

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - MAY 5, 1997**

The regular session of the Ann Arbor City Council was called to order at 7:40 p.m. in the City Hall Council Chamber by Mayor Pro Tem Christopher Kolb.

Council stood for a moment of silence.

Mayor Pro Tem Kolb 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 (entered at 8:55 p.m.), 11.

ABSENT : 0.

INTRODUCTIONS

AATA AND FIRE DEPARTMENT PARTNERSHIP

Mayor Pro Tem Kolb read a proclamation from the Mayor recognizing the partnership between the Ann Arbor Transportation Authority and the City Fire Department. AATA's donation of vehicles to the Fire Department saved significant funds. The proclamation was presented to AATA Executive Director Gregory Cook and Fire Chief George Markus. (Proclamation on file in the City Clerk's Office)

BUY RECYCLED AWARDS

Mayor Pro Tem Kolb presented Buy Recycled Awards to the following City department heads and employees who were awarded grant money to purchase recycled office furniture/products: Parks and Recreation Superintendent Ronald Olson, City Clerk Winifred Northcross, Water Utilities Director Frank Porta, Employee Recognition Award Coordinator Carla Baumann, and Community Development Director Eileen Ryan.

EARTH DAY CELEBRATION SPONSORSHIP AWARD

Parks and Recreation Superintendent Ronald Olson and Marketing Specialist Irene

Bushaw presented an award to Donn Wolf and Rose Lucas, of the Detroit Edison Company and the Detroit Edison Foundation, for their sponsorship of the 1997 Earth Day Festival held at the Leslie Science Center on April 20. The donation allowed the event to be offered free of charge to the public.

MICHIGAN RECREATION AND PARKS ASSOCIATION AWARD

Scot Graden, on behalf of the Michigan Recreation and Parks Association, presented the association's annual community service award to the Bryant Community Center for promoting use of recreational facilities and involvement in the community to provide positive recreational activities for youth. Carol Hollis, Director of the Bryant Community Center, and members of the Bryant Hoopers team were present to receive the award.

PUBLIC SERVICE RECOGNITION WEEK PROCLAMATION

Mayor Pro Tem Kolb presented a proclamation from Mayor Sheldon to City Administrator Neal Berlin honoring Public Service Recognition Week, May 5-11, 1997.

WALK THE BOULEVARD

Peace Neighborhood Center representatives and children participating in the program invited City Council to the 2nd Annual "Walk the Boulevard" event, sponsored by the West Stadium Area Business and Professional Association, to be held on May 10 at Veterans Memorial Park. Proceeds from this free family event will benefit the Peace Neighborhood Center summer day camp program.

INTRODUCTION OF JUDGE BROWN AND UPDATE OF DEMONSTRATION PROJECT

Fifteenth District Court Acting Chief Judge Elizabeth Hines introduced Judge Archie C. Brown, the new 15th District Court Judge. Judge Hines reported that the court demonstration project will continue through December and that all three district court judges are now hearing only district court cases. Judge Hines stated that benefits of the project include the computerized case data processing system and a grant from the Supreme Court to purchase personal computers to communicate with all the court systems.

PUBLIC COMMENTARY - RESERVED TIME

ANTHONY SCOTT - CLEANUP OF FULLER BRIDGE

Anthony Scott, 420 W. Huron St., objected to the tickets issued to the homeless

people who are camping under the Fuller Bridge. Mr. Scott expressed concern with the harassment of the homeless by the police and requested that a dumpster be provided by the bridge.

TERRY BEVINS - HOMELESS SHELTER

Terry Bevins, 420 W. Huron St., objected to the new homeless shelter management and stated that the only people qualified to operate the shelter are the residents themselves. Mr. Bevins further objected to the police harassment of the homeless.

JESSICA CURTIN - AFFIRMATIVE ACTION

Jessica Curtin, 917 S. Forest Ave., objected to the proposal of some Republicans at the state level to discontinue affirmative action at the University of Michigan. Ms. Curtin stated that this action is racist, sexist and antipoor and that if the legislation is approved, many people will rally to shut down the campus.

ANYA WISLOCKI - AFFIRMATIVE ACTION

Anya Wislocki, 100 Whitmore, Detroit, MI, objected to police harassment of the homeless, evictions at the shelter, and the proposal to discontinue affirmative action at the University of Michigan. Ms. Wislocki spoke in opposition to the current management system at the homeless shelter and expressed support for a resident-managed shelter.

KEN CLARK - M-14 INTERCHANGE

Ken Clark, 497 Larkspur St., objected to the proposed M-14 interchange to be built through his neighborhood, and expressed concern that Council knew about the proposal in February, but did nothing to inform residents of the plan. Mr. Clark presented several hundred signatures of people in opposition to the proposal and requested that Council stop the project to save his neighborhood.

KEVIN LINDAMOOD - FOOD STAMP WAIVER

Kevin Lindamood, 812 Henry St., #4, representing the Bertha Capen Reynolds Society of the University of Michigan School of Social Work, spoke in support of the resolution requesting a waiver of food stamp work requirements for eligible areas in Michigan and supporting the A50,000 Empty Bowls Campaign.≡ Mr. Lindamood invited people to participate in the Ann Arbor Bowl Drive on May 10, and stated that all bowls will be presented to the governor on May 28 in Lansing.

CAROLINE WONG - HOMELESS POWER UNION

Caroline Wong, 999 Whitmore, Detroit, MI, representing the National Women=s Rights Organizing Coalition and the Homeless Power Union, objected to the proposal to discontinue affirmative action at the University of Michigan. Ms. Wong stated that many people will be organizing against this action.

PUBLIC HEARINGS

AGOPIAN ZONING (ORDINANCE NO. 14-97)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.28 acre from TWP (Township District) to R1D (Single-Family Dwelling District), Agopian property, 3137 Cherry Tree Lane. Notice of public hearing was published April 20, 1997.

The following person appeared:

John Norton, 1010 Arbordale St., #9, did not speak to the issue.

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

KNECHT ZONING (ORDINANCE NO. 15-97)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.17 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Knecht property, 2571 West Liberty Street. Notice of public hearing was published April 20, 1997.

The following person appeared:

Amy Rothberg, 744 S. Maple Rd., questioned what this rezoning means and who will be developing the property.

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

WHITE ZONING (ORDINANCE NO. 16-97)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.17 acre from TWP (Township District) to R1D (Single-Family Dwelling District), White property, east side of Wagner Road south of Porter Avenue. Notice of public hearing was published April 20, 1997.

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

ALLEN CREEK PRESCHOOL SITE PLAN

A public hearing was conducted on the proposed Allen Creek Preschool Site Plan, 0.51 acre, 2350 Miller Avenue. Notice of public hearing was published April 27, 1997.

The following persons spoke in support of the proposal:

Kerry Kelly-Novick, 617 Stratford Dr., Allen Creek Preschool Board President, stated that the neighbors will be included in the planning process and that all neighborhood concerns will be considered. She further stated that the addition will be consistent in style, scale and appearance with the neighborhood, and will include proper landscaping between the site and the neighbors.

Joan Blos, 111 S. Fourth Ave., writer of children=s books, expressed concern that the preschool=s move into the neighborhood has caused some distress for the neighbors, but believes the proposal is one that everyone can work with.

Gail Tribetti, 3520 Daleview Dr., representing Allen Creek Preschool, stated that the site accommodates the number of children approved for the school and that the proposed addition fits the property. Ms. Tribetti further stated that the petitioner has been open to suggestions from the neighbors and has been willing to work with them regarding the landscaping.

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

CONCORD CENTER PHASE II REVISED FINAL PHASE PUD

A public hearing was conducted on the proposed Concord Center Phase III Revised Final Phase PUD (Ann Arbor Commerce Bank Building), 2.33 acres, 2930 South State Street. Notice of public hearing was published April 27, 1997.

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

ADD 1930 CAMBRIDGE ROAD TO INDIVIDUAL HISTORIC PROPERTIES HISTORIC DISTRICT - ORDINANCE NO. 21-97

A public hearing was conducted on the proposed ordinance to amend Title IX of the Historic District Code, a part of Chapter 103 of Title VIII of the City Code - Adding Rebec/Hildebrandt House at 1930 Cambridge Road to the Individual Historic Properties Historic District. Notice of public hearing was published April 27, 1997.

