

**ANN ARBOR CITY COUNCIL MINUTES  
REGULAR SESSION - DECEMBER 6, 1999**

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

Council stood for a moment of silence.

Mayor Sheldon and the Webelos, Pack 104, from Allen Elementary School led Council in the recitation of the Pledge of Allegiance.

**ROLL CALL OF COUNCIL**

PRESENT : Councilmembers Tobi Hanna-Davies, John Hieftje, Joseph Upton, Dee Freiberg, Jean Carlberg, Heidi Cowing Herrell, Stephen C. Hartwell, Marcia Higgins, Christopher Kolb, Elisabeth L. Daley, Mayor Ingrid B. Sheldon, 11.

ABSENT : 0.

**INTRODUCTIONS**

WEBELOS FROM ALLEN ELEMENTARY SCHOOL, PACK #104

Mayor Sheldon welcomed the first and second year Webelos from Allen Elementary School, Pack #104, and thanked them for leading in the Pledge of Allegiance.

**PUBLIC COMMENTARY - RESERVED TIME**

LARRY KELSAW - A.F.S.C.M.E.

Larry Kelsaw, 3555 Stone School Rd., President of A.F.S.C.M.E. Local 369, expressed concern with the lack of progress in the collective bargaining process and with the distribution of an information packet by City administration, which contained untruths and distortions concerning the union=s position. Mr. Kelsaw expressed further concern with management=s retaliation against union negotiation team members.

MARCIA BAUER - A.F.S.C.M.E.

Marcia Bauer, 1646 Sandy Shore, Brighton, MI, A.F.S.C.M.E. Union Steward, objected to

the retaliation by City management against union stewards and members of the negotiation team. She stated that the union will be conducting more informational pickets and will be soliciting activists= help from other union affiliations.

#### PHIL CARROLL - ANN ARBOR TRIALS FROM KLAN RALLY

Phil Carroll, 1006 Lincoln Ave., reported that he was charged with a misdemeanor during the May 1998 anti-Klan rally. He stated that the misdemeanor charge was untrue and that his case should be dropped. He further stated that an on-going mediation effort with the peace team member who filed the complaint against him may lead to a resolution.

#### NICK SNYDER - SIGN ORDINANCE

Nick Snyder, 5025 Red Fox Run, representing Ann Arbor Area Board of Realtors, expressed concern with the proposed sign ordinance, and requested changes to the proposal to: 1) allow Afor sale≅ signs to remain until the sale of the property is complete; 2) remove the 15-foot setback requirement; and 3) allow realtors to use the same signs in Ann Arbor as those being used in all other communities in Washtenaw County. (Statement and supporting letters on file in the City Clerk=s Office)

#### SHANTA DRIVER - WITCH HUNT AGAINST ANTI-RACISTS

Shanta Driver, 999 Whitmore, Detroit, MI, representing the National Women=s Rights Organizing Committee, reported that most of the charges against the anti-Klan demonstrators were dropped. She stated that the defendants in the three remaining cases were only involved in peaceful protest and committed no crimes. She requested City Council=s help in having the charges dropped for these people who were exercising their free speech rights.

#### ARTHUR PARRIS - LIVING WAGE

Arthur Parris, 1803 Cayuga Pl., spoke in support of the Washtenaw Coalition for the Living Wage. He stated that the coalition has been endorsed by a variety of organizations and individuals from the general community, and that such coalitions have been successful in having communities nationwide adopt living wage ordinances. He expressed hoped that the living wage campaign will be considered by City Council in the near future.

#### LUKE MASSEY - PROSECUTION OF PEOPLE WHO PROTESTED AT KLAN RALLY

Luke Massey, 300 Whitmore, Detroit, MI, representing the National Women=s Rights Organizing Committee, expressed concern with the Awitch hunt≅ against the anti-racists who attended the May 1998 Klan rally. He admonished City Council for being silent in opposing the Apolice-driven effort to suppress a political movement,≅ and asked Council to

take a stand against this effort.

