

REGULAR SESSION - FEBRUARY 23, 1994

The regular session of the Ann Arbor City Council was called to order at 7:36 p.m. by Mayor Ingrid B. Sheldon.

ROLL CALL OF COUNCIL

Present: Councilmembers Larry Hunter, Tobi Hanna-Davies, Peter Fink, Jane Lumm, Robert Grady, Ulrich Stoll, Peter Nicolas, Thais Anne Peterson, David Stead, Mayor Ingrid B. Sheldon, 10

Absent: Councilmember Julie Creal, 1

INTRODUCTIONS

None.

PUBLIC COMMENTARY - RESERVED TIME

DAVID NOEL - ANN ARBOR Y

David Noel, 410 W. Washington Street, posed several questions regarding the City's obligations to guarantee the loan to the Ann Arbor Y for low-income housing, questioned why the City did not use a Comprehensive Housing Affordability Strategy (CHAS) to house low-income individuals, and expressed the opinion that the Y obligation should be paid from the General Fund.

GAIL ALTENBURG - ANN ARBOR Y

Gail Altenburg, 2718 Hampshire, complimented City Attorney Schwartz' actions regarding the City's position with respect to the Ann Arbor Y loan guarantee for construction of additional rooms, and said that Ms. Schwartz will represent the City well in this matter.

KERMIT SCHLANSKER - CITY'S RESEARCH ORGANIZATION

Kermit Schlansker, 2960 Marshall, suggested the formation of a research organization to plan a strategy to offset the impact of vanishing resources on the future of humanity.

SAFIYAH KHALID - COMMUNITY POLICING

Safiyah Khalid, 676 Peninsula Ct., complained about slow progress on the part of the police to arrest a suspect that she feels is responsible for continued break-ins at her place of residence.

CHRIS GRANT - NATURAL RESOURCES

Chris Grant, 115 Depot Street, member of the Natural Features Ordinance Committee,

objected to the resolution concerning recommendations of the Natural Features Ordinance Committee, on the agenda this date. He said that no reasonable concept was developed on the Committee, that ordinances and regulations regarding the City's natural features are in place, and the Committee should be disbanded.

PETER POLLACK - HARRISON REZONING

Peter Pollack, 515 Detroit Street, objected to the proposed Harrison rezoning on the agenda this date for first reading. He said that while he does not object to the current use of the property, he would not like to see the zoning formalized because of its effect on the entire neighborhood.

LARRY FOX - ANN ARBOR Y

Larry Fox, 530 S. State St., asked that the City allow an independent investigation into the circumstances under which the Ann Arbor Y loan guarantee deal was struck.

DAVE DEVARTI - ANN ARBOR Y

Dave DeVarti, 921 Dewey, said that any solution to the problem of the Y loan guarantee should not be at the expense of vitally needed housing funds. The City should look at creative ways to raise the money, to consider paying down the principle, and to require strict administrative cost-cutting.

PUBLIC HEARINGS

None.

APPROVAL OF AGENDA

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

CONSENT AGENDA

Revised: Resolution to Approve Purchase of Microcomputer Equipment - Bid No. 2541 (~~\$79,482~~) (**\$79,352**)

MOTIONS AND RESOLUTIONS

Additional Info: Resolution to Approve the Arbors Development Agreement with First Centrum Corporation for Redevelopment of the Ann Arbor Inn Correct Name: Resolution Accepting Quit Claim Deeds for Road Right-of-Way from David and Kathleen M. Friedrichs

FRIEDRICHS and 2020 Pontiac Development Corporation (8 Votes Required)

Add - Revised: Resolution to Develop Land Lease For Bijan Air, Inc. (Mayor Sheldon)

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

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Add: Additional Information regarding the Ann Arbor YMCA

CLERK'S REPORT OF COMMUNICATIONS AND REFERRALS

Add: Park Advisory Commission - Resolution to Recommend Defeat of Amendments to City Code 1:171 - **See Ordinances - Second Reading - Ordinance No. 14-94**

On a voice vote, the Mayor declared the motion carried unanimously.

APPROVAL OF COUNCIL MINUTES

Councilmember Stead moved that the special and working sessions of January 27 and 31, 1994 be approved as presented.

On a voice vote, the Mayor declared the motion carried unanimously.

CONSENT AGENDA

The following Consent Agenda was considered:

R-46-2-94 APPROVED

RESOLUTION RECOGNIZING MICHIGAN ENGINEERS WEEK

Whereas, February 20-26, 1994 has been declared National Engineers Week by the President, and Michigan Engineers Week by the Governor;

Whereas, It is fitting to celebrate the many contributions of engineers to our health, safety, and welfare; and

Whereas, Our own engineers employed at the City of Ann Arbor Building, Public

Services, and Utilities Departments should be recognized for their many contributions to the City of Ann Arbor;

RESOLVED, That the Mayor and City Council do hereby proclaim the week of February 20-26, 1994 as MICHIGAN ENGINEERS WEEK.