The following persons appeared:

Mark Hildebrandt, owner of 1930 Cambridge Road, spoke in support of adding his property to the Individual Historic Properties Historic District. Mr. Hildebrandt stated that, by designating his home as historic, he hopes to maintain some of the single-family ambiance of the neighborhood and stimulate interest in other residents to designate their homes. He reported that the house, built in 1907, was designed by Emil Lorch and is a local example of the Craftsman Period or Prairie School of Architecture.

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

1997-1998 CITY OF ANN ARBOR BUDGET

A public hearing was conducted on the proposed 1997-1998 City of Ann Arbor Budget. Notice of public hearing was published April 27, 1997.

The following persons appeared:

Marcene Root, 1015 Bath Street, Student Advocacy Center Program Director, urged that more funding be designated for human services for prevention. Ms. Root stated that the more money spent on human services now will mean less money spent on crime and homelessness later.

Jennie McAlpine, Director of Child Care Network, urged that more funding be directed to human services and stressed the importance of spending more on services for young children to prevent costly

problems in the future.

Paul Lambert, Ann Arbor resident, requested more funding for human services due to cuts in federal and state funding, which will increase the number of people in need.

Lisa Wozniak, Avalon Housing Board Member, requested funding for more low-income housing in Ann Arbor, and specifically for enhanced management housing which allows people with a history of problems or mental illness to successfully retain their housing.

Michael Appel, Development Specialist at Avalon Housing, urged funding for affordable supported housing for those who have had trouble maintaining housing over the years. Mr. Appel stated that Avalon cannot afford to buy more housing units if the gap between its rental income and management costs is not covered.

Mayor Sheldon entered at 8:55 p.m.

Chuck Kieffer, SOS Community Crisis Center Director, requested continued and expanded funding for crisis services, shelters and housing programs, which are becoming overburdened as a consequence of recent social policy and welfare cuts.

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

COMMUNITY DEVELOPMENT CONSOLIDATED STRATEGY AND PLAN

A public hearing was conducted on the proposed Community Development consolidated Strategy and Plan Fiscal Year 1997-98 One-Year Plan. Notice of public hearing was published April 27, 1997.

The following persons appeared:

Jane Barney, 423 W. Liberty St., Community Development Executive Committee Member, stated that city and county governments must continue to increase their funding for human service agencies, as long as the federal and state governments continue to reduce support to needy people. Ms. Barney further stated that the two areas that need more effort are job training and support and low-income supported housing, and urged more funding for Avalon Housing's enhanced management program.

The following people appeared to request funding for the agencies they represent:

Jennie McAlpine, Child Care Network Executive Director;

Marcene Root, Student Advocacy Center Program Director;

Jim Magyar, Ann Arbor Center for Independent Living Director;

Laura Baughton, Washtenaw Interventions Homeless Response Team;
and

Chuck Kieffer, SOS Community Crisis Center Director.

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

BUILDING DEPARTMENT FEE INCREASES

A public hearing was conducted on the proposed Building Department fee increases. Notice of public hearing was published April 27, 1997.

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

PLANNING DEPARTMENT FEE INCREASES

A public hearing was conducted on the proposed Planning Department Fee Increases. Notice of public hearing was published April 27, 1997.

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

FIRE DEPARTMENT FEE INCREASES

A public hearing was conducted on the proposed Fire Department fee increases. Notice of public hearing was published April 27, 1997.

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

MUNICIPAL AIRPORT T-HANGAR FEE INCREASES

A public hearing was conducted on the proposed Municipal airport T-hangar fee increases. Notice of public hearing was published April 27, 1997.

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

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

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

CONSENT AGENDA

Revise and Move: Resolution to Approve Service Agreement with Enviroland, Inc. for Land Application of Municipal Wastewater Biosolids - RFP No. 404 (\$0.02085 per gallon) (Utilities) (Remove from Consent Agenda - consider prior to Ordinances - Second Reading)

Move: Resolution authorizing Street Closing on May 9 and 10, 1997 for A Moonlight Madness Beach party≅ on Church Street (\$575.00) (Building) (Remove from Consent Agenda - consider under Motions and Resolutions)

ORDINANCES - FIRST READING

Delete: Amendment to Chapter 109, Sections 9:74, 9:81, 9:82 and 9:84 - Liquor (Attorney)

MOTIONS AND RESOLUTIONS

Delete: Resolution to Approve Gelman Sciences, Inc. (GSI) Request for Extension to Discharge Treated Water into the Sanitary Sewer from the Evergreen Treatment Facility (Utilities)

Revise: Resolution to Amend Contract with Resource Recycling Systems, Inc. for MRF Technical Assistance (\$17,000.00) (Solid Waste)

Add: Resolution to Place Delinquent Water Utilities Charges on 1997 Tax Roll (\$41,432.44) (Utilities)

Add: Resolution Concerning a Federal Waiver of Food Stamp Work Requirements for Eligible Areas in Michigan and Support of the 50,000 Empty Bowls Campaign (Councilmember Carlberg)

Add: Resolution Recognizing the Ann Arbor North Rotary Foundation as a Nonprofit Organization in the City of Ann Arbor (Mayor Sheldon)

On a voice vote the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF APRIL 21 APPROVED

Councilmember Kolb moved that the regular session minutes of April 21, 1997 be approved as presented.

On a voice vote the Mayor declared the motion carried.

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-162-5-97 APPROVED

**RESOLUTION TO APPROVE \$2,100.00
FUNDING ASSISTANCE FOR THE 1996
BLUES AND JAZZ FESTIVAL**

Whereas, The 1996 Blues and Jazz Festival was held in September in Gallup Park;

Whereas, The festival was successful and met all the requirements of the park use permit;

Whereas, The weather was challenging which reduced participation;

Whereas, The Blues and Jazz Festival Inc. provided 100 complimentary tickets for low income residents; and

Whereas, The Blues and Jazz Festival Inc. has requested \$2,100 to offset outstanding expenses for the 1996 show from the community events fund, which has a \$6,487.57 uncommitted balance;

RESOLVED, That the Mayor and Council allocate \$2,100 to be used to offset outstanding expenses for the 1996 show.

R-163-5-97 APPROVED

**RESOLUTION TO AUTHORIZE SINGLE LOT
SPECIAL ASSESSMENTS FOR 1996 ANNUAL
STREET RESURFACING PROJECT**

Whereas, The City has constructed improvements in the public right-of-way abutting certain lots and premises; and

Whereas, Notices have been given by first class mail to the owners of each premises of the total amount due as required by the City Code;

RESOLVED, That single lot special assessments for the unpaid amounts be levied against such owners and premises as described in Schedule A below;

RESOLVED, That the payment of said special assessments be hereby authorized in 10 annual installments commencing on August 1, 1997, with a rate of interest of 7.00% with subsequent installments due on June 1 of each year commencing in 1998. Interest is to commence on August 1, 1997 and is to be collected annually on June 1 of each and every year thereafter; and

RESOLVED, That the total amount of \$5,479.37 be credited to the Street Millage Fund (Fund 062).

SCHEDULE A

<u>Assessor's Code</u>	<u>Address</u>	<u>Owner</u>	<u>Amount</u>
09-29-200-028	509 Seventh Street	Karen Lucas	\$ 1,485.98
09-14-203-028	2539 Bunker Hill Road	Mary Hoversten	\$ 1,668.50
09-30-103-019	207 Crest Avenue	Tom Fitzgerald	\$ 960.44
09-30-104-003	256 Crest Avenue	Dave Furey	\$ 568.75
09-19-414-032	1401 Miller Avenue	William W. Sloan	<u>\$ 795.70</u>
TOTAL			\$
5,479.37			

The above amounts are not estimates. They are actual, final costs and will not be revised.

