

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - FEBRUARY 3, 1997**

The regular session of the Ann Arbor City Council was called to order at 7:32 p.m. in the City Hall Council Chamber by Mayor Ingrid B. Sheldon.

Council stood for a moment of silence.

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

ROLL CALL OF COUNCIL

PRESENT : Councilmembers Tobi Hanna-Davies, Patricia Vereen-Dixon, Jane Lumm, David Kwan, Jean Carlberg, Heidi Cowing Herrell, Stephen C. Hartwell, Patrick A. Putman, Christopher Kolb, Elisabeth L. Daley, Mayor Ingrid B. Sheldon, 11.

ABSENT : 0.

INTRODUCTIONS

None.

PUBLIC COMMENTARY - RESERVED TIME

ANDY GULVEZAN - IN MEMORIAM

Mayor Sheldon remembered Andy Gulvezan, a regular public commentary speaker, who recently died in an automobile accident. The Mayor stated that although Mr. Gulvezan often used offensive and abusive language, she is proud of the many members of the public who respected his right of free speech. Mayor Sheldon declared a brief moment of silence.

SAFIYA KHALID - TRIBUTE TO ANDY GULVEZAN

Safiya Khalid, P.O. Box 130654, Ann Arbor, presented a tribute to Andy Gulvezan and reported that he was a role model to many people. Ms. Khalid stated that she respected Mr. Gulvezan for speaking his mind, whether Council liked it or not, and that she and other citizens will be taking his place at Council meetings to remind everyone of their dislikes with City Council.

AUDREY JACKSON - ANDY GULVEZAN / WOMEN OF COLOR EMPOWERMENT PROJECT / DIALOGUE RACISM

Audrey Jackson, 2557 Sandalwood Cir., praised Andy Gulvezan as a citizen because he knew the importance of participating and telling people what they needed to know, rather than what they wanted to hear. Ms. Jackson reported on two programs being offered in Ann Arbor: The Women of Color Empowerment Project, which will provide resources and support for women of color in the community; and Dialogue Racism, a training program for effective anti-racism and diversity training.

HASAN KHALID - EQUAL PROTECTION UNDER THE LAW

Hasan Khalid, P.O. Box 130654, Ann Arbor, related his experiences with the Ann Arbor police and objected to the harassment and mistreatment he received from the police. Mr. Khalid stated that the mistreatment was racially motivated and inappropriate to use on a child, and expressed concern that minority citizens, especially African American males, do not have equal protection under the law in Ann Arbor.

SHANTA DRIVER - TEACHERS CONTRACT AND POLICE IN THE SCHOOLS

Shanta Driver, 999 Whitmore, Detroit, congratulated the Ann Arbor public school teachers for rejecting their tentative agreement and expressed concern that this contract would have meant less education for elementary school students. Ms. Driver encouraged the formation of a student power union to combine the fight of students for quality education and keeping police out of the schools with the fight of teachers for a decent contract. She stated that resources should be used to improve education rather than provide police in the schools.

JUSTIN FITINS - TEACHERS CONTRACT AND POLICE IN THE SCHOOLS

Justin Fitins, Community High School student, congratulated Ann Arbor teachers for voting down their proposed contract, and objected to cutting funds for education while spending money for police in the schools. Mr. Fitins spoke in support of a more informal relationship between students and teachers to promote trust and avoid having police in the schools.

AARON STEGMEYER - POLICE IN THE SCHOOLS

Aaron Stegmeyer, 420 W. Huron St., high school student, objected to police harassment of youth in Ann Arbor and to police in the schools. He stated that schools are supposed to be learning environments, free from fear of intimidation by police, and that the funding for police should be used instead for more technology

in the schools. Mr. Stegmeyer spoke in support of a student power union to help students and teachers in their fights.

MELVIN LARSON - COMMUNITY REINVESTMENT

Melvin Larson, 3018 Bolgos Cir., spoke in support of the community reinvestment act which encourages banks to provide mortgages to low-income people, loans to small businesses, and financing for affordable housing. Mr. Larson stated that he is frustrated with efforts to establish community reinvestment in Ann Arbor.

PUBLIC HEARINGS

CITY-OWNED PARK PARCELS REZONING (ORDINANCE NO. 47-96)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of the following City-owned park parcels to PL (Public Land District): Hawkins property addition to Bandemer Park between North Main Street and Argo Pond, addition to east side of Belize Park at southeast corner of Fountain and Summit Streets, Argo Canoe Livery on west side of Long Shore Drive, Depot Park at southeast corner of North Main and Depot Streets, Kempf House on west side of Division Street south of Liberty Street, Postman=s Rest at southwest corner of Vinewood Boulevard and Wayne Street, Redwood Park at northeast corner of Redwood Avenue and Platt Road, Rose Park on Packard Road west of Hikone Road and South University Park at northeast corner of South University and Walnut Street. Notice of public hearing was published January 19, 1997.

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

LAKE VILLAGE OF ANN ARBOR PHASE 2 ZONING (ORDINANCE NO. 1-97)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 10.52 acres from TWP (Township District) to R4B (Multiple-Family Dwelling District), Lake Village of Ann Arbor Phase 2, east side of South Main Street between Ann Arbor-Saline Road and Eisenhower Parkway. Notice of public hearing was published January 19, 1997.

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

LAKE VILLAGE OF ANN ARBOR PHASE 2 AREA PLAN

A public hearing was conducted on the proposed Lake Village of Ann Arbor Phase 2 Area Plan, 10.52 acres, east side of South Main Street between Ann Arbor-Saline Road and Eisenhower Parkway. Notice of public hearing was published January 26, 1997.

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

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

Councilmember Kolb moved that the Resolution to Delay Towing Bids, sponsored by the Mayor, be added to the agenda.

