

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - MARCH 20, 2000**

The regular session of the Ann Arbor City Council was called to order at 7:35 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, Marcia Higgins, Christopher Kolb, Elisabeth L. Daley, Mayor Ingrid B. Sheldon, 10.

ABSENT : Councilmember Stephen C. Hartwell, 1.

INTRODUCTIONS

SEXUAL ASSAULT AWARENESS MONTH - APRIL 2000

Mayor Sheldon presented proclamations to Gloria Criss, representing the Assault Crisis Center, and Susan Kauffman, representing the Center for Education of Women, in recognition of the work done by sexual assault programs. Mayor Sheldon declared April 2000 as Sexual Assault Awareness Month in Ann Arbor and encouraged all citizens of Ann Arbor to participate in the scheduled activities and programs sponsored by the Washtenaw County Assault Crisis Center and the University of Michigan Sexual Assault Prevention and Awareness Center.

PUBLIC COMMENTARY - RESERVED TIME

RICH BIRKETT - NOISE ORDINANCE

Rich Birkett, 2919 Brandywine, spoke regarding the city's noise ordinance. He stated that he would like the City to consider granting a temporary exemption from the noise ordinance to allow music and speaking at his first amendment event to be held on May 1, 2000. He stated that if it is not possible for him to receive a temporary exemption, he would like a general exemption from the ordinance. Mr. Birkett pointed out that under a general exemption parades, concerts and similar events are allowed.

THOM SAFFOLD - IRAQ

Thom Saffold, 2084 Pauline, #2, expressed concern about racism and genocide in Iraq. He described the conditions in Iraq and stated that the suffering of the Iraqi people is tremendous. Mr. Saffold stated that while visiting Iraq he met with a city council and discovered that United States missiles had destroyed residential homes and civilians.

JIM MOGENSEN - LIVING WAGE

Jim Mogenson, 3780 Greenbrier, #354C, stated that the median income for all Americans is \$549.00 per week. Mr. Mogenson referred to several magazine articles to validate the need for a living wage ordinance in Ann Arbor, and encouraged City Council to continue to revisit this issue.

PUBLIC HEARINGSMAPLE VILLAGE 2 SITE PLAN

A public hearing was conducted on the proposed Maple Village 2 Site Plan, 1.0 acre, 2570 Jackson Road. Notice of public hearing was published March 12, 2000.

The following person was present to speak:

Bill Jarratt, architect for the project, was present to answer questions of Council. He explained that the expansion will house Blockbuster Video, and will be a very attractive addition into the gateway of the City.

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

529 SOUTH ASHLEY STREET LAND DIVISION

A public hearing was conducted on the proposed 529 South Ashley Street Land Division, 0.70 acre. Notice of public hearing was published March 12, 2000.

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

SWELL INVESTMENT SITE PLAN

A public hearing was conducted on the proposed Swell Investment Site Plan, 1.41 acres, 2443-2451 South Industrial Highway. Notice of public hearing was published March 12, 2000.

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

U-HAUL STORAGE FACILITY REVISED SITE PLAN

A public hearing was conducted on the proposed U-Haul Storage Facility Revised Site Plan, 4.67 acres, 3655 South State Street. Notice of public hearing was published March 12, 2000.

The following person was present to speak:

Curt Bellick, representing U-Haul, 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 Hieftje moved that the agenda be approved with the following changes:

Add: RECESS TO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION
(Add prior to Consent Agenda)

ORDINANCES - SECOND READING

Add: Ordinance to Add New Chapter 23, Sections 1:811-1:820 - Living Wage Ordinance (Ordinance No. 53-99) **(Postponed 2/22/00)**

ORDINANCES - FIRST READING

Delete: Amendment to Chapter 107, Section 9:38 - Domestic Animals (Councilmember Hanna-Davies)

MOTIONS AND RESOLUTIONS

Delete: Resolution Regarding the Michigamua Society (Councilmember Hanna-Davies)

COMMUNICATIONS FROM THE CITY ATTORNEY

Add: Update on Northside Commons PUD Sanitary Sewer Plan and Related Issues

RECESS TO EXECUTIVE SESSION

Add: RECESS TO EXECUTIVE SESSION TO DISCUSS CITY ATTORNEY EVALUATION (***Add prior to Adjournment***)

On a voice vote the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES**MINUTES OF MARCH 6 AND MARCH 13, 2000 APPROVED**

Councilmember Carlberg moved that the regular session minutes of March 6, 2000 and the working session minutes of March 13, 2000 be approved as presented.

On a voice vote the Mayor declared the motion carried.

RECESS TO EXECUTIVE SESSION

Councilmember Higgins moved that the regular session of Council be recessed for an executive session to discuss pending litigation.

On roll call the vote was as follows:

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

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 8:03 p.m.

MEETING RECONVENED

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

On a voice vote the Mayor declared the motion carried and the regular session reconvened at 8:25 p.m.

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-114-3-00 APPROVED

RESOLUTION TO APPROVE AN AGREEMENT WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION AND ESTABLISH A PROJECT BUDGET FOR THE HURON PARKWAY - WASHTENAW AVENUE INTERSECTION IMPROVEMENTS PROJECT

Whereas, The Federal Highway Administration has allocated funds for the Huron Parkway - Washtenaw Avenue Intersection Improvements Project; and

Whereas, This project has been included in the City Capital Improvements Plan;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute contract number 99-5578 with the Michigan Department of Transportation for the Huron Parkway - Washtenaw Avenue Intersection Improvements Project, substantially in the form on file with the City Clerk, following approval as to substance by the City Administrator, and approval as to form by the City Attorney;

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

Section I, Revenue

| | |
|-------------------|-------------------------------------------------------|
| \$ 970,010 | Street Resurfacing Millage Fund |
| \$ 43,600 | Major Streets Fund (FY 1999/2000 Budget) |
| \$ 13,240 | Water Utilities Sanitary Sewer Operating Fund Balance |
| <u>\$ 480,000</u> | Federal Aid (Congestion Mitigation/Air Quality Funds) |
| \$ 1,506,850 | TOTAL |

Section II, Expenses

| | |
|---------------|----------------------------------------------------------------|
| \$990,000 | Construction Contract |
| 43,600 | Signal Work |
| 110,000 | Design Engineering |
| 110,000 | Construction Engineering |
| 26,250 | Construction Testing |
| 9,000 | Miscellaneous Costs (city vehicles, materials, supplies, etc.) |
| 178,000 | Right-of-Way Acquisition |
| <u>40,000</u> | Contingencies approved by the Administrator |
| 1,506,850 | TOTAL; and |

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

R-115-3-00 APPROVED

RESOLUTION TO APPROVE PROFESSIONAL SERVICES
 AGREEMENT WITH Taweel Engineering Services, P.C. FOR
 THE HURON PARKWAY - WASHTENAW AVENUE INTERSECTION
 IMPROVEMENTS PROJECT

Whereas, It is necessary to employ a qualified testing firm to perform essential testing for the Huron Parkway-Washtenaw Avenue Intersection Improvements Project;

Whereas, Proposals for this testing were received and evaluated by the Engineering Division on the basis of qualifications and fees;

Whereas, Taweel Engineering Services, P.C. has demonstrated the required experience, personnel and competitive fee schedule to perform the work;

Whereas, On December 28, 1999 the Human Resources Department gave approval of said company for said work; and

Whereas, The required funds to cover the services outlined in this agreement are included in the approved Huron Parkway-Washtenaw Avenue Intersection Improvements Project Budget;

RESOLVED, That Council authorizes a professional services agreement in the standard City form in the amount of \$26,250 with Taweel Engineering Services, P.C., for construction testing and inspection services for the Huron Parkway - Washtenaw Avenue Intersection Improvements;

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

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.

R-116-3-00 APPROVED

RESOLUTION TO APPROVE PURCHASE OF WATER MAIN
MATERIALS AND WATER SERVICE MATERIALS FROM
MICHIGAN PIPE & VALVE, INC. - BID NO. 3333

Whereas, The Water Utilities Department Field Services Division revolving supplies inventory of water main materials and water service materials needs to be replenished;

Whereas, The Purchasing Division received bids for Bid No. 3333 on February 29, 2000, and together with the Water Utilities Department has determined that Michigan Pipe & Valve, Inc. is the lowest responsible bidder for water main materials and water service materials in the total amount of \$26,968.20; and

Whereas, On March 7, 2000 the Human Resources Department approved Michigan Pipe & Valve, Inc. to provide materials to the City of Ann Arbor;

RESOLVED, That Council approve and award the bid for these water main materials and water service materials to Michigan Pipe & Valve, Inc. in the total amount of \$26,968.20;

RESOLVED, That the City Administrator be directed to issue a purchase order in the amount of \$26,968.20 to Michigan Pipe & Valve, Inc. for these materials; and

RESOLVED, That the purchase of water main materials in the amount of \$26,698.20 is to be funded from FY 99/00 Operating Budget of Water Supply System

Fund.