R-164-5-97 APPROVED

**RESOLUTION TO PROCLAIM NATIONAL
PUBLIC WORKS WEEK**

Whereas, Public works services provided in our community are an integral part of our citizens= everyday lives;

Whereas, The support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewer, street, refuse, recycling, public buildings and grounds, and public transportation;

Whereas, The health, safety, and comfort of this community greatly depends on these facilities and services;

Whereas, The quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials; and

Whereas, The efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people=s attitude and understanding of the importance of the work they perform;

RESOLVED, That the Mayor and City Council do hereby proclaim the week of May 18 through May 24, 1997 as NATIONAL PUBLIC WORKS WEEK in the City of Ann Arbor; and

RESOLVED, That we call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

R-165-5-97 APPROVED

**RESOLUTION TO APPROVE THE CLOSING
OF STREETS ON JUNE 15, 1997 FOR
THE ANN ARBOR FESTIVAL OF CYCLING**

Whereas, The 1988-92 and 1994-96 Ann Arbor Festival of Cycling were cosponsored by the Department of Parks and Recreation and supported by the Ann Arbor City Council and the Main Street Merchants Association;

Whereas, The 1988-92 and 1994-96 Ann Arbor Festivals of Cycling were successful in drawing over 500 bicycle racers and thousands of spectators to downtown Ann Arbor;

Whereas, The 1997 Ann Arbor Festival of Cycling will attract 750 children, 150 United State Cycling Federation Racers, and over 1,500 spectators to downtown Ann Arbor;

Whereas, The 1997 Ann Arbor Festival of Cycling is sponsored by the Velo Club and the Department of Parks and Recreation is supported by the State Street Area Association;

Whereas, The Ann Arbor Festival of Cycling will provide all required liability insurance coverage and pay the City of Ann Arbor for the following City services needed to facilitate the downtown bicycle races;

- 1) There Police Officers at control points - estimated cost \$1,050.00;
- 2) Deposit fee on parking meter bags to be placed on meters within race

course the day before the race - estimated cost \$1,860.00;

- 3) Parking violation staff to ticket violating cars within race course for towing on morning of race - estimated cost \$90.000;
- 4) Labor and equipment to turn on electricity for use during the races - estimated cost \$53.00

RESOLVED, That the Mayor and Council approve the closure to all traffic from 6:30 a.m. to 4:30 p.m. on Sunday, June 15, 1997, on N. University Ave. from State to Thayer Sts., State St. from Washington St. to S University Ave., E. William St. from State to Division Sts., Maynard St. from Jefferson to Liberty Sts., Jefferson St. from Maynard to Division Sts., Thompson St. from Madison to Division Sts., Thompson St. from Madison to Liberty Sts., Liberty St. from Division to State Sts.; and that the Ann Arbor Festival of Cycling will pay the expenses incurred by the City (estimated cost \$3,053.00).

R-166-5-97 APPROVED

**RESOLUTION RECOMMENDING DESIGNATION OF
A PORTION OF HURON PARKWAY RIGHT-OF-WAY
EAST OF PONTIAC TRAIL FOR PARK USE**

Whereas, The Northeast Area Plan as adopted by the Mayor and Council recommended that the Huron Parkway not be extended west of Tuebingen;

Whereas, There has been interest in designating this portion of the unbuilt right of way (ROW) land purchased for Huron Parkway for an inner loop road as parkland;

Whereas, This portion of the ROW is adjacent to Leslie Park, Black Pond Woods and the Arrowwood Residential Cooperative;

Whereas, Designation of this portion of the ROW will allow the property to be incorporated into plans for the adjoining parks, access to Black Pond Woods and Leslie Park will be improved and the natural features on the property can be preserved and managed; and

Whereas, The Park Advisory Commission recommended the designation of this portion of the former Huron Parkway ROW as an addition to Leslie Park;

RESOLVED, That the Mayor and Council designate this portion of the unbuilt Huron Parkway ROW east of Pontiac Trail to Leslie Park for park use and further reserve the rights of way for potential future city utility uses that may be required.

R-167-5-97 APPROVED

**RESOLUTION TO APPROVE THE MAIN STREET
MITRAL MILE ON JUNE 29, 1997**

Whereas, The City has received a request to hold the Main Street Mitral Mile Race on Sunday, June 29, 1997;

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

- 1) Close the following streets from 7:15 a.m. to 11:00 a.m.:
 - * Main - Southbound lane from Snyder to Washington
 - * Liberty, William, Jefferson, Madison, Mosley - Main to S. Ashley
 - * Koch, Davis - Main to First
 - * Hoover - Main to Wilder Pl.
 - * Pauline - Main to Edgewood
 - * Keech, Potter, Berkley, Snyder - Main to Belmar;

- 2) Close the following street from 6:30 a.m. to 10:00 a.m. to provide a staging area for the participants:
 - *Main - W. Stadium to Potter;

- 3) Provide directional cones and barricades (picked up and returned by sponsor);

- 4) Provide parking meter bags for the sponsor to place on the meters on the closed streets Saturday night and removed immediately after the event; and

- 5) Clean Main Street from Stadium to Washington;

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

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

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

Whereas, The Main Street Area Association supports the event; and

Whereas, The sponsor has requested that the city waive the meter bag deposit fees;

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

RESOLVED, That the sponsor reimburse the city for the following requested department services:

Estimate:

Police	\$3,300.00
Transportation	<u>250.00</u>
TOTAL	\$3,550.00;

and

RESOLVED, That City Council agree to waive meter bag deposit fees of \$230.00.

R-168-5-97 APPROVED

**RESOLUTION TO APPROVE TRANSFER OF STOCK
IN A 1996 CLASS C LIQUOR LICENSED BUSINESS
LOCATED AT 401 DEPOT STREET**

RESOLVED, That the request from C.A. Muer Corporation to drop stockholders through a transfer of stock to new stockholders, CB Capital Investors, Inc. and Prism Capital Corporation, in a 1996 Class C licensed business, located at 401 Depot Street, Ann Arbor (d.b.a. Gandy Dancer), be approved.

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

R-169-5-97 APPROVED

**RESOLUTION TO APPROVE SERVICE AGREEMENT
WITH ENVIROLAND, INC. FOR LAND APPLICATION OF
MUNICIPAL WASTEWATER BIOSOLIDS - RFP NO. 404**

Whereas, The Wastewater Treatment Plant dewateres and incinerates the biosolids collected during the winter and applies to agricultural land the biosolids collected during the rest of the year;

Whereas, The Water Utilities Department issued RFP No. 404 for the land

application of municipal wastewater biosolids in order to continue this beneficial and recycle use of biosolids;

Whereas, Three contractors submitted proposals and after review of the written proposals and interviews, Enviroland, Inc. was judged to be the best qualified and proposed the lowest price; and

Whereas, On May 1, 1997, the Human Resources Department approved Enviroland, Inc. to provide services to the City;

RESOLVED, That the City Council approve the service agreement with Enviroland, Inc. in the amount of \$0.02085 per gallon for land application of municipal wastewater biosolids for three years with two one-year options to renew and with annual price adjustments equal to 80% of the Consumer Price Index, and that Mayor and City Clerk be authorized to sign the agreement approved as to form by the City Attorney.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

ORDINANCES - SECOND READING

14-97 APPROVED

AGOPIAN ZONING

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

This ordinance would change the zoning of 0.28 acre, located at 3137 Cherry Tree Lane, from TWP (Township District) to R1D (Single-Family Dwelling District).

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

On a voice vote the Mayor declared the motion carried.

15-97 APPROVED

KNECHT ZONING

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

This ordinance would change the zoning of 0.17 acre, located at 2571 West Liberty Street, from TWP (Township District) to R1C (Single-Family Dwelling District).

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

On a voice vote the Mayor declared the motion carried.

16-97 APPROVED

WHITE ZONING

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

This ordinance would change the zoning of 0.17 acre, located on the east side of Wagner Road south of Porter Avenue, from TWP (Township District) to R1D (Single-Family Dwelling District).

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

On a voice vote the Mayor declared the motion carried.

21-97 APPROVED

**ADD 1930 CAMBRIDGE ROAD TO INDIVIDUAL
HISTORIC PROPERTIES HISTORIC DISTRICT**

**An Ordinance to Amend Title IX of the Historic
District Code, a Part of Chapter 103 of Title VIII
of the Code of the City of Ann Arbor**

This ordinance would add 1930 Cambridge Road, the Rebec/Hildebrandt House, to the Individual Historic Properties Historic District.