R-47-2-94 APPROVED

RESOLUTION TO APPROVE PURCHASE
OF MICROCOMPUTER EQUIPMENT
BID NO. 2541 (\$79,352)

Whereas, The City of Ann Arbor operates a distributed computing system known as the Network Computing System (NCS);

Whereas, A key component of the NCS is the microcomputer workstation;

Whereas, Additional microcomputer workstations are needed to enhance the computing capacity of City Departments and meet the requirements of application projects;

Whereas, Bid Number 2541: Microcomputer Equipment was sent to all qualified vendors;

Whereas, Compucom Systems of Livonia, Michigan at \$11,580, EDS Technical Products of Troy, Michigan at \$6,518, and Entre' Computer Center of Farmington Hills, Michigan at \$61,254, were determined to be the lowest responsive bidders to Bid Number 2541;

Whereas, Compucom Systems received Human Rights approval on November 29, 1993, EDS Technical Products received Human Rights approval on December 9, 1993, and Entre' Computer Center received Human Rights approval on October 11, 1993;

Whereas, Funding for this acquisition is included in the FY 93-94 budgets of the Administrative Services, City Clerk, and Utilities Departments;

RESOLVED, That the recommendation of the City Administrator be approved and Bid Number 2541 be awarded and purchase orders issued to Compucom Systems in the amount of \$11,580, EDS Technical Products in the amount of \$6,518, and Entre' Computer Center in the amount of \$61,254; and

RESOLVED, That the budget for this purchase is approved until the microcomputer equipment is received, accepted, and paid for without regard to fiscal year.

REVISED
RESOLUTION NO. 2 - PREPARE ASSESSMENT ROLL FOR
MURRAY COURT WATER MAIN TO SERVE
811, 815 AND 819 MURRAY COURT
(\$60,700)
(Special Assessment Project)

Whereas, The City Council has directed and ordered the City Administrator to have prepared plans, specifications and estimates of cost for Murray Court Water Main described as follows:

Murray Court Water Main to serve 811, 815 and 819 Murray Court

File No. 93103

District No. 93103; and

Whereas, The City Administrator has had the same prepared and has filed the same with the City Clerk together with his recommendations as to what part of the cost thereof should be paid by special assessment and what part should be paid by the City at large, the number of installments in which the special assessments may be paid, and the lands which should be included in the special assessment district; and

Whereas, The same has been presented to the City Council and examined and reviewed by the Council:

RESOLVED,

1. That the plans, specifications, estimate of cost, and the recommendations of the City Administrator be filed with the City Clerk and be available for public examination;
2. That the plans, specifications, estimate of cost, and recommendations of the City Administrator for said improvements as filed with the City Clerk by the City Administrator and presented to the Council be approved;
3. That the City Council hereby determine to proceed with the acquisition and construction of the water main described as follows:

Approximately 325 L.F. of water main in Murray Court and cross lots, between South Seventh Street and Mulholland Avenue, to serve 811, 815 and 819 Murray Court, including water services.

4. That the City Council determine the cost of said improvement, including all incidentals, to be \$60,700, and that of said total cost, the sum of \$12,000, be paid by special assessment upon the property specially benefited within the City, and the balance of the cost thereof, \$48,700 be paid by the City at large;

5. That an amount of \$60,700 be appropriated from the Water System Bond fund;

6. That the following described lots and parcels of land be designated as constituting the special assessment district against which the cost of said improvement shall be assessed, or against which an improvement charge shall, pursuant to Section 1.278 of the City Code, be levied:

RESOLUTION NO. 2
MURRAY COURT WATER MAIN
Cost Distribution

<u>File No. 93103</u>	<u>District No. 93103</u>
Total Estimated Cost	\$55,000 + \$5,700 = \$60,700
City Share Non-Recoverable	\$48,700
Property Share Assessable	\$6,300 + \$5,700 = \$12,000
No. of Connections	3
Estimated Cost per Connection	\$2,100 \$4,000

MURRAY COURT WATER MAIN
DISTRICT NUMBER 93103, FILE NUMBER 93103

09-29-209-018	The East 32 feet of the south 88.75 feet of Lot 71 of Jewett's Addition to the City of Ann Arbor	Anderson, Brenda J. 811 Murray Court Ann Arbor, MI 48103	1 Connection	\$2,100	
09-29-209-019	The west 32.77 feet of the east 64.77 feet of the south 88.75 feet of Lot 71 of Jewett's Addition	Wilton, James V. 513 Oswego Ann Arbor, MI 48104	1 Connection	\$2,100	
09-29-209-020	The west 29.23 feet of the east 94.77 feet of the south 88.75 feet of Lot 71 of Jewett's Addition	Gage, John P. 819 Murray Court Ann Arbor, MI 48103	1 Connection	\$2,100	

7. That the City Assessor be hereby directed to prepare a special assessment

roll in accordance with the foregoing determinations of the City Council, and to file the same, together with his certificate attached thereto, with the City Clerk for presentation to the City Council.

R-49-2-94 APPROVED

RESOLUTION TO APPROVE PURCHASE
ORDER TO VALLEY TRUCK PARTS, INC.
BID NO. 2507 (\$25,000)

Whereas, The Fleet Services Division of the Public Services Department requires transmission repair for the City of Ann Arbor's trucks; and

Whereas, Valley Truck Parts, Incorporated, was the lowest responsible bidder, bid number 2507; and

Whereas, Valley Truck Parts, Inc., received Human Resources Department approval on October 6, 1993;

NOW, THEREFORE BE IT RESOLVED, That City Council approves the issuance of a purchase order to Valley Truck Parts, Inc., for \$25,000; and

BE IT FURTHER RESOLVED, That the City Administrator may extend this agreement one additional year, in accordance with bid no. 2507.

