

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - AUGUST 7, 2000**

The regular session of the Ann Arbor City Council was called to order at 7:34 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

BEST TASTING WATER AWARD

Eric Way, representing the Michigan Department of Environmental Quality and the Michigan Section of the American Waterworks Association, presented the AWWA 2000 Southeast Michigan Regional Best Tasting Water Award to the City of Ann Arbor. Water Utilities Director Sumedh Bahl accepted the award for the City.

PUBLIC COMMENTARY - RESERVED TIME

JANET KUHN - DEE FREIBERG=S COUNCIL SEAT

Janet Kuhn, 3900 Penberton Dr., urged Council to appoint former Councilmember Jane Lumm to the Second Ward seat, which will be vacated by Councilmember Dee Freiberg.

KATHERINE GRISWOLD - SAFETY FOR GREEN ROAD/GLAZIER WAY

Katherine Griswold, 3565 Fox Hunt Dr., representing Citizens for Responsible Action and Safety (CRASH), requested that red flashers be immediately installed at the dangerous intersection of Green Road and Glazier Way until the safety issues can be resolved. (Statement on file in the City Clerk=s Office)

JIM MOGENSEN - PUBLIC INFRASTRUCTURE

Jim Mogensen, 3780 Greenbrier Blvd., #354C, expressed concern for the City=s public infrastructure, including insufficient and expensive parking, traffic tie-ups, and sanitary sewer backups.

RICHARD YI - SIDEWALK VENDORS

Richard Yi, 3696 Knollwood Cir., owner of the coffee shop in the Washtenaw County Courthouse, objected to the hotdog vendors setting up business near the front entrance to the building and taking away his customers.

BROOKS GLEICHERT - STOP SIGN ON GLAZIER WAY

Brooks Gleichert, 3995 Waldenwood Dr., expressed concern with the dangerous intersection at Glazer Way and Green Road, and requested a stop sign at the top of Glazier Way to protect pedestrians.

PUBLIC HEARINGSPRIVATE SWIM CLUBS (ORDINANCE NO. 27-00)

A public hearing was conducted on the proposed amendments to Chapters 55 and 59 - Private Swim Clubs. This ordinance would allow existing swim clubs as a special exception use. Notice of public hearing was published July 16, 2000.

The following person appeared:

David Kryskowski, President of the Orchard Hills Athletic Club, urged adoption of the proposed ordinance which would give long-standing, private swim clubs an official identify and recognize them as valuable assets to neighborhoods.

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

ROEBUCK ZONING (ORDINANCE NO. 32-00)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.22 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Roebuck property, southeast corner of Kingwood Street and Barber Avenue. Notice of public hearing was published July 16, 2000.

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

DAMON=S RESTAURANT REVISED SITE PLAN

A public hearing was conducted on the proposed Damon=s Restaurant Revised Site Plan, 1.84 acres, 3150 Boardwalk. Notice of public hearing was published July 30, 2000.

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

ISSEL LAND DIVISION

A public hearing was conducted on the proposed Issel Land Division, 0.56 acre, 415 Pinewood Street. Notice of public hearing was published July 30, 2000.

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

RED ROOF INN REVISED SITE PLAN

A public hearing was conducted on the proposed Red Roof Inn Revised Site Plan, 5.91 acres, 3505 South State Street. Notice of public hearing was published July 30, 2000.

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

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

Councilmember Freiberg moved that the agenda be approved with the following changes:
CONSENT AGENDA

Add: Resolution to Accept Board of Insurance Administration Minutes of August 4, 2000 and to Authorize Payments (Human Resources)

MOTIONS AND RESOLUTIONS

Revise: Resolution to Award to Various Artists Contracts for the Creation and
8 Votes Installation of Works of Art in the Fourth and Washington Street Parking
Required: Structure **AND APPROPRIATE FUNDS** (\$72,000.00) **(8 VOTES REQUIRED)**
(Mayor Sheldon)

Revise: Resolution Requesting Consideration of Appointment of Former Councilperson
Jane Lumm to Complete the Term of Second Ward Councilperson Dee
Freiberg (Councilmember Freiberg)

Revise: Resolution to Approve Ashley Mews Revised Development Agreement
(Planning)

Delete: Resolution to Develop Measures for Reduction of Stormwater Inflow to
Sanitary Sewers (Councilmember Hieftje)

Add: Resolution to Assist Households Experiencing Sanitary Sewer Backups
(Councilmember Kolb)