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

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

22-97 APPROVED

**ADOPTION OF 1996 BOCA NATIONAL
FIRE PREVENTION CODE BY REFERENCE**

**An Ordinance to Amend Chapter 111 of Title IX
of the Code of the City of Ann Arbor**

This ordinance would adopt the 1996 Edition of the BOCA National Fire Prevention Code by reference.

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

On a voice vote the Mayor declared the motion carried.

ORDINANCES - FIRST READING

23-97 APPROVED

STORMWATER SERVICE CHARGES INCREASE

**An Ordinance to Amend Sections 2:203-2:205 of
Chapter 33 of Title II of the Code of the City of Ann Arbor**

This ordinance would increase storm water service charges effective July 1, 1997. Councilmember Kolb moved that the ordinance be approved at first reading.

On a voice vote the Mayor declared the motion carried.

MOTIONS AND RESOLUTIONS

R-170-5-97 APPROVED

RESOLUTION TO APPROVE A CONTRACT FOR CONSULTANT SERVICES TO PLANTE & MORAN, LLP FOR AN INFORMATION SERVICES AND TECHNOLOGY STRATEGIC PLAN - RFP NO. 405

Whereas, The City=s last comprehensive Information Services Strategic Plan was completed in 1988 and must be updated periodically to reflect changes in the City=s policies, business directions, and priorities;

Whereas, Twenty-two firms were solicited to submit proposals for an Information Services and Technology Strategic Plan and seven proposals were submitted on February 18, 1997;

Whereas, Plante & Moran, LLP was selected as the most qualified firm based on professional experience and involvement with similar projects, professional staff, proposed work plan, and fee proposal; and

Whereas, Plante & Moran, LLP received approval from the Human Resources Department on April 4, 1997;

RESOLVED, That the Mayor and City Council approve a contract with Plante Moran LLP in the amount of \$89,000.00 for an Information Services and Technology Strategic Plan;

RESOLVED, That the Mayor and Clerk be authorized to sign a contract approved by the City Administrator as to content and the City Attorney as to form;

RESOLVED, That the Mayor and Council authorize the transfer of appropriations from the Income Tax Study Account to the Administrative Services Department in the amount of \$70,000.00; and

RESOLVED, That the Mayor and Council approve a \$100,000.00 budget for this project, including an \$11,000.00 contingency for potential change orders, for the life of the project without regard to fiscal year.

Councilmember Putman moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-171-5-97 APPROVED AS AMENDED

**RESOLUTION AUTHORIZING STREET CLOSING
ON MAY 9 AND 10, 1997 FOR A MOONLIGHT MADNESS
BEACH PARTY≡ ON CHURCH STREET**

A resolution authorizing a street closing on May 9 and 10, 1997 for the AMoonlight Madness Beach Party≡ on Church Street was considered.

Councilmember Lumm moved that the resolution be adopted.

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

RESOLVED, That the City support the event in the amount of <\$575.00> \$122.57 for reimbursement of the cost of City services with funds to be transferred from the 1996-97 Community Events Budget Account.

On a voice vote the Mayor declared the motion carried.

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

The resolution as adopted reads as follows:

R-171-5-97

**RESOLUTION AUTHORIZING STREET CLOSING
ON MAY 9 AND 10, 1997 FOR A MOONLIGHT MADNESS
BEACH PARTY≡ ON CHURCH STREET**

Whereas, The South University Merchants Association will be sponsoring a AMoonlight Madness Beach Party≡ on Friday, May 9 and Saturday, May 10, 1997 to promote shopping in the South University area business district;

Whereas, The South University Merchants Association has requested Church Street from South University Avenue to the public parking lot entrance (mid-block) and from South University Avenue to the entrance to the University of Michigan parking structure be closed from 12:00 p.m. until 12:00 a.m. on May 9th and from

9:00 a.m. to 5:00 p.m. on May 10th to provide entertainment for area shoppers;

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

Whereas, The sponsor will obtain all necessary permits and be responsible to comply with all procedures, rules and regulations required by the City to stage such an event;

Whereas, The sponsor has requested that the city provide additional police staffing to insure the safety and security of the public at this event;

Whereas, The sponsor has requested that the City support this event by allocating funds from the Community Events Account to pay for the following City services:

Police Department	\$500.00 (est.)
Transportation Division	<u>75.00</u> (est.)
TOTAL ESTIMATED COSTS	\$575.00 ; and

Whereas, The South University Merchants Association agrees to defend and indemnify and save the City harmless against any claim arising from their sponsorship of this event;

RESOLVED, That the Mayor and City Council hereby approve the closing of Church Street at the indicated times; and

RESOLVED, That the City support the event in the amount of \$122.57 for reimbursement of the cost of City services with funds to be transferred from the 1996-97 Community Events Budget Account.

R-172-5-97 APPROVED

**RESOLUTION ALLOCATING FUNDS FOR
THE 1997 ANN ARBOR ART FAIRS PERFORMANCE AREAS**

Whereas, The Ann Arbor Art Fairs regularly draw approximately 500,000 visitors to our city; and

Whereas, In an effort to keep the fair site safe and manageable the Fairs have requested funding from the City in order to continue the free performing arts program they began in 1993;

RESOLVED, That the Ann Arbor City Council hereby allocate \$1000.00 of the 1996-1997 Community Events Fund to the Ann Arbor Art Fairs for support of the free performing arts program.

Councilmember Lumm moved that the resolution be adopted.

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

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

R-173-5-97 APPROVED

**RESOLUTION IN SUPPORT OF THE ANN ARBOR
PUBLIC SCHOOLS EDUCATIONAL FOUNDATION
THREE-ON-THREE TOURNAMENT**

Whereas, The non-departmental Community Events Fund was originally established in order to underwrite city expenses for community events;

Whereas, The Ann Arbor Public Schools Educational Foundation seeks to enhance the educational opportunities available to local students;

Whereas, The University of Michigan made space available for a three-on-three basketball tournament which will raise funds for the Foundation, but the security costs projected by the University Department of Public Safety would seriously impact the financial success of the project;

Whereas, The community is able to attend the event as spectators at no charge; and

Whereas, Entry fees are waived for needy teams;

RESOLVED, That the Ann Arbor City Council allocate \$2500.00 from the 1996-1997 Community Events Fund in order to offset security expenses for the 1997 "3 on 3" basketball tournament that will benefit the Ann Arbor Public Schools Educational Foundation and thus the educational opportunities of our local youth.

Councilmember Lumm moved that the resolution be adopted.

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

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

R-174-5-97 APPROVED AS AMENDED

**RESOLUTION TO APPROVE ALLEN CREEK
PRESCHOOL SITE PLAN**

A resolution to approve the Allen Creek Preschool Site Plan was considered.

A communication was received from the Planning Commission transmitting its recommendation of approval of the proposed Allen Creek Preschool Site Plan, 0.51 acre, 2350 Miller Avenue.

Councilmember Kolb moved that the resolution be adopted.

Councilmember Kolb moved that the following paragraph be added to the resolution:

RESOLVED, That in recognition of the adjacent neighbors' interest in meeting with the petitioner to discuss screening between the site and adjacent property and the petitioner's willingness to hold such a meeting, the petitioner shall show evidence of good faith efforts to hold said meeting, provided it can be accomplished by May 15, 1997, prior to building permit issuance.

On a voice vote the Mayor declared the motion carried.

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

The resolution as adopted reads as follows:

R-174-5-97

**RESOLUTION TO APPROVE ALLEN CREEK
PRESCHOOL SITE PLAN**

Whereas, FOR KIDS, L.L.C. has requested site plan approval in order to construct a 2,500-square foot addition to the existing house at 2350 Miller Avenue; and

Whereas, The Ann Arbor City Planning Commission, on April 15, 1997, recommended approval of said request;

RESOLVED, That City Council approve the Allen Creek Preschool Site Plan, subject to combining of the lots prior to building permit issuance;

RESOLVED, That the Building Department not issue building permits until the

lots have been combined; and

RESOLVED, That in recognition of the adjacent neighbors' interest in meeting with the petitioner to discuss screening between the site and adjacent property and the petitioner's willingness to hold such a meeting, the petitioner shall show evidence of good faith efforts to hold said meeting, provided it can be accomplished by May 15, 1997, prior to building permit issuance.