R-117-3-00 APPROVED

RESOLUTION TO GRANT WATER SERVICE OUTSIDE CITY LIMITS TO 3985 STONE SCHOOL ROAD

Whereas, On March 13, 2000, the owners of the property at 3985 Stone School Road, requested that the City extend public water service to their property in Pittsfield 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 March 8, 2000 the owners petitioned the City for annexation under Planning Department file number 12103A1.1 and 12103A1.2.

RESOLVED, That the Mayor and Clerk are authorized and requested to sign the agreement to allow City water service to the land during the time it is still outside of the Corporate 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 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.

R-118-3-00 APPROVED

RESOLUTION TO AUTHORIZE A THIRD AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH THE ASU GROUP (FORMERLY ASU RISK MANAGEMENT SERVICES, LTD.)

Whereas, The City of Ann Arbor has been without the services of a permanent Safety Officer since July 16, 1999, and has been using the services of an employee of The ASU Group as Interim Safety Officer since December 3, 1999;

Whereas, The Interim Safety Officer is in the middle of several major employee training programs and evaluations;

Whereas, An employment offer has been extended to a Safety Manager candidate who is expected to accept the position, but will not be available to begin his City employment for four weeks;

Whereas, The Interim Risk Manager would like a smooth transition to transfer the safety responsibilities from the Interim Safety Officer to the new Safety Manager and would like a two week overlap between the individuals to accomplish this;

Whereas, The Interim Risk Manager has negotiated a third amendment to the City's January 31, 1995, contract with The ASU Group, as amended on April 10, 1998, and December, 1999, to continue the temporary services of an Interim Safety Officer; 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 \$9,600.00 to the professional services agreement with The ASU Group (formerly ASU Risk Management Services, Ltd.) to continue the temporary services of an Interim Safety Officer be approved;

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; and

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

R-119-3-00 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT
WITH CAREER DIRECTIONS TO PROVIDE A COMPETENCY BASED
JOB ANALYSIS FOR THE CITY OF ANN ARBOR CHIEF OF POLICE POSITION

Whereas, The City of Ann Arbor desires to begin the recruitment/selection/hiring process for a new Chief of Police;

Whereas, A competency based job analysis approach has been selected as the process to pursue for constructing a Aprofile to appropriately identify potentially qualified candidates for the Chief of Police position;

Whereas, The Director of Human Resources has negotiated an agreement with Career Directions to create and develop; (a) the competency based job analysis document for the Chief of Police position; (b) facilitate a series of citizen and City employee panel meetings designed to identify the key functions, duties and attributes for a successful Police Chief candidate; (c) prepare a Chief of Police job description, and a final report indicating

the attributes and abilities required for the Chief of Police position; and (d) work closely with the Director of Human Resources and search firm selected to initiate the recruitment process; and

Whereas, Career Directions has received Human Rights approval on March 14, 2000.

RESOLVED, This professional services agreement with Career Directions, for providing a competency based job analysis process associated with the Chief of Police recruitment/selection/hiring plan, in an amount not to exceed \$15,500 be approved;

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, and

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

R-120-3-00 APPROVED

RESOLUTION 3: ESTABLISHING A PUBLIC HEARING FOR THE WASHTENAW AVENUE SIDEWALK SPECIAL ASSESSMENT

Whereas, City Council has ordered the City Assessor to prepare a Special Assessment Roll for the purpose of defraying that part of the cost of the following described sidewalk project to be defrayed by Special Assessment: Construction of sidewalk to fill in gaps along the west side of Washtenaw Avenue from Stadium Boulevard to Brockman Boulevard, District Number 32, File Number 98069; and

Whereas, The City Assessor has prepared said Special Assessment Roll and has the same on file in the Assessor's Office with his certificate attached thereto;

RESOLVED,

1. That said Special Assessment Roll be on file in the office of the City Assessor and shall be made available for public examination;

2. That the City Council meet on April 17, 2000 at 7:30 o'clock p.m. at the Council Chambers in the Guy C. Larcom, Jr. Municipal Building in said city for the purpose of reviewing said Special Assessment Roll;

3. That the City Clerk give notice of said hearing to review the Special Assessment Roll by having notice thereof published in The Ann Arbor News not less than ten (10) full

days prior to the date of hearing, and by mailing notice at least ten (10) days prior to the date of hearing to the owner of each lot and parcel of land subject to the assessment, as indicated by the records of the City Assessor's Office; and

4. That said notice so published and mailed be in substantially the following form:

**NOTICE OF REVIEW OF
SPECIAL ASSESSMENT ROLL**

PLEASE TAKE NOTICE That the City Council has caused to be prepared a Special Assessment Roll for the purposes of defraying the private property's share of the cost of sidewalk project described as follows:

Construction of sidewalk to fill in gaps along the west side of Washtenaw Avenue from Stadium Boulevard to Brockman Boulevard, District Number 32, File Number 98069

TAKE FURTHER NOTICE That the property to be included in said Special Assessment District is as follows:

**WASHTENAW AVENUE SIDEWALK
DISTRICT NUMBER 32 FILE NUMBER 98069**

| | | <u>Property Share</u> |
|---------------|--------------------------------------------------------------------------------------------------|-----------------------|
| 09-34-203-001 | Deitz, Michael 2105 Brockman Boulevard Ann Arbor, MI 48104 | \$ 3,679.27 |
| 09-34-309-008 | Washtenaw County Building Limited Partnership 2320 Washtenaw Avenue Ann Arbor, MI 48104 | 3,252.49 |
| 09-34-309-011 | Group Homes Association 2220 Washtenaw Avenue Ann Arbor, MI 48104 | 12,454.35 |
| 09-34-309-012 | Derro, Melanio & Norma 29818 Cottonwood Court Farmington Hills, MI 48331 | 3,631.66 |

| | | |
|---------------|----------------------------------------------------------------------------------|--------------|
| 09-34-309-013 | Jones, Lee & Lola 1325 Pepper Pike Road Ann Arbor, MI 48105 | 3,465.27 |
| 09-34-309-014 | Kintz, Bruce 3544 Pratt Road Ann Arbor, MI 48103 | 3,522.40 |
| 09-34-309-015 | Ulberg, Shirley 1197 Chimney Ridge Traverse City, MI 49686-9213 | 3,833.95 |
| 09-34-309-016 | Jones, Lee & Lola 1325 Pepper Pike Road Ann Arbor, MI 48105 | 8,861.61 |
| 09-34-309-017 | King, Steven & Cheryl 2111 Brockman Boulevard Ann Arbor, MI 48104 | 1,621.84 |
| 09-34-309-017 | King, Steven & Cheryl 2111 Brockman Boulevard Ann Arbor, MI 48104 | 1,621.84 |
| 09-34-309-042 | Stockton, Thomas & Twanmo, Emily 5040 Scio Church Road Ann Arbor, MI 48103 | 3,071.63 |
| 09-34-309-043 | Peterson, Donald 2005 N. Stonebridge Drive Ann Arbor, MI 48108 | 4,728.24 |
| 09-34-309-045 | Stockton, Thomas & Twanmo, Emily 5040 Scio Church Road Ann Arbor, MI 48103 | 16,156.86 |
| | TOTAL PROPERTY SHARE | \$ 68,279.57 |

| | | |
|-----------------|------------------------------------------------------------------|--------------|
| 09-34-309-010** | Ann Arbor Public Schools 2555 S. State Ann Arbor, MI 48104 | \$ 85,686.43 |
|-----------------|------------------------------------------------------------------|--------------|

**Without prior agreement, the Ann Arbor Public School District can not required to pay a Special Assessment. Currently, there is no agreement between the City of Ann Arbor and the School District. Therefore, any payment made by the AAPS toward the project would be strictly voluntary.

TAKE FURTHER NOTICE That said Special Assessment Roll is on file in the Office of the City Assessor and is available for public examination.

TAKE FURTHER NOTICE That the City Council will meet on April 17, 2000 at the Council Chambers in the Guy C. Larcom, Jr. Municipal Building at 7:30 o'clock p.m., for the purpose of reviewing said Special Assessment Roll. Any person aggrieved by the Special Assessment Roll or the necessity of the improvement may file his/her objections thereto in writing prior to the close of said hearing.

TAKE FURTHER NOTICE That appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the clerk prior to the close of said hearing and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

R-121-3-00 APPROVED

RESOLUTION AUTHORIZING NOTICE OF INTENT TO
ISSUE SPECIAL ASSESSMENT/GENERAL OBLIGATION BONDS

WHEREAS, the City Council of the City intends to authorize the issuance of special assessment bonds for the purpose of defraying part of special assessment districts= share of the cost in connection with certain public improvements in the City and general obligation bonds to pay the City=s cost in connection with said improvements;

AND WHEREAS, notice of intent to issue bonds must be published at least forty-five (45) days before the issuance of the same in order to comply with the requirements of

Section 5(g) of Act 279, Public Acts of Michigan, 1909, as amended;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue bonds in the Ann Arbor News, a newspaper of general circulation in the City, as a display advertisement at least one-quarter page in size.
2. Said notice of intent so published shall be in substantially the following form:

OFFICIAL NOTICE TO ELECTORS AND TAXPAYERS
OF THE CITY OF ANN ARBOR
OF INTENT TO ISSUE BONDS SECURED BY THE TAXING
POWER OF THE CITY AND RIGHT OF REFERENDUM THEREON

PLEASE TAKE NOTICE that the City Council of the City of Ann Arbor, County of Washtenaw, Michigan, intends to issue special assessment bonds of the City, in total principal amount of not to exceed \$1,200,000, for the purpose of defraying part of special assessment districts= share of the cost of street, sidewalks, sanitary sewer, storm sewer, and water improvements in the City and general obligation bonds in the principal amount of not to exceed \$1,200,000 to pay the City=s share of the cost of said improvements. Said bonds shall mature serially in not to exceed twenty (20) annual installments with interest payable on the unpaid balance at a rate of not to exceed 8% per annum or such higher rate as may be permitted by law.