### GEORGE FORBES - WITCH HUNT AGAINST ANTI-RACISTS

George Forbes, 410 High St., related an incident in which he stopped to talk to people who were protesting the charges against anti-Klan demonstrators from the May 1998 rally. He stated that he got into a slight altercation with an employee from the adjacent bank, and was charged with assault 10 weeks later. He expressed concern that the Ann Arbor Police would use such tactics for a minor incident in which no one was hurt and people were only exercising their free speech rights.

## **PUBLIC HEARINGS**

### ANN ARBOR ART ASSOCIATION SITE PLAN

A public hearing was conducted on the proposed Ann Arbor Art Association Site Plan, 1.16 acres, 220 Felch Street. Notice of public hearing was published November 28, 1999.

The following people appeared:

Marsha Chamberlin, President of the Ann Arbor Art Center, spoke in support of the proposed plan. She stated that the building will be used to develop and expand the center's teaching facility.

Fred Beal, Board Chairman of the Ann Arbor Art Center, spoke in support of the proposed plan, and stated that he and other representatives would be available to answer questions.

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

### MICROTEL/HOLIDAY INN NORTH CAMPUS HOTEL REVISED SITE PLAN

A public hearing was conducted on the proposed Microtel/Holiday Inn North Campus Hotel Revised Site Plan, 12.3 acres, 3600 Plymouth Road. Notice of public hearing was published November 28, 1999.

The following person appeared:

David Sanders, General Manager of Holiday Inn North Campus, reported that the proposed facility will be a budget hotel that will fit well into the site and will not affect the existing utilities. He stated that the facility will serve the ERIM technology park and U of M medical center, as well as the community. Mr.

Sanders stated that he and other representatives would be available to answer questions.

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

#### CABLE FRANCHISE CHANGE OF CONTROL FROM MEDIAONE, INC. TO AT&T

A public hearing was conducted on the proposed cable franchise change of control from MediaOne, Inc. to AT&T. Notice of public hearing was published December 2, 1999.

The following people appeared:

Tom O'Brien, lawyer representing AT&T, spoke in support of the proposed transfer agreement. He stated that AT&T has an established reputation for customer service, has the technical capability to make the system first rate, and will be ready with its high-speed Internet access within a few months. He stated that the Cable Commission wisely rejected a proposal for forced access to the cable system by other Internet service providers.

Stephanie Wilson, representing Michigan Citizen Action, asked Council to consider a condition in the franchise agreement that would require AT&T and MediaOne to grant independent Internet service providers access to their high-speed cables. She stated that this access will allow individual citizens to choose the Internet service that is best for them. (Statement on file in the City Clerk's Office)

Ellen Offen, 1911 Bolder Dr., spoke in support of the proposed transfer. She stated that as a consumer of AT&T Internet service, she has been very satisfied with their customer service. Ms. Offen stressed the importance of having service from a company that can be easily reached by the consumer.

Leslie Brogan, representing AT&T Michigan Cable Services, urged approval of the proposed transfer agreement. She stated that the agreement addresses Council's major concerns with line extension and customer service issues. Ms. Brogan commended Council for not including a forced access provision in the agreement and for reserving the right to examine the issue at future date.

Rick Pfau, economist at an Ann Arbor consulting firm and PHD candidate in economics at the University of Michigan, stated that he recently conducted research in cable modem open access and found that consumers would benefit from lower Internet service prices, higher quality of customer service, and more choices and variety from an open access system. He stated that

open access will not prevent MediaOne from earning an excellent return on its investment in broadband facilities, and will not impose a regulatory burden on the City of Ann Arbor.

Tim Greimel, University of Michigan law school student, stated that he finds the Internet to be very slow for conducting research. He stressed the importance of maximizing the speed on the Internet to attract high tech companies to Ann Arbor and quality faculty to the university. Mr. Greimel stated that the best way to maximize the speed on the Internet is to grant AT&T the transfer, without encumbering it with undue regulations and mandates.

