

**ANN ARBOR CITY COUNCIL MINUTES  
REGULAR SESSION - JULY 19, 1999**

The regular session of the Ann Arbor City Council was called to order at 7:30 p.m. in the City Hall Council Chamber by Mayor Ingrid B. Sheldon.

Council stood for a moment of silence.

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

**ROLL CALL OF COUNCIL**

PRESENT : Councilmembers Tobi Hanna-Davies, Patricia Vereen-Dixon, Joseph Upton, Heidi Cowing Herrell, Patrick A. Putman, Christopher Kolb, Mayor Ingrid B. Sheldon, 7;

ABSENT : Councilmembers David Kwan, Jean Carlberg, Stephen C. Hartwell, Elisabeth L. Daley, 4.

**INTRODUCTIONS**

**PRESENTATION OF 1998 CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING**

On behalf of the Government Finance Officers Association (GFOA) and the Michigan Municipal Finance Officers Association (MMFAO), Susan Kopinski, Deputy Chief Finance Officer for Detroit Metro Airport, presented the City of Ann Arbor with a Certificate of Achievement for Excellence in Financial Reporting. This certificate is presented to governments who prepare financial reports of the highest quality. Finance Director Dean Moore and Assistant Finance Director Ken Vavra were present to receive this award. Congratulations to the City of Ann Arbor for receiving the Certificate of Achievement for the last 14 years.

**PUBLIC COMMENTARY - RESERVED TIME**

**ARNOLD MELNICK - REINSTATEMENT OF TEMPORARY STOP SIGN AT DHU VARREN & OMLESAAD**

Arnold Melnick, President of Foxfire Condominium Association, spoke in support of the Resolution to Install Temporary Stop Signs on Dhu Varren Road at Omlesaad Drive. Mr. Melnick stated that currently this intersection is the only entrance to the developments and

the sight visibility is very poor because there is a dip in the road. He stated that a petition of 500 signatures has been received in support of installing temporary stop signs until the road is completely leveled.

#### JEAN SCHEWE - PARKING SPACES FOR COURTHOUSE SQUARE APARTMENTS

Jean Schewe, resident of Courthouse Square Apartments, expressed interest in having reserved parking spaces in the Fourth and Washington parking structure for Courthouse Square residents. She stated that currently the apartment has reserved spaces three blocks away, but felt it would be more convenient for the elderly to have parking in the structure next door. Ms. Schewe stated that the residents would like their parking to be closer to them, and that they would be willing to pay the difference if there is an increase.

#### CELIA HAVEN - WATER DEMONSTRATION

Celia Haven, Ann Arbor resident, performed a water demonstration that illustrated what happens to storm water and how it affects creeks. The demonstration originated from the Burr Park Children=s Wet Meadow Project, and it shows the results of having a wet meadow. The purpose of a wet meadow is to hold and filter storm water so that it does not add to flooding and pollution of creeks, and to provide habitat for native plants and wildlife.

#### KERMIT SCHLANSKER - SUSTAINABILITY PARK

Kermit Schlansker, 2960 Marshall, stated that sustainability deals with the survival of the human race for some indefinite period of time, and the conservation of oil, natural gas, minerals, top soil and farm land. He stated that sustainability can mean the difference between life and death for future generations. Mr. Schlansker proposed that City Council reserve the landfill property for a sustainability park.

### **PUBLIC HEARINGS**

#### 1730-1744 SOUTH MAPLE ROAD ZONING (ORDINANCE NO.22-99)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 3.68 acres from TWP (Township District) to R2A (Two-Family Dwelling District), 1730-1744 South Maple Road property. Notice of public hearing was published July 1, 1999.

The following person was present to speak:

Lynn Fryman, representing Country Village Condominium Association Board of Directors, expressed concern about the proposed zoning change, and presented a petition of signatures in opposition. Ms. Fryman stated that neighbors are concerned about drainage, damage to trees and decrease in their property values.

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

1730-1744 SOUTH MAPLE LAND DIVISION

A public hearing was conducted on the proposed 1730-1744 South Maple Land Division. Notice of public hearing was published July 11, 1999.

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

ADOPTION OF THE 1996 BOCA NATIONAL BUILDING CODE, 1996 NATIONAL ELECTRICAL CODE, AND 1997 INTERNATIONAL PLUMBING CODE (ORDINANCE NO.28-99)

A public hearing was conducted on the proposed amendment to Chapter 98 - Adoption of the 1996 BOCA International Building Code, 1996 National Electrical Code, and 1997 International Plumbing Code. Notice of public hearing was published July 11, 1999.

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

ADOPTION OF THE 1996 INTERNATIONAL MECHANICAL CODE (ORDINANCE NO. 29-99)

A public hearing was conducted on the proposed amendment to Chapter 99 - Adoption of the 1996 International Mechanical Code. Notice of public hearing was published July 11, 1999.

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

BUILDING DEPARTMENT ADMINISTRATIVE AND LICENSING REGULATIONS (ORDINANCE NO.30-99)

A public hearing was conducted on the proposed amendment to Chapter 100 - Building Department Administrative and Licensing Regulations. Notice of public hearing was published July 11, 1999.

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

INTERIM 1999-2005 PARKS, RECREATION AND OPEN SPACE PLAN

A public hearing was conducted on the proposed Parks, Recreation and Open Space Plan. Notice of public hearing was published July 18, 1999.

The following persons were present to speak:

Kim Waldo, Chairman of the Parks Advisory Commission (PAC), explained that both items are connected and should be treated as such when being considered by City Council.

Mr. Waldo clarified that the PAC endorsement of the millage proposal and the PROS plan was not a deliberate planned process, but a collaborative effort of active discussion that began in 1993 when the last millage expired.

Doug Cowherd, representing People for Park Lands and the Sierra Club, introduced members of People for Park Lands, which consist of over 80 residents. People for Park Lands have collected over 2700 signatures in support of the parks millage. He stated that the millage would raise 8 million dollars over 5 years, would cost only \$41.00 per household each year, and would afford Ann Arbor a world class park system that people will enjoy for generations to come.

J. P. DeNoyer, Libertarian Party member, spoke in opposition to City Council placing the parks acquisition millage on the November ballot. He stated that the City of Ann Arbor already has enough parks, and if the City decides that acquiring park land is a priority it should figure out how to finance it. Mr. DeNoyer stated that the city does not need any more taxes.

Mary Beth Doyle, petition circulator representing the Ecology Center, stated that from the public's response to this issue it is evident that park land is important to Ann Arbor residents. She indicated that it is not certain that the necessary 6,000 signatures needed will be collected by August 3, 1999, therefore, City Council should approve the resolution to place the issue on the ballot and allow Ann Arbor citizens a chance to vote on the issue.

Laura Rubin, representing the Huron River Watershed Council, explained that park land acquisition is important to the Huron River Watershed Council because additional park land will help to permanently reduce the amount of impervious surface in the City of Ann Arbor and in the creek sheds therein. She stated that more park land will enhance biotic life, improve the water quality by filtering out pollution, and reduce flooding problems by retaining water.

Bob Johnson, resident of 1413 Culver, emphasized that approving the park acquisition millage will bring more money into the City through matching funds received from the State. He stated that with more future development coming into the city more parks will be needed to keep the quality of life as it is. Mr. Johnson calculated that the millage will result in a 1% increase in taxes.

Laura Voss, 127 N. State, #3, stated that civic pride is often what makes a town great, and great towns are known for their parks. She appealed to City Council to initiate civic pride in Ann Arbor by approving the resolution to put the park land millage on the November ballot. Ms. Voss stated that she has witnessed positive feedback and interaction from youth when learning about nature, and this experience should be afforded as much as possible.

Michael Sklar, 2545 Mead Court, stated that as a petition circulator only one person out of about 80 he has approached have said no. He said several people expressed that they would like to think about the issue more but would like it on the November ballot in order to give them a chance to decide. Mr. Sklar urged City Council to approve putting the acquisition millage on the ballot because without the funds the PROS plan would be a wasted effort.

Ken Clark, 497 Larkspur, suggested that Ann Arbor invest in more amenities and recreational opportunities in order to attract more high-tech workers into this area. He stated that parks become more valuable when joined together, as suggested in the Interim PROS plan, because linear parks are suited for running, roller-blading, hiking, mountain-biking and cross-country skiing. Mr. Clark indicated that without the money that an acquisition millage would provide the Parks Department will be unable to receive state and federal grant money and the valuable park connections will never be made.

Jeanine Palms, 2656 Easy Street, reported that collecting signatures has been a very rewarding experience. She reported that many residents have made the following comments: "Ann Arbor parks are wonderful", "It is important to have open space", "Land is disappearing quickly and more land should be conserved before it is too late", "Parks are what make the city so special", "We need to do this now". "We need to preserve more natural areas for people and for wildlife". Ms. Palms urged City Council to listen to the voices of the people and give them a chance to vote on expanding and improving Ann Arbor parks.

Mike Garfield, representing the Ecology Center, stated that the PROS plan has been and continues to be a fine strategy for developing a great park system in the city, however the city's acquisition fund is virtually bare. He noted that it is critical that the millage issue be put on the November ballot because in the next two years the two park operating millages will come before voters for renewal. Mr. Garfield discouraged placing all three millages on the same ballot because it would be bad public policy and it would confuse people.

John Hieftje, representing the Huron Watershed Council Board of Directors, urged City Council to give Ann Arbor voters a chance to vote on the parks acquisition millage.

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

### **APPROVAL OF AGENDA**

#### AGENDA APPROVED WITH CHANGES

Councilmember Hanna-Davies moved that the agenda be approved with the following changes:

#### MOTIONS AND RESOLUTIONS

Add: Resolution to Install Temporary Stop Signs on Dhu Varren Road at Omlesaad Drive (Councilmembers Hanna-Davies and Vereen-Dixon)

Councilmember Upton moved that the Resolution Authorizing Amendment to the Chief of Police Employment Agreement be moved to the Consent Agenda and that a separate vote be taken for the Resolution to Approve the Interim 1999-2005 Parks, Recreation and Open Space Plan.