Add: Resolution to Approve Contract Between City of Ann Arbor and Walnut Ridge
L.L.C. (Walnut Ridge Developers) (Mayor)

Add: Resolution to Approve Amendment to Sewer Use Agreement Between City of
Ann Arbor and Scio Township (Mayor)

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Correct [~~Selection of Expansion Option for City Hall~~] **CITY HALL SPACE NEEDS**
Title: **ADOPTION**

Add: Proposed Monthly Permit Parking Rate Change and Art Fair Rate Change

Add: RECESS FOR EXECUTIVE SESSION TO DISCUSS COLLECTIVE BARGAINING AGREEMENTS (*Add to agenda prior to Adjournment*)

On a voice vote the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF JULY 10 AND 17 APPROVED

Councilmember Upton moved that the regular session minutes of July 10 and July 17, 2000 be approved as presented, with the following correction to the July 10 minutes:

Correct order of Pages 16 and 17, which were printed in reverse order.

On a voice vote the Mayor declared the motion carried.

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-371-8-00 APPROVED

RESOLUTION TO APPROVE A PROJECT AGREEMENT
WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION
FOR A TRANSPORTATION ENHANCEMENT GRANT FOR
A BICYCLE PATH/LANE ON JACKSON ROAD

Whereas, A grant for \$70,000.00 in matching funds was approved by the Michigan Department of Transportation (MDOT) toward a \$150,000.00 project to be funded by the Parks Rehabilitation and Development Millage for the construction of a bicycle path/lane along Jackson Road;

Whereas, MDOT requires that the City enter into a grant project agreement to receive the \$70,000.00 in matching funds; and

Whereas, There are sufficient funds in the Park Rehabilitation and Development Millage to cover the total estimated City grant match of \$80,000.00, plus \$70,000.00 in grant funds for the project including design, engineering and inspection costs for a total project budget of \$150,000.00;

RESOLVED, That the Mayor and City Council approve the agreement for the Transportation Enhancement Program grant funds with the MDOT and authorize the Mayor and Clerk to sign the agreements, substantially in the form on file with the City Clerk, and approve a project budget of \$150,000.00 from the Park Rehabilitation and Development Millage for the life of the project for costs related to the bicycle path project, with \$70,000.00 to be reimbursed to the Park Rehabilitation and Development Millage from the Michigan DOT upon completion of the project; and

RESOLVED, That the Mayor and City Council authorize the Mayor, City Clerk and City Administrator to execute all documents necessary to complete the requirements of the project grant agreement with the Michigan Department of Transportation.

R-372-8-00 APPROVED

RESOLUTION TO AWARD BID NOS. 3337 AND 3365 TO GUARDIAN EQUIPMENT FOR THE PURCHASE OF LIGHTNING PREDICTION SYSTEMS

Whereas, The Purchasing Division solicited bids for 3 Thor Guard Model L150 and 3 Thor Guardian Model L25T Lightning Prediction Systems for the Department of Parks and Recreation, Bid Nos. 3337 and 3365;

Whereas, Guardian Equipment was the lowest responsible bidder in the amount of \$89,050.00, and has Human Rights approval as of June 9, 2000; and

Whereas, Funds are available in the Fiscal Year 2000-2001 Maintenance and Repair Millage budget;

RESOLVED, That the Mayor and Council approve awarding Bid Nos. 3337 and 3365 to Guardian Equipment in the amount of \$89,050.00 for 3 Guard Model L150 and 3 Guardian Model L25T Lightning Prediction Systems.

R-373-8-00 APPROVED

RESOLUTION TO APPROVE PURCHASE ORDER TO

SPARTAN DISTRIBUTORS FOR TORO MOWER DECKS
AND APPROVE A STANDING PURCHASE ORDER

Whereas, The Parks and Recreation Department has 2 seven-year-old Toro mowers that are in excellent condition other than the mower decks;

Whereas, Replacement of these mower decks will extend the useful life of these mowers another 7 years;

Whereas, Replacement decks are available from the commercial Toro dealer - Spartan Distributors;

Whereas, Spartan Distributors is the sole source to Toro parts and service; and

Whereas, Spartan Distributors received Human Rights approval on July 24, 2000;

RESOLVED, That the Mayor and City Council approve a purchase order to Spartan Distributors for \$27,710.00 to purchase 6 replacement mower decks and approve a standing purchase order with Spartan Distributors totaling \$65,000.00 for parts and service for the 2000-2001 fiscal year.

