

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - JANUARY 18, 2000**

The regular session of the Ann Arbor City Council was called to order at 7:39 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, 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

None.

PUBLIC COMMENTARY - RESERVED TIME

ROBIN ALVAREZ - CITY BUSINESS

Robin Alvarez, 822 S. Maple Road, expressed dissatisfaction that the city would charge her with inciting a riot because she chose to protest the Klu Klux Klan. Ms. Alvarez stated that the City put her through 21 months of grueling terror by threatening to give her 10 years of imprisonment for speaking out against hate speech.

KERMIT SCHLANSKER - POPULATION AND FOOD

Kermit Schlansker, 2960 Marshall, stated that the City can help unfortunate people in the community by teaching the people how to preserve resources, and by building a small apartment house, called an ecomindium, on the 10 acres of land located at the old landfill site on Platt Road. He suggested that emphasis be placed on farming, manufacturing, cutting energy consumption, stopping the construction of roads and houses, and stopping

the usage of cars.

TED ANNIS - CARL ENT

Ted Annis, 2997 Devonshire, spoke in support of the reinstatement of Carl Ent as Ann Arbor Police Chief. He stated that Carl Ent is a good man, and that he should not have been forced from office. .

MARCIA BAUER - UTILITIES DEPARTMENT

Marcia Bauer, 1646 Sandy Shore, expressed dissatisfaction with the aquilium software in the Utilities Department. Ms. Bauer stated that the Information Services Department has always been against the software and has always felt that the project was not feasible. She questioned why the City paid for a software upgrade that does not work.

MARILYN TSAO - BERKSHIRE CREEK REZONING

Marilyn Tsao, Ann Arbor resident, spoke in opposition to the rezoning of Berkshire Creek because it will have adverse affects on the environment. She stated that she is concerned because the land is very fragile and is located in part of Mallet=s Creek.

PUBLIC HEARINGS

SIGNS AND OUTDOOR ADVERTISING (ORDINANCE NO. 51-99)

A public hearing was conducted on the proposed amendment to Chapter 61, Sections 5:501, 5:502, 5:507, 5:508, 5:509 and 5:517. Notice of public hearing was published January 9, 2000.

The following speakers spoke in opposition to the proposed amendments to the sign ordinance, and emphasized that reasonable use of Afor sale≡ signs are constitutionally allowed and are good for the consumer and citizens. Speakers felt that Ann Arbor realtors should be allowed to use the same size signs as used in other communities in Washtenaw County, and that they should be allowed to list pertinent information on them. Many speakers expressed opposition to the 15 ft. setback requirement and stated that the sign should be erected in a location that is visible from the street. Speakers suggested that the proposed 60 day limitation on Afor sale≡ signs be eliminated, and that the City allow signs to remain, without permit requirements, until the property is sold.

Nick Snyder, Nick Snyder and Company, representing Ann Arbor Area Board of Realtors. (Statement on file in the City Clerk=s Office)

Dave Lutton, Broker and Owner of Charles Reinhart Company.

Michelle Derr, 2200 Green Road.

Mona Walls, 1718 Arbordale.

Clark Brown, President of University Better Homes and Gardens, 2100 S. Main Street.

Dave Dean, ReMax Realtors.

Mike Rohde, Michigan Realty.

Tom Whitehouse, Vice-President of Board of Realtors.

Mary Helen Gilbert, 2911 Adderberry Drive. (Statement on file in the City Clerk's Office)

John Romanelli, Real Estate One.

Tammie DeFord, Real Estate One.

Todd Lanze.

Jeff Stabnow, Real Estate One.

Robin Alvarez, 822 S. Maple Road.

Edward Surovell, Edward Surovell Real Estate Company.

Peter Cornell, CEO of Ann Arbor Board of Realtors.

Kelly Meyers, Attorney representing Michigan Association of Realtors, explained that the ordinance as written is unconstitutional and will result in legal action if pursued by the City. She stated that the proposed sign issue is not just a local issue but has statewide and federal ramifications. She indicated that she is available to consult with city legal staff regarding specific details.

The following person spoke in support of the proposed ordinance:

Eunice Burns, Charles Reinhart Company, stated that the Sign Task Force has worked very hard on the proposed amendments to the sign ordinance, and urged City Council to adopt their recommendations.

PENALTIES FOR TRAFFIC VIOLATIONS (ORDINANCE NO. 3-00)

A public hearing was conducted on the proposed amendment to Chapter 126, Sections 10:81 and 10:156. Notice of public hearing was published January 14, 2000.

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

LIVING WAGE (ORDINANCE NO.53-99)

A public hearing was conducted on the proposed ordinance to Add New Chapter 23, Sections 1:811-1:820. Notice of public hearing was published January 14, 2000.

The following persons were present to speak in support of the proposed Living Wage Ordinance:

Rose Hackman, 1501 Shadford, spoke in support of the Living Wage Ordinance and stated that the minimum wage no longer sustains a family of four above the level of poverty. She stated that she believes in concepts of fairness and justice in society.

Rick McHugh, Member of Washtenaw Coalition for Living Wage, stated that the premise of the living wage movement is Aa fair day=s work deserves a fair day=s pay≡. He stated that the implementation of a living wage law is manageable and within the means of the City of Ann Arbor. Mr. McHugh stated that over 40 communities in the United States have passed living wage laws. (Statement on file in the City Clerk=s Office)

Martha Johnson, Ann Arbor Area Chamber of Commerce, stated that social inequity is a serious problem for our country and our city, but city funds should not be used to increase wages, but should be used to provide education and programs for worker self-advancement. Ms. Johnson indicated that the business community does not support a living wage ordinance. (Statement on file in the City Clerk=s Office)

Fred Veigel, ACLU President, spoke in support of the living wage ordinance, and stated that the minimum wage is not enough to live on. He indicated that a living wage would also provide more productivity and less turnover for businesses.

Robin Alvarez, 822 S. Maple Road, expressed dissatisfaction with the City=s response to the living wage ordinance proposal.

Carl Carlson, University of Michigan Law Student, stated that Ann Arbor is known nationwide as a nice place to live because it is free from the cultural tension that other parts of the country face. He urged City Council to consider the living wage ordinance an

investment in Ann Arbor=s future.

Michael Nicholson, resident of Ann Arbor, stated that it is the responsibility of the city to provide a means for everyone to obtain an adequate wage to live on. He stated that Ann Arbor is a privileged place and everyone, not just the rich, should be allowed to live here with dignity.

Ethel Potts, 1014 Elder, spoke in support of the living wage ordinance. She referred to an article from the Washington Post, reprinted by the Ann Arbor News, and stated that the ratio between top executives pay and factory workers pay has exploded in the last ten years. She stated that workers pay has not risen at the same rate as executive pay, and if it had the average production worker would earn more than \$110,000.00 a year today, and the minimum wage would be \$22.08 an hour. She stated that what the city is proposing is very modest, and very necessary.

Jim Boganson, representing the Racial and Economic Justice Task Force of the Interfaith Council for Peace and Justice, presented a letter containing 40 signatures of Ann Arbor clergy in support of the living wage ordinance. He emphasized that the Ann Arbor should join other cities in providing a living wage.

Thomas Weisskopf, University of Michigan Department of Economics professor, spoke in support of the living wage ordinance. He stated that through studies he has found that such an ordinance will not cause any loss of jobs, drive away businesses, or interfere with the economic market.