On roll call the vote was as follows:

Yeas, Councilmembers Upton, Putman, Mayor Sheldon, 3;

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

The Mayor declared the motion defeated.

Councilmember Upton requested that the question be divided.

The question being to move the Resolution Authorizing Amendment to the Chief of Police Employment Agreement to the Consent Agenda, on a voice vote the Mayor declared the motion carried.

The question being that a separate vote be taken for the Resolution to Approve the Interim 1999-2005 Parks, Recreation and Open Space Plan, on roll call the vote was as follows:

Yeas, Councilmembers Vereen-Dixon, Upton, Putman, Mayor Sheldon, 4;

Nays, Councilmembers Herrell, Kolb, Hanna-Davies, 3.

The Mayor declared the motion defeated.

The question being the approval of the agenda with the following changes:

**MOTIONS AND RESOLUTIONS**

Add: Resolution to Install Temporary Stop Signs on Dhu Varren Road at Omlesaad Drive (Councilmembers Hanna-Davies and Vereen-Dixon)

On a voice vote the Mayor declared the motion carried.

Councilmember Upton moved to postpone the Resolution to Approve the Interim 1999-2005 Parks, Recreation and Open Space Plan until August 2, 1999 to allow time for further review of the document.

On a voice vote the Mayor declared the motion defeated.

**APPROVAL OF COUNCIL MINUTES**

MINUTES OF JUNE 21, JUNE 28, AND JULY 6, 1999 APPROVED

Councilmember Herrell moved that the minutes of the regular session of June 21, 1999, the continued regular session of June 28, 1999 and the regular session of July 6, 1999 be approved as presented.

On a voice vote the Mayor declared the motion carried.

**CONSENT AGENDA**

CONSENT AGENDA ITEM REMOVED

The following item was removed from the Consent Agenda and considered separately:

Resolution to Approve the Interim 1999-2005 Parks, Recreation and Open Space Plan (Parks and Recreation)

CONSENT AGENDA ITEMS APPROVED

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

R-395-7-99 APPROVED

RESOLUTION TO AWARD A CONSTRUCTION CONTRACT  
TO AMBASSADOR CONSTRUCTION, INC. AND TO ESTABLISH A

PROJECT BUDGET FOR THE EVERGREEN STORM WATER CONTROL  
PROJECT - BID NO. 3282

Whereas, It has been found necessary to construct a storm water control system to alleviate flooding at the intersections of Glenwood/Dexter and Evergreen/Valley;

Whereas, Competitive bids were received by the Purchasing Division on July 8, 1999 and Ambassador Construction, Inc. was the lowest responsible bidder at \$143,129;

Whereas, The contractual proposal sets forth the services to be performed by said company, and the payments to be made by the City therefor, all of which are agreeable to the City;

Whereas, It is now necessary to enter into a Contract with said company for said construction project; and

Whereas, Ambassador Construction, Inc. has received Human Rights approval on July 12, 1999, for said construction project;

RESOLVED, That a contract in the amount of \$143,129 be awarded to Ambassador Construction, Inc. for the construction of the Evergreen Storm Water Control Project (Bid No. 3282);

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

RESOLVED, That the following project budget be adopted and funds appropriated for the life of the project, to be available until expended without regard to fiscal year:

Section I - Revenue

\$ 170,000	Storm Water Revenue Bond, Series 1 (Fund 0081)
\$ 37,550	Advanced from the Storm Water System Operating Fund Balance (Fund 0069) to be reimbursed following the sale of Storm Water Revenue Bond, Series 2
\$ 207,550	TOTAL

Section II - Expenses

\$ 143,130	Construction
\$ 17,180	Design Engineering
\$ 21,470	Construction Engineering

\$ 7,160	Consulting and Testing
\$ 11,450	Contingencies approved by the City Administrator
\$ 7,160	Miscellaneous Costs
\$ 207,550	TOTAL; and

RESOLVED, That Council authorize the City Administrator to take necessary administrative actions to implement this resolution.

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R-396-7-99 APPROVED

RESOLUTION TO AUTHORIZE PURCHASE OF BITUMINOUS PAVING MATERIALS - BID NO. 3284

Whereas, Competitive bids for the supply of bituminous materials used in the maintenance of roads have been received by the Administrative Services Department;

Whereas, Barrett Paving Materials, Inc., was the lowest responsible bidder for five items as noted on the attached bid tabulation, and Thompson McCully Company was the lowest responsible bidder on three;

Whereas, The bid prices are firm through June 30, 2002, and the contracts may be renewed up to two one year periods if agreed between the City and the low bidder;

Whereas, Barrett Paving Materials, Inc., received Human Rights approval on March 16, 1999; and

Whereas, Thompson McCully Company received Human Rights approval on March 16, 1999;

RESOLVED, That a purchase order for the supply of bituminous paving materials be authorized to Barrett Paving Materials, Inc., in the amount of \$97,350 per year;

RESOLVED, That a purchase order for the supply of bituminous paving materials be authorized to Thompson McCully Company in the amount of \$63,500 per

year;

RESOLVED, That the City Administrator is authorized to extend both contracts for up to two one year periods if agreeable between the City and the low bidder under the same terms and conditions as exist in Bid #3284; and

RESOLVED, That the City Administrator be authorized to obtain bituminous paving materials from the second lowest bidder should the lowest bidder be unable to provide materials as needed. The total purchase orders issued by this resolution shall not exceed \$160,850 annually.

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## POSTPONED

### RESOLUTION TO APPROVE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH MIDWESTERN CONSULTING, INC. FOR CONSTRUCTION ENGINEERING SERVICES FOR THE EARHART ROAD SIDEWALK PROJECT

Whereas, It is necessary to employ a qualified professional engineering firm to perform essential construction engineering and surveying services for the Earhart Road Sidewalk Project;

Whereas, On June 21, 1999, the City amended an agreement with Midwestern Consulting, Inc. (MCI) to increase their design cost to \$31,035.09 to provide design services for the Earhart Road Sidewalk Project, and Engineering staff has determined it is necessary to amend the existing contract again to include additional construction engineering services;

Whereas, MCI has demonstrated the required knowledge, experience, personnel, and competitive fee schedule to perform the work;

Whereas, MCI received Human Rights approval on March 16, 1999; and

Whereas, The required funds to cover the services outlined in this amendment are included in the approved Earhart Road Sidewalk Project Budget;

RESOLVED, That Council approves the Amendment to the Professional Services Agreement with MCI in the amount of \$14,892 for the Earhart Road Sidewalk Project;

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

substance by the City Administrator; and

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

Councilmember Kolb moved that the resolution be postponed until August 2, 1999 because eight votes are required for adoption.

On a voice vote the Mayor declared the motion carried.

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R-397-7-99 APPROVED

RESOLUTION TO APPROVE RENEWAL  
OF THE HUMAN RESOURCES MANAGEMENT SYSTEM  
(HRMS) SOFTWARE MAINTENANCE

Whereas, The Information Technology Services Division of the Administrative Services Department wishes to renew the Human Resources Management System (HRMS) software maintenance with Integral Systems;

Whereas, Integral Systems is the sole vendor for the HRMS software maintenance;

Whereas, Integral Systems was approved by the Human Resources Department on July 9, 1999; and

Whereas, Funds for the HRMS software maintenance are provided in the Information Technology Services Division of the Administrative Services Department budget for fiscal year 1999-2000;

RESOLVED, That the City Administrator is authorized to issue a purchase order to Integral Systems for the sum of \$36,550 for software maintenance.

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R-398-7-99 APPROVED

RESOLUTION AUTHORIZING THE AWARD AND PURCHASE  
OF A REPLACEMENT FIRE DEPARTMENT VEHICLE

Whereas, The Fire Department has the charge to operate its vehicle fleet in a cost efficient manner;

Whereas, The Fire Department has the need to replace a front line twenty-four hour emergency response vehicle;

Whereas, The Fire Department has solicited competitive bids from various vehicle manufacturers;

Whereas, Varsity Ford was the lowest bidder meeting Fire Department vehicle specifications and was awarded Human Rights approval as of October 1, 1998; and

Whereas, The funds to purchase the vehicle are budgeted this current fiscal year in line item #010-032-0150-5130;

RESOLVED, That the Mayor and Council authorize the City Administrator to direct the Fire Chief to award the bid and purchase of the response vehicle to Varsity Ford in the amount of \$30,190.00.

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R-399-7-99 APPROVED

RESOLUTION AUTHORIZING WATER MAIN, SANITARY SEWER  
AND STORM WATER SEWER IMPROVEMENT CHARGES FOR  
2455 SOUTH MAIN STREET

Whereas, The City has previously constructed water main, sanitary sewers and storm sewers improvement described as follows:

Water Main: 16" water main in South Main St., Dist. No. 86042, File No. 86042, 83.36 lft frontage at \$52.73/ lft frontage = \$4,395.69

Sanitary Sewer: South-Southwest Sanitary Trunklines, Non. Dist Job #3083,  
Section I = \$68.85/acre at 0.33 acres = \$22.72  
Section II = \$136.91/acre at 0.33 acres = \$45.18  
Pittsfield Valley Trunkline Job #1716, #1928, etc.  
= \$142.37/acre at 0.33 acres = \$46.98

Job. No. 3780, Dist. No. 410 \$79.127/acre at .33 acre = \$26.11

8" sanitary sewer in S. Main St.. File No. 95084; Job No. 1906 = \$14,132.49

*Total of sanitary sewer improvement charges = \$14,273.48*

Stormsewer: 30" stormsewer in S. Main St., Dist. No. 2, Job No.795;  
\$9.98/1ft frontage at \$83.36 1ft frontage = \$831.93

**GRAND TOTAL OF IMPROVEMENT CHARGES \$19,501.10 ; and**

Whereas, Pursuant to Section 1:278, Chapter 12, of the Code; and of the City of Ann Arbor, the fair share of the cost of said improvements is to be levied against certain properties and this fair share has not been previously paid nor contracted for.