R-50-2-94 APPROVED

RESOLUTION TO AWARD 3/4 TON
PICK-UP TRUCK WITH SNOW PLOW
AND RELATED EQUIPMENT
HUD FUNDING: CIAP MI 28-064-912
CONTRACT NO. M91-9C (\$19,972.88)

Whereas, The Ann Arbor Housing Commission needs to replace one of their pick-up trucks;

Whereas, The Department of Housing and Urban Development, through the Comprehensive Improvement Assistance Program, has provided funds for this purchase based on their acceptance of the required documents;

Whereas, The Ann Arbor Housing Commission, through its staff and public notice, has solicited the submission of bids;

Whereas, Varsity Ford of Ann Arbor, MI has submitted the lowest responsible bid of \$19,972.88;

Whereas, Varsity Ford has received Human Rights Approval from the City of Ann Arbor on February 14, 1994; and

Whereas, The Ann Arbor Housing Commission Board of Commissioners has approved awarding the truck purchase to Varsity Ford;

RESOLVED, That the City Council approve the awarding of the truck purchase to Varsity Ford for up to \$19,972.88.

R-51-2-94 APPROVED

RESOLUTION TO APPROVE AGREEMENT
WITH MICHIGAN BELL TELEPHONE
COMPANY FOR THE FULLER ROAD
BRIDGE REPLACEMENT
PROJECT - PHASE II

Whereas, The 1993-1999 Capital Improvements Plan contains project T801, Fuller Road Bridge over the Huron River, which calls for the removal and replacement of the existing "northerly" bridge; and

Whereas, This project was approved by the Planning Commission at its regular session of January 20, 1994, and by the Council at regular session of February 7, 1994; and

Whereas, State of Michigan Critical Bridge Funds have been allocated for the Fuller Road Bridge Replacement Project, including a new two-lane structure for eastbound traffic, and the replacement of the existing "northerly" bridge with a new two-lane structure for westbound traffic;

Whereas, There are fiber optic telephone cables located in the existing "northerly" bridge which must be temporarily removed and replaced in order to facilitate the bridge construction and provide for the uninterrupted service to Michigan Bell Telephone customers;

Whereas, It has been determined to be beneficial for the City to administer and inspect the fiber optic cable relocation work as part of its bridge reconstruction; and

Whereas, Michigan Bell Telephone will pay for all construction and City costs associated with the cable relocation;

RESOLVED, That Council authorize an agreement with Michigan Bell Telephone Company for relocation and replacement of fiber optic telephone cables;

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

RESOLVED, That the City Administrator is authorized to take the necessary administrative actions to implement this resolution.

R-52-2-94 APPROVED

RESOLUTION TO ACCEPT BOARD OF
INSURANCE ADMINISTRATION MINUTES
OF FEBRUARY 3, 1994 AND TO
AUTHORIZE PAYMENTS

RESOLVED, That the Board of Insurance Administration Minutes of February 3, 1994 be accepted and that the payments therein be authorized.

R-53-2-94 APPROVED

RESOLUTION TO APPROVE CLASS C
LIQUOR LICENSE STOCK TRANSFER
AT 3411 WASHTENAW

RESOLVED, That the request from S & R, Inc. to transfer stock in 1993 Class C licensed business, located at 3411 Washtenaw, Ann Arbor, MI. 48104, Washtenaw County, by adding Michael J. Roddy and Bridget Sperrazza Roddy as new joint stockholders through transfer of 20,000 shares of stock from Joseph H. Sperrazza, be approved.

ORDINANCES - SECOND READING

14-94 DEFEATED

**TENURE OF OFFICE AND ELIGIBILITY
FOR BOARDS AND COMMISSIONS****AN ORDINANCE TO AMEND SECTION 1:171 OF CHAPTER 8 OF TITLE I OF THE
CODE OF THE CITY OF ANN ARBOR.**

This amendment would disallow any member of any board or commission from serving beyond term expiration unless approved by six members of the Council and would disallow any member of any board or commission from serving for six consecutive years until a 3-year time period has elapsed.

Councilmember Hunter moved that the ordinance be approved at second reading.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Grady, Stoll, Peterson, 5

Nays, Councilmembers Fink, Lumm, Nicolas, Stead, Mayor Sheldon, 5

The Mayor declared the motion defeated.

15-94 POSTPONED

REMOVE RESTRICTIONS ON POLITICAL SIGNS**AN ORDINANCE TO AMEND SECTIONS 5:506 AND 5:507 OF CHAPTER 61 OF TITLE
V OF THE CODE OF THE CITY OF ANN ARBOR.**

This amendment would remove the restrictions on political signs which formerly could not be placed more than 200 feet from an entrance to a polling place, and would eliminate the time limits on erecting and removing the signs.

Councilmember Grady moved that the ordinance be approved at second reading.

Councilmember Lumm moved to table the ordinance to allow for discussion of possible time limits on erecting and removing the signs, sign size restrictions and referral to the Sign Board of Appeals.

On a voice vote, the Mayor declared the motion carried and the ordinance postponed.

ORDINANCES - FIRST READING

1-94 POSTPONED

HARRISON REZONING

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 is the rezoning of 0.11 acre from R4C (Multiple-Family Dwelling District) to C2B (Business Service District), Harrison Property, 547 Detroit Street.

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

Councilmember Hunter moved that the ordinance be tabled indefinitely or pending a petitioner/neighborhood consensus.

On a voice vote, the Mayor declared the motion carried and the ordinance tabled.

29-94 APPROVED

LAND DIVISIONS

AN ORDINANCE TO AMEND CHAPTER 57 OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR.

This amendment would clarify the procedure for the division of platted lots.

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

On a voice vote, the Mayor declared the motion carried unanimously.