R-175-5-97 APPROVED

RESOLUTION TO APPROVE APRILL ANNEXATION

A communication was received from the Planning Commission transmitting its recommendation of approval of the proposed Aprill annexation, 1.58 acres, 3802 Platt Road.

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

Whereas, Rudolf Schmerberg and Dolores Stachurski are the land contract holders and Douglas W. Aprill and Jane A. Aprill are the land contract purchasers of said property; and

Whereas, It is the desire of Rudolf Schmerberg and Dolores Stachurski and Douglas W. Aprill and Jane A. Aprill to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

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

Parcel I

Commencing at the Southeast corner of Section 10, Town 3 South, Range 6 East, and running thence North in the East line of Section 10, 1083.01 feet; thence deflecting 91 degrees 14 minutes 30 seconds to the left 176.00 feet to an iron pipe for a Place of Beginning; thence on the same course 180 feet to an iron pipe; thence deflecting 91 degrees 14 minutes 30 seconds to the right 49 feet to an iron pipe; thence Easterly parallel with the South boundary line of said parcel of land 180 feet; thence Southerly 49 feet to the Place of Beginning, and being in the Township of Pittsfield, County of Washtenaw, State of Michigan.

Parcel II

Commencing at the southeast corner of Section 10, Town 3 South, Range 6 East, Pittsfield Township, Washtenaw County, Michigan; thence North 1 degree 46 minutes 30 seconds East 1006.8 feet for a Place of Beginning; thence North 89 degrees 12 minutes West 276.54 feet; thence North 54 degrees 27 minutes West 95.69 feet; thence North 1 degree 46 minutes 30 seconds East 20.0 feet; thence South 89 degrees 28 minutes East 180.0 feet; thence North 1 degree 46 minutes 30 seconds East 72.61 feet; thence North 89 degrees 16 minutes East 176.12 feet; thence South 1 degree 46 minutes 30 seconds West 152.62 feet along the East line of said section and the centerline of Platt Road to the Place of Beginning, being a part of the Southeast 1/2 of said Section.

Councilmember Hartwell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-176-5-97 APPROVED

RESOLUTION TO APPROVE BRENTWOOD SQUARE ANNEXATION

A communication was received from the Planning Commission transmitting its recommendation of approval of the proposed Brentwood Square Annexation, 9.44 acres, east side of Huron Parkway, north of Washtenaw Avenue and west of Chalmers Drive.

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

Whereas, Donald E. Van Curler and Carol A. Van Curler are the owners of said property and American Quality Homes, Inc. has an option to purchase said property; and

Whereas, It is the desire of Donald E. Van Curler and Carol A. Van Curler and American Quality Homes, Inc. to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

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

Parcel I

Commencing at the South 1/4 corner of Section 35, Town 2 South, Range 6 East, Ann Arbor Township, Washtenaw County, Michigan; thence North 89 degrees 55 minutes West 208.56 feet along the South line of said Section for a Place of Beginning; thence continuing North 89 degrees 55 minutes West 224.26 feet along the South line of said Section; thence North 38 degrees 58 minutes West 186.28 feet; thence north 45 degrees 58 minutes West 198.90 feet; thence North 72 degrees 28 minutes West 172.02 feet; thence Northeasterly along the arc of a circular curve concave to the Southeast, radius 687.92 feet, subtended by a chord which bears North 40 degrees 10 minutes 50 seconds East 77.67 feet; thence North 43 degrees 25 minutes East 628.54 feet; thence Northeasterly along the arc of circular curve concave to the Northwest, radius 939.43 feet, subtended by a chord which bears North 40 degrees 49 minutes East 85.25 feet; thence Easterly along the arc of a circular curve concave to the North, radius 171.89 feet, subtended by a chord which bears South 77 degrees 08 minutes East 70.01 feet; thence South 88 degrees 47 minutes East 270.0 feet; thence South 1 degree 13 minutes West 40.0 feet along the West line of Washtenaw Hills Estates Number One, as recorded in Liber 8 of Plats, Page 32, Washtenaw County Records; thence North 88 degrees 47 minutes West 270.0 feet; thence South 1 degree 13 minutes West 601.0 feet; thence South 41 degrees 54 minutes East 87.05 feet; thence South 0 degrees 39 minutes West 194.25 feet to the Place of Beginning, being a part of the Southwest 1/4 of Section 35, Town 2 South, Range 6 East, Ann Arbor Township, Washtenaw County, Michigan.

Parcel II

Commencing at the South 1/4 post of Section 35, Town 2 South, Range 6 East, Ann Arbor Township, Washtenaw county, Michigan; thence North 1 degree 13 minutes 00 seconds East 693.36 feet along the West line of Chalmers Drive, as the same appears on the plat of Washtenaw Hills Estates Number One, as recorded in Liber 8 of Plats, Page 32, Washtenaw County Records, for a Place of Beginning; thence North 88 degrees 47 minutes 00 seconds West 270.00 feet; thence North 1 degree 13 minutes 00 seconds East 161.34 feet; thence South 88 degrees 47 minutes 00 seconds East 270.00 feet; thence South 1 degree 13 minutes 00 seconds West along the West line of Chalmers Drive 161.34 feet to the Place of Beginning, being part of the Southwest 1/4 of Section 35, Town 2 South, Range 6 East, Ann Arbor Township, Washtenaw County, Michigan.

Parcel III

Commencing at the South 1/4 post of Section 35, Town 2 South, Range 6 East, Ann Arbor Township, Washtenaw County, Michigan; thence North 1 degree 13 minutes 00 seconds East 532.03 feet along the West line of Chalmers Drive, as the same appears on the plat of Washtenaw

Hills Estate Number One, as recorded in Liber 8 of Plats, Page 32, Washtenaw County Records, for a Place of Beginning; thence North 88 degrees 47 minutes 00 seconds West 270.00 feet; thence North 1 degree 13 minutes 00 seconds East 161.33 feet; thence South 88 degrees 47 minutes 00 seconds East 270.00 feet; thence South 1 degree 13 minutes 00 seconds West along the West line of Chalmers Drive, 161.33 feet to the Place of Beginning, being a part of the Southwest 1/4 of Section 35, Town 2 South, Range 6 East, Ann Arbor Township, Washtenaw County, Michigan.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-177-5-97 APPROVED**RESOLUTION OF INTENT TO VACATE
A PORTION OF CENTRAL AVENUE**

A communication was received from the Planning Commission transmitting its recommendation of approval of the proposed resolution of Intent to vacate a portion of Central Avenue, 0.26 acre, Central Avenue between Mason and Highlake and between Highlake and Bethlehem Cemetery.

Whereas, There has been presented to the Council of the City of Ann Arbor a written request seeking the vacation of the following portion of Central Avenue:

Parcel 1

Beginning at the southwest corner of Lot 62, Lake Wood Subdivision as recorded in Liber 6 of Plats, Page 12, Washtenaw County Records; thence southerly 25.00 feet parallel with the easterly right-of-way line of Mason Avenue, to the southerly line of Central Avenue; thence easterly along the southerly line of said Central Avenue, 150 feet to a point on the easterly line of said Lot 62 extended; thence northerly 25.00 feet along said easterly line of Lot 62 extended, to the southeast corner of said Lot 62; thence westerly along southerly line of said Lot 62, 150 feet to the southwest corner of said Lot 62, and the place of beginning. Said parcel being a part of the northeast 1/4 of Section 25, T2S, R5E, City of Ann Arbor, Washtenaw County, Michigan, and containing 0.086 acres of land, more or less.