RESOLVED,

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

<u>Annexation Address:</u>	2455 South Main St.
<u>City Assessor Code:</u>	12-05-100-017
<u>Annexation Number</u>	A95-21
<u>Planning File No</u> :	12051D1.1 & .2

Beginning at an iron pipe monument in the North and South Quarter line of Section 5, in T3S, R6E, Meridian of Michigan 2170.6 feet South of the North Quarter Post of said section; thence Easterly 33.14 feet to a point which is the S.W. corner of Lot 1 for a place of beginning; thence Easterly 177.66 feet to the Southeast corner of Lot 1; thence North 83 feet to the Southwest corner of Lot 2; thence West 185.44 feet to Main Street; thence Southerly along the East line of Main Street 83.36 feet to Place of Beginning. Being Lot 1 of AState Street Highlands≅ according to the unrecorded plat thereof and being part of the following described land. Commencing at an iron pipe monument in the North and South Quarter line of Section 5, in Town 3 South, Range 6 East, Meridian of Michigan 2170.6 feet South of the North Quarter Post of said Section; thence Easterly along a line making a Southeasterly angle of 91 degrees 25 minutes 00 seconds with said North and South Quarter line, 1330.8 feet to an iron stake; thence Northerly deflecting 88 degrees 13 minutes to the

left, 392.09 feet to an iron post; thence Westerly parallel with the South line 1379.57 feet to an iron pipe and stone monument in the centerline of the public Highway; thence Southerly deflecting 1 degree 51 minutes 20 seconds to the left, 393.62 feet to the Place of Beginning, Pittsfield Township, Washtenaw County, Michigan. Now situated in the City of Ann Arbor.

2. That the improvement charge levied is \$\$19,501.10 and is designated as Utilities Improvement Charge No. 651;

3. That this improvement charge is divided into 15 equal installments; the first to be due on September 1, 1999, and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 6.2% per annum commencing September 1, 1999.

4. That the City Clerk is directed to send a copy of this resolution by first class mail to the owner of the property and to promptly have this resolution recorded in the office of the register of Deeds of Washtenaw County, Michigan; and

5. That this levied improvement charge is to be invoiced to David J. Coughlin and Joanne P. Coughlin, 5383 Salzbury Ct., Ann Arbor, MI 48103 and to be credited in the amounts of \$4,395.69 to Fund 042-073-7151, \$14,388.36 to Fund 043-073-7151 and \$831.93 to Fund 069-073-7151.

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R-400-7-99 APPROVED

RESOLUTION AUTHORIZING WATER MAIN AND SANITARY SEWER IMPROVEMENT CHARGES FOR 3262 DEXTER AVENUE

Whereas, The City has previously constructed a water main, and a sanitary sewer improvement described as follows:

Lot 8 and the easterly 11 feet of Lot 7 Dexter Avenue Hills

Water Main: 16" water main in Dexter Ave., Job No. 218-W \$326.12/connection one connection = \$326.12

Sanitary Sewer: 8" sanitary sewer in Dexter Ave., Dist. No. 455, File No. 88048, = \$8,395.05

**GRAND TOTAL OF IMPROVEMENT CHARGES \$8,721.17 ; and**

Whereas, Pursuant to Section 1:278, Chapter 12, of the Code; and of the City of Ann Arbor, the fair share of the cost of said improvements is to be levied against certain properties and this fair share has not been previously paid nor contracted for.

RESOLVED,

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

<u>Annexation Address:</u>	3262 Dexter Ave
<u>City Assessor Code:</u>	08-24-301-031
<u>Annexation Number :</u>	A97-03
<u>Planning File No :</u>	8243R17.1 & .2

Lot 8 and the easterly 11 feet of Lot 7 of Dexter Avenue Hills Subdivision, Township of Scio, County of Washtenaw, State of Michigan. Now situated in the City of Ann Arbor.

2. That the improvement charge levied is \$8,721.17 and is designated as Utilities Improvement Charge No.674 ;
3. That this improvement charge is divided into 15 equal installments;

the first to be due on September 1, 1999, and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 5.7% per annum commencing September 1, 1999.

4. That the City Clerk is directed to send a copy of this resolution by first class mail to the owner of the property and to promptly have this resolution recorded in the office of the register of Deeds of Washtenaw County, Michigan; and

5. That this levied improvement charge is to be invoiced to Randall and Bethany Veilleus, 408 Columbus Drive, Ann Arbor, MI 48103 and to be credited in the amounts of \$326.12 to Fund 042-073-7151, \$8,395.05 to Fund 043-073-7151.

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R-401-7-99 APPROVED

RESOLUTION AUTHORIZING WATER MAIN AND SANITARY SEWER  
IMPROVEMENT CHARGES FOR 1641 SOUTH STATE STREET

Whereas, the City has previously constructed a water main, and sanitary sewers improvement described as follows:

Water Main: Dist No. 83043, \$46.20/L.F. x 48 Linear Feet = \$2,217.60

Sanitary Sewer: Dist. No. 434, 48 linear feet x \$78.01 Linear Feet = \$3,744.39

**GRAND TOTAL OF IMPROVEMENT CHARGES \$5,961.99 ; and**

Whereas, pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, the fair share of the cost of said improvements is to be levied against certain properties and this fair share has not been previously paid nor contracted for.

RESOLVED,

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

<u>Annexation Address:</u>	1641 South State Street
<u>City Assessor Code:</u>	09-33-314-009
<u>Annexation Number :</u>	A98-08
<u>Planning File No :</u>	9333D1.1, .2, & .4

Commencing at the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of Section; thence S 823.79 feet in the West line of Section for a Place of Beginning; thence S 48 feet in West line of Section; thence deflecting 90E 58' to the left 183 feet; thence deflecting 89E 02' to the left 48 feet; thence deflecting 90E 58' left 183 to Place of Beginning, being part of the Southwest 1/4 of Section 33, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan. Now situated in the City of Ann Arbor.

2. That the improvement charge levied is \$5,961.99 and is designated as Utilities Improvement Charge No. 676;

3. That this improvement charge is divided into 15 equal installments; the first to be due on September 1, 1999, and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 7.1% per annum commencing September 1, 1999.

4. That the City Clerk is directed to send a copy of this resolution by first class mail to the owner of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and

5. That this levied improvement charge is to be invoiced to owners of the property known as 1641 South State Street, Ann Arbor, MI 48104 and to be credited in the amounts of \$2,217.60 to Fund 042-073-7151, \$3,744.39 to Fund 043-073-715.

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## R-402-7-99 APPROVED

RESOLUTION AUTHORIZING WATER MAIN, SANITARY SEWER AND  
STORM SEWER IMPROVEMENT CHARGES FOR 2405 SOUTH MAIN STREET

Whereas, the City has previously constructed water main, sanitary sewers and storm sewers improvement described as follows:

Water Main: 16" water main in South Main St., Dist. No. 86042, File No. 86042,  
83.37 front feet at \$52.7314/front foot = \$4,396.22

Sanitary Sewer: South-Southwest Sanitary Trunklines, Non. Dist Job #3083,  
Section I = \$68.85/acre at 0.39 acres = \$26.85  
Section II = \$136.91/acre at 0.39 acres = \$53.40  
Pittsfield Valley Trunkline Job #1716, #1928, etc.  
= \$142.37/acre at 0.39 acres = \$55.52

Job. No. 3780, Dist. No. 410 \$55.24/acre at .39 acres - \$21.54

Stormsewer: 30" stormsewer in S. Main St., Dist. No. 2, Job No.795; \$9.98/lft  
frontage, at 83.37 lft frontage = \$832.03

**GRAND TOTAL OF IMPROVEMENT CHARGES \$5,385.56; and**

Whereas, pursuant to Section 1:278, Chapter 12, of the Code; and of the City of Ann Arbor, the fair share of the cost of said improvements is to be levied against certain properties and this fair share has not been previously paid nor contracted for.

RESOLVED,

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

<u>Annexation Address:</u>	2405 South Main St.
<u>City Assessor Code:</u>	12-05-100-018
<u>Annexation Number :</u>	A95-20
<u>Planning File No :</u>	12051F1.1 & .2

Commencing at a point on the easterly line of Main Street, 226.98 feet northerly from the point where said easterly line of Main Street intersects a line parallel to and 2170.6 feet southerly from the north line of Section 5, thence east 198.83 feet; thence north 83.0 feet; thence west 206.59 feet to the easterly line of Main Street; thence southerly along the easterly line of Main Street, 83.37 feet to the Place of Beginning, being what is known as Lot Number Three according to the unrecorded plat of State Street Highlands, parts of the north half of Section 5, Town 3 South, Range 6, East, Pittsfield Township, Washtenaw County, Michigan. Now situated in the City of Ann Arbor.

2. That the improvement charge levied is \$5,385.56 and is designated as Utilities Improvement Charge No. 652;

3. That this improvement charge is divided into 15 equal installments; the first to be due on September 1, 1999, and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 6.2% per annum commencing September 1, 1999.

4. That the City Clerk is directed to send a copy of this resolution by first class mail to the owner of the property and to promptly have this resolution recorded in the office of the register of Deeds of Washtenaw County, Michigan; and

5. That this levied improvement charge is to be invoiced to Gerald E. Eisemann DDS and Susan Eisemann, 495 Bemis Rd., Saline MI 48176 and to be credited in the amounts of \$4,396.22 to Fund 042-073-7151, \$157.31 to Fund 043-073-7151 and \$832.03 to Fund 069-073-7151.

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R-403-7-99 APPROVED

RESOLUTION TO GRANT WATER SERVICE OUTSIDE CITY LIMITS TO 1710 DHU VARREN

Whereas, Lillian J. Summers, owner of the property at 1712 Dhu Varren on

March 30, 1998 requested that the City extend public water service to her property in Ann Arbor Township prior to the completion of the annexation process;

Whereas, The owner desires to enter into the standard agreement with the City which provides an equitable method of obtaining City service outside of its corporate boundaries; and

Whereas, On May 12, 1998 the owner petitioned the City for annexation under Planning Department file number 9161Y7.1 and 9161Y7.2.