18-94 APPROVED

RANSOM (ARGONAUT REALTY) REZONING

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 is the rezoning of 0.41 acres from TWP (Township District) to R1C (Single-Family Dwelling District), Ransom (Argonaut Realty) property, 410 Rose Drive.

Councilmember Hanna-Davies moved that the ordinance be approved at first reading.

On a voice vote, the Mayor declared the motion carried.

19-94 APPROVED

BENNETT REZONING

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 is the rezoning of 0.47 acres from TWP (Township District) to R1C (Single-Family Dwelling District), Bennett Property, 1941 Upland Drive.

Councilmember Hanna-Davies moved that the ordinance be approved at first reading.

On a voice vote, the Chair declared the motion carried.

20-94 APPROVED

GEBHARDT REZONING

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 is the rezoning of 0.44 acres from TWP (Township District) to R1C (Single-Family Dwelling District), Gebhardt Property, 350 Barber Avenue.

Councilmember Hanna-Davies moved that the ordinance be approved at first reading.

On a voice vote, the Mayor declared the motion carried.

21-94 APPROVED

GRAMMATICO PROPERTY

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 is the rezoning of 0.19 acres from TWP (Township District) to R1C (Single-Family Dwelling District), Grammatico Property, Lot 73 of Scioto Hills Subdivision, Clarendon Drive.

Councilmember Hanna-Davies moved that the ordinance be approved at first reading.

On a voice vote, the Mayor declared the motion carried.

22-94 APPROVED

GREENE/SELL REZONING

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 is the rezoning of 0.33 acres from TWP (Township District) to R1C (Single-Family Dwelling District), Greene/Sell Property, 366 Pinewood.

Councilmember Hanna-Davies moved that the ordinance be approved at first reading.

On a voice vote, the Mayor declared the motion carried.

23-94 APPROVED

ISSEL REZONING

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 is the rezoning of 0.56 acres from TWP (Township District) to R1C (Single-Family Dwelling District), Issel Property, 415 Pinewood.

Councilmember Hanna-Davies moved that the ordinance be approved at first reading.

On a voice vote, the Mayor declared the motion carried.

24-94 APPROVED

MAJOR REZONING

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 is the rezoning of 0.18 acres from TWP (Township District) to R1C (Single-Family Dwelling District), Major Property, northwest corner of Joseph Street and Victoria Avenue.

Councilmember Hanna-Davies moved that the ordinance be approved at first reading.

On a voice vote, the Mayor declared the motion carried.

25-94 APPROVED

ROTH REZONING

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 is the rezoning of 0.22 acres from TWP (Township District) to R1C (Single-Family Dwelling District), Roth property, 342 Pinewood.

Councilmember Hanna-Davies moved that the ordinance be approved at first reading.

On a voice vote, the Mayor declared the motion carried.

26-94 APPROVED

TURNER REZONING

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 is the rezoning of 0.60 acres from TWP (Township District) to R1C (Single-Family Dwelling District), Turner Property, 2601 Dexter Avenue.

Councilmember Hanna-Davies moved that the ordinance be approved at first reading.

On a voice vote, the Mayor declared the motion carried.

27-94 APPROVED

WESLEY REZONING

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 is the rezoning of 0.89 acres from TWP (Township District), to R1C (Single-Family Dwelling District), Wesley property, 330 Barber Avenue.

Councilmember Hanna-Davies moved that the ordinance be approved at first reading.

On a voice vote, the Mayor declared the motion carried.

28-94 APPROVED

WHITMAN REZONING

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 is the rezoning of 0.19 acres from TWP (Township District) to R1C (Single-Family Dwelling District), Whitman Property, 415 Evergreen Drive.

Councilmember Hanna-Davies moved that the ordinance be approved at first reading.

On a voice vote, the Mayor declared the motion carried.

MOTIONS AND RESOLUTIONS

POSTPONED

**RESOLUTION TO APPROVE
SUPPLEMENTAL APPROPRIATION TO
THE ANN ARBOR YMCA AND SECOND AMENDMENT TO FY 93/94
GENERAL FUND AGREEMENT (\$24,942)**

Whereas, City Council approved a loan guaranty with the Ann Arbor YMCA in November, 1988 to assist a renovation/new construction project adding three new floors to the residence wing;

Whereas, the YMCA secured a \$1,640,000 loan from Great Lakes Bancorp for the project;

Whereas, A condition of the guaranty states that the Ann Arbor YMCA shall operate the project to generate sufficient net residential revenues to assure repayment when due of the loan;

Whereas, Another condition of the guaranty states that the City Administrator shall require the YMCA to review its residential operations if the project is not being managed in a manner which generates sufficient net residential revenues to assure repayment when due of the loan;

Whereas, The YMCA reported a deficit of \$100,800 for the residence in calendar year 1992 and has projected a deficit of \$53,493 for calendar year 1993, and no deficit for calendar year 1994 if the anticipated City support of \$116,500 is included; and

Whereas, The YMCA has expended all of its \$56,000 FY 1993-94 loan guaranty allocation as well as the \$24,942 supplemental appropriation approved on January 3, 1994 and is requesting \$24,942 to make February and March loan payments;

RESOLVED, That City Council approve a supplemental appropriation of \$24,942 to the Ann Arbor YMCA from the General Fund balance;

RESOLVED, That the YMCA shall continue to work on the special conditions approved on January 3, 1994 and provide the information required to the City Administrator in order that the funds be disbursed on a monthly basis demonstrating clear progress in meeting the above stated conditions;

RESOLVED, That the City Council approve the second amendment to the FY 1993-94 General Fund Agreement with the Ann Arbor YMCA in order to increase the budget

identified in the agreement by \$24,942 to a total of \$105,884; and

RESOLVED, That the City Council authorize the Mayor and City Clerk to execute the required documents substantially in the form in the office of the City Clerk.