SOURCE OF PAYMENT OF BONDS

THE PRINCIPAL AND INTEREST OF THE SPECIAL ASSESSMENT BONDS shall be payable primarily from collections of an equal amount of special assessments and the bonds shall also pledge the limited tax full faith and credit of the City.

IN CASE OF THE INSUFFICIENCY OF THE SPECIAL ASSESSMENTS, THE PRINCIPAL AND INTEREST ON SAID BONDS SHALL BE PAYABLE FROM THE GENERAL FUNDS OF THE CITY LAWFULLY AVAILABLE FOR SUCH PURPOSE.

THE PRINCIPAL AND INTEREST OF THE GENERAL OBLIGATION BONDS shall be payable from the general funds of the City lawfully available for such purposes including property taxes levied within applicable statutory, charter and constitutional limitations.

RIGHT OF REFERENDUM

THE BONDS will be issued without vote of the electors unless a PETITION requesting an election on the question of issuing either or both series of bonds, signed by not less than 10% OF THE REGISTERED ELECTORS in the City, or 15,000, whichever is the lesser, is filed with the City by depositing with the City Clerk WITHIN FORTY-FIVE (45) DAYS after publication of this notice. If such a petition is filed, the bonds affected cannot be issued without an approving vote by a majority of electors voting on the question.

THIS NOTICE is given pursuant to the requirements of Section 5(g) of Act 279, Public Acts of Michigan, 1909, as amended. Further information concerning the matters set out in this notice may be secured from the City Clerk=s office.

3. The City Council does hereby determine that the foregoing form of notice of intent to issue bonds and the manner of publication directed is adequate notice to the electors and taxpayers of the City and is well calculated to inform them of the intention of the City to issue the bonds, the purpose of the bond issues, the security for the bonds and the right of referendum of the electors with respect thereto under all of the circumstances, and that the provision of forty-five (45) days within which to file a referendum petition is necessary and adequate to insure that the City=s electors may exercise their right of referendum with respect to the bonds.

4. The City Clerk and Finance Director are each authorized to file a Notice of Intent to Issue an Obligation along with the appropriate filing fee with the Municipal Finance Division.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

R-122-3-00 APPROVED

RESOLUTION TO APPROVE ASSIGNMENT OF CONTRACT
FOR THE ARBOR HILLS LANDFILL

Whereas, The City of Ann Arbor is in the eighth year of a ten year agreement with the BFI Arbor Hills landfill for the disposal of the City=s non-recyclable waste;

Whereas, BFI Waste Systems of North America was purchased by Allied Waste Industries, Inc. In July 1999;

Whereas, The U.S. Department of Justice has required Allied/BFI to divest itself of several holdings in the Detroit metropolitan area to foster competition;

Whereas, Allied/BFI has negotiated the purchase of the Arbor Hills Landfill to Superior Services, Inc. headquartered in Milwaukee, Wisconsin;

Whereas, Superior Services is a \$40/billion year integrated solid waste management company, being the fifth largest in the United States;

Whereas, The City of Ann Arbor=s current contract with BFI Arbor Hills provides for the assignment of this contract and states that such assignment shall not be reasonably withheld; and

Whereas, All of the contractual requirements in place between the City of Ann Arbor and BFI shall remain in full force as a result of this assignment;

RESOLVED, That the City Administrator on behalf of the City of Ann Arbor is authorized to sign the consent of customer signature on the Assignment and Assumption of Contract document substantially in the form on file with the City Clerk.

R-123-3-00 APPROVED

RESOLUTION TO APPROVE THE NATIONAL CITY RUNS
(DEXTER-ANN ARBOR RUN)

Whereas, The Ann Arbor Track Club has requested that the annual National City Run be held on Saturday, May 27, 2000 and utilize closed streets to facilitate the race finish area and post-race events;

Whereas, It has been requested that the following services be provided by the City:

- 1) Obtain a State permit for closing Main Street from 6:00 a.m. to 11:30 a.m.
- 2) Closing Fourth Avenue from Beakes to Huron and Detroit Street from 6:15 p.m. - 7 p.m. and meters bagged on Fourth St. on May 27, 2000.
- 3) Closing these streets from 6:00 a.m. to 1:00 p.m. on May 27, 2000:
 - *Main Street - Kingsley to Huron
 - *Ann Street - Fourth to Ashley
 - *Catherine - Fourth to Ashley
 - *Ann at Main - Surface Parking Lot
 - *Beakes - Fourth to Main
 - *Kingsley - Ashley to Main
 - *Newport - Holyoke to Wagner (7 a.m. - 8:10 a.m.)
- 4) Provide directional cones (to be picked up and placed by the Track Club and picked up by the city along Main Street following the race at 12 noon on Saturday, May 27, 2000.
- 5) Obtain hoods for parking meters and provide to Track Club for them to place on the meters on Friday night and remove on Saturday afternoon by 1:00 p.m.
 - *Fourth Ave. Between Huron and Liberty
 - *North Main from Huron to Northernmost Meter on Main Street
 - *Surface Parking Lot at Ann and Main Street
 - *Other Closed Streets
- 6) Clean Main Street on Friday from Huron River Drive to William St. and patch pot holes as needed. Also scrape and patch Bird Road.
- 7) Place two Solid Waste dumpsters in the lot at Main and Ann Streets, along with 100 refuse containers (cardboard type) and bags and extra bags in each container on both sides of Main Street from Catherine to Huron (placed Friday, May 26, 2000 and picked up Saturday, May 27, 2000 afternoon no later than 1:00 p.m.);

Whereas, The Track Club has agreed to pay the actual event costs for the Police supervision, Solid Waste Department services and Transportation Department;

Whereas, The Track Club will file all necessary street closure and banner permits and will comply with all liability insurance and other requirements (including maintaining fire lanes); and

Whereas, The Main Street Area Association supports the event;

RESOLVED, That the Mayor and Council authorize the following for the event:

- 1) All of the street closures and other provisions outlined in this resolution are authorized
- 2) Banner permit
- 3) Police, Solid Waste and Transportation service requests with costs reimbursed by the Ann Arbor Track Club
- 4) That beer be allowed to be served in an enclosed area in the Ann at Main parking lot in accordance with current City policy with required State permits and insurance suitable to the City Attorney as in past years; and

RESOLVED, That the Ann Arbor Track Club must:

- 1) Reimburse the City expenses incurred for the following requested department services and waives the parking meter bag deposit ;

ESTIMATE

| | |
|----------------|-------------------|
| Solid Waste | \$ 165.00 |
| Transportation | \$ 825.00 |
| Police | <u>\$3,100.00</u> |
| TOTAL | \$3,890.00 |

- 2) Comply with all City permit requirements and State permits, including provision of liability insurance.
- 3) Provide written notification to all affected properties on North Main Street between Huron River Drive and Huron Street.

R-124-3-00 APPROVED

RESOLUTION TO APPROVE DOCUMENT RETENTION
SCHEDULE FOR CITY ATTORNEY=S OFFICE

Whereas, On April 5, 1999, City Council approved generally applicable document retention schedules for City Departments; and

Whereas, This schedule requires refinements so that it will be more useful and applicable for the particular records kept within the Attorney=s Office;

RESOLVED, That City Council adopt the attached Attorney=s Office Suggested Record Retention Schedule, as the official schedule of the City of Ann Arbor City Attorney=s Office for the documents listed within; and

RESOLVED, That the Attorney=s Office Suggested Record Retention Schedule be submitted to the State of Michigan for review and approval as may be required by state law.

R-125-3-00 APPROVED

RESOLUTION ADOPTING FINDINGS OF FACT AND ADOPTING
RECOMMENDATIONS OF LIQUOR CONTROL COMMITTEE REGARDING
ALL STAR CAFE LIQUOR LICENSE

Whereas, The Ann Arbor Police Department requested City Council to initiate proceedings to object to the renewal of the liquor license held by the All Star Cafe=

Whereas, On March 6, 2000, City Council voted to initiate the requested proceedings;

Whereas, On March 16, 2000, the Special Liquor Committee heard the required testimony, received and evaluated documents presented at the hearing and has prepared proposed findings of fact and a recommendation to object to the renewal of the liquor license;

Whereas, City Council is aware that C.C.J., Inc. has a security interest in the license that secures payment of the amounts due for sale of the license to the owner of the All Star Cafe; and

Whereas, City Council views the continued availability of the license to responsible owners as being in the interests of the City;

RESOLVED, That City Council makes the following findings:

Findings of Fact Regarding All Star Café

City Code requires that any objections to renewal of a liquor license be evaluated under standards found at City Code Section 9:78. To object, the City must find,

Abased upon competent evidence, that there have been repeated violations of state or local laws regarding the business, that the owner of the business has knowingly permitted unlawful activities on the premises, that the owner is delinquent in the payment of personal property taxes or other obligations to the City or that the conditions or practices of the business present immediate health and safety hazards. ≡

The Ann Arbor Police Department requested hearings to determine if the standards of City Code Section 9:78 have been met. The Department identified and alleged 13 specific items that singly or taken together constitute a basis to object to license renewal.