On a voice vote the Mayor declared the motion carried.

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

CONSENT AGENDA

Revise: Resolution to Approve Amendment No. 1 to Consultant Services Contract with Administrative Controls Management, Inc. for Project Management Training - RFP No. 383 (\$78,913.00) (Administrator)

MOTIONS AND RESOLUTIONS

Delete: Resolution to Approve Sawall Annexation, 0.21 acre, south side of Carlyle Avenue between Gladstone Avenue and Kimberely Road (Planning Commission recommendation: Approval - 7 years, 0 nays) (*Deleted at request of petitioner; rescheduled for February 18, 1997*)

Revise: Resolution Redefining the Mayor=s Committee on Street Art Fairs (Mayor Sheldon)

Add: Resolution Regarding Creative Alternatives to Costly Parking Structure Replacement (Councilmembers Hanna-Davies and Herrell)

Add: Resolution to Delay Towing Bids (Mayor Sheldon)

On a voice vote the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF JANUARY 13 AND 21 APPROVED

Councilmember Kwan moved that the working session minutes of January 13, 1997 and the regular session minutes of January 21, 1997 be approved with the following correction to Page 2 of the January 21 minutes:

PUBLIC COMMENTARY - RESERVE TIME

SHANTA DRIVER - POLICE IN SCHOOLS (Speaker No. 6)

...She also condemned the University of Michigan for its alleged racist treatment of three dental school <students> WORKERS....

On a voice vote the Mayor declared the motion carried.

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-38-2-97 APPROVED

**RESOLUTION TO APPROVE ALLOCATION
TO AVALON HOUSING INC. REGARDING
115 AND 119 GLENDALE DRIVE**

Whereas, An application was received in December, 1996 from Avalon Housing Inc. for financial assistance to be used for the acquisition of property located at 115 and 119 Glendale Drive to be used as affordable housing for very low-income families;

Whereas, From the total estimated project cost of \$285,000.00, Avalon will be leveraging funds from Washtenaw County, the Federal Home Loan Bank (FHLB) through Great Lakes Bancorp, and the Michigan State Housing Development Authority (MSHDA).;

Whereas, The Housing Policy Board, at its meeting on December 18, 1996, recommended City Council approval of HOME funds for the project;

Whereas, Avalon agrees to resolve conditions relating to obtaining a contractor=s inspection and appraisal which support the asking price, seeking but not requiring the securing of the City funds in a first or shared first position, and working with the City on any relocation issues; and

Whereas, Human Rights approval was received for the contractor on April 3, 1996;

RESOLVED, That City Council approve the allocation of \$124,000.00 of HOME funds as a 0% interest deferred payment loan with no repayment of principal or interest until the sale of the property to Avalon Housing Inc. for the acquisition and

related costs of 115 and 119 Glendale Drive, with funds to be available until expended without regard to fiscal year; and

RESOLVED, That City Council direct the Community Development Department to negotiate the Housing Affordability Agreement with all funding providers for the project for subsequent Council review and approval.

R-39-2-97 APPROVED

**RESOLUTION TO APPROVE HOUSING
REHABILITATION AGREEMENT WITH
MARY PACE FOR 809 HILLCREST DRIVE**

Whereas, An application was received from Mary Pace for rehabilitation assistance for her home located at 809 Hillcrest Drive, Ann Arbor;

Whereas, The homeowner meets the City's criteria for participation in the Housing Rehabilitation Program;

Whereas, Two bids were received on January 23, 1997, and Ms. Pace will be executing an agreement with the lowest responsible bidder, who has Human Rights approval, to complete the rehabilitation work; and

Whereas, On Friday, January 10, 1997, the Waiver and Review Board approved the waiver of the \$26,420.00 maximum for rehabilitation assistance up to \$33,000.00 to complete the rehabilitation work at 809 Hillcrest Drive;

RESOLVED, That City Council approve the Housing Rehabilitation Agreement with Mary Pace in the amount of \$33,000.00 as a 0% interest deferred payment loan, which requires no payment until a change in ownership, and authorize the Mayor and City Clerk to execute the necessary documents substantially in the form on file in the office of the City Clerk.

R-40-2-97 APPROVED

**RESOLUTION TO APPROVE EXPENDITURE
OF FUNDS FOR CHRISTMAS IN APRIL, 1997**

Whereas, The Christmas In April program is designed to recruit volunteer support for a one-day blitz for the renovating, repairing, and/or painting of houses of lower-income, elderly, and or handicapped families;

Whereas, The City of Ann Arbor has been asked to contribute funds to the Christmas In April, 1997 effort for materials and the cost of building permit fees;

Whereas, Fifteen very low-income households are expected to receive volunteer materials and labor on April 26, 1997 for needed home repairs; and

Whereas, the Community Events budget is established for programs of this type and \$9,861.00 remains unallocated;

RESOLVED, That City Council authorize the allocation of \$2,300.00 from the Community Events Budget to Christmas in April to support its volunteer home repair efforts in Ann Arbor on April 26, 1997.

R-41-2-97 APPROVED**RESOLUTION TO APPROVE AMENDMENT NO. 1
TO CONSULTANT SERVICES CONTRACT WITH
ADMINISTRATIVE CONTROLS MANAGEMENT, INC. FOR
PROJECT MANAGEMENT TRAINING - RFP NO. 383**

Whereas, On June 3, 1996 Council awarded a consultant services contract with ACMI, per RFP No. 383, to provide project management training and services for \$62,608.00;

Whereas, As a result of the initial presentations and the interest of City staff to acquire and apply these project management techniques, the demand for this training exceeded the original projections;

Whereas, ACMI has submitted a proposal to provide the additional training required for \$16,305.00;

Whereas, On January 31, 1997, the Human Resources Department approved ACMI to perform this work for the City; and

Whereas, Sufficient funds exist in the City's Approved FY 1996/97 Operating Budget;

RESOLVED, That Council accept the proposal and approve the Amendment No. 1 to the contract with ACMI for \$16,305.00 to provide this additional project management training and services; and that the Mayor and City Clerk be authorized to sign this amendment which is substantially in a form on file with the City Clerk.