Jean King, Chamber of Commerce member, spoke in support of a living wage ordinance and stated that she prefers that her tax monies be used to pay a living wage to the people employed by the City that actually do the work in the community. She spoke against the City authorizing low-wage contracts, thus using taxpayer monies immorally.

Arthur Paris, spoke in support of the living wage ordinance and stated that those who oppose a living wage operate under the assumption that people are poor because they lack motivation, skills, health, morality, etc, which is false. He stated that as a society we must expend resources to create conditions to allow people to overcome poverty.

David Reynolds, Wayne State University faculty, stated that the living wage will not have a negative effect on the city. He stated that there is no evidence that city contracts go up, that there is job loss, and less economic development. He stated that in researching cities who have implemented a living wage law they report that administrative costs have been low.

Rebecca Kantor, representing The Ecology Center, spoke in support of the living wage ordinance. She stated that the ordinance will make the Ann Arbor environment a safer place for all.

Paul Lambert, 201 W. William, stated that Martin Luther King, Jr. devoted his life to freedom and equality and a living wage is an equality issue. He stated that a living wage ordinance is fair and it says to Ann Arbor that we care.

Steve Gulick, 3366 Chelsea, spoke in support of the living wage and stated that it will provide economic justice and fairness. He urged the City to support the ordinance because work and employment should be a bridge out of poverty.

Ron Motsinger, representing the International Brotherhood of Electrical Workers in Ann Arbor, spoke in support of a living wage. He explained that such an ordinance would level the playing field for contractors when submitting bids. Mr. Motsinger stated that a living wage would allow people to work with dignity and support their families.

Ann Ellington, member of Students Organizing for Labor and Economic Equality, stated that there is great student support for a living wage. She stated that in Ann Arbor there is a growing level of poverty as well as affluence. Ms. Ellington stated that a living wage can provide a helping hand in the elimination of crime, homelessness, and poverty in Ann Arbor.

Marcia Federbush, 2000 Anderson Court, spoke in support of the living wage ordinance. She pointed out that Ann Arbor has been named as the No.1 city for earning and saving, but this must not include hourly workers. She stated that monies used to fight lawsuits can be used to support the living wage ordinance.

Andrew Comer, UAW member, stated that the people who work at the Material Recovery Facilities (MRF) are engaged in very dangerous work, and they deserve to receive a living wage for what they do. He stated that OSHA recognizes that these types of jobs result in repetitive work and movements which cause injuries and permanent damage to people, and the city should realize it as well.

BARCLAY PARK CONDOMINIUMS REVISED PLANNED PROJECT SITE PLAN

A public hearing was conducted on the proposed Barclay Park Condominium revised planned project site plan, 40.3 acres, east side of Nixon Road, north of Green Road. Notice of public hearing was published January 9, 2000.

The following person was present to speak:

Lorne Zalesin, of Biltmore Properties, was present to answer questions from Council.

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

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

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

ORDINANCES - FIRST READING

Revise: Amendment to Chapter 8, Add New Section 1:237 - Establishing an Environmental Commission (Councilmember Kolb)

MOTIONS AND RESOLUTIONS

Delete: Resolution Regarding Collecting Racial Statistics (Councilmember Daley)

Add: Resolution to Oppose the Proposed Pall/Gelman Sciences, Inc. Remedial Action Plan (RAP) for the Western System (Councilmember Kolb)

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

Add: Communication from Connie Brooks, 210 Bucholz Court, in opposition to the homeless shelter - Community Development

Add: Communication from Ann Arbor Area Board of Realtors regarding the Ann Arbor Sign Ordinance - Building

Add: Communication from Ann Arbor Area Chamber of Commerce in opposition to the proposed Living Wage Ordinance - File

Add: Communication from John C. Stegeman regarding Affordable Housing PUD Projects - File

On a voice vote the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF DECEMBER 20, 1999 AND JANUARY 3, 2000 APPROVED AS AMENDED

Councilmember Higgins moved that the regular session minutes of December 20, 1999 be approved with the correction of eliminating Patrick Putman's name from the Roll Call and the replacing it with Marcia Higgins in the Roll Call on page 1, and the regular session minutes of January 3, 2000 be approved as presented.

On a voice vote the Mayor declared the motion carried.

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-10-1-00 APPROVED

RESOLUTION TO APPROVE TRANSFER OF A
CLASS C LICENSED BUSINESS TO BAYBEST RIBS, L.L.C.
(D.B.A. DAMON=S LOCATED AT 3150 S. BOARDWALK

RESOLVED, That the request from Baybest Ribs, L.L.C. (d.b.a. Damon=s) to transfer the ownership of a 1998 Class C licensed business with an Entertainment Permit, located in escrow at 3150 S. Boardwalk, Ann Arbor, from Associated Hosts of Michigan, Inc. (d.b.a. Bombay Bicycle Club), be approved.

R-11-1-00 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT
WITH CARL WALKER, INC. FOR CONSTRUCTION ENGINEERING SERVICES
FOR THE S. FOREST AVENUE PARKING STRUCTURE PROJECT

Whereas, It is necessary to employ a qualified professional engineering firm to perform essential construction engineering services for the S. Forest Avenue Parking Structure Project;

Whereas, Carl Walker, Inc. has demonstrated the required experience, personnel and competitive fee schedule, with their involvement with the project design and the construction of other parking structure projects, to perform the work;

Whereas, Carl Walker, Inc. received Human Rights approval on January 3, 2000;
and

Whereas, Sufficient funds have been budgeted by Council Resolution No. R-645-12-99, approved December 20, 1999, for the work of this contract;

RESOLVED, That City Council authorizes a professional services agreement in the standard City form in the amount of \$298,000 with Carl Walker, Inc., for essential construction engineering services for the S. Forest Avenue Parking Structure Project;

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 is authorized to take the necessary administrative actions to implement this resolution.

R-12-1-00 APPROVED

RESOLUTION AUTHORIZING AN INCREASE OF A SOLE SOURCE
PURCHASE ORDER TO CARRIER & GABLE, INC. OF
FARMINGTON HILLS, MI

Whereas, Carrier and Gable, Inc. of Farmington Hills, Michigan, is the supplier of Eagle traffic components used in maintaining City of Ann Arbor traffic signals;

Whereas, Carrier and Gable, Inc., of Farmington Hills, Michigan has received Human Rights approval on March 30, 1999; and

Whereas, Sufficient funds have been budgeted in the Public Services Department, Transportation Division=s FY 99/00 Major and Local Street funds;

RESOLVED, That in increase of a sole source purchase order in the amount of \$143,000 for materials and supplies be issued to Carrier and Gable, Inc.

R-13-1-00 APPROVED

RESOLUTION TO AMEND THE PROFESSIONAL SERVICES AGREEMENT
WITH LUCKENBACH/ZIEGELMAN ARCHITECTS, PLLC FOR THE
S. FOREST AVENUE PARKING STRUCTURE

Whereas, In order to complete the design and bidding documents for the new parking structure, including addressing certain environmental and engineering issues, it became necessary to have Luckenbach/Ziegelman Architects, PLLC, perform additional design services in the amount of \$92,342; and

Whereas, On December 20, 1999, sufficient funds have been appropriated to cover the cost of these additional services;

RESOLVED, That an amendment to the Professional Services Agreement with Luckenbach/Ziegelman Architects, PLLC, in the amount of \$92,342 be approved;

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

R-14-1-00 APPROVED

RESOLUTION TO APPROVE THE PURCHASE OF FIVE COMPACT CARS
AND ONE CRASH INVESTIGATION VEHICLE FROM GORNO FORD -
MACOMB COUNTY BID

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

Whereas, Gorno Ford was the lowest responsible bidder, Macomb County Cooperative Purchasing Program, for a total of \$92,194; and

Whereas, Gorno Ford received Human Rights approval on January 4, 2000;

RESOLVED, The City Council approve the issuance of a purchase order to Gorno Ford for the purchase of five 2000 Ford Focus compact vehicles and one 2000 Ford Expedition for the amount of \$92,194 from 1999-00 budgeted Motor Equipment Funds, with funding for these purchases to be available without regard to fiscal year.