Don Schena, MediaOne Senior Vice President for the Midwest Region, spoke in favor of the transfer agreement. He stated that his highest priority is to increase the level of service and restore customers' view of MediaOne. He reported that the leading cause of the poor service levels was due to the rebuild activity for the high-speed data services, which will be completed by June, 2000.

Rusty Towers, 809 Barton Dr., spoke in support of the proposed transfer agreement. She stated that public education in Ann Arbor has benefitted significantly from MediaOne's contributions of its technology and provisions for its access, and that AT&T has pledged to continue and expand this support by providing free high-speed Internet access to all public and private schools.

Tom Panoff, University of Michigan business school student, spoke in support of the proposed transfer agreement. He stated that to remain competitive in today's increasing technical world, access to the best available Internet technology is necessary. He requested that Council approve the transfer without any extra local restrictions that would impair AT&T's ability to provide the services that the community needs.

Robert Miller, 4839 Sycamor Dr., Ypsilanti, web designer/consultant, urged Council to consider open access as a stipulation in the transfer agreement. Mr. Miller expressed concern that he will have to leave his local Internet service provider to get broadband service, and will not have a choice of cost or options. He stated that without competition, new technologies and features will not come about quickly.

Paul Lambert, 201 W. Washington St., expressed concern that broadband service will be a monopoly in the community. He stated that the cable

system was founded and built by citizens of Ann Arbor, and spoke in support of an open access system which would use technology to give people freedom of choice.

Robert (inaudible), high school student, urged Council to approve the transfer agreement because AT&T is a more reliable company than MediaOne. He expressed concern with the monopoly on high speed access and spoke in support of an open system. He recommended that Council focus on needed high-speed Internet service, rather than on other services, such as digital telephone and video, which would overload the system.

Tony Derezinski, an attorney for the Michigan OpenNet Coalition, urged Council to include Aopen access language in the transfer agreement. He stated that the technology is in place to provide broadband access to other Internet service providers, and that an open access system would be beneficial to the consumer.

Mike Tye, AT&T Regional Vice President of Law and Government Affairs, spoke in support of the proposed transfer agreement. He stated that AT&T has a commitment to quality and service, and intends to provide competitive services. Mr. Tye reported that there are questions concerning whether a local franchising authority has statutory jurisdiction to require forced access, and whether forced access by government mandate is good public policy. He stated that the best way to supply quality Internet services to consumers is to allow the free market to do its job.

Pat Ryan, 303 Wildwood Ave., requested that the proposed transfer be tabled until: 1) AT&T shows that management procedures are in place that reflect a grasp of the cable system's operations; 2) there is an outcome of the challenge to AT&T's takeover of MediaOne; 3) a rewrite of franchise ordinance sections that bear on the public interest focus of the franchising authority; and 4) an alternate provider is identified until AT&T qualifies.

Adam Wright, representing the Michigan OpenNet Coalition, spoke in favor of placing an open access provision in the transfer agreement, which would ensure that all independent Internet service providers are able to compete on a level playing field. He stated that open access is the best public policy for the constituents and community of Ann Arbor.

Dave Childs, MediaOne Director of High Speed Data Services, spoke in support of the proposed transfer agreement. He stated that MediaOne does not place any restrictions on its customers for Internet use, and that customers can use any browser or Internet service provider they choose.

Rich Wiggins, representing AT&T, spoke in support of the proposed transfer agreement. Mr. Wiggins reported that high-speed technologies, other than broadband, are currently available across the United States. He stated that AT&T and MediaOne are not gatekeepers, and that customers can go to any resource on the Internet using any Internet application software package. He further stated that it would be detrimental to the citizens of Ann Arbor if MediaOne's broadband process is not completed because of provisions that are too onerous.

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

### **RECESS FOR CLOSED SESSION**

Councilmember Daley moved that the regular session of Council be recessed for a closed session to discuss attorney/client communications.