Parcel 2

Commencing at the southeast corner of Lot 23, Lake Wood Subdivision as recorded in Liber 6 of Plats, Page 12, Washtenaw County Records; thence westerly along the southerly line of said Lot 23, 10.00 feet to the place of beginning; thence continuing westerly along the southerly line of said Lot 23, 135 feet to the southwest corner of said Lot 23; thence southerly along the westerly line of said Lot 23 extended 25.00 feet to the southerly line of Central Avenue; thence easterly along the southerly line of said Central Avenue 135 feet; thence northerly 25.00 feet parallel to the westerly line of Highlake Avenue to the place of beginning. Said parcel being a part of the northeast 1/4 of Section 25, T2S, R5E, City of Ann Arbor, Washtenaw County, Michigan and containing 0.078 acres of land, more or less.

Parcel 3

Commencing at the southwest corner of Lot 22, Lake Wood Subdivision as recorded in Liber 6 of Plats, Page 12, Washtenaw County records; thence easterly along the southerly line of said Lot 22, 10.00 feet to the place of beginning; thence continuing easterly along

the southerly line of said Lot 22, 140 feet to the southeast corner of said Lot 22; thence southerly along the easterly line of said Lot 22 extended 25.00 feet to the southerly line of Central Avenue; thence westerly along the southerly line of said Central Avenue, 140 feet; thence northerly 25.00 feet parallel to the easterly line of Highlake Avenue to the place of beginning. Said parcel being a part of the northeast 1/4 of Section 25, T2S, R5E, Washtenaw County, Michigan, and containing 0.080 acres of land, more or less;

Whereas, The Council deems it advisable and intends to vacate the portion of the street above described, and the City may reserve all easements and rights-of-way within the portions to be vacated for the installation and maintenance of public utilities;

RESOLVED, That the City Council hereby appoint June 2, 1997 at 7:30 p.m. in the Council Chamber, City Hall, Ann Arbor, Michigan, as the time and place when and where the said Council will meet to hear objections, if any, to the vacation of the portion of the street above described;

RESOLVED, That notice of such meeting shall be published not less than four weeks before the time appointed for such meeting in The Ann Arbor News; and

RESOLVED, That objections to such proposed action of the Council may be filed with the City Clerk in writing and that all persons for or against such proposed action will be heard by the Council at the time and place of the public hearing hereinbefore provided.

Councilmember Hartwell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-178-5-97 APPROVED**RESOLUTION TO APPROVE CONCORD
CENTER PHASE III REVISED FINAL PHASE PUD -
ANN ARBOR COMMERCE BANK BUILDING**

A communication was received from the Planning Commission transmitting its recommendation of approval of the proposed Concord Center Phase III Revised Final Phase PUD (Ann Arbor Commerce Bank Building), 2.33 acres, 2930 South State Street.

Whereas, South State Street Commerce Center has requested a revision to the Concord Center PUD in order to enclose the connection from the existing office building, revise the dumpster layout, and construct a 308-square foot addition; and

Whereas, The Ann Arbor City Planning Commission, on April 15, 1997, recommended approval of said request;

RESOLVED, That City Council approve the Concord Center Phase III Revised Final Phase PUD (Ann Arbor Commerce Bank), subject to the following condition: 19 parking spaces will be shared throughout the entire Concord Center PUD, as allowed by Chapter 55 (Zoning Ordinance), Section 5:80(3)(e).

Councilmember Hartwell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-179-5-97 APPROVED**RESOLUTION TO APPROVE THE CONSOLIDATED
STRATEGY AND PLAN FISCAL YEAR 1997-98 ONE-YEAR
ACTION PLAN FOR SUBMISSION TO THE DEPARTMENT
OF HOUSING AND URBAN DEVELOPMENT**

Whereas, The Community Development Department has prepared the Consolidated Strategy and Plan FY 1997 One Year Action Plan of the City=s Consolidated Strategy and Plan for the period July 1, 1997 through June 30, 1998;

Whereas, Public hearings have been held to solicit the views of Ann Arbor residents interested in the City=s programs; and

Whereas, The CDBG Executive Committee has reviewed the document and recommended its approval to City Council, the Housing Policy Board endorsed the Plan, and the Human Services Task Force recommended approval of the projects;

RESOLVED, That City Council approve the Consolidated Strategy and Plan FY 1997 One Year Action Plan substantially in the form on file in the Office of the City Clerk for submission to the Department of Housing and Urban Development (HUD);

RESOLVED, That City Council authorize the Mayor and City Clerk to execute any required program documents and upon approval by the Department of Housing and Urban Development, the City Council accept the \$2,030,000 allocation to be available until expended without regard to fiscal year; and

RESOLVED, That City Council approve the community Development Block Grant and HOME Funding Allocations and authorize the Community Development Department to negotiate contractual agreements with subgrantees to be detailed for subsequent City council review and approval.

Councilmember Vereen-Dixon moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-180-5-97 APPROVED

RESOLUTION TO INCREASE THE ENGINEERING DIVISION OPERATING BUDGET

Whereas, In fiscal year 96/97 the private sector has generated more projects than anticipated when the 96/97 operating budget for the Engineering division was being prepared;

Whereas, These activities have resulted in more expenditures to manage the projects than budgeted;

Whereas, It is now projected that there will be a deficit of \$75,000 in the private development section of the Engineering division budget;

Whereas, Such increase in expenditures will be offset by an increase in the revenues generated from private development; and

Whereas, The current general fund budget for the Engineering division is

\$802,212.00;

RESOLVED, That the Engineering division operating budget expenditures for fiscal year 1996/97 be raised by \$75,000.00 to \$877,212.00;

RESOLVED, That the general fund revenue budget (revenue source 1510-utilities-technician) be increased by \$75,000.00; and

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

Councilmember Kwan moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-181-5-97 APPROVED

**RESOLUTION TO APPROPRIATE REIMBURSEMENT
OF MAINTENANCE COSTS INCURRED ON
THE STATE TRUNKLINES**

Whereas, MDOT and the City of Ann Arbor have a contract of \$163,500.00 and the City has received an additional reimbursement of \$22,942.00 for maintenance costs on the State Trunklines; and

Whereas, This maintenance involved extensive personnel services, materials, and other costs performed by the Transportation Division, Utilities, and Parks and Recreation Departments in FY 1996-97;

RESOLVED, That the Major Street fund appropriation for trunkline maintenance expenditures be increased by \$22,942.00 and the Major Street fund revenue account for trunkline maintenance be increased by \$22,942.00.

Councilmember Kwan moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-182-5-97 APPROVED

**RESOLUTION TO AMEND CONTRACT WITH
RESOURCE RECYCLING SYSTEMS, INC. FOR
MRF TECHNICAL ASSISTANCE**

Whereas, Continuing technical assistance is needed by the City to address deficiencies in the operation of the materials recovery facility (MRF);

Whereas, Resolution of outstanding construction contract issues will be possible with the completion of the facility acceptance test scheduled for May 20-22, 1997;

Whereas, Resource Recycling Systems, Inc. (RRSI) has provided construction management services during the construction of the MRF, overseen previous acceptance tests, and provided technical assistance on other MRF-related issues; and

Whereas, RRSI received Human Rights approval on April 30, 1997;

RESOLVED, That City Council approve a contract amendment with RRSI for an additional not-to-exceed amount of \$17,000.00 for interim technical assistance relating to the City=s materials recovery facility, pursuant to their proposal of February 26, 1997;

RESOLVED, That the Mayor and City Clerk be authorized to sign a contract amendment approved as to form and content by the City Attorney and approved as to substance by the City Administrator;

RESOLVED, That City Council approve a contract contingency for an additional \$3,000.00 to cover potential contract change orders relating to MRF technical services, such funding to be approved by the City Administrator;

RESOLVED, That funding for this project be provided through the environmental bond; and

RESOLVED, That funding for this project remain in effect regardless of fiscal year, but in no case later than June 30, 1998.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried, with Councilmembers Lumm and Kwan dissenting.

R-183-5-97 APPROVED

RESOLUTION AUTHORIZING SUMMARY PUBLICATION
OF ORDINANCE NO. 21-97 - ADDITION TO INDIVIDUAL
HISTORIC PROPERTIES HISTORIC DISTRICT - REBEC/

HILDEBRANDT HOUSE, 1930 CAMBRIDGE ROAD

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

RESOLVED, That Ordinance No. 21-97 be published by the following summary:

Ordinance No. 21-97 amends Title IX of the Historic District Code a part of Chapter 103 of Title VIII of the Ann Arbor City Code. The revision adds the property at 1930 Cambridge Road to the Individual Historic Properties Historic District.