Based upon the sworn testimony heard and exhibits presented on March 16, 2000, the City of Ann Arbor makes the following findings of fact:

1. Mardini Restaurant Company had actual notice of the proceedings. This is evidenced by Khalil Mardini=s presence, the appearance of Mr. Donald Darnell, attorney at law, who was representing All Star Café, the signed return of the certified mailing (signed by Khalil Mardini) and the proofs-of-service by mail signed, under oath, by Susan Chambers.
2. The procedural requirements for the hearing itself, as established by City Council for objection to the renewal of a liquor license, were followed for these proceedings relative to the All Star Café. Both the licensee representative and the Ann Arbor Police Department representative were provided opportunity for opening statements, which each made. Both licensee and AAPD called witnesses. Both licensee and AAPD were given full opportunity to examine and cross examine each witness. Both licensee and AAPD were given full opportunity to submit documents for consideration.

3. Mardini Restaurant Company has knowingly and recklessly failed to establish adequate controls or methods to prevent service of alcoholic beverages to minors. There are specific incidents of minors being found in possession of alcohol at the All Star Café and the minors were issued citations for this offense by Officer Vonk. Other evidence, both direct and indirect, shows that this was not an aberration or an unfortunate accident. Direct testimony from an underage drinker demonstrates that it was the practice of Mardini Restaurant Company to allow underage drinking. The results of that practice were presented through numerous AAPD witnesses with their reports of two drinking and driving by minors and one alcohol poisoning of an underage drinker, all three of whom reported they had consumed their alcohol at the All Star Café.
4. Mardini Restaurant Company is the same company as Casablanca. This is based upon the same address used by both and the direct insistence of Khalil Mardini that the two entities are one and the same.
5. Mardini Restaurant Company operated the All Star Café and allowed dancing without having obtained the necessary City dance permit as required by City Code. Khalil Mardini knew that a dance permit from the City was required. Indeed, Exhibit 1 [all references to Exhibits refer to documents presented at the March 16, 2000, hearing] shows that he applied for one in the name of Casablanca and was denied a permit at 1319-1321 So. University due to serious building code violations. His claim that All Star Café didn't need to obtain such a permit is not credible.
6. Mardini Restaurant Company served food without first having obtained a health permit. Casablanca restaurant was closed down in October of 1998, per Mardini's own testimony, after about 2 weeks of operation. Yet, Mardini testified in Court on January 4, 2000, that he began serving food for his business the All Star Café in June, 1999. (See page 4 of Exhibit 5). The All Star Café did not have a license to serve or prepare food until August 4, 2000.
7. Mardini Restaurant Company failed to pay its taxes when due and the taxes remained unpaid as of the time of the hearing. Exhibit 21 shows that the personal property taxes for Casablanca, an unofficial assumed name for Mardini Restaurant Company, are unpaid for the calendar year 1999. Mardini's claim that Exhibits 19 and 20 demonstrate payment is not credible. These exhibits show only the valuation placed upon the personal property of Casablanca (Exhibit 19) and for All Star (Exhibit 20) changed between 1999 and 2000. Casablanca valuation went from \$25,000 assessed value in 1999 to zero for 2000. Conversely, All Star went from zero in 1999 to \$11,100 in 2000. In sum, Casablanca left the tax rolls for the year 2000 tax

year and All Star went on to the rolls. Neither Exhibit 19 or 20 provides information concerning whether taxes have been paid or not.

8. Mardini Restaurant Company has allowed fights to occur on the premises in violation of MLCC rules. Mardini Restaurant Company admits that the descriptions of the fights by the AAPD witnesses is accurate. Further, the fights have occurred, repeatedly, when Mardini Restaurant Company allowed AJeron to stage parties at the All Star Café. Officer Lawson testified that Jeron had a reputation for staging violent parties at a bar in Detroit. Khalil Mardini, himself, knew of the problems stemming from allowing Jeron to stage the parties when the first event turned to trouble. Nonetheless, he allowed Jeron to stage 2 more parties, each of which turned violent. His explanation that Jeron used other names to book the engagement is insufficient. If Mardini did not know who the >other names= were, it shows reckless disregard for operations at the restaurant. He provided no suggestion that he had taken any steps to learn what kind of operator the >other names= might have been. Further, he gave no information that suggests he ever checked Jeron=s reputation or operation before turning over All Star Café to Jeron=s control.
9. Khalil Mardini has transferred more than 10% of Mardini Restaurant Company=s stock without the required prior approval of the MLCC. Some evidence suggests that Mardini has transferred ownership of the entire business. First, Khalil Mardini himself testified that he sold 19% of the Mardini Restaurant Company stock to Mr. Michael Flaherty and Mr. Flaherty=s mother (name unknown) for \$40,000. Exhibit 8 shows that there is no request to transfer currently pending with the MLCC. In addition, Detective Tacey has learned that a Mr. LeChard and Mr. Flaherty may, in fact, have been given full ownership. LeChard claimed he purchased the business for \$40,000. Notably, the balance due on the promissory note used to purchase the license from C.C.J., Inc., is approximately \$42,000. See Exhibit 14, Complaint of C.C.J., Inc. v. Mardini and City, page 5. Kristen Wilk, former manager of the All Star Café, reportedly said that Mardini stated W-2 forms were no longer his problem because he had sold the business. Though the Wilk statements are hearsay and therefore do not serve as an independently adequate basis to draw a conclusion, they remain consistent with other evidence and other sources. The actual stock purchase agreement was not provided by Mardini Restaurant Company at the hearing. Its contents are known only through what Khalil Mardini claims the contents to be. Regardless, the testimony that Khalil Mardini did provide conclusively demonstrates an ownership transfer in violation of MLCC rules.
10. The use of the building is now as a nightclub and not as a restaurant and the premises have not been approved for use by the City Building Department as

a nightclub as is required by City Code. Regardless of how Mardini Restaurant Company intended the premises to be used initially, it is now only a bar with dancing. The evidence is overwhelming that the kitchen is non-functional and is not being used. Khalil Mardini directly stated that he believes the premises to be a bar - notably he did not say a restaurant or café. Testimony from Jeff Ellis establishes that the BOCA requirements for a nightclub with dancing and no restaurant are different than those for a restaurant with some dancing. These are life safety issues per Ellis. Fire exits and sprinkler system requirements differ. Further, MLCC requirements for allowable patron capacity for dance establishments differ from those for a restaurant. Testimony from Mardini established that the City had cited him on September 16, 1999, for changing the use from an A3 use to an A2. Even though Mr. Mardini was found not guilty of having changed the use as of September 16, 1999, the finding does not prove the use is unchanged now.

11. There is insufficient evidence to establish that Mardini Restaurant Company is purchasing liquor from out of state in violation of MLCC rules. The only evidence is the report by Lt. Michael Zsenyuk of information the former managers of the All Star Café allege. The former managers could not be compelled to testify at the hearing of the Special Liquor Committee due to no subpoena power.

12. There is insufficient evidence to establish that Mardini Restaurant Company was paying its employees in cash or that it had failed to provide W-2 forms to its employees. The only supporting evidence is the report by Lt. Michael Zsenyuk of information the former managers of the All Star Café allege. The former managers could not be compelled to testify at the hearing of the Special Liquor Committee due to no subpoena power. Further, there is evidence that W-2 forms were prepared, even though the actual date of preparation or of having been provided to the employees was not verified at the hearing.
13. Mardini Restaurant Company on at least three occasions turned over control of the premises to a d.j. company or companies run by Jeron, thereby, allowing the license and the licensed premises to be used for the benefit of another without that person being named on the license. Testimony established that at each of the fight incidents where Jeron had been the d.j., the control of the All Star Café was turned over to Jeron. Testimony further established that Jeron split the gate with Mardini.

Based upon the above findings of fact, the City of Ann Arbor further finds

1. that there have been repeated violations of state or local laws regarding the business, (See findings 3,5,6,8,9,10 and 13 above)
2. that the owner of the business has knowingly permitted unlawful activities on the premises, (See findings 3 and 8 above)
3. that the owner is delinquent in the payment of personal property taxes or other obligations to the City, (See finding 7 above) and
4. that the conditions or practices of the business present immediate health and safety hazards (See findings 3,5,8 and 10 above).

