Parking Advisory Committee.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from George D. Goodman, Executive Director of the Michigan Municipal League, transmitting notice of Annual Regional Meeting on April 24, 1991 -File.

The following minutes were received for file:

1. Planning Commission - January 8 and 24, 1991
2. Sign Board of Appeals - December 11, 1990
3. Ann Arbor Transportation Authority - January 16, 1991
4. Employee/Management Committee - December 6, 1990

Council unanimously agreed to accept the Clerk's report as presented.

AUDIENCE PARTICIPATION - General

None.

ADJOURNMENT

There being no further business to come before Council, it was moved by Councilmember Ouimet that the meeting be adjourned.

On a voice vote the Chair declared the motion carried and the meeting adjourned at 12:01 a.m.

Council - March 4, 1991

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W. Northcross
Clerk of the Council

Janet L. Chapin
Recording Secretary