RESOLVED, That the Mayor and Clerk are authorized and requested to sign the agreement to allow City water service to the land during the time it is still outside of the Corporate Limits; that the City Clerk is directed to send a copy of this resolution by first class mail to the above property owner; and that the Water Utilities Department shall promptly have this resolution and the agreement recorded in the office of the Register of Deeds of Washtenaw County, Michigan and send a completely executed copy of the agreement to the owner.

\*\*\*\*\*

R-404-7-99 APPROVED

RESOLUTION TO APPROVE BOARD OF INSURANCE MINUTES OF JULY 1, 1999 AND TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of July 1, 1999, be accepted and that the payments therein be authorized.

MINUTES CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION JULY 1, 1999

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

Absent: None

Also Present: Cyndi Beaudry, Risk Manager  
Stacey Washington, Assistant City Attorney  
Bob West, Assistant City Attorney  
Brian Hutcheon, Assistant City Attorney

Susan Campbell, Acting Assistant Risk Manager  
 Judith Lodish, Claimant 6.

CITIZENS' CLAIMS APPROVED (and check issued):

<u>CASE NO.</u>	<u>CLAIMANT</u>	<u>AMOUNT</u>
CC 40-99	Property damage claim of James Saylor	\$500.00
CC 58-99	Property damage claim of Detroit Edison (2445 Stadium)	\$420.53
CC 9-99	Vehicle damage claim of Jolyn Outhwaite	\$500.00
CC 56-99	Sewer back-up claim of Lynn & Marija Freeland	\$678.75
CC 56-99	Property damage claim of Fred Kreye	\$2,426.78
CC 6-99	Property damage claim of Nicholas Contaxes	\$142.88
CC 59-99	Property damage claim of Stadium Deli and Wine	<u>\$2,650.00</u>
<b>TOTAL</b>		<b>\$7,318.94</b>

LEGAL EXPENSES AND/OR CASE RELATED EXPENSES:

<u>CASE NO.</u>	<u>CLAIMANT</u>	<u>AMOUNT</u>
CC 46-98	Lawsuit of Antar Bantu by Daniel Manville, Attorney Robert West	\$77.04
CC 62-98	Lawsuit of Jasper Gatson by Douglas Spicer, Attorney Charlotte Turner	\$7.00
CC 16-97	Lawsuit of Alan Valusek by Jonathan Rose, Attorney	<u>\$600.00</u>
<b>TOTAL</b>		<b>\$684.04</b>

MISCELLANEOUS:

CLAIM SERVICE CHARGES:

Workers= Compensation Claims Account, 2nd quarter admin. fee	\$11,750.00
MIOSHA Log Filing, 2nd quarter fee	\$450.00
2nd Quarter Administration Fee for Liability Claims Account	<u>\$7,977.50</u>
<b>TOTAL</b>	<b>\$20,177.50</b>

CITIZEN'S CLAIMS DENIED:

CASE NO.

- CC 167-98 Sewer back-up claim of Judith Lodish (104 Longman Lane)  
Discussed by Judith Lodish, Claimant, and the Board denied the claim.
- CC 67-99 Claim of Allison Roberts by Thomas L. Kent, Attorney  
Discussed by Stacey M. Washington, Asst. City Attorney, and the Board denied the claim.
- CC 64-99 Property damage claim of Boris and Natalie Kuneberg  
Discussed by Cyndi Beaudry, Risk Manager, and the Board denied the claim.
- CC 60-99 Vehicle damage claim of Tabatha Collies  
Discussed by Cyndi Beaudry, Risk Manager, and the Board denied the claim.
- CC 61-99 Vehicle damage claim of Dale Morrison  
Discussed by Cyndi Beaudry, Risk Manager, and the Board denied the claim.

## OTHER BUSINESS:

CASE NO.

- CC 16-97 Lawsuit of Alan Valusek by Jonathan Rose, Attorney  
Discussed by Brian Hutcheon, Asst. City Attorney, and the Board authorized settlement.
- CC 66-99 Vehicle damage claim of Guoying Mi  
Discussed by Cyndi Beaudry, Risk Manager, and the Board authorized settlement.
- CC 45-99 Vehicle damage claim of Hanoch and Tsilly Dagan  
Discussed by Cyndi Beaudry, Risk Manager, and the Board authorized settlement.

## CLAIMS RECEIVED SINCE LAST MEETING:

CASE NO.

- CC 66-99 Vehicle damage claim of Guoying Mi  
CC 67-99 Claim of Allison Roberts by Thomas L. Kent, Attorney  
CC 68-99 Personal Injury Claim of Katherine Frisch by Nora Lee Wright, Attorney

Prepared by,  
Cyndi Beaudry, Risk Manager

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R-406-7-99 APPROVED

RESOLUTION TO CLOSE MAIN AND LIBERTY STREETS  
FOR FESTIVE FRIDAY FUN NIGHT - VICTORIAN GALA

Whereas, The City has received a request from the Main Street Area Association to sponsor a special event on Friday, August 13, 1999 from 5:30 - 11:00 p.m.;

Whereas, This event is intended to promote and attract people to the Main Street business area;

Whereas, The staging of this event will require the closing of Main Street between Washington and William, and Liberty Street between Ashley and Fourth Avenue;

Whereas, The sponsors will provide evidence of proper liability insurance, comply with all procedures, rules and regulations for holding these events; and

Whereas, The sponsors have requested Council waive meter bag deposits;

RESOLVED, That the closing of streets requested is approved; and

RESOLVED, Council waive parking meter bag deposit fees of \$520.00.

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R-407-7-99 APPROVED

RESOLUTION TO APPROVE CONTRACT WITH BODMAN,  
LONGLEY AND DAHLING, L.L.P.. FOR LEGAL SERVICES  
REPRESENTING THE CITY RELATIVE TO A MICHIGAN DEPARTMENT  
OF ENVIRONMENTAL QUALITY ADMINISTRATIVE HEARING  
ENTITLED IN RE GELMAN SCIENCE, INC.  
NPDES PERMIT MI-0048453

Whereas, The City Attorney has recommended that the City retain Bodman, Longley & Dahling, LLP, for legal services representing the City relative to a Michigan Department of Environmental Quality administrative hearing entitled *In re Gelman Sciences, Inc.*; NPDES Permit MI-0048453;

Whereas, Bodman, Longley & Dahling, LLP, was selected to represent the City in

this matter based on the firm=s experience in such environmental administrative hearings and because the firm already represents other groups and individuals in this and a related contested case regarding the NPDES Permit that was issued to Gelman Sciences; and

Whereas, Bodman, Longley & Dahling, LLP, received Human Rights clearance on July 12, 1999.

RESOLVED, That the Mayor and City Council be authorized to sign a standard legal services agreement with Bodman, Longley & Dahling, LLP, approved as to form by the City Attorney, for legal services in this matter in an amount not to exceed \$130,000.

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R-408-7-99 APPROVED

RESOLUTION TO APPROVE PURCHASE ORDER INCREASE WITH FIRST IMPRESSION PRINTING

Whereas, The Administrative Services Department-Purchasing Division purchases printing services for all city departments, and

Whereas, First Impression Printing has been the lowest responsible bidder on a significant portion of the City of Ann Arbor's printing requirements, and

Whereas, First Impression Printing received Human Rights Approval on May 5, 1999,

RESOLVED, That City Council approve increasing P.O. #9-0034-13 to First Impression Printing from \$24,930.00 to \$ 27,857.30 for the purchase of printing services.

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R-409-7-99 APPROVED

RESOLUTION AUTHORIZING DATE FOR REFORM PARTY CAUCUS

RESOLVED, That the date of July 26, 1999 be hereby approved as the official caucus date of the Reform Party of Michigan for the purpose of determining its candidates for the November 2, 1999 General City Election.

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R-410-7-99 APPROVED

RESOLUTION AUTHORIZING DATE FOR LIBERTARIAN PARTY CAUCUS

RESOLVED, That the date of July 29, 1999 be hereby approved by the City Council for the Libertarian Party of Michigan to hold its official caucus for the purpose of determining its candidates for the November 2, 1999 General City Election.

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R-411-7-99 APPROVED

RESOLUTION AUTHORIZING AMENDMENT TO THE CHIEF OF POLICE EMPLOYMENT AGREEMENT

Whereas, The Mayor and City Council approved an offer of employment and agreement on January 9, 1995, with Carl D. Ent for the position of Chief of Police;

Whereas, The agreement later provides for the City to contribute to the City=s 457 Deferred Compensation Plan on behalf of the Chief of Police an amount equal to the actuarial rate for the City=s pension contribution for police service not to exceed the maximum allowed contribution;

Whereas, This agreement was thought to insure a maximum contribution to the Chief of Police=s benefit for each year of his service;

Whereas, That excellent performance and management of Pension System assets has caused actuarial contribution rates to decline for several consecutive years;

Whereas, On July 1, 1999 the actuarial contribution rate for police services has declined to 5.9% and will produce a contribution for the Chief of Police less than the maximum allowable contribution to the City=s 457 Deferred Compensation Plan; and

Whereas, The Mayor and City Council desire to provide a fair pension contribution to the Chief of Police.

RESOLVED, That the Mayor and City Council amend the December 21, 1994 employment agreement letter between the City of Ann Arbor and Chief of Police by amending the last sentence of paragraph 9 as follows:

This contribution cap will be reviewed **and raised** should the IRS rules change regarding 457 Plan contributions.

RESOLVED, That the Mayor and City Council amend the December 21, 1994 employment agreement letter between the City of Ann Arbor and Chief of Police by amending paragraph 9 to add the following language at the end:

Effective July 1, 1999, the city's contribution to the 457 plan will be equal to 9.2% of the Chief of Police annual salary, not to exceed the 457 Plan contribution cap established by IRS rules, which may be amended from time to time.