RESOLVED, That City Council objects to the renewal of the liquor license for All Star Café; and

RESOLVED, That City Council directs staff to inform the Michigan Liquor Control Commission of this resolution of City Council and to further inform the Michigan Liquor Control Commission that the City of Ann Arbor does not object to re-transfer of the license to C.C.J., Inc., or the immediately preceding owner, and, if that should occur, the City does not object to reinstatement of the license.

R-126-3-00 APPROVED

RESOLUTION TO APPROVE TRANSFER OF A CLASS C
LICENSED BUSINESS TO 207-211 SOUTH ASHLEY STREET
D.B.A. THE FIREFLY

RESOLVED, That the request to transfer the ownership of a 1996 Class C licensed business, with a Dance Permit, located in escrow at 2851 E. Michigan, Ypsilanti, Township, from The Nashville Connection Lounge, Inc. to The Firefly, LLC (D.B.A. The Firefly), and to transfer the location to 207-211 South Ashley Street, Ann Arbor, be approved.

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

ORDINANCES - SECOND READING

53-99 DEFERRED

LIVING WAGE ORDINANCE

(The complete text of Ordinance 53-99 is on file in the City Clerk=s Office.)

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

Councilmember Kolb moved to defer action on the ordinance until the end of the meeting.

On a voice vote the Mayor declared the motion carried.

ORDINANCES - FIRST READING

13-00 APPROVED

GREGORKA 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 0.31 acre, located on the west side of Ridgemor Drive south of Liberty Street, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 13-00 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.

14-00 APPROVED

MAUNG 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 0.15 acre, located at 2986 Shady Lane, from TWP (Township District) to R1D (Single-Family Dwelling District). (The complete text of Ordinance 14-00 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.

15-00 APPROVED

SMITH 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 0.42 acre, located at 465 Dupont, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 15-00 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.

16-00 APPROVED

SWAIN 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 0.46 acre, located at 1887 Upland Drive, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 16-00 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.

MOTIONS AND RESOLUTIONS

R-127-3-00 APPROVED

RESOLUTION IN SUPPORT OF ABREAK THE CHAINS OF DEBT CONFERENCE

Whereas, On March 31 and April 1, the Jubilee 2000 Michigan Coalition will hold a major conference in Ann Arbor, ABreak the Chains of Debt, with internationally-known speakers and workshop leaders to lead study and action in solidarity with the people of the 51 poorest nations of the world; and

Whereas, This is the Jubilee Year, the year 2000, a time when a wide range of religious denominations recognize the moral imperative to care about those who suffer the dire results of unjust economic systems; and

Whereas, The global economic system has required many governments of the most impoverished nations in Africa, Asia and Latin America to pay debts to the wealthy nations of the world instead of paying for elementary school education, health care, shelter or nutrition for their own impoverished citizens; and

Whereas, The chair of the U.S. House of Representatives Subcommittee on Domestic and International Monetary Policy has publicly stated that the cost of canceling the debt owed to the U.S. by impoverished nations would amount to \$3.60 for every American citizen;

Whereas, The Jubilee 2000 Michigan Coalition is comprised of a long list of local and regional religious organizations and University of Michigan programs which have come together to sponsor ABreak the Chains of Debt≡ at no charge to the community;

RESOLVED, That the Ann Arbor City Council supports the efforts of the Jubilee 2000 Michigan Coalition in its efforts to bring about cancellation of unpayable debt; and

RESOLVED, That the Ann Arbor City Council encourages the people of Ann Arbor to attend the Jubilee 2000 Conference ABreak the Chains of Debt≡ at the University of Michigan School of Public Health on Friday evening March 31 and Saturday, April 1, 2000, for study and action on our obligation to cancel unpayable debt;

RESOLVED, That copies of this resolution be sent to the President of the United States and our national legislators, who have the power to cancel these debts.

Councilmember Hanna-Davies moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-128-3-00 APPROVED

RESOLUTION TO APPROVE MAPLE VILLAGE 2 SITE PLAN

Whereas, New Plan Excel Realty has requested site plan approval in order to construct a 7,800-square foot retail building at 2570 Jackson Road; and

Whereas, The Ann Arbor City Planning Commission, on March 7, 2000, recommended approval of said request;

RESOLVED, That City Council approve the Maple Village 2 Site Plan.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Maple Village 2 Site Plan, 1.0 acre, 2570 Jackson Road.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-129-3-00 APPROVED

RESOLUTION TO APPROVE 529 SOUTH ASHLEY STREET LAND DIVISION

Whereas, Susan P. Shipman has requested land division approval in order to divide the property at 529 South Ashley Street (Assessor=s Code Nos. 09-29-412-006, 013 and 014) into two separate parcels; and

Whereas, The Ann Arbor City Planning Commission, on March 7, 2000, recommended approval of said request;

RESOLVED, That City Council approve the 529 South Ashley Land Division, as described below:

Parcel A-1

BEGINNING at the Southwest corner of Lot 7, AAnn Arbor Land Company=s Addition to the Village (now City) of Ann Arbor,≡ as recorded in Liber H of Plats, Page 486, Washtenaw County Records; thence N 00°05'05" W 65.98 feet along the Westerly line of said Lot and the Easterly right-of-way of South Ashley Street to the Northwest corner of said Lot 7; thence N 89°58'50" E 98.84 feet along the Northerly line of said Lot; thence S 00°05'05" E 65.98 feet to a point on the Southerly line of said Lot; thence S 89°58'50" W 98.84 feet along said Southerly line to the Point of Beginning. Being a part of Lot 7,

of said AAnn Arbor Land Company=s Addition to the Village (now City) of Ann Arbor≅ and containing 0.15 acres of land, more or less. Being subject to easements and restrictions of record, if any.

Parcel A-2

BEGINNING at the Southwest corner of Lot 6, AAnn Arbor Land Company=s Addition to the Village (now City) of Ann Arbor,≅ as recorded in Liber H of Plats, Page 486, Washtenaw County Records; thence N 00°05'05" W 131.96 feet along the Westerly line of Lots 5 and 6 of said AAnn Arbor Land Company=s Addition to the Village (now City) of Ann Arbor≅ and the Easterly right-of-way line of South Ashley Street to the Northwest corner of said Lot 5; thence N 89°58'50" E 88.38 feet along the Northerly line of said Lot 5 to a point on the Westerly right-of-way line of the Ann Arbor Railroad; thence S 27°45'10" E 268.80 feet along said Westerly right-of-way line; thence S 89°58'50" W 82.34 feet to a point on the Westerly line of Lot 11 of said AAnn Arbor Land Company=s Addition to the Village (now City) of Ann Arbor;≅ thence N 00°02'40" W 39.98 feet along said Westerly line to the Southeast corner of Lot 7 of said AAnn Arbor Land Company=s Addition to the Village (now City) of Ann Arbor;≅ thence S 89°58'50" W 32.05 feet along the Southerly line of said Lot 7; thence N 00°05'05" W 65.98 feet to a point on the Southerly line of aforementioned Lot 6; thence S 89°58'50" W 98.84 feet along said Southerly line to the Point of Beginning. Being a part of Lots 5, 6, 7, 11, 12 and 13 of said AAnn Arbor Land Company=s Addition to the Village (now City) of Ann Arbor≅ and containing 0.55 acres of land, more or less. Being subject to easements and restrictions of record, if any.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed 529 South Ashley Street Land Division, 0.70 acre, 529 South Ashley Street.

Councilmember Carlberg moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Hanna-Davies, Hieftje, Upton, Freiberg, Carlberg, Higgins, Kolb, Mayor Sheldon, 8;

Nays, Councilmembers Daley, Herrell, 2.
The Mayor declared the motion carried.

RESOLUTION TO APPROVE SWELL INVESTMENT SITE PLAN

Whereas, John Shipman has requested site plan approval in order to demolish three existing buildings and construct one 9,000-square foot office and warehouse building at 2443-2451 South Industrial Highway; and

Whereas, The Ann Arbor City Planning Commission, on March 7, 2000, recommended approval of said request;

RESOLVED, That City Council approve the Swell Investment Site Plan, subject to obtaining the necessary approvals from the Washtenaw County Drain Commissioner prior to issuance of permits.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Swell Investment Site Plan, 1.41 acres, 2443-2451 South Industrial Highway.

Councilmember Upton moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-131-3-00 APPROVED

RESOLUTION TO APPROVE U-HAUL STORAGE FACILITY
REVISED SITE PLAN

Whereas, U-Haul International has requested site plan approval in order to construct four additional single-story self-storage buildings in the eastern third of the site at 3655 South State Street; and

Whereas, The Ann Arbor City Planning Commission, on March 7, 2000, recommended approval of said request;

RESOLVED, That City Council approve the U-Haul Storage Facility Revised Site Plan, subject to obtaining the necessary permits from the Washtenaw County Drain Commissioner prior to issuance of permits.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed U-Haul Storage Facility Revised Site Plan, 4.67 acres, 3655 South State Street.

Councilmember Freiberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-132-3-00 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE MINUTES OF MARCH 10, 2000 AND TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of March 10, 2000, be accepted and that the payments therein be authorized.

MINUTES
MARCH 10, 2000
CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION

Present: Joe Upton, Councilperson
Brenda Smith, City Treasurer 3.