R-15-1-00 APPROVED

RESOLUTION TO APPROVE THE PURCHASE OF FIVE FULL SIZE
REPLACEMENT POLICE VEHICLES FROM SNETHKAMP DODGE -
STATE OF MICHIGAN BID

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

Whereas, Snethkamp Dodge was the lowest responsible bidder, The State of Michigan Cooperative Purchasing Program, for a total of \$91,349; and

Whereas, Snethkamp Dodge received Human Rights approval on December 28, 1999

RESOLVED, The City Council approves the issuance of purchase orders to Snethkamp Dodge for the purchase of five 2000 Dodge Intrepids for the amount of \$91,349 from 1999-00 budgeted Motor Equipment Funds, with funding for these purchases to be available without regard to fiscal year.

R-16-1-00 APPROVED

RESOLUTION TO APPROVE THE PURCHASE OF REPLACEMENT
VEHICLES FROM VARSITY FORD - STATE OF MICHIGAN BID

Whereas, The Fleet Services Division of the Public Services Department needs to purchase a replacement pick up and two replacement vans for the City=s fleet;

Whereas, Varsity Ford was the lowest responsible bidder, The State of Michigan Cooperative Purchasing Program, for a total of \$62,868.85;

Whereas, A Grant from the Clean Cities Program will contribute \$12,000 towards the cost of the vehicles reducing the City=s cost to \$50,868.85; and

Whereas, Varsity Ford received Human Rights approval on December 30, 1999;

RESOLVED, The City Council approves the issuance of a purchase order to Varsity Ford for the purchase of one 2000 Ford F-150 pick up and two E-350 vans for the amount of \$62,868.85, with funding for these purchases to be available without regard to fiscal year.

R-17-1-00 APPROVED

RESOLUTION TO APPROVE THE PURCHASE OF TWO REPLACEMENT
PICK UP TRUCKS FROM RED HOLMAN PONTIAC - GMC -
OAKLAND COUNTY BID

Whereas, The Fleet Services Division of the Public Services Department needs to purchase replacement 3/4 ton, four wheel drive pick up trucks for the City's fleet;

Whereas, Red Holman Pontiac-GMC was the lowest responsible bidder, Oakland County Cooperative Purchasing Program, for a total of \$38,966; and

Whereas, Red Holman Pontiac-GMC received Human Rights approval on December 22, 1999;

RESOLVED, The City Council approves the issuance of a purchase order to Red Holman Pontiac-GMC for the purchase of two 2000 GMC Sierra 3/4 ton, four wheel drive pick up trucks for the amount of \$38,966 from 1999-00 budgeted Motor Equipment Funds, with funding.

R-18-1-00 APPROVED

RESOLUTION TO AUTHORIZE SINGLE LOT SPECIAL ASSESSMENTS
FOR THE 1999 ANNUAL STREET RESURFACING PROJECT,
THE 1999 DOWNTOWN STREET RESURFACING PROJECT, AND
THE BIRK/LOOKOUT/REVERE/RADCLIFFE WATER MAIN PROJECT

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

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

RESOLVED, That Single Lot Special Assessments for the unpaid amounts be levied against such owners and premises as described in Schedule A (on file in the City Clerk=s Office); and

RESOLVED, That the payment of said Special Assessments is hereby authorized in 7 annual installments commencing on August 1, 2000, with a rate of interest of 7.00% with subsequent installments due on June 1 of each year commencing in 2001.

Interest is to commence on August 1, 2000, and is to be collected annually on June 1 of each and every year thereafter; and

RESOLVED, That the total amount of \$11,914.93 be credited to the Street Millage Fund (Fund 062).

R-19-1-00 APPROVED

RESOLUTION NO. 1 TO PREPARE PLANS AND SPECIFICATIONS
FOR CAMBRIDGE COURT SANITARY SEWER

Whereas, Council deems it necessary to acquire and construct the following improvement: Cambridge Court Sanitary Sewer (South Forest Avenue to Church Street), DISTRICT NO. 478; FILE NO. 99052; described as:

Construction of a sanitary sewer in Cambridge Court (private street).

NOW, THEREFORE BE IT RESOLVED, THAT

- 1 The City Administrator is directed to have prepared plans and specifications for said improvement project, and an estimate of the cost thereof;
2. The City Administrator is directed to file a report of same with the City Clerk, including a recommendation as to what proportion of the cost should be paid by special assessment and what part, if any, should be a general obligation of the City, the number of installments in which the assessments may be paid, and the land which should be included in the special assessment district;
3. The City Clerk shall present said report to the Council and make it available for public examination;
4. The sum of \$25,000 is appropriated for the planning and design of said project, such sum being advanced from the Sewage Disposal System Bond XIX Fund pending the sale of appropriate bonds;
5. Any unspent portion of said sum is re-appropriated and re-advanced as above for said project for succeeding fiscal years until bonds are sold and the Sewage Disposal System Bond XIX Fund reimbursed, or until said project is officially closed; and
6. Council declares its intent to issue bonds to pay all or part of the cost of such improvement project, funding reserves, paying for

credit enhancement, and the cost of issuance of such bonds (either initially or ultimately), provided that such bonds are issued in conformity with applicable State statutes and all documents, provisions and details pertaining to such bonds are acceptable to and approved by this Council and provided, further, that such bonds can be sold.

R-20-1-00 APPROVED

RESOLUTION TO APPROVE LEASE AGREEMENT WITH
E-Z-GO FOR E-Z-GO GOLF CARTS - BID NO. 3317

Whereas, The Department of Parks and Recreation leases golf carts for rental use at Leslie Park Golf Courses;

Whereas, Competitive bids were received by the Administrative Services Department on December 16, 1999 and E-Z-GO was the lowest responsible bidder at \$135,360.00 for four years;

Whereas, E-Z-GO has received Human Rights approval from the Human Resources Department on January 6, 2000; and

Whereas, Funding for this lease agreement is contained in the annual operating budget for the Recreation Enterprise Fund;

RESOLVED, That the Mayor and City Council approve the lease agreement, per Bid No. 3317, with E-Z-GO in the amount of \$`35,360.00 for a four-year lease option and that the Mayor and City Clerk be authorized to sign the agreement, substantially in the form on file with the City Clerk; and

RESOLVED, That the Department of Parks and Recreation may add or delete the number of golf carts from the lease over the four year lease period within the scope of the per unit prices provided us as part of Bid No. 3317.