Councilmember Hanna-Davies moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

The question being the foregoing Consent Agenda items as presented, except the Resolution to Approve the Interim 1999-2005 Parks, Recreation and Open Space Plan, as presented, on a voice vote the Mayor declared the motion carried.

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R-405-7-99 APPROVED

RESOLUTION TO APPROVE THE INTERIM 1999-2005 PARKS,  
RECREATION AND OPEN SPACE PLAN

Whereas, the Department of Parks and Recreation current 1994-1999 Parks Recreation and Open Space Plan (PROS) expires in summer 1999;

Whereas, The Michigan Department of Natural Resources requires that the PROS Plan be updated every 5 years and the City must provide an updated plan in July 1999 to be eligible to apply for grants in the September 1999 DNR grant round;

Whereas, A citywide sample survey, interviews, public workshops, public hearings and other public input processes were completed as a part of preparing the Interim 1999-2005 Parks Recreation and Open Space Plan;

Whereas, The Park Advisory Commission held a public hearing on the PROS Plan at a special meeting on July 6, 1999 and approved a resolution recommending that the Mayor and City Council approve the PROS Plan;

Whereas, The Recreation Advisory Commission at a regular meeting on July 6, 1999 approved a resolution recommending the Mayor and City Council approve the PROS Plan;

Whereas, Additional public review of the PROS Plan is desired and a more complete list of recreation needs and facilities, park improvements, acquisitions

and administrative recommendations is necessary to provide the basis for millage renewals and recommended capital improvements; and

Whereas, The process of developing a more complete 1999-2005 PROS Plan will continue with the goal of adopting a final 2000-2005 PROS Plan in February 2000 for submittal to the DNR and for inclusion in the City of Ann Arbor Master Plan;

RESOLVED, That the Mayor and City Council approves the Interim 1999-2005 PROS Plan with the understanding that a more complete five year plan will be recommended by February 2000.

Councilmember Upton moved that the resolution be adopted.

Councilmember Upton moved that the resolution be postponed until August 2, 1999 to allow further view of the Interim 1999-2005 Parks, Recreation and Open Space Plan.

On a voice vote the Mayor declared the motion defeated.

The question being the Resolution to Approve the Interim 1999-2005 Parks, Recreation and Open Space Plan, on a voice vote the Mayor declared the motion carried.

Councilmember Herrell requested a roll call vote.

On roll call the vote was as follows:

Yeas, Councilmembers Vereen-Dixon, Herrell, Putman, Kolb, Hanna-Davies, Mayor Sheldon, 6;

Nays, Councilmember Upton, 1.

The Mayor declared the motion carried.

## **ORDINANCES - SECOND READING**

22-99 DEFEATED

1730-1744 SOUTH MAPLE ROAD

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 3.68 acres, located at 1730-1744 South Maple Road, from TWP (Township District) to R2A (Two-Family Dwelling District).

Councilmember Putman moved that the ordinance be adopted at second reading. On a voice vote the Mayor declared the motion carried. *(Due to the protest petition filed with the City Clerk at the public hearing, the ordinance failed because the signatures on the petition were sufficient to trigger the 8-vote requirement under the City Code. A resolution rescinding this vote and the ordinance at second reading are scheduled for adoption August 2, 1999.)*

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### 28-99 POSTPONED

#### ADOPTION OF 1996 BOCA NATIONAL BUILDING CODE, 1996 NFPA NATIONAL ELECTRICAL CODE, AND 1997 INTERNATIONAL PLUMBING CODE

#### An Ordinance to Amend Chapter 98 of Title VIII of the Code of the City of Ann Arbor

(The complete text of Ordinance 28-99 is on file in the City Clerk=s Office).

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

Councilmember Herrell moved that the ordinance be amended to allow a 32" door width for ground floor bathrooms.

On roll call the vote was as follows:

Yeas, Councilmembers Hanna-Davies, Herrell, Kolb, 3;

Nays, Councilmembers Vereen-Dixon, Upton, Putman, Mayor Sheldon, 4.

The Mayor declared the motion defeated.

Councilmember Vereen-Dixon moved to postpone the ordinance to allow the Building Department Director to amend the language and present it to the State for approval.

On roll call the vote was as follows:

Yeas, Councilmembers Vereen-Dixon, Upton, Herrell, Putman, Kolb, Hanna-Davies, 6;

Nays, Mayor Sheldon, 1.

The Mayor declared the motion carried.

Council unanimously agreed to amend Section 2 of the ordinance as follows:

Section 2. That this Ordinance shall ~~<be in full force and effect on and after ten (10) days from the date of legal publication>~~ **TAKE EFFECT 90 DAYS AFTER ENACTMENT AND 90 DAYS AFTER A CERTIFIED COPY OF THE ORDINANCE IS DELIVERED TO THE MICHIGAN STATE CONSTRUCTION CODE COMMISSION.**

\*\*\*\*\*

29-99 POSTPONED

ADOPTION OF 1996 INTERNATIONAL MECHANICAL CODE

An Ordinance to Amend Chapter 99 of Title VIII  
of the Code of the City of Ann Arbor

(The complete text of Ordinance 29-99 is on file in the City Clerk=s Office).

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

Councilmember Putman moved that the ordinance be postponed until August 2, 1999.

On a voice vote the Mayor declared the motion carried.

Council unanimously agreed to amend Section 2 of the ordinance as follows:

Section 2. That this Ordinance shall ~~<be in full force and effect on and after ten (10) days from the date of legal publication>~~ **TAKE EFFECT 90 DAYS AFTER ENACTMENT AND 90 DAYS AFTER A CERTIFIED COPY OF THE ORDINANCE IS DELIVERED TO THE MICHIGAN STATE CONSTRUCTION CODE COMMISSION.**

\*\*\*\*\*

30-99 POSTPONED

BUILDING DEPARTMENT ADMINISTRATIVE  
AND LICENSING REGULATIONS

An Ordinance to Amend Chapter 100 of Title VIII  
of the Code of the City of Ann Arbor

(The complete text of Ordinance 30-99 is on file in the City Clerk=s Office).

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

Councilmember Putman moved that the ordinance be postponed until August 2, 1999.

The Mayor declared the motion carried.

Council unanimously agreed to amend Section 2 of the ordinance as follows:

Section 2. That this Ordinance shall ~~be in full force and effect on and after ten (10) days from the date of legal publication~~ **TAKE EFFECT 90 DAYS AFTER ENACTMENT AND 90 DAYS AFTER A CERTIFIED COPY OF THE ORDINANCE IS DELIVERED TO THE MICHIGAN STATE CONSTRUCTION CODE COMMISSION.**

\*\*\*\*\*

31-99 APPROVED

RIGHT-OF-WAY OCCUPANCY DURING CONSTRUCTION

An Ordinance to Amend Section 4:21 of Chapter 47  
of Title IV of the Code of the City of Ann Arbor

(The complete text of Ordinance 31-99 is on file in the City Clerk=s Office).

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

On a voice vote the Mayor declared the motion carried.

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32-99 APPROVED

COLLECTIONS FROM METERS

An Ordinance to Repeal Section 10:76 of Chapter 126  
of Title X of the Cod of the City of Ann Arbor

(The complete text of Ordinance 32-99 is on file in the City Clerk=s Office).

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

On a voice vote the Mayor declared the motion carried.

\*\*\*\*\*

33-99 APPROVED

SIGN REQUIRED FOR SALES OF TOBACCO PRODUCTS

An Ordinance to Amend Section 9:329 of Chapter 118  
of Title IX of the Code of the City of Ann Arbor

(The complete text of Ordinance 33-99 is on file in the City Clerk=s Office).

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

On a voice vote the Mayor declared the motion carried.

**ORDINANCES - FIRST READING**

34-99 APPROVED

UTILITY FRANCHISE FILING FEE

An Ordinance to Amend Section 2:602 of Chapter 37  
of Title II of the Code of the City of Ann Arbor

(The complete text of Ordinance 34-99 is on file in the City Clerk=s Office).

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

On a voice vote the Mayor declared the motion carried.

**MOTIONS AND RESOLUTIONS**

R-412-7-99 APPROVED

RESOLUTION DESIGNATING THE OFFICIAL REPRESENTATIVE  
OF THE CITY OF ANN ARBOR AT THE ANNUAL MEETING  
OF THE MICHIGAN MUNICIPAL LEAGUE

Whereas, The City of Ann Arbor is currently a member of the Michigan Municipal League;

Whereas, Section 4.4 of the Bylaws of the Michigan Municipal League requires that each member shall, by action of its governing body prior to the annual meeting or any special meeting, appoint one official of such member city or village as its principal official representative to cast the vote of the member at such meeting; and

Whereas, Ingrid B. Sheldon, Mayor of the City of Ann Arbor, will be in attendance at the annual meeting.

RESOLVED, That the Ann Arbor City Council hereby designates Mayor Ingrid B. Sheldon as the City=s official representative at the annual meeting of the Michigan Municipal league, October 6-8, 1999. Christopher Kolb, Mayor Pro Tem, will serve as alternate.

Councilmember Putman moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-413-7-99 APPROVED

RESOLUTION TO APPROVE MAPLE HILL APARTMENTS SITE PLAN  
AND DEVELOPMENT AGREEMENT

Whereas, C & G Properties has requested site plan approval in order to construct eight apartment units at 900 South Maple Road;

Whereas, A development agreement has been prepared to address a parkland cash contribution and a conveyance of South Maple Road right-of-way; and

Whereas, The Ann Arbor City Planning Commission, on June 15, 1999, recommended approval of said request;

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that attached, dated June 28, 1999; and

RESOLVED, That City Council approve the Maple Hill Apartments Site Plan, upon

the conditions that (1) the Development Agreement is signed by all necessary parties; and (2) all terms of the Development Agreement are satisfied.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Maple Hill Apartments Site Plan and Development Agreement, 0.85 acre, west side of Maple Road, north of Adrienne Drive.