R-42-2-97 APPROVED**RESOLUTION TO APPROVE AMENDMENT NO. 1
TO PROFESSIONAL SERVICES CONTRACT WITH
MC NAMEE, PORTER AND SEELEY, INC. FOR
AIR EMISSIONS APPLICATION FOR SEWAGE
SLUDGE INCINERATOR**

Whereas, In April 1996, McNamee, Porter & Seeley, Inc. (MPS) was awarded a contract for \$17,300.00 to provide professional engineering services to assist the Wastewater Treatment Plant (WWTP) in applying for an air emissions permit under Title V of the Federal Clean Air Act for its sewage sludge incinerator operations;

Whereas, MPS submitted a proposal to provide the additional professional engineering services to assist the WWTP in responding to Michigan Department of

Environmental Quality questions regarding the permit application permit for \$10,407.00;

Whereas, Funds for this project are budgeted in the approved FY 1996/97 WWTP Operations and Maintenance budget; and

Whereas, On August 29, 1996, the Human Resources Department approved MPS to perform this work for the City;

RESOLVED, That Council approve Amendment No. 1 to the professional services contract with MPS in the amount of \$10,407.00 and a total contract amount of \$27,707.00 to assist in the application for an air emissions permit for the WWTP=s sewage sludge incinerator, and authorize the Mayor and City Clerk to sign the amendment approved as to form by the City Attorney; and

RESOLVED, That Council approve a total project budget of \$29,300.00 (\$27,707.00 for consultant services and a contingency in the amount of \$1,593.00 to finance change orders to be approved by the City Administrator) for the life of the project and to be available until expended without regard to fiscal year.

R-43-2-97 APPROVED

**RESOLUTION TO APPROVE SCIO TOWNSHIP
WATER METER VAULT PERMIT**

Whereas, Water is supplied by the City to Scio Township by contract and is required to be metered;

Whereas, As part of the reconstruction of Jackson Road, the meter vault was relocated within the City limits, adjacent to the intersection of Jackson and Wagner Roads; and

Whereas, A water meter vault permit is necessary for the City to give Scio Township permission to provide, locate and operate this metering structure within the City limits;

RESOLVED, That Council approve a water meter vault permit for Scio Township that is substantially in a form on file with the City Clerk.

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

47-96 APPROVED

CITY-OWNED PARK PARCELS 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 ordinance would change the zoning of the following City-owned park parcels to PL (Public Land District): Hawkins property addition to Bandemer Park between North Main Street and Argo Pond, addition to east side of Belize Park at southeast corner of Fountain and Summit Streets, Argo Canoe Livery on west side of Long Shore Drive, Depot Park at southeast corner of North Main and Depot Streets, Kempf House on west side of Division Street south of Liberty Street, Postman=s Rest at southwest corner of Vinewood Boulevard and Wayne Street, Redwood Park at northeast corner of Redwood Avenue and Platt Road, Rose Park on Packard Road west of Hikone Road and South University Park at northeast corner of South University and Walnut Street.

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

On a voice vote the Mayor declared the motion carried.

1-97 APPROVED

LAKE VILLAGE OF ANN ARBOR PHASE 2 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 10.52 acres, located on the east side of South Main Street between Ann Arbor-Saline Road and Eisenhower Parkway, from TWP (Township District) to R4B (Multiple-Family Dwelling District).

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

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

ORDINANCES - FIRST READING

None.

MOTIONS AND RESOLUTIONS

R-44-2-97 APPROVED

**RESOLUTION TO APPROVE LAKE VILLAGE
OF ANN ARBOR PHASE 2**

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Lake Village of Ann Arbor Phase 2 Area Plan, 10.52 acres, east side of south man Street between Ann Arbor-Saline Road and Eisenhower Parkway.

Whereas, HQZ Acquisitions, Inc. has requested area plan approval for 120 multiple-family dwelling units on the east side of South Main Street between Eisenhower Parkway and Ann Arbor-Saline Road; and

Whereas, The Ann Arbor City Planning Commission, on December 17, 1996, recommended approval of said request;

RESOLVED, That City Council approve the Lake Village of Ann Arbor Phase 2 Area Plan.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-45-2-97 APPROVED

**RESOLUTION TO APPROVE EXPENDITURE OF FUNDS
FOR THE 1997 NEW YEAR JUBILEE**

Whereas, The City of Ann Arbor supports efforts which promote alcohol and drug free activities in accordance with the City's Substance Abuse Policy;

Whereas, For the past five years, the New Year Jubilee has offered an alcohol and drug free environment in which Washtenaw County families can welcome the new year, and many Ann Arbor residents and performers participate each year;

Whereas, The non-profit New Year Jubilee is funded by public and private contributions, fundraisers, and revenues from the sale of admission badges; and

Whereas, For the past two years, the City of Ann Arbor has provided financial support for the Jubilee, and the New Year Jubilee Steering Committee has again requested funding from the City to help defray the cost of entertainers for the 1997 event;

RESOLVED, That the Mayor and City Council authorize the expenditure of \$1,500.00 from the Community Events Fund, made payable to the New Year Jubilee.