R-21-1-00 APPROVED

RESOLUTION TO RENEW PROFESSIONAL SERVICES AGREEMENT
WITH THE ASU GROUP

Whereas, The ASU Group has served as the City's third party administrator on liability claims since August 15, 1993 and workers compensation claims since February 15, 1996;

Whereas, The City's liability insurer requires the City to retain a third party administrator;

Whereas, The ASU Group has met the requirement of our liability insurer and is acceptable to them;

Whereas, Not renewing the liability or workers compensation contract with ASU will lead to additional expense and a strain on limited staff resources;

Whereas, The ASU Group received Human Rights Approval on June 23, 1999; and

Whereas, The Board of Insurance Administration endorses staff's recommendation to renew The ASU Group contract;

RESOLVED, That the City of Ann Arbor execute a professional services agreement with The ASU Group, Inc. in the amount of \$84,400 be approved; and

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

RESOLVED, A contingency amount of \$3,000 be established to pay for claims in excess of 150 per year.

R-22-1-00 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION
MINUTES OF JANUARY 7, 2000 AND TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of January 7, 2000, be accepted and that the payments therein be authorized.

MINUTES
JANUARY 7, 2000
CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION

Present: Christopher Kolb, Councilperson
 Joe Upton, Councilperson
 Brenda Smith, City Treasurer 3.
 Absent: None

Also Present: Abigail Elias, City Attorney
 Dave Ferber, Human Resources Director
 Neal Berlin, City Administrator
 Bob West, Assistant City Attorney
 Susan Campbell, Senior Secretary
 Norma Barbour, Claimant
 Barbara Blom, Claimant 7.

CITIZENS' CLAIMS APPROVED: (and check issued)

<u>CASE NO.</u>	<u>CLAIMANT</u>	<u>AMOUNT</u>
CC 76-99	Vehicle damage claim of Eric Kaldjian	\$471.11
CC 99-99	Sewer Back Up Claim of Ozone House	\$673.00
CC 198-98	Sewer Back Up Claim of W. Chamberlain	\$739.66
CC 97-99	Property damage claim of Spruce Knob	\$1,450.00
CC 132-98	Water Storm Damage claim of Nancy Mateo	\$ 822.50
TOTAL		\$4,156.27

LEGAL EXPENSES AND/OR CASE RELATED EXPENSES:

<u>CASE NO.</u>	<u>CLAIMANT</u>	
BI 175-98	Workers Compensation Case of John Baker Craig Cattell, M.D.	\$500.00
BI 175-98	Workers Compensation Case of John Baker Mary S. Green	\$33.10
BI 175-98	Workers Compensation Case of John Baker Smart Corporation	\$13.30
BI 175-98	Workers Compensation Case of John Baker Mary Green	\$62.75
BI 175-98	Workers Compensation Case of John Baker Dr. James Ulery, Jr. M.D.	\$600.00

BI 175-98	Workers Compensation Case of John Baker Medicolegal Services, Inc.	\$712.50
CC 88-99	Lawsuit of Dale Warren Amy Shankleton-Novess	\$343.55
CC 136-98	Lawsuit of M. Hussain by David Fried, Attorney Chapa & Giblin	\$190.40
CC 136-98	Lawsuit of M. Hussain by David Fried, Attorney Tri-County Court Reporting	\$382.00
CC 113-91	Lawsuit of Traver Lakes Maintenance by S. Weiss Tom Blessing (Mediator=s Fees)	\$75.00
CC 57-99	Lawsuit of Maurice Darden by George Washington, Atty. Jacquice Darden	\$15.00
CC 57-99	Lawsuit of Maurice Darden by George Washington, Atty. Brenda Swift	\$14.00
CC 57-99	Lawsuit of Maurice Darden by George Washington, Atty. Leon Mills	\$14.00
CC 57-99	Lawsuit of Maurice Darden by George Washington, Atty. Diana Dorman	\$15.00
CC 57-99	Lawsuit of Maurice Darden by George Washington, Atty. Eric Taylor	\$14.00
CC 66-96	Lawsuit of Jamar French by Arnold Reed, Attorney Hernan Gomez, M.D.	\$2,200.00
	TOTAL	\$5,184.60

MISCELLANEOUS:

The ASU Group Third Party Administrator fees for fourth quarter (December-February) for Workers= Compensation administration	\$12,200.00
The ASU Group Third Party Administrator fees for fourth quarter (December-February) for Liability administration	\$7,977.50
The ASU Group Third Party Administrator fee for Interim Safety Officer for December, 1999	\$2,400.00
	TOTAL
	\$22,577.50

REIMBURSEMENTS RECEIVED:

PD 51-99	Reimbursement from Prudential Insurance Co. for Wilma Beebe for accident involving Vehicle #4275	\$500.00
PD10-99	Reimbursement from AAA for Judd Williams for accident involving Vehicle #45	\$500.00
PD 65-99	Reimbursement from AAA for Kyung Kim for \$176.40 accident involving Vehicle #4255	
PD 78-99	Reimbursement from Allstate Insurance for Omar Muhammad for accident involving Vehicle 4151	\$500.00
PD 64-99	Reimbursement from USAA for Monique Ekstrom for accident involving Vehicle #6201	\$500.00
PD 154-99	Reimbursement from AAA for Yim Lam for \$26.00 accident involving Vehicle #480	
PD 104-99	Reimbursement from Allstate Insurance for R. Gaba for accident involving Vehicle 303	\$114.86
PD 54-99	Reimbursement from State Farm Mutual for Jennifer Abe for accident involving Vehicle 75	\$500.00
PD 97-99	Reimbursement from Farmers Insurance for Ron Aswad for accident involving Police Vehicle 185	\$500.00
	TOTAL	\$3,317.26

CITIZEN'S CLAIMS DENIED:

CASE NO.

CC 86-99	Vehicle damage claim of Norma Barbour Discussed by Norma Barbour, Claimant and the Board denied the claim.
CC 46-99	Personal Injury claim of James Reid by Larry Justice, Attorney Discussed by Susan Campbell, Risk Management Office and the Board denied the claim.
CC 75-99	Vehicle damage claim of Donna Moore

Discussed by Susan Campbell, Risk Management Office and the Board denied the claim.

- CC 104-99 Property damage claim of Karen Coleman
Discussed by Susan Campbell, Risk Management Office and the Board denied the claim.
- CC 107-99 Property damage claim of Reinhart Development
Discussed by Susan Campbell, Risk Management Office and the Board denied the claim.
- CC 108-99 Property damage claim of Detroit Edison (Glazier Way & Green)
Discussed by Susan Campbell, Risk Management Office and the Board denied the claim.
- CC 111-99 Property damage claim of Detroit Edison (Observatory & Geddes)
Discussed by Susan Campbell Risk Management Office and the Board denied the claim.

OTHER BUSINESS:

The Insurance Board has agreed to the following dates for their meetings:

February 4, 2000	August 4, 2000
March 3, 2000	September 1, 2000
April 7, 2000	October 6, 2000
May 5, 2000	November 3, 2000
June 2, 2000	December 1, 2000
July 7, 2000	

- CC 103-99 Property damage claim of Barbara Blom
Discussed by Barbara Blom, Claimant the Board tabled the claim pending further investigation.
- BI 175-98 Workers Compensation Case of John Baker
Discussed by Abigail Elias, City Attorney and the Board tabled the claim pending further investigation.
- PD 135-99 Vehicle damage claim of Police Vehicle 67
Discussed by Susan Campbell, Risk Management office and the Board tabled the claim pending further investigation.
- CC 109-99 Property damage claim of Crisca Bierwert
Discussed by Susan Campbell, Risk Management office and the Board tabled the claim pending further investigation.