Councilmember Putman moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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POSTPONED

RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO CAMERON CONTRACTING COMPANY AND ESTABLISH A PROJECT BUDGET FOR THE SHADY LANE WATER MAIN AND SANITARY SEWER PROJECT BID NO. 3250

Whereas, It has been found necessary to construct water main and sanitary sewer to serve the homes on Shady Lane;

Whereas, Competitive bids were received by the Purchasing Division on June 15, 1999, and Cameron Contracting Co. was the lowest responsible bidder at \$336,474.75;

Whereas, The contractual proposal sets forth the services to be performed by said company, and the payments to be made by the City therefor, all of which are agreeable to the City;

Whereas, It is now necessary to enter into a contract with said company for said construction project; and

Whereas, Cameron Contracting Co. received Human Rights Approval on July 7, 1999;

RESOLVED, That a contract in the amount of \$336,474.75 be awarded to Cameron Contracting Co. For the Shady Lane Water Main and Sanitary Sewer Project (Bid No. 3250);

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

RESOLVED, That City Council adopt the following budget for the life of the project, to be available until expended without regard to fiscal year:

<u>Section I - Revenue</u>	
\$ 291,985	Advanced from the Sanitary Sewer System Unobligated Fund Balance (Fund 0043)(\$243,405 to be recovered in the future as Improvement Charges)
\$ 245,665	Advanced from the Water Supply System Unobligated Fund Balance (Fund 0042) pending the sale of Water Revenue Bonds, Series X (\$188,040 to be recovered in the future as Improvement Charges)
\$ 9,015	Special Assessment (to be advanced from the Sanitary Sewer System Unobligated Fund Balance)
\$ 7,835	Special Assessment (to be advanced from the Water Supply System Unobligated Fund Balance)
\$ 554,500	

<u>Section II - Expenses</u>	
\$ 336,500	Construction
\$ 43,500	Design Engineering and Design Consultant
\$ 51,000	Construction Engineering
\$ 17,000	Testing
\$ 27,000	Contingencies approved by the City Administrator
\$ 17,000	Miscellaneous Costs
\$ 23,500	Bond Costs
\$ 39,000	Easement Acquisition
\$ 554,500	

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

Councilmember Hanna-Davies moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the resolution be postponed until August 2, 1999 because eight votes are needed for adoption.

On a voice vote the Mayor declared the motion carried.

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POSTPONED

RESOLUTION TO AWARD A CONSTRUCTION CONTRACT  
TO ANDREWS CONSTRUCTION COMPANY, INC. AND TO  
ESTABLISH A PROJECT BUDGET FOR THE EARHART ROAD  
SIDEWALK PROJECT - BID NO. 3271

Whereas, It is necessary to construct a sidewalk along the west side of Earhart Road to fill in the missing sidewalk gaps between Greenhills Drive and Pine Brae;

Whereas, Competitive bids were received by the Purchasing Division on June 23, 1999, and Andrews Construction Company, Inc. was the lowest responsible bidder at \$239,536.60; and

Whereas, Andrews Construction Company, Inc. received Human Rights approval on June 24, 1999;

RESOLVED, That a contract in the amount of \$239,536.60 be awarded to Andrews Construction Company, Inc. for the construction of the Earhart Road Sidewalk Project (Bid No. 3271);

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

RESOLVED, That City Council adopt the following budget for the life of the project, to be available until expended without regard to fiscal year:

Section I, Revenue

\$	<u>366,140</u>	Appropriated from the General Fund (unobligated fund balance)
\$	366,140	TOTAL

Section II - Expense

\$	239,540	Construction
	43,400	Design Engineering
	40,000	Construction Engineering
	12,000	Testing, Consulting and Professional Services
	19,200	Contingencies to be approved by the City Administrator
	12,000	Miscellaneous Costs
\$	<u>366,140</u>	TOTAL; and

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

Councilmember Hanna-Davies moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the resolution be postponed until August 2, 1999 because eight votes are needed for adoption.

On a voice vote the Mayor declared the motion carried.

\*\*\*\*\*

POSTPONED

RESOLUTION AUTHORIZING SUMMARY PUBLICATION  
OF ORDINANCE 28-99 OF TITLE VII OF THE CODE OF  
THE CITY OF ANN ARBOR

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

RESOLVED, That Ordinance No. 28-99 be published by the following summary: Ordinance No. 28-99 amends the City Code by adopting the 1996 BOCA National Building Code, 1996 NFPA National Electrical Code, and 1997 International Plumbing Code. The amendments to these nationally written codes include special criteria for consideration of appeals in flood hazard zones; addition of electrical code amendments for statewide uniformity; requirements for restroom facilities consistent with State regulations; and otherwise provides for uniformity with the construction code requirements within the county and state.

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 Municipal Building, 100 N. Fifth Ave., Ann Arbor.

Councilmember Hanna-Davies moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the resolution be postponed until August 2, 1999 because eight votes are needed for adoption.

On a voice vote the Mayor declared the motion carried.

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POSTPONED

RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 29-99 WHICH REVISES CHAPTER 99 OF TITLE VIII OF THE CODE OF ANN ARBOR, MICHIGAN

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

RESOLVED, That Ordinance No. 29-99 be published by the following summary:

Ordinance No. 29-99 amends the City Code by adopting the 1996 International Mechanical Code. The amendments to this nationally written code include references to State Mechanical licensing regulations; clarification of who may obtain permits for mechanical work; clarifies inspection sequences; and otherwise provides for uniformity with the construction code requirements within the county and state.

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 Municipal Building, 100 N. Fifth Ave., Ann Arbor.

Councilmember Hanna-Davies moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the resolution be postponed until August 2, 1999 because eight votes are needed for adoption.

On a voice vote the Mayor declared the motion carried.

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POSTPONED

RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE NO. 30-99 WHICH REVISES CHAPTER 100 OF TITLE VIII OF THE CODE OF THE CITY OF ANN ARBOR, MICHIGAN

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

RESOLVED, That Ordinance No. 30-99 be published by the following summary:

Ordinance No. 30-99 amends the City Code by changing the title of Chapter 100 to Building Department Administrative and Licensing Regulations and by relocating provisions regarding administration and licensing of electrical work, permits, and inspections from Chapter 98.

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 Municipal Building, 100 N. Fifth Ave., Ann Arbor.

Councilmember Hanna-Davies moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the resolution be postponed until August 2, 1999 because eight votes are needed for adoption.

On a voice vote the Mayor declared the motion carried.

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POSTPONED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM  
MID-KINGDOM, INC. - ARBOR DRUGS LOCATED  
AT GREEN AND PLYMOUTH ROADS

Whereas, Mid-Kingdom, Inc., 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 1616, Page 916; and

Whereas, The Sole Director of Mid-Kingdom, Inc., a Michigan corporation, on March 26, 1999, authorized the delivery of a perpetual easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system; and

Whereas, Mid-Kingdom, Inc., 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:

A permanent easement for ingress/egress and watermain described as the N 40 feet except the E 27 feet of the following described parcel:

Commencing at the S 1/4 Corner of Section 14, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N 0° 05' 50" E 1110.08 feet along the N & S 1/4 line of said section for a PLACE OF BEGINNING; thence continuing along said N & S 1/4 line N 0° 05' 50" E 67.88 feet; thence N19E17' 00" E 63.40 feet along the E line of Green Road; thence S 89° 54' 30" E 309.21 feet; thence S 0° 05' 03" W 260.00 feet; thence S 70° 54' 30" W 180.00 feet along the N line of Plymouth Road; thence N0E05' 50" E 189.57 feet; thence N89E15' 30" W 160.08 feet to the PLACE OF BEGINNING, being a part of the SE 1/4 of said Section 14 and containing 1.59 acres of land, more or less.

RESOLVED, That said easement is hereby accepted.

Councilmember Hanna-Davies moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the resolution be postponed until August 2, 1999 because eight votes are needed for adoption.

On a voice vote the Mayor declared the motion carried.

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## POSTPONED

### RESOLUTION ACCEPTING PUBLIC RIGHT-OF-WAY EASEMENT FROM MID-KINGDOM, INC. - ARBOR DRUGS LOCATED AT GREEN AND PLYMOUTH ROADS

Whereas, Mid-Kingdom, Inc., 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 1616, Page 916; and

Whereas, The Sole of Directors of Mid-Kingdom, Inc., a Michigan corporation, on March 26, 1999, authorized the delivery of a perpetual easement to the City for the construction and maintenance of public sidewalks; and

Whereas, Mid-Kingdom, Inc., has delivered an easement to the City for the construction and maintenance of public sidewalks to run with the land and burden the respective property perpetually, being more particularly described as follows:

A permanent sidewalk easement in part of the SE 1/4 of Section 14, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, more particularly described as follows:

Commencing at the S 1/4 Corner of said Section 14; thence N 0° 05' 50" E 1117.96 feet along the N & S 1/4 line of said section; thence N 19° 17' E 63.40 feet along the E line of Green Road; thence S 89° 54' 30" E 309.231 feet; thence S 00° 05' 30" W 260.00 feet; thence S 70° 54' 30" W 165.00 feet along the N line of Plymouth Road to the POINT OF BEGINNING; thence continuing S 70° 54' 30" W 15.00 feet; thence N 00° 05' 50" E 15.00 feet; thence S 54° 29' 50" E 17.38 feet to the POINT OF BEGINNING.

RESOLVED, That said easement is hereby accepted.  
Councilmember Hanna-Davies moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the resolution be postponed until August 2, 1999 because eight votes are needed for adoption.

On a voice vote the Mayor declared the motion carried.