Councilmember Kwan moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-46-2-97 APPROVED

RESOLUTION REGARDING ANN ARBOR SUMMER ART FAIR

Whereas, In 1960 the seeds for the present-day Ann Arbor Art Fairs were planted by South University Avenue merchants who initiated an art fair to enhance their summer business while giving artists an opportunity to showcase their talents;

Whereas, In the 37 years since that time, the leadership of the three art fairs has forged a cooperative relationship between themselves and with local merchant organizations and the City of Ann Arbor, the result of which is one of the premiere events of its kind in the nation;

Whereas, The Ann Arbor Art Fairs have become a major draw for the region, bringing an international reputation to the city, economic benefits to the area and recognition to the artists who participate; and

Whereas, The Ann Arbor City Council respects the efforts of those who provided the foundation of the art fairs, and recognizes the vital role that both merchants and arts organizations play in the nurturing of this event;

RESOLVED, That it is the understanding of the Ann Arbor City Council that the Main Street Area Association (MSAA) and the Michigan Guild of Artists and Artisans (Guild) have tentatively agreed that for the 1997 Summer Art Fair, the Guild will apply for and, if granted, administer the permit from the City to close and occupy the vehicle use area of the streets in the Summer Art Fair area, except for Liberty Street between Main and Ashley; and MSAA will apply for and, if granted, administer the permit from the City to occupy the sidewalks in the Summer Art Fair area and to close and occupy the vehicle use area of Liberty Street between Main and Ashley. It is further understood that the Guild will operate the Summer Art Fair in conjunction with the MSAA, and that both organizations will agree to comply with all applicable ordinances, rules, and/or regulations;

RESOLVED, That the Council expresses its belief that this relationship between the MSAA and the Guild will prove beneficial for the merchants, the Guild, the artists, and the community at large; and

RESOLVED, That this resolution not be construed as a guarantee of City Council approval of these requests for street closings, sidewalk closings, or related services for the art fairs.

Councilmember Kwan moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-47-2-97 APPROVED AS AMENDED

**RESOLUTION REDEFINING THE MAYOR=S COMMITTEE
ON STREET ART FAIRS**

A resolution redefining the Mayor=s Committee on Street Art Fairs was considered.

Councilmember Kwan moved that the resolution be adopted.

Council unanimously agreed with the following amendment to the last sentence of the resolution:

RESOLVED, That...A representative of each of the three Art Fairs; a representative for each of the merchant organizations affiliated with the three Art Fairs, the City Council representativeS;...shall constitute the membership of the Steering Committee.

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

The resolution as adopted reads as follows:

R-47-2-97

**RESOLUTION REDEFINING THE MAYOR=S COMMITTEE
ON STREET ART FAIRS**

Whereas, Recognizing the need for an ongoing committee to coordinate the Ann Arbor Art Fairs, the Ann Arbor City Council established, via Resolution No. R-101-3-79, the Mayor=s Committee on Street Art Fairs, and charged this group with the coordination of the Fairs with the City and Washtenaw County, and with advising City Council on matters relating to the annual art fairs;

Whereas, In the ensuing years, it became evident that there were many other organizations whose participation, input and/or expertise were vital to the planning and implementation process for the Fairs, and consequently the group has grown to reflect that need; and

Whereas, With the Fairs= continuing growth and prosperity there is an increasing need for the City of Ann Arbor to consider certain long-term policies and strategies related to the Art Fairs;

RESOLVED, That the membership of the Mayor=s Committee on Street Art Fairs comprise a representative from each of the following:

Ann Arbor Street Art Fair
 South University Merchants Association
 State Street Area Art Fair
 State Street Area Association
 Michigan Guild of Artists and Artisans
 Main Street Area Association
 Washtenaw Non-Profits
 Ann Arbor Transportation Authority
 Ann Arbor Area Convention and Visitors
 Bureau
 Ann Arbor City Council (2 - 1 each caucus)

City and County Government Departments
 (4 votes total):
 Ann Arbor Police Dept.
 Ann Arbor Fire Dept.
 Ann Arbor Solid Waste Dept.
 Ann Arbor Transportation Dept.
 Ann Arbor Attorney=s Office
 Washtenaw Co. Health Dept.
 University of Michigan (2 votes total):
 Public Safety
 Michigan Union
 Plant Operations
 Parking Services

This group will continue to function as the working group for the planning and implementation of the Fairs, and it is understood that from time to time the Committee may call upon others to participate in their deliberations; and

RESOLVED, That an Art Fair Steering Committee be hereby established as an executive committee of the Mayor=s Committee on Street Art Fairs. The Steering Committee shall consider the long-term policies that affect the Fairs, and formulate recommendations for City Council consideration based on input from the working group and the community. A representative of each of the three Art Fairs; a representative of each of the merchant organizations affiliated with the three Art Fairs; the City Council representatives; the Building Department representative; and the City Administrator or his/her designee shall constitute the membership of the Steering Committee.

R-48-2-97 APPROVED

**RESOLUTION TO APPROVE PURCHASE OF 20.01 ACRES
 OF PARK LAND ON NORTH MAIN STREET FOR PARK USE
 WITH MICHIGAN DNR MATCHING GRANT FUNDS**

Whereas, The 20.01 acres of vacant land on North Main Street owned by the St. Thomas Catholic Cemetery is for sale and the Department of Parks and Recreation and Park Advisory Commission recommend that the site be acquired for public park use;

Whereas, The 1994 Park, Recreation and Open Space Plan and 1988 North Main Street/Huron River Corridor Plan recommended that the parcel be acquired for park use and the City entered into a matching grant agreement with the Michigan DNR for matching funds to assist with the purchase;

Whereas, The Michigan DNR approved a matching Natural Resources Trust Fund grant for up to \$726,000 of the purchase costs, as specified in the grant project agreement;

Whereas, The required Environmental Assessment of the property was completed with no findings and the owners have agreed to sell the property to the City for use as park land for \$1,100,000, consistent with the approved land appraisals; and

Whereas, There are sufficient funds in the Park Acquisition Millage (Fund 024) to match the total purchase price of \$1,100,000, plus \$1,500 estimated incidental closing costs, totaling \$1,101,500;