SECOND AMENDMENT TO
CITY OF ANN ARBOR
FY 1993-94 GENERAL FUND AGREEMENT WITH
ANN ARBOR YMCA

The Agreement, dated the 23 day of September, 1993 by and between the City of Ann Arbor, a Michigan municipal corporation, and the Ann Arbor YMCA a Michigan non-profit corporation, is amended in the following manner:

Paragraph 2 - "Budget"

Increase the budget amount by an additional \$24,942 to a total of \$105,884.

Councilmember Hunter moved that the resolution be approved.

Councilmember Stead moved that the resolution be postponed to March 7, 1994.

On a voice vote, the Mayor declared the motion carried unanimously and the resolution was postponed.

POSTPONED

RESOLUTION REGARDING PARKING RATES FOR FIRST
CENTRUM CORPORATION, INC.

Whereas, The City and the D.D.A. entered into an agreement for management of parking structures on April 9, 1992 which stipulated in Section (8) of that agreement the process for setting rates; and

Whereas, Pursuant to Section (8), the D.D.A. has the responsibility for fixing parking rates for facilities with the City, such votes to take effect 60 days after filing, unless disapproved by Council;

RESOLVED, That the Council encourage D.D.A. to act under authority granted to it under the process specified in the agreement and respond to the proposal made by First Centrum relative to a preferred rate.

Councilmember Hunter moved that the resolution be approved.

Councilmember Hunter moved that the resolution be postponed to March 7, 1994.

On a voice vote, the Mayor declared the motion carried unanimously and the resolution was postponed.

DEFEATED

RESOLUTION REGARDING CITY ATTORNEY'S ANNUAL EVALUATION

Whereas, The City Attorney was to be evaluated by the City Council within one year of the date of her hiring pursuant to Section 5.1 of her employment contract;

Whereas, The City Attorney completed her second year of employment with the City of Ann Arbor as of February 14, 1994 and has not received a performance evaluation since beginning her employment with the City; and

Whereas, The evaluation process established for the City Administrator proved beneficial to both the Administrator and the City Council through its use of peer evaluations and Council evaluations;

RESOLVED, That the City Attorney be evaluated for performance using the process established for evaluating the City Administrator, i.e. evaluations by the City Council and evaluations completed by peers;

RESOLVED, That the evaluations completed by peers of the City Attorney remain confidential and used solely by the City Attorney for the purpose of professional development; and

RESOLVED, That this evaluation process be permanently established for annual performance evaluations of both the City Administrator and the City Attorney.

Councilmember Lumm moved that the resolution be approved.

On roll call the vote was as follows: Yeas, Councilmembers Fink, Lumm, Nicolas, Mayor Sheldon, 4

Nays, Councilmembers Hunter, Hanna-Davies, Grady, Stoll, Peterson, Stead, 6

The Mayor declared the motion defeated.

WITHDRAWN

The *Resolution Requesting City Council and Employees Pension Board to Retain a Mutually Agreed to Independent Actuarial Consultant and Related Purposes* was withdrawn from consideration this date by its sponsor Councilmember Stoll.

POSTPONED

RESOLUTION CONCERNING RECOMMENDATIONS OF THE NATURAL FEATURES ORDINANCE COMMITTEE

Whereas, The Natural Features Ordinance Committee, established by City Council resolution on July 15, 1991, is charged to review the proposed Natural Features Ordinance of May 17, 1989;

Whereas, Pursuant to Committee recommendations, City Council approved the Wetlands and Watercourses Preservation Ordinance (Chapter 60) on June 15, 1992; revisions to Land Development Regulations, by resolution on September 8, 1992; and amendments to the Subdivision and Land Use Control Ordinance (Chapter 57) and to the Soil Erosion and Sedimentation Control Ordinance (Chapter 63) on October 5, 1992;

Whereas, In July 1993, the Council charged the Natural Features Ordinance Committee to report in fall 1993 the status of its continued review and deliberations to date concerning the previously proposed Natural Features Ordinance and the just noted ordinances and resolution;

Whereas, The Natural Features Ordinance Committee did report to Council on November 1, 1993, and requested among other things, that Council reaffirm the Committee's charge of July 15, 1991, so the Committee can recommend to City Council further actions consistent with that charge and with the community's interest in preserving its heritage of natural features for future generations;

RESOLVED, That the objectives for which the Council charged the Natural Features Ordinance Committee on July 15, 1991, are hereby reaffirmed;

RESOLVED, That the Natural Features Ordinance Committee make specific recommendations to Council for revisions to existing ordinances, regulations, and guidelines which reconcile conflicting or unenforceable aspects of them; and

RESOLVED, Following said recommendations, and consistent with its report to Council in November 1993, that the Natural Features Ordinance Committee further deliberate, with appropriate members of City staff from Planning, Building, Engineering, and Parks (including the City Forester) participating in these deliberations as needed, to

assess the nature and feasibility of a natural features master plan, which may include such concepts as natural features districts, in order make recommendations to the City Council and to the Planning Commission for review in FY 1994-95.

Councilmember Stead moved that the revised resolution be approved.

Councilmember Fink moved that the resolution be postponed to the March 7, 1994, to allow time for the sponsors to provide clarifying statements on more specific items that they need regarding staff time from the Planning Department, estimate of cost from Planning to provide this service, and estimate of cost to develop a natural features master plan.