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POSTPONED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM  
2500 GREEN ROAD ASSOCIATES, L.L.C. -  
NORTHEAST AREA CORPORATE CENTER

Whereas, 2500 Green Road Associates, L.L.C., a Delaware limited liability company, is the owner in fee simple of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 3872, Page 804, dated May 21, 1999; and

Whereas, The Board of Directors of 2500 Green Road Associates, L.L.C., on June 24, 1999 authorized the delivery of a perpetual easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system; and

Whereas, 2500 Green Road Associates, L.L.C., as owner has delivered an easement to the City for the construction and maintenance of municipally operated public services to run with the land and burden the respective property perpetually, being more particularly described as follows:

Legal Description B Water Main Easement

A 40= wide water main easement located in the East 2 of Section 14, Town 2 South, Range 6 East, City of Ann Arbor, Washtenaw County, Michigan, described as the 20 feet each side (40 feet wide) of the following described centerline:

Commencing at the center of Section 14, Town 2 South, Range 6 East, City of Ann Arbor, Washtenaw County, Michigan; thence along the North and South 3 line of said Section 14 North 00E05=10 East 136.29 feet; thence South 89E32=40≅ East 500.00 feet; thence North 00E06=31≅ East 330.00 feet to the Point of Beginning; thence South 89E32=40≅ East 75.35 feet; thence South 00E27=20≅ West 24.00 feet; thence South 89E32=40≅ East 270.52 feet to point >A=; thence South 89E32=40≅ East 289.85 feet; thence South 00E27=20≅ West 51.41 feet to point >B=; thence South 00E27=20≅ West 228.44 feet; thence South 45E27=20≅ West 166.56 feet to point >C=; thence South 45E27=20≅ West 229.63 feet; thence North 89E32=40≅ West 269.85 feet; thence North 00E27=20≅ East 47.38 feet to point >F=; thence North 89E32=40≅ West 211.06 feet to point >G=; thence South 00E27=20≅ West 138.26 feet; thence South 18E36=26≅ 34.90 feet to the Point of Ending.

Also, beginning at point >A= South 45E27=20≅ West 225.37 feet to point >D=; thence South 45E27=20≅ West 142.53 feet; thence South 00E27=20≅ West 120.60 feet to point >E=; thence South 00E27=20≅ West 131.87 feet to point >F=.

Also, beginning at point >B= North 89E32=40≅ West 32.32 feet to the Point of Ending.

Also, beginning at point >C= North 44E32=40≅ West 29.44 feet to the Point of Ending.

Also, beginning at point >D= South 44E32=40≅ East 32.00 feet to the Point of Ending.

Also, beginning at point >E= South 89E32=40≅ East 26.01 feet to the Point of Ending.

Also, beginning at point >G= North 89E32=40≅ West 198.51 feet; thence South 00E27=20≅ West 33.32 feet to the Point of Ending.

Also, the following described area of land as shown in Detail AA commencing at Point >F=; thence along the previously described centerline South 00E27=20≅ West 22.38 feet; thence South 89E32=40≅ East 20.00 feet to the Point of Beginning; thence South 89E32=40≅ East 11.48 feet; thence South 00E27=20≅ West 5.00 feet; thence North 89E32=40≅ West 11.48 feet; thence North 00E27=20≅ East 5.00 feet to the Point of Beginning.

Containing 2.629 acres of land or 114500 sq. ft. Subject to easements and restrictions of record, if any.

RESOLVED, That the City hereby accepts said easement.

Councilmember Hanna-Davies moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the resolution be postponed until August 2, 1999 because eight votes are needed for adoption.

On a voice vote the Mayor declared the motion carried.

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POSTPONED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM  
NEW GRACE APOSTOLIC CHURCH - 2898 PACKARD ROAD

Whereas, New Grace Apostolic Church, a Michigan corporation, is the owner in fee simple of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 2453, Page 718-719, dated November 19, 1990 and Liber 03171, Page 0403, dated October 27, 1995; and

Whereas, The grant of easement was authorized and approved by the Executive Board of Trustees, dated June 15, 1999; and

Whereas, New Grace Apostolic Church has delivered an easement to the City for the construction and maintenance of municipally operated public services to run with the land and burden the respective property perpetually, being more

particularly described as follows:

RESOLVED, That the City hereby accepts said easement.

Councilmember Hanna-Davies moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the resolution be postponed until August 2, 1999 because eight votes are needed for adoption.

On a voice vote the Mayor declared the motion carried.

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POSTPONED

RESOLUTION ACCEPTING INGRESS/EGRESS  
EASEMENT FROM NEW GRACE APOSTOLIC CHURCH  
2898 PACKARD ROAD

Whereas, New Grace Apostolic Church, a Michigan corporation, is the owner in fee simple of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 2453, Page 718-719, dated November 19, 1990 and Liber 03171, Page 0403, dated October 27, 1995; and

Whereas, The Executive Board of Trustees on June 15, 1999 authorized the delivery of a perpetual easement to the City for ingress and egress along the southern border of the Pittsfield-Ann Arbor Drain (n/k/a Mallett=s Creek) to provide access to Brown Park; and

Whereas, New Grace Apostolic Church has delivered an easement to the City for ingress and egress to Brown Park to run with the land and burden the respective property perpetually, being more particularly described as follows:

30 Ft. Wide Ingress /Egress Easement

Located in the Northeast 3 of Section 10, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan, described as:

Commencing at the North 3 Corner of Section 10, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan;

Thence N 89° 49' 50" E, 666.77 Ft. along the North Line of said Section 10;

Thence S 01° 34' 40" W, 83.04 Ft. to a point on the Southerly Right Of Way of Packard Road, said point being the northwest property corner of the Grantor Property.

Thence continuing S 01E 34= 40≅ W, 581.21 Ft. along the Westerly Line of the Grantor Property to the Point of Beginning:

Thence N 68E 14= 50≅ E, 98.99 Ft. ;

Thence N 71E 15= 40≅ E, 89.67 Ft. to a point on the Easterly Property Line of the Grantor Property;

Thence S 01E 34= 40≅ W, 31.99 Ft. to a point on the Southerly Right of Way Line of AThe Pittsfield - Ann Arbor Drain, also known as Mallett=s Creek≅;

Thence S 71E 15= 40≅ W, 77.77 Ft. along the Southerly Right of Way Line of the APittsfield - Ann Arbor Drain, also known as Mallett=s Creek≅;

Thence S 68E 14= 50≅ W, 111.14 Ft., continuing along the Southerly Right of Way Line of AThe Pittsfield - Ann Arbor Drain, also known as Mallett=s Creek≅ to a point on the Westerly Property Line of the Grantor Property;

Thence N 01E 34= 40≅ E, 32.67 Ft. along the Westerly property Line of the Grantor Property to the Point of Beginning.

Containing 0.13 acres of land, more or less, subject to easements and / or restrictions of record, if any.

RESOLVED, That the City hereby accepts said easement.

Councilmember Hanna-Davies moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the resolution be postponed until August 2, 1999 because eight votes are needed for adoption.

On a voice vote the Mayor declared the motion carried.

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POSTPONED

RESOLUTION ACCEPTING UTILITY EASEMENT  
FROM AL III INVESTMENTS, L.L.C. - SUNRISE ASSISTED LIVING

Whereas, Lillian J. Summers, owner of the property at 1712 Dhu Varren on March 30, 1998 requested that the City extend public water service to her property in Ann Arbor Township prior to the completion of the annexation process;

Whereas, The owner desires to enter into the standard agreement with the City which provides an equitable method of obtaining City service outside of its corporate boundaries; and

Whereas, On May 12, 1998 the owner petitioned the City for annexation under Planning Department file number 9161Y7.1 and 9161Y7.2.

RESOLVED, That the Mayor and Clerk are authorized and requested to sign the agreement to allow City water service to the land during the time it is still outside of the Corporate Limits; that the City Clerk is directed to send a copy of this resolution by first class mail to the above property owner; and that the Water Utilities Department shall promptly have this resolution and the agreement recorded in the office of the Register of Deeds of Washtenaw County, Michigan and send a completely executed copy of the agreement to the owner.

Councilmember Hanna-Davies moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the resolution be postponed until August 2, 1999 because eight votes are needed for adoption.

On a voice vote the Mayor declared the motion carried.

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POSTPONED

RESOLUTION ACCEPTING QUIT CLAIM DEED  
TRANSFERRING TITLE TO PROPERTY FROM GEOFFREY M. MAHER  
AND JANET H. MAHER LIVING TRUST TO THE  
CITY OF ANN ARBOR FOR RECONSTRUCTION OF GLAZIER WAY

Whereas, The Geoffrey M. Maher and Janet H. Maher Living Trust, is the owner in fee simple of property located at 3087 Glazier Way in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 3640, Page 338, recorded April 23, 1998; and

Whereas, Geoffrey M. Maher, as Trustee, of the Geoffrey M. Maher and Janet H. Maher Living Trust, conveyed a portion of parcel by quit claim deed to the City of Ann Arbor for roadway purposes, more particularly described as follows:

A parcel of land located in the SW 1/4 of Section 23, City of Ann Arbor, Township 2 South, Range 6 East, Washtenaw County, Michigan described as:

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Together with any rights Grantor has in the existing roadway commonly known as Glazier Way being 66 feet in width, more or less.

Subject to Grantees reservation of its right to bring federal or state cost recovery actions against the Grantor and any other potentially responsible parties, arising out of the release of hazardous substances on the property prior to the date of this conveyance.

Whereas, The Engineering Division has reviewed the quit claim deed and has no objections to the acceptance of the property;

RESOLVED, That the City hereby accept the quit claim deed dated July 1, 1999, for roadway purposes.

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POSTPONED

RESOLUTION AUTHORIZING PURCHASE OF LOT 6,  
WALDEN WOODS SUBDIVISION, PITTSFIELD TOWNSHIP FOR THE  
SHADY LANE WATER MAIN AND SANITARY SEWER PROJECT

Whereas, The City has determined that it is necessary to acquire property in order to construct a comprehensive sanitary sewer system to provide services to the residents of the Waldenwood Subdivision;

Whereas, The City obtained a Abefore and after≅ appraisal as part of its sale negotiations and is satisfied that an Environmental Assessment of the property is not necessary;

Whereas, A sales agreement has been negotiated between the City and the property owners of the property for the purchase of Lot 6, Walden Woods Subdivision, at a cost of \$34,000 (the appraised value of the property) plus closing costs estimated to be \$5,000; and

Whereas, Funding for this purchase is included in the Shady Lane Water Main and Sanitary Sewer Project Budget.