- CC 8-98 Sewer back-up claim of Richard Putney (1703 E. Stadium Blvd)
Discussed by Susan Campbell, Risk Management office and the Board tabled the claim pending further investigation.

- PD 60-99 Vehicle damage claim of Parks Vehicle 6251
Discussed by Susan Campbell, Risk Management office and the Board authorized settlement.

- PD 101-99 Vehicle damage claim of Fleet Service Vehicle #1900
Discussed by Susan Campbell, Risk Management office and the Board authorized settlement.

- PD 15-99 Vehicle damage claim of Parks Vehicle 6252
Discussed by Susan Campbell, Risk Management office and the Board authorized settlement.

- PD 93-99 Vehicle damage claim of Parks Vehicle 6521
Discussed by Susan Campbell, Risk Management office and the Board authorized settlement.

- CC 112-99 Vehicle damage claim of Paul Jalon by Gallagher Bassett
Discussed by Susan Campbell, Risk Management office and the Board authorized settlement.

- CC 97-97 Sewer Back Up Claim of the American Red Cross (2729 Packard)
Discussed by Susan Campbell, Risk Management office and the Board authorized settlement.

REQUESTS FOR INFORMATION ON PENDING CLAIMS

awaiting more information:

<u>CASE NO.</u>	<u>NAME</u>	<u>INCIDENT DATE</u>	<u>CLAIM RECEIVED</u>	<u>INFO FROM CLAIMANT</u>	<u>DATE OF CORRES.</u>	<u>ND. RPT FROM</u>	<u>DATE TO CLM. SRVC.</u>
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THERE ARE NO OUTSTANDING REPORTS.

CLAIMS RECEIVED SINCE LAST MEETING:

CASE NO.

- CC 109-99 Property damage of Crisca Bierwert (1575 Miller Avenue)
- CC 110-99 Lawsuit of Master Key Northern by Gregory Elliott, Attorney
- CC 111-99 Property damage claim of Detroit Edison (Observatory & Geddes)

- CC 104-98 Lawsuit of Tatyana Austin by Christine Green, Attorney
- CC 9-98 Lawsuit of the Estate of Ruth Oswald by Michael Garris, Attorney
- CC 112-99 Vehicle damage claim of Gallagher Bassett Services for Paul Jalon
- CC 113-99 Bodily injury claim of Robert Nagle by Michael Tashman, Attorney

Prepared by,

Susan Campbell,
Senior Secretary/Claims Processing Clerk

R-23-1-00 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICES
OUTSIDE CITY LIMITS TO 2986 SHADY LANE

Whereas, On January 7, 2000, the owners of the property at 2986 Shady Lane requested that the City extend public water and sewer service to their property in Pittsfield Township prior to the completion of the annexation process;

Whereas, The owners 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 August 3, 1999 the owners petitioned the City for annexation under Planning Department file number 12033D5.1 and 12033D.2.

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

R-24-1-00 APPROVED

RESOLUTION TO APPROVE HOUSING AFFORDABILITY
AGREEMENTS WITH WASHTENAW AFFORDABLE HOUSING COOPERATION

REGARDING 13 METROVIEW COURT AND 10 PLAINVIEW COURT

Whereas, An application was received in December, 1999 from Washtenaw Affordable Housing Corporation for financial assistance to be used for the acquisition and related costs of two properties located at 13 Metroview Court and 10 Plainview Court to be used as affordable housing for two very low income families;

Whereas, WAHC will also be leveraging funds from the Michigan Housing Trust Fund and Washtenaw County for each home;

Whereas, The Housing Policy Board at its meeting on January 6, 2000 recommended City Council approval of \$12,000 each (\$24,000 total) of Housing Trust Funds (General Funds) for the projects;

Whereas, WAHC agrees to resolve conditions relating to obtaining an appraisal and contractor=s inspection which support the asking price, pursuing homeownership options with tenants in order to sell the property within 5 years to qualified families and to pursue land trust arrangement and include these properties if established; and

Whereas, Human Rights approval was received for the contractor in March, 1999;

RESOLVED, That City Council approve the Housing Affordability Agreements for 13 Metroview Court and 10 Plainview Court in the amount of \$12,000 each (\$24,000 total) of Housing Trust Funds (General Funds) as a 0% recoverable grant to be repaid within five years when the property is converted to homeownership.

RESOLVED, That City Council authorize the Mayor and City Clerk to execute the Housing Affordability Agreements and all other documents necessary to implement these agreements substantially in the form on file in the office of the City Clerk with funds to be available until expended without regard to fiscal year.

R-25-1-00 APPROVED

RESOLUTION TO APPROVE REVISED HOUSING AFFORDABILITY
AGREEMENT WITH AVALON HOUSING, INC. TO ALLOW REFINANCING
OF STIMSON APARTMENTS

Whereas, On November 7, 1994, City Council approved Resolution R-512-1194 relating to Avalon Housing=s acquisition of 800-838 Stimson, 1613 White Street (Stimson Apartments), including a Housing Affordability Agreement and Intercreditor Agreement;

Whereas, The initial project financing included CDBG and HOME funding from the City of Ann Arbor, Great Lakes Bank through the Federal Home Loan Bank, Adrian Dominican Sisters, Washtenaw County and a Community Credit Initiative loan through First of America (now National City);

Whereas, Because two of the financing sources had five year balloon payments which are now due, Avalon has arranged for refinancing which will require new lien arrangements;

Whereas, The Housing Policy Board at its meeting on December 2, 1999 recommended City Council approval of the refinancing request and revised Housing Affordability Agreement and Intercreditor Agreement; and

Whereas, Human Rights approval was received for the contractor in March, 1999;

RESOLVED, That City Council approve the revised Housing Affordability Agreement and Intercreditor Agreement for Avalon=s Stimson Apartments project to allow project refinancing,

RESOLVED, That City Council authorize the Mayor and City Clerk to execute the Housing Affordability Agreement and Intercreditor Agreement and any other document necessary to implement this refinancing substantially in the form on file in the office of the City Clerk.

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

ORDINANCES - SECOND READING

51-99 POSTPONED

SIGNS AND OUTDOOR ADVERTISING

An Ordinance to Amend Sections 5:501, 5:502, 5:505,
5:507, 5:508, 5:509 and 5:517 of Title V
of the Code of the City of Ann Arbor

(The complete text of Ordinance 51-99 is on file in the City Clerk=s Office.)

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

Councilmember Upton moved that the ordinance be postponed until February 7, 2000 to allow additional review of the Aduration period≡ proposed and to allow City Council to receive legal advise from the City Attorney.

On a voice vote the Mayor declared the motion carried.

3-00 POSTPONED

PENALTIES FOR TRAFFIC VIOLATIONS

An Ordinance to Amend Sections 10:81 and 10:156 of
Chapter 126 of Title X of the Code of the City of Ann Arbor

(The complete text of Ordinance 3-00 is on file in the City Clerk=s Office.)

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

Councilmember Hanna-Davies moved that the ordinance be postponed until February 7, 2000 to allow Council to receive a criminal law opinion from the ACLU.

On a voice vote the Mayor declared the motion carried.

53-99 POSTPONED

LIVING WAGE

An Ordinance to Add New Chapter 23, Sections 1:811-1:820 to Title I of the Code of the City of Ann Arbor

(The complete text of Ordinance No. 53-99 is on file in the City Clerk=s Office.)

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

Councilmember Hanna-Davies moved that the resolution be postponed to allow further review of the proposed ordinance.