Absent: Christopher Kolb, Councilperson 1.

Also Present: Abigail Elias, City Attorney
Dave Ferber, Human Resources Director
Neal Berlin, City Administrator
Bob West, Assistant City Attorney
David Swan, Assistant City Attorney
Tom Blessing, Chief Assistant City Attorney
Francyne Stacey, Attorney
Susan Campbell, Senior Secretary 8.

CITIZENS' CLAIMS APPROVED: (and check issued)

| <u>CASE NO.</u> | <u>CLAIMANT</u> | <u>AMOUNT</u> |
|-----------------|---------------------------------------|-----------------|
| 103-99 | Property damage claim of Barbara Blom | \$925.00 |
| TOTAL | | \$925.00 |

LEGAL EXPENSES AND/OR CASE RELATED EXPENSES:

| <u>CASE NO.</u> | <u>CLAIMANT</u> | |
|-----------------|---------------------------------------------------------------------------------|------------|
| CC 57-99 | Lawsuit of Maurice Darden by George Washington, Atty. Dr. James McEvoy, M.D. | \$12.00 |
| CC 66-96 | Lawsuit of Jamar French by Arnold Reed, Attorney Dr. Hernan F. Gomez, M.D. | \$7,160.00 |
| CC 66-96 | Lawsuit of Jamar French by Arnold Reed, Attorney Marta Hoffman, Mediator | \$25.00 |
| CC 66-96 | Lawsuit of Jamar French by Arnold Reed, Attorney Lynn Bredell, Mediator | \$25.00 |

LEGAL EXPENSES AND/OR CASE RELATED EXPENSES: (Continued)

| <u>CASE NO.</u> | <u>CLAIMANT</u> | |
|-----------------|-------------------------------------------------------------------------------|-------------------|
| CC 66-96 | Lawsuit of Jamar French by Arnold Reed, Attorney Stephen Goethal, Mediator | \$25.00 |
| TOTAL | | \$7,247.00 |

MISCELLANEOUS:

REIMBURSEMENTS RECEIVED:

| | | |
|-----------|-----------------------------------------------------------------------------------------------------------|----------|
| PD 185-99 | Reimbursement from MEEMIC Insurance Co. for M. Cameron for accident involving Police Vehicle 171 | \$504.50 |
| PD 172-99 | Reimbursement from The Hartford Insurance Co. for Karl Young for accident involving Police Vehicle 185 | \$500.00 |

| | | |
|-----------|-------------------------------------------------------------------------------------------------------------|-------------------|
| PD 190-99 | Reimbursement from the Cincinnati Insurance Co. for James Kennedy for accident involving Bldg. Vehicle 5198 | \$500.00 |
| PD 158-99 | Reimbursement from Charlotte Payne for accident involving Engineering Vehicle 9215 | \$116.09 |
| PD 171-99 | Reimbursement from AAA for Michael Griffin for accident involving Solid Waste Vehicle 8263 | \$500.00 |
| | TOTAL | \$2,120.59 |

CITIZEN=S CLAIMS DENIED:

CASE NO.

CC 2-00 Personal Injury Claim of Ginger Murphy by John Bailey, Attorney Discussed by Susan Campbell, Risk Management Office and the Board denied the claim.

CC 4-00 Vehicle damage claim of Alan Adams Discussed by Susan Campbell, Risk Management Office and the Board denied the claim.

CC 7-00 Vehicle damage claim of Gregory Maxson Discussed by Susan Campbell, Risk Management Office and the Board denied the claim.

CC 6-00 Claim of Valerie Amo Discussed by Susan Campbell, Risk Management Office and the Board denied the claim.

CC 5-00 Claim of Gail Keane Discussed by Susan Campbell, Risk Management Office and the Board denied the claim.

CC 8-00 Claim of Kevin Brown Discussed by Susan Campbell, Risk Management Office and the Board denied the claim.

OTHER BUSINESS:

CASE NO.

CC 49-99 Lawsuit of Christine Anderson by David Nacht Discussed by Francyne Stacey, Attorney and the Board was updated on

the status of this case.

- BI 175-98 Workers= Compensation Case of John Baker
Discussed by Abigail Elias, City Attorney and the Board was updated on the status of this case.
- CC 66-96 Lawsuit of Jamar French by George Washington, Attorney
Discussed by Bob West, Assistant City Attorney and the Board was updated on the status of this case.
- CC 10-00 Lawsuit of Mardini Restaurant by Donald Darnell, Attorney
Discussed by David Swan, Assistant City Attorney and Tom Blessing, Chief Assistant City Attorney and the Board was updated on the status of this case.
- CC 72-99 Personal Injury Claim of Herman Steinman by S. Goethel, Attorney
Discussed by Abigail Elias, City Attorney and the Board tabled pending further investigation.
- CC 62-96 Lawsuit of Donna Hantula, Personal Representative of the Estate of Stephen Hantula by Leonard Kitchen, Attorney
Discussed by David Swan, Assistant City Attorney and the Board authorized settlement.
- CC 57-99 Lawsuit of Maurice Darden by George Washington, Attorney
Discussed by David Swan, Assistant City Attorney and the Board authorized settlement.
- PD 5-00 Vehicle damage claim of Fleet Services Vehicle 1262
Discussed by Susan Campbell, Risk Management Office and the Board authorized settlement.
- PD 4-00 Vehicle damage claim of Police Vehicle 305
Discussed by Susan Campbell, Risk Management Office and the Board authorized settlement.
- CC 3-00 Personal Injury Claim of Colleen Shafer
Discussed by Susan Campbell, Risk Management Office and the Board authorized settlement.

CC 13-00 Property damage claim of Detroit Edison (Chapin and Miller)
Discussed by Susan Campbell, Risk Management Office and the Board
authorized settlement.

CC 14-00 Sewer Back Up Claim of Wasentha Young (1945 Pauline)
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 ND. RPT CORRES.</u> | <u>DATE TO CLM. SRVC.</u> |
|-----------------|-------------|----------------------|-----------------------|---------------------------|--------------------------------|---------------------------|
| CC 15-00 | Cobb | 2-5-00 | 3-2-00 | | 3-3-00 Fire | 3-3-00 |
| CC 16-00 | Axlerod | 2-5-00 | 3-6-00 | | 3-6-00 Transp. | 3-6-00 |

CLAIMS RECEIVED SINCE LAST MEETING:

CASE NO.

- CC 7-00 Vehicle damage claim of Gregory Maxson
- CC 8-00 Claim of Kevin Brow
- CC 9-00 Sewer Back Up Claim of Westfield Insurance Co. for Draugalis Studio
- CC 94-99 Lawsuit of MEEMIC Insurance Company by Edward Johnson, Attorney
- CC 10-00 Lawsuit of Mardini Restaurant by Donald Darnell, Attorney
- CC 11-00 Property damage claim of Robert Forlenza
- CC 12-00 Sewer Back Up Claim of Citizens Insurance (1802 Weldon)
- CC 13-00 Property damage claim of Detroit Edison (Chapin and Miller)
- CC 14-00 Sewer back up claim of Wasentha Young (1945 Pauline)
- CC 15-00 Vehicle damage claim of William R. Cobb Jr.
- CC 16-00 Property damage claim of David Axlerod & Jennifer Pitts

Prepared by,
Susan Campbell,
Senior Secretary/Claims Processing Clerk

Councilmember Upton moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-133-3-00 APPROVED

RESOLUTION ACCEPTING PUBLIC RIGHT-OF-WAY EASEMENT FROM
ALICE A. COOK AND KURT ALLEN MILLER
2255 S. INDUSTRIAL HIGHWAY

Whereas, Alice A. Cook, a single woman, as land contract vendor, and Kurt Allen Miller, a married man, as land contract vendee and pursuant to a certain Memorandum of Land Contract dated August 21, 1997, are the owners in fee simple of property located in the City of Ann Arbor, Washtenaw County, Michigan as described in the Washtenaw County Records at Liber 3486, Pages 0172, recorded August 26, 1997; and

Whereas, Alice A. Cook, as land contract vendor, and Kurt Allen Miller, as land contract vendee, have delivered an easement to the City for public right-of-way over the northeasterly seven (7.0) feet of S. Industrial Highway, to run with the land and burden the respective property perpetually, being more particularly described as follows:

Beginning at the SW Corner of Lot 10, Frisinger Industrial Subdivision, as recorded in Liber 15 of Plats, Pages 25-26, Washtenaw County Records. Thence NE 7.00 feet along the Southern line of Lot 10; thence NW 185.00 feet along a line parallel with the E right-of-way line of South Industrial Highway to a point on the N line of Lot 10; thence SW 7.00 feet to the NW corner of Lot 10; thence SE 185.00 feet along the E right-of-way line of South Industrial Highway to the POINT OF BEGINNING describing an area 1,295 SQ FT, more or less.

RESOLVED, That the City hereby accepts said easement.