RESOLVED, That City Council approve a sales agreement for the purchase of Lot 6,

Walden Woods Subdivision, in connection with the construction of the sanitary sewer system as part of the Shady Lane Water Main and Sanitary Sewer Project and authorize the Mayor and Clerk to sign the agreement substantially in the form on file with the City Clerk subject to approval of the City Attorney.

Councilmember Hanna-Davies moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the resolution be postponed until August 2, 1999 because eight votes are needed for adoption.

On a voice vote the Mayor declared the motion carried.

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POSTPONED

RESOLUTION ACCEPTING QUITCLAIM DEED TRANSFERRING  
TITLE TO PROPERTY FROM HURON HILLS BAPTIST CHURCH TO  
THE CITY OF ANN ARBOR FOR RECONSTRUCTION OF GLAZIER WAY

Whereas, The Huron Hills Baptist Church, is the owner in fee simple of property located at 3150 Glazier Way in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 1420 page 420, recorded November 24, 1972;

Whereas, The Huron Hills Baptist Church Board having authorized its Secretary to execute the necessary documents to convey a portion of parcel by quit claim deed to the City of Ann Arbor for roadway purposes, more particularly described in the description on file in the City Clerk=s Office.

Together with any rights Grantor has in the existing roadway commonly known as Glazier Way being 66 feet in width, more or less.

Subject to Grantees reservation of its right to bring federal or state cost recovery actions against the Grantor and any other potentially responsible parties, arising out of the release of hazardous substances on the property prior to the date of this conveyance; and

Whereas, The Engineering Division has reviewed the quit claim deed and has no objections to the acceptance of the property;

RESOLVED, That the City hereby accept the quit claim deed dated July 1, 1999 for roadway purposes.

Councilmember Hanna-Davies moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the resolution be postponed until August 2, 1999 because eight votes are needed for adoption.

On a voice vote the Mayor declared the motion carried.

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### DEFEATED

#### RESOLUTION TO REQUEST COUNCIL PLACE A PARKS, RECREATION AND OPEN SPACE ACQUISITION MILLAGE ON THE NOVEMBER 1999 BALLOT

RESOLVED, That the Ann Arbor City Council propose that the City Charter be amended by adding a new Section 8.23 which shall read as follows:

#### Funds for Land Acquisition

SECTION 8.23. In addition to any other amount which the City is authorized to raise by general tax upon the real and personal property situated in the City, by this Charter or any other provision of law, the City shall, in 2000 through 2004, annually levy a tax of one-half mill on all taxable real and personal property situated within the City for the purpose of funding the acquisition of recreational, natural, connecting and open space land.

RESOLVED, That November 2, 1999, be designated as the day for holding an election on the proposed Charter amendment;

RESOLVED, That the City Clerk transmit a copy of the proposed amendment to the Attorney General and the Governor of Michigan and perform all other acts required by the law for holding the election;

RESOLVED, That the proposed charter amendment appear on the ballot in the following form, together with the following statement of purpose:

ANN ARBOR CITY CHARTER AMENDMENT AUTHORIZING A TAX  
FOR RECREATIONAL, NATURAL, CONNECTING AND OPEN SPACE  
LAND ACQUISITION AT A RATE OF .5 MILL

Shall the Charter be amended to authorize a one-half mill tax for five years, starting in 2000, which will raise in the first year of the levy the estimated revenue of \$1,520,107.00, to provide funds for the acquisition of recreational, natural, connecting and open space land.

PURPOSE OF AMENDMENT: The amendment is proposed for the purpose of acquiring recreational, natural, connecting and open space land.

YES

NO

RESOLVED, That the proposed Charter amendment and proposed ballot question, along with statement of purpose, shall be published in full not fewer than two times in the Ann Arbor News; and

RESOLVED, That if the amendment is adopted, it shall take effect on January 1, 2000.

Councilmember Kolb moved that the resolution be adopted

On roll call the vote was as follows:

Yeas, Councilmembers Vereen-Dixon, Herrell, Kolb, Hanna-Davies, 4;

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

Councilmember Kolb requested to change his vote.

The roll call reads as follows:

Yeas, Councilmembers Vereen-Dixon, Herrell, Hanna-Davies, 3;

Nays, Councilmembers Upton, Putman, Kolb, Mayor Sheldon, 4.

The Mayor declared the motion defeated.

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R-414-7-99 APPROVED

RESOLUTION TO INSTALL TEMPORARY STOP SIGNS  
ON DHU VARREN ROAD AT OMLESAAD DRIVE

Whereas, Stop signs on Dhu Varren Road at Omlesaad Drive are not officially warranted according to traffic standards, because the volume of traffic on Omlesaad is not high enough to warrant a sign;

Whereas, The Foxfire Neighborhood Association has formally requested the installation of stop signs on Dhu Varren at Omlesaad, in both directions, and has submitted to City Council signatures from 100% of the households in Foxfire;

Whereas, There is a sight distance problem for drivers and bikers exiting onto Dhu Varren from Omlesaad, both from the north and the south, causing drivers and bikers looking for oncoming traffic on Dhu Varren to pull out into the path of that traffic;

Whereas, The sight distance problem will be substantially corrected when the gravel/ravine portion of Dhu Varren is rebuilt, probably next construction season;

Whereas, Traffic on Dhu Varren goes at speeds of 35 or 40 mph;

Whereas, There are 270 household in Foxfire, both north and south of Dhu Varren Road, all of which currently use Omlesaad to enter and exit their neighborhood;

Whereas, The situation is currently exacerbated by increased traffic on Dhu Varren due to the use of Dhu Varren as a detour while Nixon Road bridge over US-23/M-14 is being rebuilt; and

Whereas, There is a precedent on Dhu Varren for a stop sign that is respected by drivers even though the volume of cross traffic is low -- the stop sign at the railroad tracks 1/4 mile to the west of Omlesaad, where train traffic is rare during the day;

RESOLVED, That the Ann Arbor City Council direct the City Administrator to have a temporary stop sign installed in each direction on Dhu Varren Road at the intersection of Omlesaad Drive, to remain until the gravel portion of Dhu Varren is rebuilt.

Councilmember Hanna-Davies moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

## **REPORTS FROM COUNCIL COMMITTEES**

None.

## **COUNCIL PROPOSED BUSINESS**

### AUGUST 2 REGULAR SESSION

Resolution Regarding Parking Rates at the Fourth and Washington Parking Structure (Mayor Sheldon)

## **COMMUNICATIONS FROM THE MAYOR**

### APPOINTMENTS APPROVED

Mayor Sheldon recommended the following appointments at the July 6, 1999 regular session of Council:

#### Community Development Citizen Participation Executive Committee

Bruce Warren (reappointment)  
1001 Belmont Road  
Ann Arbor, MI 48104  
Term: 07/19/1999 to 6/30/2002

#### Elizabeth Dean Fund Committee

Elizabeth Graham (reappointment)  
925 Aberdeen  
Ann Arbor, MI 48104  
Term: 08/01/99 to 07/31/2001

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

On a voice vote the Mayor declared the motion carried.

### ANNOUNCEMENTS

Mayor Sheldon made the following announcements:

- Condolences to the family of Jerry Wright, 53, retired Ann Arbor Police, who passed away.
- Greg Cook, AATA Executive Director and CEO, attended the Y2K Readiness Round Table in Washington D.C. hosted by the President=s Council on the Year 2000 Conversion for Transportation Systems.
- Mayor Sheldon and Councilmember Vereen-Dixon attended a news conference where the Mayor=s Task Force for Increasing Safety for Women unveiled the safety phone to be placed in parking structures.
- 40th Annual Ann Arbor Art Fair - July 21-24

### **COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

#### **REPORTS SUBMITTED**

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

1. Section 8 Renewal of Expiring Certificate and Voucher Increments
2. Recommendations of Sign Ordinance Task Force to Amend Chapter 61 - Sign Ordinance
3. Proposed Monthly Permit Parking Rate Change, After-Hours Parking Rate Increase at the First & Washington Parking Structure, and Establishing an Hourly Parking Rate at the Fourth & Washington Structure

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

### **COMMUNICATIONS FROM THE CITY ATTORNEY**

None.

### **COMMUNICATIONS FROM COUNCIL**

#### **COUNCILMEMBER KOLB**

Councilmember Kolb gave greetings from Sister City Tuebigen and reported that he had a great visit. Mr. Kolb presented the Mayor with a calendar from Tuebigen and Councilmembers with postcards. Mr. Kolb thanked Brigitte Maassen, Co-Chair of the Hospitality Committee, for also representing Ann Arbor in Tuebigen and serving as his translator.

### **CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS**

The following communications were referred as indicated:

1. Mayor=s veto of Resolution to Install Stop Signs on Dhu Varren Road at Omlesaad Drive (Resolution No. R-385-7-99), approved July 6, 1999
2. Resolution from Washtenaw County Board of Commissioners Appointing a Member to the Washtenaw County/City of Ann Arbor Community Corrections Advisory Board for the Remainder of a Three Year Term Expiring December 31, 1999
3. Communication from Buddy=s Mini-Mart regarding Council approved site plan Resolution R-12-1-99

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

On a voice vote the Mayor declared the motion carried.

**PUBLIC COMMENTARY - GENERAL**TOM PARTRIDGE

Tom Partridge, Ann Arbor resident, expressed condolences to the Kennedy Family in the death of John F. Kennedy, Jr. Mr. Partridge stated that the Ann Arbor City Council should do things to reform city government so that it is more accessible to its citizens. He stated that the Kennedy family displayed great leadership in our country, and it should be mirrored today.

EXECUTIVE SESSION TO DISCUSS ADMINISTRATOR'S EVALUATION DEFERRED

Council unanimously agreed to defer the Executive Session to a later date.

**ADJOURNMENT**

There being no further business to come before Council the Mayor declared the meeting adjourned at 11:20 p.m.

W. Northcross  
Clerk of the Council

Frances M. McMullan  
Recording Secretary