On a voice vote the Mayor declared the motion carried.

ORDINANCES - FIRST READING

4-00 APPROVED

BERKSHIRE CREEK ZONING

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

This ordinance would change the zoning of 10.67 acre, located on the west side of Huron Parkway north of Washtenaw Avenue, from TWP (Township District) and O (Office District) to R4A (Multiple-Family Dwelling District). (The complete text of Ordinance 4-00 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.

5-00 APPROVED

BOYCE 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 0.15 acre, located at 2930 Shady Lane, from TWP (Township District) to R1D (Single-Family Dwelling District). (The complete text of Ordinance 5-00 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.

6-00 APPROVED

DEL RIO 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 0.16 acre, located at 2934 Shady Lane, from TWP (Township District) to R1D (Single-Family Dwelling District). (The complete text of Ordinance 6-00 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.

7-00 APPROVED AS AMENDED

ENVIRONMENTAL COMMISSION

An Ordinance to Add New Section 1:237 to Chapter 8 of Title I of the Code of the City of Ann Arbor

This ordinance would establish an Environmental Commission. (The complete text of Ordinance 7-00 is on file in the City Clerk=s Office).

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

Council unanimously agreed to amend the ordinance as follows:

Section 1:237. Environmental Commission.

(2) Powers and Duties

- (B) ... Leslie Science Center Advisory Board **TO DEVELOP INTEGRATED, COMPREHENSIVE ENVIRONMENTAL POLICIES TO IMPROVE THE AIR, WATER, LAND AND PUBLIC HEALTH.**

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

MOTIONS AND RESOLUTIONS

R-26-1-00 APPROVED

**RESOLUTION TO APPROVE BARCLAY PARK CONDOMINIUMS
REVISED PLANNED PROJECT SITE PLAN**

Whereas, Biltmore Properties has requested revised planned project site plan approval in order to increase the number of units, increase the number of parking spaces, and decrease parking aisle widths for the Barclay Park development on the east side of Nixon Road, north of Green Road; and

Whereas, The Ann Arbor City Planning Commission, on December 21, 1999, recommended denial of said request;

RESOLVED, That City Council approve the Barclay Park Condominiums Revised Planned Project Site Plan.

A communication was received from the City Planning Commission transmitting its recommendation of denial of the proposed Barclay Park Condominiums Revised Planned Project Site Plan, 40.3 acres, east side of Nixon Road, north of Green Road. Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-27-1-00 APPROVED

**RESOLUTION TO APPROVE EXCEPTION OF COUNCIL POLICY
REGARDING ANNEXATION PETITIONS**

Whereas, City Council, on August 20, 1990, passed a resolution regarding annexation petitions, which would require that all contiguous holdings be included in a petition for annexation;

Whereas, Don L. Nixon, owner of the 68.69 acre parcel at the northwest corner of Nixon and Dhu Varren Roads, has entered into a sales agreement for said parcel;

Whereas, Don L. Nixon has requested an exception to the August 20, 1990, Council resolution, which would allow the parcel of property at the southwest corner of Nixon and Dhu Varren Roads and the parcel of property at the southeast corner of Nixon Road and M-14 to be excluded from the annexation petition for the 68.69-acre parcel at the northwest corner of Nixon and Dhu Varren Roads; and

Whereas, The Planning Department supports this request, as the parcels are separated by the Dhu Varren Road and Nixon Road rights-of-way;

RESOLVED, That City Council grant an exception to the August 20, 1990, resolution, which will allow the petition for annexation of the 68.69-acre parcel at the northwest corner of Nixon and Dhu Varren Roads to exclude the parcel at the southwest corner of Nixon and Dhu Varren Roads and the parcel at the southeast corner of Nixon Road and M-14.

Councilmember Higgins moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-28-1-00 APPROVED

RESOLUTION TO APPROVE FUNDING FOR THE HURON RIVER WATERSHED COUNCIL AND TO APPROVE SUPPLEMENTAL APPROPRIATION

Whereas, The City contributed funds for a multi-jurisdictional watershed plan for the Middle Huron in the fiscal year 1998-99 developed by the Huron River Watershed Council;

Whereas, The multi-jurisdictional watershed plan is needed to effectively and efficiently meet Michigan=s Voluntary General Stormwater Permit, comply with federal stormwater permit requirements and reduce point and nonpoint pollutant loads as required by Total Maximum Daily Load (TMDL) listed waters;

Whereas, Watershed plans for each sub-basin in the Middle Huron region are being developed at present;

Whereas, The Huron River Watershed Council requests that the City fund its share

of \$30,839 of the total \$93,000 to complete watershed plans for each sub-basin in the middle Huron region;

Whereas, Completion of watershed plans for sub-basins in the middle Huron region and their approval by MDEQ is a potential source to finance actions recommended in the watershed plans; and

Whereas, The Huron River Watershed Council received Human Rights approval on May 6, 1999;

RESOLVED, That Council approves \$30,839 for the Huron River Watershed Council to complete watershed plans for sub-basins in the middle Huron region;

RESOLVED, That Council approve a supplemental appropriation from the Stormwater Fund for \$30,839 to finance the City's share of the project and the funds are available for the life of the project without regard to fiscal year.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-29-1-00 APPROVED

RESOLUTION TO APPROVE AMENDMENT TO LEASE FOR DISTRICT COURT PROBATION DEPARTMENT OFFICES

Whereas, The City of Ann Arbor currently leases from DAN-MAN I, L.L.C., approximately 2,600 square feet of office space at 206 East Huron Street for District Court Department offices;

Whereas, The current lease will expire January 31, 2000 and the District Court wishes to continue using this office for its Probation Department operations;

Whereas, The amendment would extend the term of the current lease an additional fourteen (14) months, increase each monthly payment by \$254.00 for the term of the lease, which is a 3% increase, and would require the court to maintain the premises described in the lease as smoke-free;

RESOLVED, That City Council approve the amendments to the lease with DAN-MAN I, L.L.C. for 206 East Huron Street for 15th District Court's Probation Department, and that the Mayor and City Clerk be authorized to sign the agreement substantially corresponding to that on file with the City Clerk.

Councilmember Freiberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-30-1-00 APPROVED

RESOLUTION ACCEPTING EASEMENT FOR PEDESTRIAN/BICYCLE TRAIL FROM THE DETROIT EDISON COMPANY LOCATED AT 982 BROADWAY

Whereas, Detroit Edison Company, a Michigan corporation, is the owner in fee simple of property located in the City of Ann Arbor, Washtenaw County, Michigan, commonly known as 982 Broadway, Ann Arbor, Michigan;

Whereas, The parties executed a permit for the installation of a pedestrian/bicycle trail on July 1, 1975, the term of which has now expired;

Whereas, The parties have negotiated a permanent easement to replace the original permit for the existing pedestrian/bicycle trail; and

Whereas, Detroit Edison Company has delivered an easement to the City for the maintenance and use of the pedestrian/bicycle trail to run with the land and burden the respective property perpetually, being more particularly described as follows:

A trail approximately ten feet in width connecting Riverside Park and Argo Power Plant Race as identified in the attached Exhibit AA≅ and the approved site plan for the property on file with the Planning Department.

RESOLVED, That the City hereby accepts said easement.