Councilmember Freiberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-134-3-00 APPROVED

RESOLUTION ACCEPTING PUBLIC RIGHT-OF-WAY
EASEMENT FROM THOMAS A. STOCKTON AND EMILY TWANMO
2350 WASHTENAW AVENUE

Whereas, Thomas W. Stockton and Emily Twanmo, Husband and Wife, are fee simple owners of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 3901, Page 919, dated September 23, 1999; and

Whereas, Thomas W. Stockton and Emily Twanmo, Husband and Wife, have delivered an easement to the City for public right-of-way over the northeasterly 3.3 feet of the following described property, to run with the land and burden the respective property perpetually, being more particularly described as follows:

Lots 4, 5, 6 & 7 of Assessor=s Plat No. 42 except that part of Lot 8 contained in the following described parcel: Beginning at the E corner of Lot 8 of Assessor=s Plat No. 42, as recorded in Liber 14 of Plats, Pages 1 and 2, Washtenaw County records; thence along the arc of a circular concave to the NW, radius 1186.75 feet, subtended by a chord which bears S45E 08' 30" E 79.99 feet; thence S 37E55' W 50.57 feet; thence N66E09' W 82.23 feet to the Southerly corner of said Lot 8; thence N 60E27' West 33.0 feet along the Southwesterly line of said Lot 8; thence N 37E13' East 90.67 feet; thence S42E35' E 21.50 feet along the Southwesterly line of Washtenaw Avenue; thence continuing along the Southwesterly line of Washtenaw Avenue along the arc of a circular curve, concave to the NE, radius 1186.75 feet, subtended by a chord which bears S42E54' E 13.02 feet to Point of Beginning, being a part of said Lot 8 of Assessor=s Plat No. 42, and part of unplatted land in the SW 1/4 of Section 34 of City of Ann Arbor, Washtenaw County,

Michigan.

RESOLVED, That said easement is hereby accepted.

Councilmember Freiberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-135-3-00 APPROVED

RESOLUTION ACCEPTING PUBLIC RIGHT-OF-WAY EASEMENT
FROM THOMAS A. STOCKTON AND EMILY TWANMO
VACANT LAND ADJACENT TO 2350 WASHTENAW AVENUE

Whereas, Thomas W. Stockton and Emily Twanmo, Husband and Wife, are fee simple owners of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 3901, Page 919, dated September 23, 1999; and

Whereas, Thomas W. Stockton and Emily Twanmo, Husband and Wife, have delivered an easement to the City for public right-of-way over the northeasterly 3.3 feet of the following described property, to run with the land and burden the respective property perpetually, being more particularly described as follows:

Lot 8 of Assessor=s Plat No. 42 except that part of Lot 8 contained in the following described parcel: Beginning at the E corner of Lot 8 of Assessor=s Plat No. 42, as recorded in Liber 14 of Plats, Pages 1 and 2, Washtenaw County records; thence along the arc of a circular concave to the NW, radius 1186.75 feet, subtended by a chord which bears S45E 08' 30" E 79.99 feet; thence S 37E55' W 50.57 feet; thence N66E09' W 82.23 feet to the Southerly corner of said Lot 8; thence N 60E27' West 33.0 feet along the Southwesterly line of said Lot 8; thence N 37E13' East 90.67 feet; thence S42E35' E 21.50 feet along the Southwesterly line of Washtenaw Avenue; thence continuing along the Southwesterly line of Washtenaw Avenue along the arc of a circular curve, concave to the NE, radius 1186.75 feet, subtended by a chord which bears S42E54' E 13.02 feet to Point of Beginning, being a part of said Lot 8 of Assessor=s Plat No. 42, and part of unplatted land in the SW 1/4 of Section 34 of City of Ann Arbor, Washtenaw County,

Michigan.

RESOLVED, That said easement is hereby accepted.

Councilmember Freiberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-136-3-00 APPROVED

RESOLUTION TO ACCEPT FUNDS FROM THE JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT AND TO PARTICIPATE IN A REGIONAL COALITION WITH THE CITY OF YPSILANTI AND THE COUNTY OF WASHTENAW

Whereas, The City of Ann Arbor qualifies for \$43,911 from the Juvenile Accountability Incentive Block Grant;

Whereas, It is anticipated that these funds will be used over a one-year period to promote greater accountability in the juvenile justice system;

Whereas, The City wishes to pool its funding and to participate in a regional coalition with the City of Ypsilanti and the County of Washtenaw to work as partners to address the juvenile accountability issue;

Whereas, The Washtenaw Family Services Collaborative Council will service as the Juvenile Justice Enforcement Coalition;

Whereas, The county will act as fiduciary and be responsible for the 10% match requirement.

RESOLVED, That the City of Ann Arbor accepts the grant award and authorizes participation in the Regional Coalition subject to the following: approval of participation in the Regional Coalition by the Washtenaw County Board of Commissioners and the Ypsilanti City Council, and administration of the grant by Washtenaw County.

RESOLVED, That the City Administrator be authorized to take all administrative actions necessary, inclusive of the execution of the Juvenile Accountability Incentive Block Grant Regional Coalition Award Release, to create the Regional Coalition in accordance with this Resolution.

Councilmember Freiberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-137-3-00 APPROVED

RESOLUTION AUTHORIZING A GRANT APPLICATION TO THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES FOR MATCHING FUNDS FOR A PEDESTRIAN UNDERPASS CONNECTING THE GALLUP PARK TRAIL WITH THE NICHOLS ARBORETUM

Whereas, Bicycle facilities, linkages and greenways, especially along the Huron River, have been recommended in the 2000-2005 Parks, Recreation and Open Space Plan, and the 1995-2001 Park Rehabilitation and Development Millage program; and

Whereas, The Park Advisory Commission approved a recommendation to the Mayor and Council to apply for a grant for a pedestrian tunnel under the railroad tracks connecting the Gallup Park Trail with the Nichols Arboretum; and

Whereas, The total cost of the trail connection project is estimated to be \$500,000 and funding for the local match has been identified through the Park Rehabilitation and Development Funds and the Washtenaw County Parkas and Recreation Commission;

RESOLVED, That the Mayor and City Council approve an application for the Clean Michigan Initiative and the Michigan Natural Resources Trust Fund and matching grant funds and authorize the City Administrator to execute all documents necessary to enter into an agreement with the Department of Natural Resources for a trail connection; and

RESOLVED, That if the grant is approved by the State, the Mayor and Council appropriate \$250,000 in grant funds and establish a \$500,000 budget for the life of the project.

Councilmember Hieftje moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-138-3-00 APPROVED

RESOLUTION AUTHORIZING A GRANT APPLICATION TO THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES FOR MATCHING FUNDS FOR DEVELOPMENT OF PHASE II IMPROVEMENTS AT NORTHEAST AREA PARK

Whereas, The development and implementation of a master plan for Northeast Area Park, has been recommended in the 2000-2005 Parks, Recreation and Open Space Plan, and the 1995-2001 Park Rehabilitation and Development Millage program; and

Whereas, The Park Advisory Commission approved a recommendation to the Mayor

and Council to apply for a grant for development of Phase II of Northeast Area Park; and

Whereas, The total cost of the project is estimated to be \$859,000 and funding for the local match has been identified through the Park Rehabilitation and Development Funds and grant funds received by the Washtenaw County Drain Commissioner through the EPA;

RESOLVED, That the Mayor and City Council approve an application for the Clean Michigan Initiative and the Michigan Natural Resources Trust Fund and matching grant funds and authorize the City Administrator to execute all documents necessary to enter into an agreement with the Department of Natural Resources for a park development project; and

RESOLVED, That if the grant is approved by the State, the Mayor and Council appropriate \$380,000 in grant funds and establish a \$859,000 budget for the life of the project.

Councilmember Hieftje moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-139-3-00 APPROVED

RESOLUTION AUTHORIZING A GRANT APPLICATION TO THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES FOR MATCHING FUNDS FOR ACQUISITION OF AUDUBON WOODS

Whereas, The acquisition of Audubon Woods has been recommended in the 2000-2005 Parks, Recreation and Open Space Plan, and the 1995-2001 Park Rehabilitation and Development Millage program; and

Whereas, The Park Advisory Commission approved a recommendation to the Mayor and Council to apply for a grant for the acquisition of Audubon Woods; and

Whereas, The total cost of the acquisition is estimated to be \$180,000 plus \$9,000 in closing and incidental cost and funding for the local match has been identified through the Park Acquisition Millage;

RESOLVED, That the Mayor and City Council approve an application for the Michigan Natural Resources Trust Fund and matching grant funds and authorize the City Administrator to execute all documents necessary to enter into an agreement with the Department of Natural Resources for parkland acquisition; and

RESOLVED, That if the grant is approved by the State, the Mayor and Council appropriate \$90,000 in grant funds and establish a \$189,000 budget for the life of the project.