On roll call the vote was as follows: Yeas, Councilmembers Fink, Lumm, Nicolas, Mayor Sheldon, 4

Nays, Councilmembers Hunter, Hanna-Davies, Grady, Stoll, Peterson, Stead, 6

The Chair declared the motion defeated.

Councilmember Stead moved that the resolution be postponed to March 7, 1994 for the purpose of clarifying the direction given to the Planning Commission and other departments on what would be expected from staff, etc., but not for the purpose of determining costs related to this effort.

On roll call the vote was as follows: Yeas, councilmembers Hunter, Hanna-Davies, Fink, Lumm, Grady, Stoll, Nicolas, Peterson, Stead, Mayor Sheldon, 10

Nays, 0

The Chair declared the motion carried and the resolution postponed.

R-54-2-94 APPROVED

RESOLUTION TO APPROVE THE DEVELOPMENT AGREEMENT WITH FIRST CENTRUM CORPORATION FOR REDEVELOPMENT OF THE ANN ARBOR INN

WHEREAS, On April 19, 1993 City Council approved a resolution directing the City Administrator to draft a Request for Proposals (RFP) within 45 days for the reuse of the Ann Arbor Inn as a mixed use housing and commercial development; and

WHEREAS, On June 21, 1993, City Council approved the Request for Proposals (RFP) for the reuse of the Ann Arbor Inn as a mixed use housing and commercial development and authorized the City Administrator to publicize its availability; and

WHEREAS, On August 27, 1993, four proposals were submitted for the redevelopment of the building which were examined and analyzed by the Ann Arbor Inn Review Committee; and

WHEREAS, On November 15, 1993, the City Council selected First Centrum Corporation as the Developer with whom the Negotiating Team selected by council should conduct negotiations for the development of the property located at 100 South Fourth Avenue for a public purpose; and

WHEREAS, On January 3, 1994, City Council approved resolution R-11-1-94 regarding the Application to the State of Michigan for transfer of the Ann Arbor Inn for Public Purposes; and

WHEREAS, The Negotiating Team has now completed its negotiations with First Centrum Corporation;

NOW THEREFORE BE IT RESOLVED, that this Council finds that the provision of affordable housing for the elderly is a public purpose pursuant to MCL 211.461; and

BE IT FURTHER RESOLVED that City Council approve the Development Agreement between the City of Ann Arbor and First Centrum Corporation for the redevelopment of the property at 100 South Fourth Avenue for affordable housing for the elderly.

BE IT FURTHER RESOLVED, that the conveyance of the property is conditioned upon the final closing by First Centrum Corporation of its project financing.

BE IT FURTHER RESOLVED, that the conveyance of the property is approved without the completion of an appraisal report as recommended by the City Administrator because the project is determined to be a public purpose use relating to the urban renewal of the area.

BE IT FURTHER RESOLVED, that City Council authorize the Mayor and City Clerk to execute the development agreement in substantially the form on file in the office of the City Clerk, along with a quit claim deed and such other documents as may be necessary to complete the transfer.

BE IT FINALLY RESOLVED, that the City only take title to the Ann Arbor Inn from the State of Michigan upon final approval of the conveyance by the Department of Natural Resources and at a simultaneous closing with the transfer of title from the State of Michigan to the City of Ann Arbor and the City of Ann Arbor to First Centrum Corporation.

Councilmember Peterson moved that the revised resolution and agreement language be approved.

Councilmember Nicolas moved that the following language be deleted from the agreement:

~~Centrum further agrees that, should the City, during the term of this Agreement provide funding to the Development in any form (including but not limited to grants, concessions or direct subsidies), Centrum shall, for each annual amount of \$1,200 (or the then current annual differential between rents calculated at the sixty percent (60%) of area median income level and rents calculated at the fifty percent (50%) of area median level, determined in the same manner as above) make available one dwelling unit to be leased to a household with an income at or below fifty percent (50%) of area median income at a rental rate equivalent to thirty percent (30%) of the fifty percent (50%) of area median income adjusted for family size.~~

On roll call the vote was as follows: Yeas, Councilmembers Lumm, Nicolas, Nays, councilmembers Hunter, Hanna-Davies, Fink, Grady, Stoll, Peterson, Stead, Mayor Sheldon, 8

The Mayor declared the motion defeated.

The question under consideration is the resolution and agreement as revised.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Fink, Lumm, Grady, Stoll, Peterson, Stead, Mayor Sheldon, 9
Nays, Councilmember Nicolas, 1

The Mayor declared the motion carried.

R-55-2-94 APPROVED

RESOLUTION ACCEPTING QUIT CLAIM DEEDS FOR
ROAD RIGHT-OF-WAY FROM DAVID AND KATHLEEN M. FRIEDRICHS
AND 2020 PONTIAC DEVELOPMENT CORPORATION

Whereas, David and Kathleen M. Friedrichs, husband and wife, and 2020 Pontiac Development Corporation, a Delaware Corporation, are the owners of property described below; and

Whereas, The owners have delivered deeds conveying to the City property which is located in the City of Ann Arbor, Washtenaw County, Michigan and more fully described as follows:

Commencing at the S 1/4 corner of Section 16, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; N 00E 00' 30" W 336.98 feet (recorded as N 00E 00' 30" W 337.50 feet) along the N-S 1/4 line of said Section 16 and the east line of Starwick Heights Number Two, as recorded in Liber 11 of Plats, Page 50, Washtenaw County Records, Washtenaw County, Michigan; thence S 87E 20' 40" W 320.63 feet (recorded as S 87E 17' 00" W 320.51 feet) along the north line of said Starwick Heights Number Two; thence N 01E 53' 30" E 414.85 feet (recorded as N 01E 53' 30" E 414.89 feet); thence S 87E 20' 40" W 560.65 feet (recorded as S 87E 17' 00" W) for Place of Beginning; thence continuing S 87E 20' 40" W 50.16 feet (recorded as S 87E 17' 00" W); thence N 01E 53' 30" E 463.24 feet along the centerline of Pontiac Trail, the east line of Huron River Hills Subdivision, and the east line of Huron Highlands Subdivision, as recorded in Liber 6 of Plats, Page 47, and Liber 15 of Plats, Pages 34 and 35, respectively, of said Washtenaw County Records; thence N 88E 37' 10" E 50.08 feet; thence S 01E 53' 30" W 462.12 feet to the Place of Beginning, being a part of the SW 1/4 of said Section 16, and being subject to easements and restrictions of record, if any; and

RESOLVED, That said deeds are accepted by the City of Ann Arbor.

Councilmember Hunter moved that the resolution be approved.

On a voice vote, the Mayor declared the motion carried.

R-56-2-94 APPROVED

RESOLUTION TO APPROVE SUBORDINATION OF 3130 LASALLE

Whereas, The City of Ann Arbor, by and through its Housing Commission, operates a program designed to provide homeownership opportunities for fifty (50) low-income families;

Whereas, The program was designed to allow participants the opportunity to take title to the property they occupy either by purchase, or at such time as their reserve account is equal to their unamortized principal balance;

whereas, Claudia Johnson-Curry of 3130 LaSalle purchased through the program with Council approval date September 27, 1989;

Whereas, Ms. Johnson-Curry's current mortgage balance is \$11,500 with 10% interest;

Whereas, Ms. Johnson-Curry wishes to refinance her debt plus borrow, for a total of \$23,700 at 5.525% interest; and

Whereas, Great Lakes Bancorp requires the City of Ann Arbor to subordinate their interest in the property in favor of a Great Lakes Bancorp lien;

RESOLVED, That the City Council approves the subordination and authorize the Mayor and City Clerk to execute a subordination of Existing Mortgage Agreement.

Councilmember Hunter moved that the resolution be approved.

On a voice vote, the Mayor declared the motion carried.

R-57-2-94 APPROVED

RESOLUTION TO DEVELOP LAND LEASE FOR BIJAN AIR, INC.

Whereas, Bijan Air, Inc., a firm that services helicopters, trains helicopter pilots, and performs other contract flight activities is presently renting hangar space at the Ann Arbor Airport that is insufficient to meet the demands of its business;

Whereas, Bijan Air, Inc., desires to develop a cooperative arrangement with the University of Michigan Survival Flight to service and maintain their helicopters;

Whereas, The City of Ann Arbor values the life-saving efforts of this emergency service; and

Whereas, The Airport Advisory Committee supports this positive function at the Ann Arbor Airport;

RESOLVED, That the Administration be directed to develop a land lease with Bijan Air, Inc. for the purpose of private construction of a hangar facility to meet the needs of this business and those of the University of Michigan Survival Flight efforts within the current configuration of airport and its runway;; and

RESOLVED, That the Administration bring back the land lease for City Council approval that reflects real rental rates and contains escalator clause rental rate language to protect the future financial interests of the City.

Councilmember Lumm moved that the resolution be approved.

On a voice vote, the Mayor declared the motion carried.

R-58-2-94 APPROVED

RESOLUTION RECOGNIZING THE JUNIOR LEAGUE OF ANN ARBOR AS A NONPROFIT ORGANIZATION IN THE CITY OF ANN ARBOR

Whereas, The Junior League of Ann Arbor is a nonprofit organization;

Whereas, The United States Department of Treasury - Internal Revenue Service has recognized The Junior League of Ann Arbor as a nonprofit organization by granting it tax exempt status; and

Whereas, The Junior League of Ann Arbor needs the City to recognize it as a nonprofit organization in order to conduct fund raising activities with State approval;

RESOLVED, That the Mayor and City Council recognize The Junior League of Ann Arbor as a nonprofit organization in the City of Ann Arbor.

Councilmember Stead moved that the resolution be approved.

On a voice vote, the Mayor declared the motion carried.

REPORTS FROM COUNCIL COMMITTEES

Councilmember Grady said that he would be submitting a resolution to change the description of the Street Advisory Committee for consideration at the next meeting.

Councilmember stoll was informed by the City Attorney that the Airport hangar lease negotiations were satisfactorily completed and the City would be receiving an escrow check soon. Other lease payments that are in the arrears at the airport have not been pursued; Councilmember Stoll asked for a status report on the arrears.

Councilmember Hanna-Davies announced the Commission on Disabilities Issues annual gathering on March 25, at 12:30 p.m.

Councilmember Peterson noted that the City would be using a new voting system, the Optec Eagle III, would be used in the upcoming special election to be held on March 15, 1994.

COUNCIL PROPOSED BUSINESS

Resolution to the Change the Description of the Street Advisory Committee (Councilmember Grady)

Ordinance regarding Tenure of Office of Boards and Commissions (Councilmember Hunter)

Resolution Regarding the Ann Arbor Y (Councilmembers Hunter and Stead)

COMMUNICATIONS FROM THE MAYOR

Mayor Sheldon informed Council of proclamations recently issued by her office in the past week: Ann Arbor Community Development Corporation 10th Anniversary, Girl Scout Week, Ann Arbor Area Chamber of Commerce 75th Anniversary and the Dedication of the Holocaust Memorial.