On roll call the vote was as follows:

Yeas, Councilmembers Hanna-Davies, Hieftje, Upton, Freiberg, Carlberg, Herrell, Hartwell, Higgins, Kolb, Daley, Mayor Sheldon, 11;  
Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 9:21 p.m.

Councilmember Upton moved that the regular session of Council be reconvened.

On a voice vote the Mayor declared the motion carried and the meeting reconvened at 10:11 p.m.

### **APPROVAL OF AGENDA**

#### **AGENDA APPROVED WITH CHANGES**

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

#### **CONSENT AGENDA**

Revise: Resolution to Approve Purchase of **UP TO** Eleven Police Patrol Vehicles from Jorgensen Ford - State of Michigan Bid (\$227,271.00) (Public Services)

## ORDINANCES - FIRST READING

Revise: Amendment to Chapter 55, rezoning of ~~0.94~~ **0.93** acres from R4D (Multiple-Family Dwelling District) to PUD (Planned Unit Development District), Jeffrey Michael Powers Spa for Beauty and Wellness, 385 East Eisenhower Parkway (Planing Commission recommendation: Approval - 8 yeas, 0 nays) (*Property description revised*)

## MOTIONS AND RESOLUTIONS

Move: Resolution to Approve Funding for the Family Learning Institute (\$15,000.00) (Community Development) (Postponed November 15, 1999) (*Consider with D-1*)

Delete: Resolution Proposing the Creation of a Task Force to Study Animal Related Ordinances (Councilmember Herrell)

Revise: Resolution to Approve Cable Franchise Change of Control - MediaOne, Inc. to AT&T (City Clerk)

Add: Resolution to Approve a Transportation Enhancement Grant (TEA 21) Application for South State Street Median Beautification (\$80,000.00) (Parks and Recreation) (8 Votes Required)

Add: Resolution Recognizing Allen Creek Preschool as a Nonprofit Organization in the City of Ann Arbor (Mayor Sheldon)

Delete: Resolution on Emergency Boiler Replacement for the Ann Arbor Community Center (Councilmember Hanna-Davies)

## COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Correct: ~~<Broadway Bridges/M-14 Construction>~~ **SUMMER 2000 CONSTRUCTION PROJECTS BROADWAY BRIDGES REPLACEMENT**

Add: Government Finance Officer=s Association=s Needs Assessment Postponement of December 13, 1999 Work Session

## CLERK=S REPORT

Add: Communication from Mark Stiers, Vice President of Engage Energy US, L.P., regarding electric franchise ordinance, approved 9/20/99 - Attorney

Add: Communication from Larry Lackey, Vice President of Casella Waste Systems, Inc., transmitting notification of merger with KTI, Inc./Resource Recovery Systems, Inc. - Solid Waste.

Add: Communication from Pay Ryan, 303 Wildwood Ave., regarding funding for Community Impact Center - File.

Add: Communication from Rachel Yanikoglu, Ann Arbor District Library Outreach Department Manager, regarding funding for Community Impact Center - File.

On a voice vote the Mayor declared the motion carried.

## APPROVAL OF COUNCIL MINUTES

### MINUTES OF NOVEMBER 4, 8 AND 15 APPROVED

Councilmember Upton moved that the regular session minutes of November 4, 1999, the special and working session minutes of November 8, 1999, and the regular session minutes of November 15, 1999 be approved with the following corrections:

*November 4, 1999 minutes, page 3:*

JIM <MORGENSEN> MOGENSEN - ...HOUSE BILL NO. 4777

Jim <Morgensen> Mogensen, 3780 Greenbrier Blvd., ...

*November 15, 1999 minutes, page 14:*

### ANNOUNCEMENTS

- X     The City received a letter from HUD congratulating the Community Development Department for successful expending of federal block **grant** and <home> **HOME** funds.

On a voice vote the Mayor declared the motion carried.