Councilmember Hanna-Davies moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-31-1-00 APPROVED

RESOLUTION ACCEPTING EASEMENT FOR PUBLIC RIGHT-OF-WAY FROM GAIL D. THOMAS AND JEAN L. THOMAS AND SELECTED VENTURE, L.L.C. AT 1730-1744 S. MAPLE LAND DIVISION

Whereas, Gail D. Thomas and Jean L. Thomas, husband and wife, as land contract vendors, and Select Ventures, L.L.C., a Michigan limited liability company, as land contract

vendee, are the owners in fee simple of property located in Ann Arbor, Michigan, Washtenaw County, Michigan, described in a Memorandum of Land Contract, recorded in Liber 3811, Page 456, Washtenaw County Register of Deeds;

Whereas, 1730-1744 South Maple Road Development Agreement, executed by the parties on August 2, 1999, requires the grant of a public right-of-way for the easterly 33 feet of S. Mple Road; and

Whereas, Gail D. Thomas and Jean L. Thomas, husband and wife, and Select Ventures, L.L.C., a Michigan limited liability company, have delivered an easement to the City for public right-of-way over the easterly 33 feet of South Maple Road, to run with the land and burden the respective property perpetually, being more particularly described as follow:

The easterly 33 feet measured parallel and immediately west of the east line of Section 36, of the following described property:

Commencing at the E 1/4 corner of Section 36, T2S, R5E, City of Ann Arbor, Washtenaw County, Michigan; thence S00108'00" W 1,326.50 feet along the East line of Section 36 and the centerline of Maple Road to the Point of Beginning; thence S00108'00 W 592.82 feet along the East line of Section 36 and the centerline of Maple Road; thence along the northeasterly right-of-way line of I-94 Expressway in the following two courses: (1) N43106'39" W 364.01 feet and (2) northwesterly 421.96 feet along the arc of a curve to the right, radius 3674.72 feet, central angle 06134'45" chord N39149'16" W 421.73 feet; thence N89139'00" E 520.23 feet to the POINT OF BEGINNING, being a part of the SE 1/4 of Section 36, T2S, R5E, City of Ann Arbor, Washtenaw County, Michigan.

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

On a voice vote the Mayor declared the motion carried.

R-32-1-00 APPROVED

RESOLUTION ACCEPTING ROAD RIGHT-OF-WAY EASEMENT
FROM THE ANN ARBOR CHINESE CHRISTIAN CHURCH, S.B.C. AT
1730 DHU VARREN ROAD

Whereas, The Ann Arbor Chinese Christian Church, S.B.C., a Michigan ecclesiastical corporation, is the owner in fee simple of property locatrd in the City of Ann Arbor, Washtenaw County, Michigan as described in the Washtenaw County Records at Liber 3381, Pages 0148-0149, recorded February 6, 1997; and

Whereas, Board of Trustees on July 13, 1999 authorized the delivery of a perpetual agreement to the City for road right-of-way; and

Whereas, The Ann Arbor Chinese Christian Church, S.B.C. has delivered an easement to the City for road right-of-way along the south side of Dhu Varren Road, to run with the land and burden the respective property perpetually, being more particularly described as follows:

RIGHT-OF-WAY DEDICATION
LOCATED IN THE N 1/4 CORNER OF SECTION 16, T2S, R6E,
CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN

Commencing at the N 1/4 Corner of Section 16, T2S, R6E, City of Ann Arbor, Washtenaw County, MI; Due E 878.14 feet to the POINT OF BEGINNING. Thence N901 00' 00" E 449.14 feet; thence S 031 04 00" W 60.00 feet; thence S901 00' 00" W 448.37 feet; thence N031 04' 00" E 60.00 feet to the PLACE OF BEGINNING.

RESOLVED, That the City hereby accepts said easement.

Councilmember Hanna-Davies moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-33-1-00 APPROVED

RESOLUTION APPROVING THE LEASE AGREEMENT BETWEEN
THE CITY OF ANN ARBOR AND EXPERIMENTAL AIRCRAFT ASSOCIATION
CHAPTER 333 FOR 4322 SOUTH STATE STREET - OLD TERMINAL

Whereas, Local chapter 333 of the Experimental Aircraft Association (E.A.A.) is based at the Ann Arbor Airport;

Whereas, The chapter has experienced growth, and is now providing more programs and services at the airport;

Whereas, The chapter has asked to rehabilitate the airport=s old terminal building on South State Street, in exchange for a low-rent lease;

Whereas, The building is in poor condition and was scheduled for demolition this fiscal year;

Whereas, Airport staff has negotiated a lease with E.A.A., outlining expected renovations, and established controls over the use of the facility; and

Whereas, The rental rate will be \$100 annually, reflecting the significant amount of time and materials the lessee will provide and the ultimate benefit to the airport and community;

RESOLVED, That the City Council approve the lease agreement with E.A.A. Chapter 333; and

RESOLVED, That the Mayor and City Clerk are 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.

Councilmember Hanna-Davies moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-34-1-00 APPROVED

RESOLUTION SUPPORTING AND WAIVING SPECIAL PERMIT FEE FOR THE 18TH ANNUAL MARTIN LUTHER KING, JR. MARCH

Whereas, The Second Baptist Church of Ann Arbor has submitted a request to hold the 18th Annual Martin Luther King, Jr. March on Sunday, January 9, 2000;

Whereas, The march is held to both commemorate the life of Dr. Martin Luther King, Jr., and to reaffirm the participants= commitment to his legacy;

Whereas, The march will originate in front of the Washtenaw County Courthouse Building and proceed along city sidewalks to the Second Baptist Church at 850 Red Oak, where the celebration will continue; and

Whereas, This peaceful march has been held for many years without incident, and organizers and participants have abided by all conditions set forth by the City.

RESOLVED, That the Mayor and City Council approve and support the event by waiving the \$25.00 cost of the Special Events Permit.

Councilmember Hanna-Davies moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-35-1-00 APPROVED

RESOLUTION TO OPPOSE THE PROPOSED PALL/GELMAN SCIENCES, INC. REMEDIAL ACTION PLAN (RAP) FOR THE WESTERN SYSTEM

Whereas, Pall/Gelman Sciences, Inc. (APGSI≡) has submitted a third remedial action plan (RAP) to the Michigan Department of Environmental Quality (MDEQ) - Environmental Response Division (ERD) for the Western System;

Whereas, PGSI=s previous two RAP submittals and various amendments were ruled inadequate by the ERD;

Whereas, The MDEQ held a public meeting on January 10, 2000 at Abbot Elementary School in Ann Arbor, Michigan to provide information and gather input from the public;

Whereas, The MDEQ has requested public comment on the proposed RAP to be submitted by January 21, 2000;

Whereas, PGSI's RAP for the Western System plume proposes closure not a cleanup of the contamination, restricting the use of groundwater in this area through use of county rules and regulations for the supply of groundwater for public and private purposes;

Whereas, This use of institutional control, as allowed in Part 201 of the Natural Resources and Environmental Protection Act (NREPA), would require the County to agree to amend their rules and regulations to meet the requirements of Part 201 of the NREPA in order for the previously identified deficiency in the RAP to be corrected;

Whereas, Washtenaw County has not shown any indication of support to amend these rules and regulations;

Whereas, PGSI has not demonstrated by technical analysis that containment of the groundwater contamination will occur, a necessary condition required for consideration of a land closure rather than a cleanup approach;

Whereas, PGSI's RAP calls for securing deed restrictions on individual private property to restrict the use, and future use, of the land and groundwater;

Whereas, There are serious concerns that by not providing any remediation or containment of the groundwater contamination in the Western System the 1,4-dioxane plume will continue to spread into new areas where no access to municipal water supplies exists to replace wells which might become contaminated;

Whereas, There are serious concerns that by not providing any remediation or containment of the groundwater contamination in the western system will cause increases of 1,4-dioxane, venting from artesian wells into Honey Creek, to seep into Scio Township groundwater aquifers or end up in the Huron River and the City of Ann Arbor municipal water supply; and

Whereas, There are existing remediation technologies that could be utilized to actually contain and cleanup the contamination, which would halt the spread of the 1,4-dioxane plume.