APPOINTMENTS APPROVED

Mayor Sheldon asked for confirmation of the following appointments placed in nomination at the last Council meeting:

BUILDING BOARD OF APPEALS

Gary Elling (reappointment)
525 W. William St.
Term: 02/22/94 to 02/21/99

Jim Meneghini (reappointment)
1610 Jackson Ave.
Term: 02/22/94 to 02/21/99

Richard E. Fry (reappointment)
208 W. Huron Street
Term: 02/22/94 to 02/21/99

AIRPORT ADVISORY COMMITTEE

Sandra A. Hazlett (to fill vacancy)
3215 Charing Cross Road
Term: 02/22/94 to 02/21/97

BOARD OF EXAMINERS OF ELECTRICIANS AND ELECTRICAL CONTRACTORS

Robert Eix (replacing Ed Hanselman as Local Public Utility Representative)
Detroit Edison

425 S. Main Street
Term: 02/22/94 to 02/21/98

HISTORIC DISTRICT COMMISSION

Mary M. Culver (reappointment)
1840 Brookfield Dr.
Term: 03/07/94 to 03/06/97

Councilmember Stead moved that Council concur in the recommendation of the Mayor.

On roll call the vote was as follows: Yeas, Councilmembers Fink, Lumm, Grady, Stoll, Peterson, Stead, Mayor Sheldon, 7
Nays, Councilmembers Hunter, Hanna-Davies, 2
Absent for the vote: Councilmember Nicolas, 1

The Mayor declared the motion carried.

APPOINTMENTS PLACED IN NOMINATION

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

HUMAN RIGHTS COMMISSION

Harry Mial, Sr. (replacing Dorothy Kirkpatrick whose term has expired)
1200 Minglewood St.
Term: 03/07/94 to 10/31/96

ANN ARBOR COMMISSION ON DISABILITY ISSUES

Helen Meador (reappointment)
P.O. Box 7488
Term: 03/07/94 to 03/06/97

Samuel E. Romano (to fill vacancy)
401 Wildwood Ave.
Term: 03/07/94 to 03/06/97

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Alfred A. Gatta presented the following memorandums for the information of the Council:

- ⊘ Public Sidewalk Snow Removal/Low Temperatures
- ⊘ Monthly Statement of Revenues, Expenditures and Changes in the Fund

Balance, through January 31, 1994, for Series A/B/C of the Environmental Bond

- ∃ New Voting System
- ∃ Scio Township Water Contract for Affordable Housing
- ∃ Employees Retirement System Trustees Communication
- ∃ Second Quarter - Quarterly Report/Measures of Success
- ∃ Second Quarter - 1993-94 Financial Report
- ∃ Use of Collection Agencies for Parking Tickets
- ∃ Information Regarding the Ann Arbor YMCA (**Please See Motions and Resolutions - Item D-1**)
- ∃ City's Personnel Policy Regarding HIV/AIDS Update
- ∃ Additional Information regarding the Ann Arbor YMCA

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

It was noted, in response to an inquiry by Councilmember Hanna-Davies, that the new Councilmembers would be sworn in on April 11 and would attend their first meeting on April 18, 1994. Since there is no election on April 4, the regular meeting of the Council would be held on that day.

Councilmember Lumm commented on the concerns addressed to the Council caucus by Downtown Merchants' organizations regarding additional types of activities at the annual art fairs.

Mayor Sheldon noted that a general consensus of the Art Fair Committee is to continue in the norm for this year to allow time for changes initiated within the last few years to work.

Councilmember Peterson announced a Community Reinvestment Workshop to held on Tuesday, February 23, 1994, 7-9 p.m. at the Ann Arbor Community Center, sponsored by the Community Reinvestment Alliance.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were received:

- ∃ State of Michigan Notice of Hearing for the Customers of The Detroit Edison Company Case No. U-10514 - Detroit Edison Company recovery of Purchased Power Costs - **Referred to Administrative Services - Energy Office**
- ∃ Law Weathers & Richardson - Court of Appeals Decision in Class Action regarding MCL 600.9947(1) Statutory Interpretation - **Referred to City Administrator and City Attorney**
- ∃ Park Advisory Commission - Resolution to Recommend Defeat of Amendment to City Code 1:171 (See Ordinance - Second Reading - Ordinance No. 14-94) (B-1)

The following minutes were received and filed with the City Clerk:

- ∃ Board of Trustees, Employees' Retirement System - January 12, 1994
- ∃ Zoning Board of Appeals - December 15, 1993
- ∃ Ann Arbor Energy Commission - January 13, 1994
- ∃ Housing Board of Appeals - December 7, 1993
- ∃ Housing Board of Appeals - January 4, 1994
- ∃ Historic District Commission - January 13, 1994
- ∃ Human Rights - December 15, 1993

Councilmember Hunter moved that the Clerk's Report be approved.

On a voice vote, the Chair declared the motion carried unanimously.

PUBLIC COMMENTARY - GENERAL

None.

ADJOURNMENT

There being no further business, Councilmember Hunter moved that the meeting be adjourned.

On a voice vote, the Chair declared the motion carried and the meeting was adjourned at 11:26 p.m.

W. Northcross
Clerk of the Council

Linda J. Wise
Recording Secretary

WWN/lw