## CONSENT AGENDA

### CONSENT AGENDA ITEMS REMOVED

With unanimous consent of Council the following resolutions were removed from the Consent Agenda and considered separately:

R-613-12-99 APPROVED

### AMENDED RESOLUTION NO. 4 - CONFIRM ASSESSMENT ROLL FOR GLAZIER WAY ROAD IMPROVEMENTS

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

Reconstructing and paving Glazier Way between Huron Parkway and Green Road; and constructing a new water main, sanitary sewer, and storm sewer, as needed, to serve Glazier Way, District 23, File No. 96061;

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

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

RESOLVED,

1. That said special assessment roll as prepared by the City Assessor be hereby confirmed in the amount of \$699,613.37 and designated as Road Improvements Special Assessment District Number 23, File Number 96061;

2. That said special assessment roll be divided into fifteen (15) equal annual installments, the first of which shall be due on, December 1, 2000 and the fourteen (14) subsequent installments to be due on June 1 of each and every year thereafter; and

3. That the deferred installments of said special assessment roll bear interest at the rate of 7% to be adjusted to 1% per annum above the average interest rate of any bonds issued to finance the improvements, commencing December 1, 2000, said interest to be collected annually on the due date of the second and subsequent installments of said special assessment roll.

Councilmember Upton moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Hieftje, Upton, Freiberg, Carlberg, Herrell, Higgins, Kolb, Daley, Hanna-Davies, Mayor Sheldon, 10;

Nays, Councilmember Hartwell, 1.

The Mayor declared the motion carried.

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## DEFEATED

## RESOLUTION TO APPROVE AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH EARTH TECH, INC. AND ESTABLISH DESIGN BUDGET FOR THE BROADWAY BRIDGES RECONSTRUCTION PROJECT

Whereas, On June 15, 1998, City Council approved the Asite plan≡ for the Broadway Bridges Project and directed the Public Services Department to maintain traffic one-way into town across the Broadway Bridges;

Whereas, At the working session of October 11, 1999, City Council directed the Public Services Department to investigate and report on the use of Catherine and Ann Streets as potential alternates to detouring outbound traffic along Huron Street during the Broadway Bridges Reconstruction Project; and

Whereas, The Public Services Department has negotiated a scope of services and fee proposal with Earth Tech, Inc. for modeling the affected roadways and intersections to determine if the proposed alternatives are viable options;

RESOLVED, That an amendment in the amount of \$25,241.64 to the professional services agreement with Earth Tech, Inc. be approved;

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

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

Councilmember Upton moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, 0;

Nays, Councilmembers Hieftje, Upton, Freiberg, Carlberg, Herrell, Hartwell, Higgins, Kolb, Daley, Hanna-Davies, Mayor Sheldon, 11.

The Mayor declared the motion defeated.

CONSENT AGENDA ITEMS APPROVED

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

R-614-12-99 APPROVED

RESOLUTION TO APPROVE PURCHASE OF UP TO ELEVEN  
POLICE PATROL VEHICLES FROM JORGENSEN FOR -  
STATE OF MICHIGAN BID

Whereas, The Fleet Services Division of the Public Services Department needs to purchase replacement police patrol vehicles for the City=s fleet;

Whereas, Jorgensen Ford was the lowest responsible bidder, The State of Michigan Cooperative Purchasing Program, for a total of \$227,271.00; and

Whereas, Jorgensen Ford received Human Rights approval on November 23, 1999;

RESOLVED, The City Council approve the issuance of a purchase order to Jorgensen Ford for the purchase of eleven 2000 Ford Crown Victoria police patrol vehicles in the amount of \$227,271.00 from 1999-00 budgeted Motor Equipment Funds.