R-374-8-00 APPROVED

RESOLUTION TO AUTHORIZE CONTRACT WITH
STRAWSER INC. FOR 2000 THROUGH 2002 STREET
SURFACE SEALING - BID NO. 3367

Whereas, Eleven contractors were solicited for bids pertaining to Surface Sealing in June, 2000, and Strawser Inc. was the lowest responsible bidder;

Whereas, Sufficient funds have been allocated in the Fiscal Year 2000-01 Public Services Department, Major and Local Street Budgets, and additional funds are anticipated to be allocated in the Fiscal Year 2001-02 and 2002-03 Major and Local Street Budgets; and

Whereas, Strawser Inc. received Human Rights approval on July 14, 2000;

RESOLVED, That City Council approve a contract, per Bid No. 3367, with Strawser Inc. in the amount of \$990,000.00 over 3 years for surface sealing;

RESOLVED, That pending funds availability, purchase orders not to exceed

\$990,000.00 be issued from the Major and Local Street Budgets over a three-year period;

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

RESOLVED, That the City Administrator be authorized to take necessary administrative actions to implement this resolution, and be authorized to obtain the street surface sealing services from the next lowest responsible bidder (Terry Construction) for the balance of this contract if Strawser Inc. is not able to furnish adequate services or does not perform in accordance with Bid No. 3367.

R-375-8-00 APPROVED

RESOLUTION TO AWARD A CONSTRUCTION CONTRACT
TO DOAN CONSTRUCTION COMPANY, INC. AND ESTABLISH
A PROJECT BUDGET FOR THE WASHTENAW AVENUE
SIDEWALK PROJECT - BID NO. 3319

Whereas, It has been found necessary to construct a concrete sidewalk along Washtenaw Avenue from Brockman Boulevard to Stadium Boulevard;

Whereas, Competitive bids were solicited by the Purchasing Division for an opening on July 20, 2000, and Doan Construction Company, Inc. submitted a responsible bid of \$148,298.61;

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

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

Whereas, The said company has received Human Rights approval for said construction project on July 28, 2000;

RESOLVED, That a contract in the amount of \$148,300.00 be awarded to Doan Construction Company, Inc. for the construction of the Washtenaw Avenue Sidewalk Project (Bid No. 3319);

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

by the City Administrator;

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

Section I - Revenue

\$ 112,120	General Fund Balance
\$ 68,280	General Fund, pending sale of Special Assessment bonds
\$ 45,000	General Fund, pending reimbursement of ISTEAA grant
\$ 225,400	TOTAL

Section II - Expenses

\$ 148,300	Construction
\$ 17,820	Design Engineering
\$ 22,240	Construction Engineering
\$ 7,400	Consulting and Testing
\$ 11,860	Contingencies approved by the City Administrator
\$ 10,380	Bond Expenses
\$ 7,400	Miscellaneous Costs
\$ 225,400	TOTAL; and

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

R-376-8-00 APPROVED

RESOLUTION TO APPROVE PURCHASE OF ELGIN STREET SWEEPER FROM BELL EQUIPMENT COMPANY

Whereas, The Fleet Services Division needs to purchase a replacement Elgin street sweeper for the City=s fleet;

Whereas, Bell Equipment Company is the sole regional Elgin dealer and its quote of \$99,850.00 represents a 2.9% yearly increase over a similar sweeper purchased in 1997;

Whereas, It is in the City=s best interest to continue to standardize street cleaning equipment; and

Whereas, Bell Equipment Company received Human Rights approval on March 23, 2000;

RESOLVED, The City Council approve the issuance of a purchase order to Bell Equipment Company for the purchase of one Elgin Pelican AP≅ series street sweeper for the amount of \$99,850.00 from 2000-01 budgeted Motor Equipment Funds.

R-377-8-00 APPROVED

RESOLUTION TO APPROVE PURCHASE OF WHEEL LOADER FROM MICHIGAN CAT

Whereas, The Fleet Services Division needs to purchase a replacement wheel loader for the City=s fleet;

Whereas, Michigan Cat was the lowest responsible bidder with the City of Royal Oak, for a total of \$87,600.00 with additional options of \$8,365.00, for a total of \$95,965.00; and

Whereas, Michigan Cat received Human Rights approval on April 18, 2000;

RESOLVED, The City Council approve the issuance of a purchase order to Michigan Cat for the purchase of one Caterpillar model 924G Wheel Loader for the amount of \$95,965.00 from the 2000-01 budgeted Motor Equipment Funds.