The complete text of this ordinance is available for inspection at the City Clerk's Office on the 2nd floor of the Guy C. Larcom, Jr. Municipal Building, 100 N. Fifth Ave.

Councilmember Vereen-Dixon moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-184-5-97 APPROVED

**RESOLUTION AUTHORIZING SUMMARY PUBLICATION
OF ORDINANCE NO. 22-97 - ADOPTION BY REFERENCE
OF THE 1996 BOCA NATIONAL FIRE CODE**

Whereas, The Fire Department wishes to enhance the level of community fire safety by updating the Fire Code to the 1996 Edition of the BOCA National Fire Prevention Code; and

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

RESOLVED, That Ordinance No. 22-97 be published by the following summary:

Ordinance No. 22-97 amends Chapter 111 of Title IX of the Ann Arbor City Code by adopting the 1996 BOCA National Fire Prevention Code by reference.

The complete text of this ordinance is available for inspection at the City Clerk's Office on the 2nd floor of the Guy C. Larcom, Jr. Municipal Building, 100 N. Fifth Ave.

Councilmember Vereen-Dixon moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-185-5-97 APPROVED

**RESOLUTION ACCEPTING UTILITY EASEMENT
FROM CAROL ANN DUNITZ - SOMERSET ESTATES
SITE CONDOMINIUMS**

Whereas, Carol Ann Dunitz is the owner in fee simple of certain property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 2743, page 83; and

Whereas, Carol Ann Dunitz has delivered an easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system to run with the land and burden the respective property perpetually, being more particularly described as follows:

Commencing at the S 1/4 Corner of Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S86° 55' 43" W 1755.26 feet along the S line of said Section 10, and the centerline of Dhu Varren Road; thence N03° 04' 17" W 60.00 feet; thence S86° 55' 43" W 110.00 feet for a PLACE OF BEGINNING; thence S86° 55' 43" W 40.00 feet; thence N03° 04' 17" W 85.00 feet; thence S86° 55' 43" W 275.00 feet; thence N03° 04' 17" W 55.00 feet; thence N86° 55' 43" E 315.00 feet; thence S03° 04' 17" E 140.00 feet to the PLACE OF BEGINNING, being a part of the SW 1/4 of said Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, containing an area of 0.48 acres, more or less.

RESOLVED, That the easement be hereby accepted by the City.

Councilmember Vereen-Dixon moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-186-5-97 APPROVED

**RESOLUTION ACCEPTING ROAD RIGHT-OF-WAY
EASEMENT FROM CAROL ANN DUNITZ - SOMERSET**

ESTATES SITE CONDOMINIUMS

Whereas, Carol Ann Dunitz is the owner in fee simple of certain property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 2743, page 83; and

Whereas, Carol Ann Dunitz has delivered an easement to the City for road right-of-way purposes to run with the land and burden the respective property perpetually, being more particularly described as follows:

Commencing at the S 1/4 Corner of Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S 86°E 55' 43" W 1755.26 feet along the S line of said Section 10, and the centerline of Dhu Varren Road; thence N 03°E 04' 17" W 33.00 feet for a PLACE OF BEGINNING; thence continuing S 86°E 55' 43" W 315.00 feet along the S line of said Section 10 and the centerline of Dhu Varren Road; thence N 03°E 04' 17" W 27.00 feet; thence N 86°E 55' 43" E 315.00 feet parallel to the S line of said Section 10 and the centerline of Dhu Varren Road; thence S 03°E 04' 17" E 27.00 feet to the PLACE OF BEGINNING, being a part of the SW 1/4 of said Section 10, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, containing an area of 0.20 acres, more or less.

RESOLVED, That the easement be hereby accepted by the City.

Councilmember Vereen-Dixon moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-187-5-97 APPROVED

**RESOLUTION TO APPROVE CONTRACT WITH HOOPER,
HATHAWAY, PRICE, BEUCHE & WALLACE FOR LEGAL
SERVICES REPRESENTING THE CITY IN A LAWSUIT AGAINST
THE MICHIGAN MUNICIPAL RISK MANAGEMENT AUTHORITY
(AMMRMA) REGARDING MMRMA'S WITHDRAWAL OF
COVERAGE FOR MC WHERTER VS. CITY, ET AL**

Whereas, The City Attorney has recommended that the City retain Hooper, Hathaway, Price, Beuche & Wallace to serve as special legal counsel to represent the City in a lawsuit against the MMRMA to require the MMRMA to honor its obligation to provide coverage for the City's losses and litigation expenses in connection with a lawsuit known as McWherter vs. City, et al;

Whereas, Hooper, Hathaway, Price, Beuche & Wallace was selected to represent the City in this matter based on the firm's experience as litigators and the

firm=s familiarity with insurance coverage issues;

Whereas, Hooper, Hathaway, Price, Beuche & Wallace received Human Rights clearance on April 24, 1997; and

Whereas, The dollar amount at stake in this matter exceeds \$600.00, excluding any interest or recovery of attorney fees to which the City may be entitled;

RESOLVED, That the Mayor and City Council be authorized to sign a standard legal services agreement with Hooper, Hathaway, Price, Beuche & Wallace, approved as to form by the City Attorney, for legal services in this matter in an amount not to exceed \$40,000.00.

Councilmember Vereen-Dixon moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-188-5-97 APPROVED

RESOLUTION TO PLACE DELINQUENT WATER UTILITIES CHARGES ON 1997 TAX ROLL

Whereas, On April 8, 1997 the City Administrator reported to Council that there are unpaid charges for water, sanitary sewer and stormwater services furnished to certain premises in the City which on, April, 1997, had remained unpaid for a period of six months or more;

Whereas, In accordance with Michigan Public Act 94 of the Public Acts of 1933 and Ann Arbor City Ordinance Code, Chapter 29, Section 2:72 (Collection) and Chapter 33, Section 2:206 (Billing), collection notices have been given by first class mail to the owners of such premises of the total amount due for such services, and further notice was given that such amounts would be assessed by this Council on June 1, 1997, unless sooner paid, as a tax against these premises;

Whereas, On April 8, 1997, such notices were sent by first class mail to the property owners notifying them of the present Council meeting and of the assessment to be then placed on their property; and

Whereas, The Clerk has on file a listing of such presently delinquent charges totaling \$41,432.00;

RESOLVED, That these outstanding (over 6 months) and listed delinquent water utilities charges be levied against the respective properties, that the City Assessor place these assessments on the next tax roll of the City, and that these

assessed charges be collected in the same manner as general City taxes; and

RESOLVED, That the Water Utilities Department and City Treasurer be permitted to accept payment for delinquent utilities charges up to 10 working days prior to the printing of the July 1997 tax notices.

Councilmember Vereen-Dixon moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-189-5-97 APPROVED

**RESOLUTION CONCERNING A FEDERAL WAIVER OF
FOOD STAMP WORK REQUIREMENTS FOR ELIGIBLE
AREAS IN MICHIGAN AND SUPPORT OF THE 50,000
EMPTY BOWLS CAMPAIGN**

Whereas, Federal requirements limit food stamp eligibility for single, childless, Able-bodied adults between the ages of 18-50 to three months in a three-year period, unless working;

Whereas, Federal guidelines allow states to request waivers of work requirements for areas with high levels of unemployment (10% or higher) or for labor surplus areas;

Whereas, The U.S. Bureau of Labor Statistics lists at least 44 Michigan counties and 11 additional cities or townships as qualifying labor surplus areas;

Whereas, 70% of the 50,000 affected individuals live within designated labor surplus areas;

Whereas, Nearly 1,000 single adult food stamp recipients live within Washtenaw County;

Whereas, 40 governors and the District of Columbia have requested federal waivers for eligible areas;

Whereas, Approval of a federal waiver would continue the flow of nearly \$70 million in federal money into Michigan's economy and to persons living in poverty;

Whereas, The State of Michigan has not requested a federal waiver for eligible areas in Michigan; and