Councilmember Hieftje moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-140-3-00 APPROVED

RESOLUTION AUTHORIZING A GRANT APPLICATION TO THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES FOR MATCHING FUNDS FOR ACQUISITION OF TRAVERWOOD WOODS

Whereas, The acquisition of Traverwood Woods has been recommended in the 2000-2005 Parks, Recreation and Open Space Plan, and the 1995-2001 Park Rehabilitation and Development Millage program; and

Whereas, The Park Advisory Commission approved a recommendation to the Mayor and Council to apply for a grant for the acquisition of Traverwood Woods; and

Whereas, The total cost of the acquisition is estimated to be \$720,000 plus \$12,000 for closing and incidental costs and funding for the local match has been identified through the Park Acquisition Millage;

RESOLVED, That the Mayor and City Council approve an application for the Michigan Natural Resources Trust Fund and matching grant funds and authorize the City Administrator to execute all documents necessary to enter into an agreement with the Department of Natural Resources for parkland acquisition; and

RESOLVED, That if the grant is approved by the State, the Mayor and Council appropriate \$432,000 in grant funds and establish a \$732,000 budget for the life of the project.

Councilmember Hieftje moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-141-3-00 APPROVED

RESOLUTION TO AMEND CONTRACT FOR LEGAL SERVICES

WITH O=CONNOR, DEGRAZIA & TAMM, P.C., FOR LEGAL SERVICES REPRESENTING THE CITY RELATIVE TO THE LAWSUIT ENTITLED JEANNETTE CARR AND PETER WARD VS. CITY OF ANN ARBOR, ET. AL., WASHTENAW CIRCUIT COURT CASE NO. 98-9468-CZ

Whereas, The City Attorney an Board of Insurance Administration have recommended that the City Council approve an amendment to the existing contract for legal services with O=Connor, DeGrazia & Tamm, P.C., in an amount not to exceed \$20,000, for a total contract amount not to exceed \$40,000 relative to the lawsuit entitled *Jeannette Carr and Peter Ward vs. City of Ann Arbor, et al., Washtenaw County Circuit Court Case No. 98-9468-CZ.*

Whereas, O=Connor, DeGrazia & Tamm, P.C., was selected to do this work based on its general municipal law expertise, and its experience in zoning law;

Whereas, The work required of the firm in the trial court proceedings was more than originally contemplated;

Whereas, Although the City was successful in the trial court, the plaintiffs have filed an appeal with the Michigan Court of Appeals, requiring additional legal services from the firm;

Whereas, An amendment to the contract scope of services and dollar amount is required for the firm=s services, including the additional legal services on appeal; and

Whereas, O=Connor, DeGrazia & Tamm, P.C., received Human Rights clearance on May 6, 1999.

RESOLVED, That the Mayor and City Council be authorized to sign a standard amendment to the legal services agreement with O=Connor, DeGrazia & Tamm, P.C., approved as to form by the City Attorney, for additional legal services in this matter in an amount not to exceed \$20,000, for a total contract amount not to exceed \$40,000, for services rendered without regard to fiscal year.

Councilmember Upton moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

53-99

LIVING WAGE ORDINANCE

(The complete text of Ordinance 53-99 is on file in the City Clerk=s Office).

Councilmember Kolb moved that the ordinance be brought back to the table for discussion at a later date.

On roll call the vote was as follows:

Yeas, Councilmembers Daley, Hanna-Davies, Hieftje, Carlberg, Herrell, Kolb, 6;

Nays, Councilmembers Upton, Freiberg, Higgins, Mayor Sheldon, 4.

The Mayor declared the motion defeated and ordinance remained vetoed.

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

APRIL 3, 2000 REGULAR SESSION

Resolution to Support Earth Day 2000 Campaign (Councilmember Herrell)

Resolution Authorizing the Allocation of \$10,000.00 for Forms for Data Gathering for Racial Profiling (Councilmember Daley)

Amendment to Chapter 8, Add New Section 1:237 - Establishing an Environmental Commission - Ordinance No. 7-00 (Councilmember Kolb)

Public Hearing on Amendment to Chapter 8 - Establishing an Environmental Commission

COMMUNICATIONS FROM THE MAYOR

ANNOUNCEMENTS

XLupus Alert Day - April 1, 2000

XCity/U of M Annual Dinner - May 9, 2000

XGovernment Exchange Day with the City of Kalamazoo
Kalamazoo will be in Ann Arbor on May 5, 2000
Ann Arbor will be in Kalamazoo on May 23, 2000

XScheduled Council Budget Working Sessions:
- April, 19; April 26; May 3 and May 8, 2000

XGreek Independence Day Proclamation - March 25, 2000

XAnnual Keep Off Grass Event - March 31, 2000

APPOINTMENT APPROVED

Mayor Sheldon recommended the following appointment at the March 6, 2000 regular session of Council:

Washtenaw/Hill Street Historic District Study Committee

Susan Contratto (new appointment)
1617 Cambridge Road
Ann Arbor, MI 48104
Term: for duration of project

Councilmember Upton moved that Council concur with the recommendation of the Mayor.

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:

Ann Arbor Hospitality Committee

Ulla Roth (new appointment)
1317 Franklin Boulevard
Ann Arbor, MI 48103
Term: 04/03/2000 to 01/01/2002

Taxicab Board

C. Robert Snider (reappointment)
P. O. Box 7894
Ann Arbor, MI 48107
Term: 04/03/00 to 04/14/2003

Ronald A. Naylor (reappointment)
1815 Anderson
Ann Arbor, MI 48104
Term: 04/03/00 to 04/14/2003

Bicycle Coordinating Committee

Norman Cox (reappointment)
1803 Arborview Boulevard
Ann Arbor, MI 48105
Term: 04/03/00 to 04/02/2002

Community Development Waiver and Review Board

Lelahni Wessinger (reappointment)
2216 Melrose
Ann Arbor, MI 48104
Term: 04/03/00 to 04/02/2002

Michael Martin (reappointment)
1719 Green Road
Ann Arbor, MI 48105
Term: 04/03/00 to 04/02/2002

Ann Arbor Commission on Disability Issues

Daryls Marie Vander Beek (reappointment)
1720 Hatcher Crescent
Ann Arbor, MI 48103
Term: 04/03/00 to 04/02/2003
Helen Meador (reappointment)
P.O. Box 7488

Ann Arbor, MI 48107
Term: 04/03/00 to 04/02/2003

Historic District Commission

Karen Simpson (reappointment)
2260 Garden Homes
Ann Arbor, MI
Term: 04/03/00 to 04/02/2003

Housing Commission

Kate Warner (reappointment)
1804 Linwood Avenue
Ann Arbor, MI 48103
Term: 04/03/00 to 04/30/2005

Housing Board of Appeals

Amy Starr (to fill expired term)
2272 Stone Road
Ann Arbor, MI 48105
Term: 04/03/00 to 06/30/2002

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

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

1. Memorandum regarding Dhu Varren Road
2. Towing Services and Request for Proposal (RFP) Process
3. Broadway Bridges Reconstruction Project
4. South State Street/Ellsworth Road and Ellsworth Road/Varsity Drive Intersection Improvements
5. Bens Street Improvements Update
6. Transportation Fringes
7. Report in Response to Resolution Supporting and Providing Guidelines for the Collection of Data to Inform Community of Concerns regarding Racial Profiling (R-50-2-00)

8. Electronic Payment Transmission
9. Process to Update City Council Computers
10. One-Way Traffic on N. Ashley between Miller and Kingsley
11. Status of Discussion on City and DDA Parking Partnership
12. Update on Northside Commons PUD Sanitary Sewer Plan and Related Issues
(Reports on file in the City Clerk's Office)

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

None.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from The Malletts Creek Association transmitting comments to revision to the Storm Water Management requirements of the Soil Erosion and Sedimentation Control Ordinance - Chapter 63 of the City of Ann Arbor Ordinance Code - File
2. Communication from Larry Bailey, State of Michigan Department of Consumer & Industry Services, regarding receipt of the Resolution to the Michigan Public Service Commission and Michigan Senate and Assembly to Evaluate the Potential for Energy Efficiency and Renewable Energy Sources in Meeting Michigan's Future Electricity Needs, adopted by Council February 22, 2000 -File
3. Communication from Public Service Commissioners John Strand, David Svanda and Robert Nelson regarding resolutions addressing the need for evaluating the potential for energy efficiency and renewable energy sources in meeting Michigan's future electricity needs, and encouragement of legislation incorporating environmental and customer provisions from your electric franchise - File

The following minutes were received for file:

1. Deferred Compensation Administrative Board - November 17, 1999
2. Housing Policy Board - March 9, 2000
3. Building Board of Appeals - January 12, and February 9, 2000
4. Housing Board of Appeals - January 18, 2000
5. Ann Arbor Energy Commission - February 10, 2000
6. Ann Arbor Transportation Authority - February 16, 2000
7. Zoning Board of Appeals - December 15, 1999

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

On a voice vote the Mayor declared the motion carried.

PUBLIC COMMENTARY - GENERAL

None.

RECESS TO EXECUTIVE SESSION

Councilmember Upton moved that the regular session of Council be recessed for an executive session to discuss the City Attorney's Evaluation.

On roll call the vote was as follows:

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

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 9:41 p.m.

MEETING RECONVENED

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

On a voice vote the Mayor declared the motion carried and the regular session reconvened at 11:58 p.m.

ADJOURNMENT

There being no further business to come before Council, the Mayor declared the meeting adjourned at 11:58 p.m.

W. Northcross
Clerk of the Council

Frances M. McMullan
Recording Secretary