RESOLVED, That the Mayor and City Council approve a sales agreement for the purchase of the 20.01 acres of park land, owned by the St. Thomas Catholic Cemetery, for park use. The parcel of land is described as:

Commencing at the center of section 20, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan thence N 00° 59' 57" E (measured) N 01° 01' 00" E (recorded) 27.97 feet along the N-S 1/4 line of said Section 20 to the POINT OF BEGINNING, thence N 00° 59' 57" E (measured) N 01° 01' 00" E (recorded) 638.05 feet along the N-S 1/4 line of said section 20; thence S 88° 45' 30" E 881.03(measured) 881.81 (recorded) feet; thence S 01° 02' 30" W 146.52 feet; thence S 88° 45' 30" E 285.80 feet; thence S 10° 06' 30" W 518.30 feet along the center line of Main Street (66' wide); thence N 89° 11' 00" W 178.13 feet; thence S 00° 49' 00" W 363.18 feet; thence N 89° 11' 00" W 16.50 feet; thence S 00° 49' 00" W 297.00 feet; thence N 89° 11' 00" W 144.42 feet, thence N 04° 21' 04" W 273.57 feet; thence N 19° 16' 57" W 264.59 feet; thence N 66° 28' 28" W 253.92 feet; thence N 79° 10' 22" W 401.84 feet to a POINT OF BEGINNING Being a part of the E 1/2 of said Section 20, and containing 20.01 acres of land more or less. Being subject to the rights of the public over the east most 33.00 feet thereof as occupied by Main Street. Also being subject to other easements and restrictions of record, if any;

and

RESOLVED, That the Mayor and Clerk be authorized to sign the agreements substantially in the form on file with the City Clerk; that the expenditure of \$1,101,500 be authorized from the Park Acquisition Millage (fund 024) for the purchase and associated closing costs and fees for the life of the project; and that the Mayor, City Clerk and City Administrator be authorized to

execute all documents necessary to complete the transactions including any documents necessary to transfer 66% of the mineral rights to MiDNR, which is a condition for receiving matching grant funds for the purchase.

Councilmember Vereen-Dixon moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-49-2-97 APPROVED

**RESOLUTION TO ACCEPT THE REPORT AND
RECOMMENDATIONS OF THE SOLID WASTE
COMMISSION=S COMMITTEE OF THE WHOLE**

Whereas, In response to Resolution R-150-4-95, the Solid Waste Commission formed a Committee of the Whole to develop a Request for Proposal for Solid Waste Collection Services;

Whereas, Three proposals were received on November 20, 1996 from Browning-Ferris Industries, Waste Management Inc. and The City of Ann Arbor=s Solid Waste Department;

Whereas, The Committee of the Whole evaluated the proposals and found the Solid Waste Department submitted the highest quality proposal;

Whereas, After the proposal evaluations were complete, the Committee of the Whole opened the following price proposals: Solid Waste Department - \$1,816,849, Waste Management - \$2,041,822, Browning-Ferris Industries - \$2,515,878;

Whereas, The Committee of the Whole voted unanimously on December 12, 1996 to recommend the retention of the City=s Solid Waste Department for another five-year period; and

Whereas, The Solid Waste Commission voted 10-0, with one abstention, on January 27, 1997 to accept the Committee=s recommendation and to transmit it with their support to the Ann Arbor City Council;

RESOLVED, That the Ann Arbor City Council accept the report from the Solid Waste Commission=s Committee of the Whole and choose the Solid Waste Department to provide collection services for another five years beginning July 1, 1997;

RESOLVED, That the Ann Arbor City Council thank the following

individuals for their dedication to public service and contribution to the City of Ann Arbor: Vivienne Armentrout, Tim Brownell, Hugo Braun, Mike Garfield, Donald Gray, Fred Gruber, Chris Kolb, Jane Lumm, Erica Spiegel, Wendy Woods and Larry Zahn;

RESOLVED, That the Ann Arbor City Council thank the following employees who developed the Solid Waste Department's successful proposal: Ray Ayer, Carla Baumann, Alan Burns, Dan Cullen, Jo Littleton, Zeke Johnson, Ron Peatry, Tom McMurtrie, John Newman, Ron Ross, Dave Scott, Nancy Stone and Bryan Weinert; and

RESOLVED, That the Ann Arbor City Council thank the following Solid Waste collection drivers for their hard work and fine service to the community: Jeff Bliss, Michael Burke, William Cole, Lamond Coley, Mark Cozart, Bryant Micou, Gail Mulread, Ron Odem, Ronnie Perry, Dennis Rankin, Kurt Sells, Ramon Torres, Randy Williams and James Wilson.

Councilmember Lumm moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-50-2-97 APPROVED

RESOLUTION TO APPROVE CLEAN CITIES GRANT FROM U.S. DEPARTMENT OF ENERGY AND APPROPRIATE FUNDS

Whereas, The Clean Cities program is a locally-based government/industry partnership, coordinated by the United States Department of Energy (DOE) to expand the use of alternatives to gasoline and diesel fuels;

Whereas, The voluntary grass-roots approach of the Clean Cities program is a welcome departure from the traditional top-down federal program;

Whereas, The nation's transportation industry has an enormous impact on the national economy, our nation's energy security and our environment;

Whereas, In some cities the growth in the number of vehicles and vehicle miles driven are the single largest contributor to air pollution which can lead to sickness, disease and increased health care costs;

Whereas, Alternative fueled vehicles can benefit the economy in many ways such as developing new technologies and jobs, increasing crop production and creating new commercial opportunities; and

Whereas, The State of Michigan, which administers the DOE Clean Cities program, chose the City of Ann Arbor=s year one grant application for a \$10,000.00 award;

RESOLVED, That the City Council approve a contract with the State of Michigan in the amount of \$10,000.00, authorize the Mayor and City Clerk to sign the grant agreement, and authorize the appropriation of the grant funds for the life of the project.