RESOLVED, That the City of Ann Arbor opposes the proposed PGSI remedial action plan (RAP) for the Western System due to the previously noted inadequacies of the RAP and voices strong opposition to any RAP that does not actively contain and clean up the groundwater contamination through the use of remediation technology;

RESOLVED, That the City of Ann Arbor opposes the submitted RAP for its potential to add more 1,4-dioxane to the City of Ann Arbor municipal water supply and Scio Township water supply;

RESOLVED, That the City of Ann Arbor encourages the MDEQ to assess PGSI the

finances for non-compliance that have accumulated to date to let the company know that the State of Michigan will not accept any more delays or accept any more remedial action plans that are clearly inadequate due to previous rejections by the MDEQ; and,

RESOLVED, That the City Clerk submit this resolution to the MDEQ as written comment on the proposed Western System RAP, and send a copy to Scio Township, Washtenaw County Commissioners, State Representative Hansen, State Senator Smith, Governor Engler, and Attorney General Granholm.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

REPORTS FROM COUNCIL COMMITTEES

COUNCILMEMBER KOLB

Councilmember Kolb announced that the Affordable Housing Task Force meeting of January 20, 2000 has been rescheduled to January 27, 2000 at 7:00 p.m., and will be held on the 3rd floor of the City Center Building.

COUNCIL PROPOSED BUSINESS

FEBRUARY 7, 2000

Resolution to Establish a Task Force to Review Animal-Related Ordinances (Councilmember Herrell)

Resolution Regarding the Collection of Racial Statistics (Councilmember Daley)

COMMUNICATIONS FROM THE MAYOR

ANNOUNCEMENTS

Mayor Sheldon made the following announcements:

- City of Ann Arbor was featured as a waste reduction record setter by the EPA in a book entitled, *Cutting the Waste Stream in Half* for fiscal years 1989-1996.
- Street light outages can be reported 24 hours a day at 996-3177 or through the City's web site.
- The Main Street Area Association and Mr. David Fanslow were recipients of the 1999 Community Service Recognition Award, sponsored by the Michigan Recreation of Park Association for their work in improving the community.
- City of Ann Arbor recognized as No. 2 in the Ten Best Cities Overall for Women.
- Ann Arbor recognized as the No. 1 City to make money, to save money and to retire.
- Christmas trees can still be dropped off at the Ellsworth Drop-Off station during normal business hours, and curbside recovery will continue throughout the week of January 21.
- Christmas in April is seeking nominations for the April 29th event. Please call in nominations to Carolyn Hastings at 998-9337. Nominee must have an Ann Arbor address, must occupy the residence and be low-income or disabled.
- Thank you letter received from the YMCA Youth Volunteer Program for participation in the 1999 Can Collection effort.
- Congratulations and Thank You to 200 youth volunteers who served over 9,000 hours working with more than 26 community agencies.

APPOINTMENTS APPROVED

Mayor Sheldon recommended the following appointments at the January 6, 2000 regular session of Council:

Cable Communications Commission

Tomas Chavez (reappointment)
441 South First Street #212
Ann Arbor, MI 48103
Term: 01/18/2000 to 01/17/2005

Bicycle Coordinating Committee

Karl Kleitsch (reappointment)
3642 Wellington Cross
Ann Arbor, MI 48105
Term: 01/18/2000 to 01/17/2003

Matthew Toschlog (to fill vacancy)
803 Sycamore Place
Ann Arbor, MI 48104-4303
Term: 01/18/2000 to 01/17/2003

Bicycle Coordinating Committee, cont.

Mary Underwood (reappointment)
1219 Traver Road
Ann Arbor, MI 48105
Term: 01/18/2000 to 01/17/2003

Park Advisory Commission

Stephen T. Rapundalo (reappointment)
3106 Bluett Road
Ann Arbor, MI 48105
Term: 01/18/2000 to 01/17/2003

Ann Arbor Hospitality Committee

Makha Fall (new appointment)
2673 Arrowwood Trail
Ann Arbor, MI 48105
Term: 01/18/2000 to 01/01/2002

Board of Examiners, Electricians and Electrical Contractors

Eric Maley (to fill vacancy)
2887 Atterberry Drive
Ann Arbor, MI 48103
Term: 01/18/2000 to 01/17/2004

Zoning Board of Appeals

Carol A. Kuhnke (to fill unexpired term)
1720 Longshore Drive
Ann Arbor, MI 48105
Term:01/18/2000 to 09/13/2001

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

Councilmember Herrell moved to postpone the appointment to the Park Advisory Commission to allow additional names to be submitted for appointment.

On a voice vote the Mayor declared the motion carried.

The question being the recommendations of the Mayor, except the appointment to the Park Advisory Commission, on a voice vote the Mayor declared the motion carried.

NOMINATIONS PLACED ON TABLE

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

City Planning Commission

Megan Gibb (to fill vacancy)
1200 Belmar Place
Ann Arbor, MI 48103
Term: 02/07/2000 to 06/30/2003

Huron River Watershed Council Liaisons

Brianne Haven (to fill vacancy)
715 Catherine Street
Ann Arbor, MI 48104
Term: 02/07/2000 to 10/31/2001

Ann Arbor Commission on Disability Issues

Anthony A. Muraski, J.D., Ph.D. (reappointment)
1603 Westminster Place
Ann Arbor, MI 48104
Term: 02/07/2000 to 02/06/2003

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

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

1. Ann Arbor Streetlight Outages/Repairs
2. Purchasing Improvement Project (PIP) Team Report

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

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER DALEY

Councilmember Daley informed City Councilmembers that articles on ethical standards in business can be found in magazines such as Forbes and Business Week, as well as faith-related periodicals.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

- 10 Communication from James and Kristin Joyce in opposition to the proposed Northside Commons development - Planning
- 20 Communication from Connie Brooks, 210 Bucholz Court, in opposition to the homeless shelter - Community Development
- 30 Communication from the Ann Arbor Area Board of Realtors regarding the Ann Arbor Sign Ordinance - Building
- 40 Communication from the Ann Arbor Area Chamber of Commerce in opposition to the proposed Living Wage Ordinance - File

The following minutes were received for file:

1. Ann Arbor Building Authority - October 15, 1999
2. Ann Arbor Energy Commission - December 9, 1999

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

On a voice vote the Mayor declared the motion carried.

PUBLIC COMMENTARY - GENERAL

MR. HIGGINS - LIGHT POLLUTION

Mr. Higgins, Ann Arbor cabdriver, expressed concern about light pollution and excessive illumination of city streets. He requested that the city review the city's existing standards for lighting so that lighting is not blinding to people who are light sensitive.

ADJOURNMENT

There being no further business to come before Council, the Mayor declared the meeting adjourned at 11:34 p.m.

W. Northcross
Clerk of the Council

Frances M. McMullan
Recording Secretary