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R-615-12-99 APPROVED

RESOLUTION TO APPROVE CONSULTANT SERVICES AGREEMENT  
WITH THOMAS & HERBERT CONSULTING, LLC FOR DEVELOPING PROJECT  
FILING AND ARCHIVING POLICIES AND PROCEDURES MANUAL FOR  
THE PUBLIC SERVICES DEPARTMENT=S ENGINEERING DIVISION

Whereas, It is necessary to retain the services of an outside consultant to develop an improved project filing and archiving policies and procedures manual;

Whereas, The consulting firm of Thomas & Herbert Consulting, LLC of Silver Spring, Maryland has submitted to the City a proposal for the desired services, setting forth the services to be performed by them, and the payments to be made by the City therefor, all of which are agreeable to the City;

Whereas, Thomas & Herbert Consulting, LLC received Human Rights approval

from the Human Resources Department on June 3, 1999; and

Whereas, Funding for this work is available within the approved Fiscal Year 1999/00 Budget of the Engineering Division;

RESOLVED, That a consulting services agreement with Thomas & Herbert Consulting, LLC in the amount of \$26,021.06 be approved;

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

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

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R-616-12-99 APPROVED

RESOLUTION TO APPROVE PLAN FOR STUDY OF STATE STREET  
AREA CONVERSION TO TWO-WAY OPERATION

Whereas, City Council endorsed the concept of restoring two-way traffic to S. State from Liberty to William, N. University from State to Thayer, Thompson from Liberty to Jefferson, Maynard from Liberty to William, and E. Liberty from State to Thompson;

Whereas, The City Council resolution directed the City Administrator to develop, for City Council approval, a plan to study the impact of conversion;

Whereas, There have been several studies of one-way conversion plans. The conclusions are consistent and show the importance of a safety analysis in the cost benefit calculations of the conversion;

Whereas, The conversion of North University, with its exceptionally heavy pedestrian traffic, should be studied very carefully, to provide the appropriate solutions to the increase of vehicular traffic in this area;

Whereas, A formal Traffic Impact Study should be prepared to identify consequences of the change. The study should:

- a. Be prepared by a registered traffic engineer
- b. Include additional data collection
- c. Include calculation of pass by trips (businesses that benefit from conversion)

- d. Include levels of service, delays, gas used, air pollution, and crash frequencies for the existing traffic conditions, and estimates for future traffic conditions
- e. Include a cost benefit analysis including societal cost of conversion and cost of physical changes to the roadway system; and

Whereas, The study will take about six months to complete. Initial input will be requested from the State Street Area Association and the University with respect to the study scope. At the midpoint of the process these same groups plus the general public will be asked for input also. Following this the final draft study will again be submitted to the State Street Area Association, the University, and the general public for review and comment prior to submission to Council;

RESOLVED, That the Council approve the study plan outlined above; and

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

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R-617-12-99 APPROVED

RESOLUTION TO APPROVE PURCHASE OF TRUCK-MOUNTED POWER  
RODDER FROM JACK DOHENY SUPPLIES, INC. - BID NO. 3305

Whereas, The existing truck mounted power rodder is nearing its useful life and needs to be replaced;

Whereas, Of the three bids received, Jack Doheny Supplies, Inc. submitted the lowest responsible bid in the amount of \$58,850.00 to supply a truck mounted power rodder; and

Whereas, Jack Doheny Supplies, Inc. has received Human Resources approval on June 8, 1999;

RESOLVED, That Council accept the bid and approve the purchase of a truck mounted power rodder for \$58,850.00 from Jack Doheny Supplies, Inc.; and

RESOLVED, That the purchase be funded from the Fiscal Year 1999/2000 Operations and Maintenance Budget of the Sewage Disposal System, and that funds be available until expended without regard to fiscal year.

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## R-618-12-99 APPROVED

RESOLUTION TO GRANT WATER SERVICES OUTSIDE CITY LIMITS  
TO 453 DUPONT CIRCLE

Whereas, On November 17, 1999, the owners of the property at 453 DuPont Circle requested that the City extend public water service to their property in Scio Township prior to the completion of the annexation process;

Whereas, The owners desire 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 October 12, 1999 the owners petitioned the City for annexation under Planning Department file number 8243L16.1 and 8243L16.2.