Councilmember Herrell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-51-2-97 APPROVED

**RESOLUTION NO. 4 - CONFIRM SPECIAL ASSESSMENT
ROLL FOR JACKSON ROAD SIDEWALK PROJECT**

Whereas, The City Council, after due and legal notice, has met for the purpose of reviewing a special assessment roll prepared for the purpose of assessing the private property's share of the cost of constructing sidewalk described as follows:

Sidewalk on the north and south side of Jackson Road from Wagner Road to approximately 1,100 feet east of Wagner Road, District Number 29, File Number 94049;

Whereas, The City Council has heard all persons interested in the necessity of the improvement or aggrieved by the special assessment roll and has considered any and all objections thereto; and

Whereas, The City Council is satisfied with said special assessment roll;

RESOLVED,

1. That said special assessment roll, as prepared by the City Assessor, be hereby confirmed in the amount of \$11,186.00 and designated as Sidewalk Special Assessment District Number 29, File Number 94049;

2. That said special assessment roll be divided into fifteen (15) equal annual installments, the first of which shall be due on December 1, 1997, and the fourteen (14) subsequent installments to be due on June 1 of each and every year thereafter; and

3. That the deferred installments of said special assessment roll bear interest at the rate of 7% to be adjusted to 1% per annum above the average interest rate of any bonds issued to finance the improvements, commencing December 1, 1997; said interest to be collected annually on the due date of the second and subsequent installments of said special assessment roll.

**JACKSON ROAD SIDEWALK
DISTRICT NO. 29, FILE NO. 94049**

<u>Assessor Code</u>	<u>Property Owner</u>	<u>Property Share</u>
08-24-309-001	Varsity Ford c/o Louis S. Stanford 3480 Jackson Road Ann Arbor, MI 48106	\$ 8,789.00
08-25-221-002	Stanford Brothers Properties P.O. 2507 Ann Arbor, MI 48106	2,397.00
	TOTAL PROPERTY SHARE	\$ 11,186.00

Councilmember Lumm moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-52-2-97 APPROVED

**RESOLUTION NO. 4 - CONFIRM SPECIAL ASSESSMENT
ROLL FOR JACKSON ROAD CURB AND GUTTER PROJECT**

Whereas, The City Council, after due and legal notice, has met for the purpose of reviewing a special assessment roll prepared for the purpose of assessing the private property's share of the cost of constructing curb and gutter described as follows:

Curb and Gutter along Jackson Road from Wagner to approximately 1,100 feet east of Wagner Road, District Number 501, File Number 94049;

Whereas, The City Council has heard all persons interested in the necessity of the improvement or aggrieved by the special assessment roll and has considered any and all objections thereto; and

Whereas, The City Council is satisfied with said special assessment roll;

RESOLVED,

1. That said special assessment roll, as prepared by the City Assessor, be hereby confirmed in the amount of \$3,828.00 and designated as Curb and Gutter Special Assessment District Number 501, File Number 94049;

2. That said special assessment roll be divided into fifteen (15) equal annual installments, the first of which shall be due on December 1, 1997, and the fourteen (14) subsequent installments to be due on June 1 of each and every year thereafter; and

3. That the deferred installments of said special assessment roll bear interest at the rate of 7% to be adjusted to 1% per annum above the average interest rate of any bonds issued to finance the improvements, commencing December 1, 1997; said interest to be collected annually on the due date of the second and subsequent installments of said special assessment roll.

JACKSON ROAD CURB AND GUTTER
DISTRICT NO. 501, FILE NO. 94049

<u>Assessor Code</u>	<u>Property Owner</u>	<u>Property Share</u>
08-24-309-001	Varsity Ford c/o Louis S. Stanford 3480 Jackson Road Ann Arbor, MI 48106	\$ 1,584.00
08-25-221-002	Stanford Brothers Properties P.O. 2507 Ann Arbor, MI 48106	2,244.00
	TOTAL PROPERTY SHARE	\$ 3,828.00

Councilmember Lumm moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-53-2-97 APPROVED

RESOLUTION TO APPROVE SALE OF EXCESS
CITY PROPERTY TO CHARLES R. REINHART

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

Part of the Southwest 1/4 Section 23, commencing S 1/4 Corner of said Section; thence N 0° 54' W 1054.84 feet; thence S 88° 53' W 40 feet; thence S 83° 41' W 259.82 feet for the Place of Beginning; thence N0° 54' W 340.86 feet; thence along an arc of a circular curve to the East, right 3403.72 feet, chord SE 337.68 feet; thence N 81° 50' West 65.24 feet to the Place of Beginning. Subject to easements and restrictions of record, if any.

Note: The above description is in error. (Does not close)

Being more particularly described as:

Commencing at the S 1/4 corner of Section 23, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, thence N00° 54' 00" W 1058.44 feet along the N-S 1/4 line of said Section 23 and the centerline of Green Road; thence S83° 41' 00" W 300.00 feet to the POINT OF BEGINNING.