Whereas, The Bertha Capen Reynolds Society of the University of Michigan

School of Social Work is organizing a state-wide A50,000 Empty Bowls Campaign to represent the 50,000 Michigan residents in danger of losing food stamp benefits under federal guidelines;

RESOLVED, That the City Council of Ann Arbor officially endorse the \$50,000 Empty Bowls Campaign as a bipartisan effort to restore federal provision of food stamp assistance to those in labor surplus areas;

RESOLVED, That the City Council of Ann Arbor call for the Governor's immediate request of a federal waiver of food stamp work requirements for eligible labor surplus areas in Michigan; and

RESOLVED, That this resolution be sent to Michigan's Governor, Senators and Representatives.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-190-5-97 APPROVED

RESOLUTION RECOGNIZING THE ANN ARBOR ROTARY FOUNDATION AS A NONPROFIT ORGANIZATION IN THE CITY OF ANN ARBOR

Whereas, The Ann Arbor North Rotary Foundation is a nonprofit organization;

Whereas, The United States Department of Treasury-Internal Revenue Service recognizes the Ann Arbor North Rotary Foundation as a tax exempt, nonprofit organization; and

Whereas, The Ann Arbor North Rotary Foundation needs the City to recognize it as a nonprofit organization in the community in order to conduct fundraising activities with State approval;

RESOLVED, That the Mayor and City Council recognize The Ann Arbor North Rotary Foundation as a nonprofit organization in the City of Ann Arbor.

Councilmember Daley moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

REPORTS FROM COUNCIL COMMITTEES

COUNCILMEMBER DALEY

Councilmember Daley reported that the Policy Committee of the Cable

Communications Commission will be meeting to firm up CTN programming policy recommendations.

COUNCILMEMBER CARLBERG

Councilmember Carlberg reported that the Community Corrections Advisory Board will be bringing its budget to Council for approval and requested that a presentation on the community corrections program be scheduled for the same meeting.

COUNCIL PROPOSED BUSINESS

JUNE 2 REGULAR SESSION:

Dakar Sister City Presentation (Councilmember Vereen-Dixon)

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED/POSTPONED

Mayor Sheldon recommended the following appointments at the January 6, January 21, February 3, February 18, March 3, March 17, April 7 and April 21, 1997 regular sessions of Council:

EMPLOYEES RETIREMENT SYSTEM BOARD (POSTPONED)

Larry Hahn (reappointment)
1524 Brookfield Dr. 48103
Term: 1/20/97 to 12/31/2000

SOLID WASTE COMMISSION (POSTPONED)

Robert Tidmore (at-large citizen representative)
432 Sumark Way 48104
Term: 5/1/97 to 4/30/99

SOLID WASTE COMMISSION (POSTPONED) - CONT.

Larry Zahn (reappointment - Chamber of Commerce representative)
ReMax Community Associates
2699 Oak Valley Dr. 48103
Term: 5/1/97 to 4/30/99

Carol J. Miller (replacing Donald Gray as Civil Engineering representative)
2412 Georgetown Blvd. 48105

Term: 5/5/97 to 4/30/99

HOUSING POLICY BOARD

Charles H. Kieffer (reappointment)
263 Crest Ave. 48103
Term: 5/5/97 to 5/4/2000

PARK ADVISORY COMMISSION

Nancy Zimmerman (reappointment)
3025 Provincial Dr. 48105
Term: 5/16/97 to 5/15/2000

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

Councilmember Kolb moved that the appointment to the Employees Retirement System Board and the three appointments to the Solid Waste Commission be postponed.

On a voice vote the Mayor declared the motion carried.

The question being the Mayor=s recommended appointments to the Housing Policy Board and Park Advisory Commission, on a voice vote the Mayor declared the motion carried.

NOMINATIONS PLACED ON TABLE

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

MAYOR=S TASK FORCE ON INCREASING SAFETY FOR WOMEN

The Rev. Susan K. Bock
2309 Page Ave.
Ann Arbor, MI 48104

DOWNTOWN DEVELOPMENT AUTHORITY CITIZENS ADVISORY COUNCIL

Andrew L. Wright
311 Thompson St., #6 48104

ANN ARBOR TRANSPORTATION AUTHORITY

James H. Saalberg (reappointment)

2711 Provincetown Ct. 48103
Term: 5/19/97 to 5/1/2002

ANN ARBOR COMMISSION ON DISABILITY ISSUES

Anne Carpenter (reappointment)
2200 Fuller Rd., No. 705B 48105
Term: 5/19/97 to 5/18/2000

Clark B. Shuler (reappointment)
3000 Glazier Way, No. 140 48105
Term: 5/19/97 to 5/18/2000

RECENTLY SIGNED PROCLAMATIONS

Mayor Sheldon reported that she recently signed proclamations in recognition of:

- X Public Service Recognition Week - May 5-11, 1997;
- X National Police Memorial Week - May 11-17, 1997;
- X National Safe Boating Week - may 17-23, 1997; and
- X PUSH America Day - July 27, 1997.

ANNOUNCEMENTS

Mayor Sheldon made the following announcements of upcoming events:

- X Ann Arbor Water Fair, May 10, at the Water Treatment Plant, where citizens will have an opportunity to tour the new facility;
- X Second Annual AWalk the Boulevard_≡ for the Peace Neighborhood Center day camp program, sponsored by West Stadium Area Business and Professional Association, May 10, 9:00 a.m.-2:00 p.m.;
- X Council Budget Working Session, May 12, 7:00 p.m., in the Council Chamber, to review the Public Services, Administrative Services and Finance Departmental budgets; and
- X The National Mayor=s Conference has asked for donations for the flood victims of North and South Dakota. Many local agencies will forward cash contributions to those in need.

NATIONAL LEAGUE OF CITIES PROJECT

Mayor Sheldon reported that the National League of Cities received a grant to develop a handbook on ADoing Privatization Right,_≡ and that she was asked to participate in the project because of Ann Arbor=s national award for its human service agency guidelines on contract monitoring.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

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

1. The Internet and World Wide Web
2. 3rd Quarter - Quarterly Report/Measures of Success

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

COMMUNICATIONS FROM THE CITY ATTORNEY

REPORT ON COMPLETED ANNEXATION

City Attorney Abigail Elias submitted a report on the following completed annexation:

Forest Creek annexation, 8.32 acres, 3315 Stone School Road, from Pittsfield Township. (Report on file in the City Clerk's Office)

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER VEREEN-DIXON

Councilmember Vereen-Dixon made the following announcements of upcoming African American celebrations:

- X Downtown African American Celebration, June 7, 1997;
- X Juneteenth Picnic in the Park, June 14, 1997; and
- X African American Health Fair, June 21, 1997.

COUNCILMEMBER DALEY

Councilmember Daley thanked Councilmember Kolb for filling in for the Mayor during the presentations at the beginning of the meeting, and thanked Resource Recovery Manager Bryan Weinert for providing the stationery that was presented with the Buy Recycle Awards.

COUNCILMEMBER KOLB

Councilmember Kolb reminded everyone of the Water Fair at the Water Treatment Plant on May 10.

COUNCILMEMBER VEREEN-DIXON

Councilmember Vereen-Dixon thanked Council for approving the resolution recommending designation of a portion of the Huron Parkway right-of-way for park use.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from Johanna Asztalos transmitting minutes of the East Liberty Historic Block Merchants meeting of March 12, 1997 - File.
2. Communication from Sharon D. Anderson, National League of Cities Policy Analysis and Development Manager, regarding National League of Cities correspondence - File.

The following minutes were received for file:

1. Planning Commission - March 4 and March 18, 1997
2. Housing Policy Board - April 16, 1997
3. Zoning Board of Appeals - February 26, 1997
4. Historic District Commission - March 13, 1997
5. Ann Arbor Transportation Authority - March 19, 1997
6. Board of Review - March 17, 1997
7. Airport Advisory Committee - March 19, 1997
8. Cable Communications Commission - February 25, 1997
9. Taxicab Board - January 30, 1997

Councilmember Lumm 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 10:50 p.m.

**W. Northcross
Clerk of the Council**

**Janet L. Chapin
Recording Secretary**