RESOLVED, That the Mayor and Clerk be 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 city limits; that the City Clerk be directed to send a copy of this resolution by first class mail to the above property owners; and that the Water Utilities Department 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 owners.

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## R-619-12-99 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICES OUTSIDE  
CITY LIMITS TO 2700 NIXON ROAD

Whereas, On November 18, 1999, the owner of the property at 2700 Nixon Road requested that the City extend public water and sewer services to his property in Ann Arbor Township prior to the completion of the annexation process;

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

Whereas, On November 18, 1999 the owner petitioned the City for annexation under Planning Department File Nos. 9151F13.1 and 9151F13.2;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the

agreements to allow City water and sewer services to the land during the time it is still outside of the corporate city limits; that the City Clerk be directed to send a copy of this resolution by first class mail to the above property owner; and that the Water Utilities Department promptly have this resolution and the agreements recorded in the office of the Register of Deeds of Washtenaw County, Michigan, and send a completely executed copy of the agreements to the owner.

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R-620-12-99 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICES OUTSIDE CITY LIMITS TO 440 CLARENDON DRIVE

Whereas, On November 23, 1999, the owners of the property at 440 Clarendon Drive requested that the City extend public water and sewer services to their property in Scio Township prior to the completion of the annexation process;

Whereas, The owners desire to enter into the standard agreements with the City which provides an equitable method of obtaining City services outside of its corporate boundaries; and

Whereas, On November 24, 1999 the owners petitioned the City for annexation under Planning Department File Nos. 8244C11.1 and 8244C11.2;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreements to allow City water and sewer services to the land during the time it is still outside of the corporate city limits; that the City Clerk be directed to send a copy of this resolution by first class mail to the above property owners; and that the Water Utilities Department promptly have this resolution and the agreements recorded in the office of the Register of Deeds of Washtenaw County, Michigan, and send a completely executed copy of the agreements to the owners.

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R-621-12-99 APPROVED

RESOLUTION TO APPROVE A SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH ASU GROUP, FORMERLY ASU RISK MANAGEMENT SERVICES, LTD., FOR SERVICES OF A TEMPORARY SAFETY OFFICER

Whereas, The City of Ann Arbor has been without the services of a Safety Officer

since July 16, 1999, and does not expect to fill the position of Safety Officer for several months;

Whereas, The Interim Risk Manager has negotiated a second amendment to the City's January 31, 1995, contract with The ASU Group, as amended on April 10, 1998, to provide the temporary services of a safety officer to provide safety training, ergonomic evaluations, and hazard identification, evaluation, and control services to the City of Ann Arbor until a permanent Safety Officer is hired; and

Whereas, The ASU Group has received Human Rights approval from the Human Resources Department on June 23, 1999;

RESOLVED, That an amendment in an amount not to exceed \$12,000.00 to the professional services agreement with The ASU Group (formerly ASU Risk Management Services, Ltd.) to provide the temporary services of a safety officer be approved;

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

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

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

**ORDINANCES - SECOND READING**

None.

**ORDINANCES - FIRST READING**

48-99 APPROVED

**DEMBS ROTH GYSELINCK CONSTRUCTION COMPANY REZONING**

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

This ordinance would change the zoning of 4.7 acres, located at the northeast corner of Eisenhower Parkway and Boardwalk Drive, from O (Office District) to M1 (Limited Industrial District). (The complete text of Ordinance 48-99 is on file in the City Clerk=s Office).

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

On a voice vote the Mayor declared the motion carried.

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49-99 APPROVED

**JEFFREY MICHAEL POWERS SPA FOR BEAUTY AND WELLNESS 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 0.93 acre, located at 385 East Eisenhower Parkway, from R4D (Multiple-Family Dwelling District) to PUD (Planned Unit Development District). (The complete text of Ordinance 49-99 is on file in the City Clerk=s Office).

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

Councilmember Herrell moved that the ordinance be postponed to allow the petitioner time to explore reduction of the building footprint and parking area.

On roll call