Thence N 81° 50' 00" W 65.30 feet; thence northeasterly 337.57 feet along the east line of Vintage Valley Subdivision as recorded in Liber 17 of Plats, Pages 55-56, Washtenaw County Records, in the arc of a circular curve to the right, radius 3404.72 feet, central angle 5° 40' 51", chord N 10° 53' 36" E 337.43 feet; thence northeasterly 91.03 feet along the east line of said Vintage Valley Subdivision in the arc of a circular curve to the right, radius 69.20 feet, central angle 75° 21' 59", chord N 51° 25' 01" E 84.60 feet; thence N 89° 06' 00" E 4.23 feet along the south right-of-way line of Vintage Valley Road; thence S 53° 06' 00" W 88.01 feet; thence S 00° 09' 00" E 340.62 feet to the POINT OF BEGINNING, being a part of the SW 1/4 of said Section 23 and containing 0.30 acres of land, more or less, being subject to easements and restrictions of record, if any;

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

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

Whereas, Bids were received on August 29, 1996 relating to such real estate, including the property described above;

Whereas, The Real Estate Committee recommends that the City accept the

bid submitted by Charles R. Reinhart in the amount of \$501.00 on the property described above; and

Whereas, The property described above is an unbuildable lot on which, as recommended by the Administrator, an appraisal is unnecessary because of its limited value except to the neighboring property owner, the difficulty in establishing a market value, and the cost involved;

RESOLVED, That City Council approve the sale of the property described above to Charles R. Reinhart upon the payment of the sum of \$501.00.00; and

RESOLVED, That City Council authorize the Mayor and City Clerk to execute the sales agreement substantially in the form on file in the Office of the City Clerk and the documents necessary to implement this agreement.

Councilmember Kwan moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-54-2-97 APPROVED

**RESOLUTION REGARDING CREATIVE ALTERNATIVES
TO COSTLY PARKING STRUCTURE REPLACEMENT**

Whereas, The Downtown Development Authority (DDA) has determined, through its consultant Carl Walker, Inc., that all of the City=s seven parking structures show significant deterioration and that three of the seven structures (First & Washington, Fourth & Washington, and Forest St.) are in such poor condition that they have reached a critical point;

Whereas, The DDA estimates that replacements for the three most deteriorated parking structures and major repairs for the other four structures will cost \$22,250,000;

Whereas, The DDA projects that these parking structure costs plus anticipated pedestrian improvements projects (without funds for downtown housing) will result in a \$7 million budget shortfall; and

Whereas, This crisis is also an opportunity for us to look at creative alternatives to costly parking structure replacement, or in the words of the DDA Coordinator, Ato take time to re-imagine a better way instead of redoing the past=;

RESOLVED, That City Council strongly support the DDA=s exploration of

alternatives such as working with the Ann Arbor Transportation Authority (AATA) to create a shuttle connecting downtown and central campus to existing outlots, and working with the University of Michigan (U-M) and other downtown employers to support shuttling their employees rather than subsidizing downtown parking;

RESOLVED, That City Council request that the DDA also work closely with stakeholders which have expertise in ecological alternatives and housing--the Ann Arbor Energy Commission, the Bicycle Coordinating Committee, the Washtenaw County Drain Commissioner=s office, the Huron River Watershed Council, the Ecology Center, the two Community Housing Development Organizations, and the Housing Policy Board;

RESOLVED, That City Council also strongly support the DDA=s plan to ensure community involvement in decision-making, and request that in addition to seeking citizen input on A such elements as possible parking rate increases, special assessments, repair options, and replacement facility location alternatives,≅ the DDA also seek citizen input on the most ecological and least costly alternatives for providing the transportation needed to maintain and enhance the vitality of our downtown, such as:

- clean energy sources such as soy fuel and solar energy, which might attract grant funding, for shuttle buses and/or for small Agad-about=s (see below);
- small Agad-about≅ vehicles that fit two to a parking space, both for private ownership (perhaps encouraged through free parking for the first year) and for rental or communal ownership (perhaps accessed with a credit card for ignition), and perhaps purchased in conjunction with other cities to achieve economy of scale;
- encouraging additional basement parking in downtown buildings, such as in the new Vlasic building and in the conversion of the City Center Building basement;
- encouraging conversion of excess downtown office space to housing, and finding other ways of increasing downtown housing, so that more people can get to their downtown destinations without driving;
- other ideas which might receive grant funding because they are innovative, or which might help create a market for more ecological vehicles and be a model for the rest of the nation;

RESOLVED, That the City Council encourage the DDA to incorporate the best alternatives into a pilot project to be tested while the first parking structures

in the Main and Liberty area are closed for repairs or replacement, in hopes that after people have changed their parking habits out of necessity, they will continue to use the newly developed alternatives because they are attractive financially, ecologically and/or convenience-wise, and that we may not need to spend the money to replace or repair one or more of the parking structures; and

RESOLVED, That the City Council request the City Administrator to investigate ways in which the City, as a major downtown employer, can take leadership in supporting shuttles, carpools and other alternatives for City employees, to help reduce the need for expensive replacement and repair of our parking structures.

Councilmember Hanna-Davies moved that the resolution be adopted.

Susan Pollay, Downtown Development Authority Coordinator, responded to questions from Council.

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

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

Nays, Councilmembers Lumm, Kwan, 2.

The Mayor declared the motion carried.

R-55-2-97 APPROVED AS AMENDED

RESOLUTION TO DELAY TOWING BIDS

A resolution to delay the towing bids was considered.

Councilmember Kwan moved that the resolution be adopted.

Council unanimously agreed that the resolution be amended as follows:

Whereas, Bids are due Wednesday, February 5, 1997, on RFP No. 407, Towing & Storage of Impounded Vehicles;

~~<Whereas, The Mayor and Council would like to have bidders pre-qualified;>~~

RESOLVED, That the City Administrator be requested to rescind

RFP No. 407<, to pre-qualify the firms which may bid on towing and storage of impounded vehicles contracts> and to then issue a replacement RFP.

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

The resolution as adopted reads as follows:

R-55-2-97

RESOLUTION TO DELAY TOWING BIDS

Whereas, Bids are due Wednesday, February 5, 1997, on RFP No. 407, Towing & Storage of Impounded Vehicles;

RESOLVED, That the City Administrator be requested to rescind RFP No. 407 and then issue a replacement RFP.

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

COUNCILMEMBER KWAN

Councilmember Kwan asked whether the graffiti could be removed from Geddes at Huron Parkway (heading southbound), the Handicraft building, Thano=s Lamplighter/ Border=s alleyway, and many news boxes.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED / RETIREMENT BOARD APPOINTMENT POSTPONED

Mayor Sheldon recommended the following appointments at the January 21, 1997 regular session of Council:

EMPLOYEES RETIREMENT SYSTEM BOARD

Larry Hahn (reappointment)
1524 Brookfield Dr. 48103

Term: 1/20/97 to 12/31/2000

CABLE COMMUNICATIONS COMMISSION

Kenneth T. Latta (reappointment)
P.O. Box 7258 48107
Term: 2/3/97 to 2/2/02

AIRPORT ADVISORY COMMITTEE

Sandra A. Hazlett (reappointment)
3215 Charing Cross Rd. 48108
Term: 2/22/97 to 2/21/2000
(Appointment date: 2/3/97)

HOUSING POLICY BOARD

Robert Gillett (reappointment)
Legal Services of Southeastern Michigan
420 N. Fourth Ave. 48104
Term: 2/6/97 to 2/5/2000
(Appointment date: 2/3/97)

Kate Warner (reappointment)
1804 Linwood Ave. 48103
Term: 2/6/97 to 2/5/2000
(Appointment date: 2/3/97)

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

Councilmember Carlberg moved that the Employees Retirement System Board appointment be postponed to the February 18, 1997 regular session of Council to determine who will be considered for the second appointment on the board.

On a voice vote the Mayor declared the motion carried, with Mayor Sheldon dissenting.

The question being the Mayor=s recommendations for appointment (with the exception of Larry Hahn, Employees Retirement System Board), on a voice vote the Mayor declared the motion carried.

On a voice vote the Mayor declared the motion carried.

COUNCIL COMMITTEE ASSIGNMENT

Mayor Sheldon announced the following Council committee assignment:

MAYOR'S TASK FORCE ON INCREASING SAFETY FOR WOMEN

Patricia Vereen-Dixon, Councilmember

Term: 2/18/97 to 11/97

(Appointment date: 2/3/97)

ANNOUNCEMENTS

Mayor Sheldon made the following announcements:

- City Council working session, February 10, 7:00 p.m., regarding the income tax study and long-range financial planning;
- Hospitalized Veterans Week, February 10-14 - citizens are encouraged to visit with hospitalized veterans at the VA medical center;
- City Hall closed February 17 in observance of Presidents Day - the next regular session of City Council will be February 18, trash collection days will not change;
- Recently signed proclamation: Michigan State Association Auxiliary Improved Benevolent Protective Order Elks of the World Founder's Day Celebration, February 8, 1997; and
- Arborough Games meeting, February 20, 7:30 p.m., Pioneer High School - community volunteers/support needed for the program to continue.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

INCOME TAX STUDY

City Administrator Neal Berlin announced that AThe Revenue Impacts of a City Income Tax for Ann Arbor,≡ prepared by the University of Michigan School of Public Policy, was distributed to Councilmembers and will be available to the public at the City Clerk=s Office for a nominal fee.

REPORTS SUBMITTED

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

1. Department of Housing and Urban Development (HUD) Fair Market Rents and Income Limits
2. 2nd Quarter - Quarterly Report/Measures of Success
3. 1995-1996 Annual Report

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

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

MAYOR SHELDON

Mayor Sheldon requested that each Councilmember submit a calender of available dates in order to determine a mutual date for a Council retreat.

COUNCILMEMBER HANNA-DAVIES

Councilmember Hanna-Davies invited everyone to attend AGringos in Wonderland,≡ a program featuring a videotape on Ann Arbor=s first delegation to its sister city of Juigalpa, Nicaragua. The event is scheduled for February 9, 7:00 p.m. (6:00 p.m. for dinner), at the First Baptist Church.

COUNCILMEMBER CARLBERG

Councilmember Carlberg reported that PepsiCo has pulled its operations out of

Burma and has attributed this decision to the efforts of local communities which have passed regulations against doing business with companies supporting the dictatorship in Burma.

COUNCILMEMBER VEREEN-DIXON

Councilmember Vereen-Dixon reported on the Tia Nedd Organ Donor Foundation, which encourages African Americans to donate organs. She stated that the foundation is involved in an awareness program, and encouraged community support and participation. (Foundation information on file in the City Clerk's Office)

Councilmember Vereen-Dixon announced that a program providing information on marijuana will be held on February 20 at Huron High School. Ms. Vereen-Dixon stated that she will be sponsoring a resolution regarding substance abuse awareness at the February 18 regular session of Council.

Ms. Vereen-Dixon remember Andy Gulvezan and expressed appreciation for his citizen participation and for teaching others to respect the right of free speech.

COUNCILMEMBER LUMM

Councilmember Lumm extended condolences to Andy Gulvezan's family and friends.

Ms. Lumm acknowledged Operation ChekPOINT and H.O.S.T.S. as two successful programs that help children in the schools.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following minutes were received for file:

1. Housing Board of Appeals - December 3, 1996
2. Planning Commission - December 3 and 17, 1996
3. Ann Arbor Transportation Authority - December 18, 1996
4. Housing Policy Board - January 22, 1997
5. Building Board of Appeals - October 15 and December 17, 1996
6. Zoning Board of Appeals - November 20 and December 18, 1996

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

On a voice vote the Mayor declared the motion carried.

PUBLIC COMMENTARY - GENERAL

None.

ADJOURNMENT

There being no further business to come before Council, the Mayor declared the meeting adjourned at 10:03 p.m.

**W. Northcross
Clerk of the Council**

**Janet L. Chapin
Recording Secretary**