R-378-8-00 APPROVED

RESOLUTION TO APPROVE AN AMENDMENT TO
A PROFESSIONAL SERVICES AGREEMENT FOR DESIGN
ENGINEERING SERVICES WITH WASHTENAW ENGINEERING
COMPANY, INC. FOR THE HURON PARKWAY-WASHTENAW
AVENUE INTERSECTION IMPROVEMENTS PROJECT

Whereas, Professional Engineering services were needed in the form of design engineering for the Huron Parkway-Washtenaw Avenue Intersection Improvements Project;

Whereas, Washtenaw Engineering Company, Inc. (WECO) was retained to perform the design engineering of this project;

Whereas, It is now necessary to amend the existing professional services agreement with Washtenaw Engineering Company, Inc. to compensate them for additional work tasks that were necessary to complete the design of the project;

Whereas, WECO has received Human Rights approval on June 19, 2000; and

Whereas, Sufficient funds exist within the project budget to cover the cost of the services being requested herein;

RESOLVED, That Council approve an amendment to the Professional Services Agreement with Washtenaw Engineering Company, Inc. in the amount of \$4,500.00 for the Huron Parkway-Washtenaw Avenue Intersection Improvements Project;

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

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

R-379-8-00 APPROVED

RESOLUTION TO CHANGE THE STREET NAME OF
EDGEWOOD AVENUE, BETWEEN HOOVER AND DAVIS,
TO EDGEWOOD PLACE

Whereas, The Plat of Edgewood Subdivision designates the name of a certain street as Edgewood Avenue, between Hoover Avenue and Davis Avenue; and

Whereas, Twelve of the fifteen residents of this street requested that the street name be changed to AEdgewood Place≡ instead of AEdgewood Avenue≡;

RESOLVED, That City Council approve the official name change of AEdgewood Avenue≡ to AEdgewood Place≡, between Hoover and Davis; and

RESOLVED, That the City Administrator be hereby authorized to take the necessary administrative actions to affect this change.

R-380-8-00 APPROVED

RESOLUTION AUTHORIZING A MATCHING GRANT
APPLICATION TO THE MICHIGAN DEPARTMENT OF
COMMUNITY HEALTH FOR THE ANN ARBOR MAYOR=S
TASK FORCE ON INCREASING SAFETY FOR WOMEN

Whereas, The Ann Arbor Mayor's Task Force on Increasing Safety for Women wishes to continue to positively impact and foster creation of a coordinated community response which addresses and works to prevent violence against women in our community;

Whereas, The Mayor's Task Force on Increasing Safety for Women is a coalition of representatives from local non-profit agencies specializing in services to survivors of domestic and sexual violence, businesses, clergy, secondary and higher education health systems, law enforcement and local government to create a model community effort to combat violence against women;

Whereas, The Task Force has recommended the application for matching funds to continue its projects in the following areas:

PUBLIC AWARENESS CAMPAIGN PROJECTS:

- * Continuation of the Painted "Red" Bus Project
- * Continuation of our Materials Distribution Project
- * Creation/running of Newspaper inserts and advertisements
- * Continuation of advertisements in local movie theaters
- * Continuation of distribution of our video, "There's No Excuse..." to community organizations as an education and training tool, as well as regular CTN airing of the video on Channel 10 to educate and inform citizens about services available to survivors of domestic violence, sexual assault or stalking.

EDUCATION/TRAINING PROJECTS:

- * Implement the Ann Arbor Teen Theatre Troupe Project
- * Create a Task Force information Web page on the City's Web-site

LIGHTING/PHYSICAL SAFETY, POLICY/ENFORCEMENT PROJECTS:

- * Expand and publicize the Safety Phones Network through collaboration with the Ann Arbor Police Department, the DDA, other relevant City departments and local businesses
- * Continue the Porch-light Campaign via a series of quarterly ads "Be a Good Neighbor: Keep a Light On" which urge citizens to keep their porch-lights on from dusk to dawn

POLICY & ENFORCEMENT PROJECTS:

- * Conduct a feasibility study re: development and implementation of a Sexual Assault Nurse Examiner Program
- * Monitor the cooperative referral arrangement between the Assault Crisis Center, DVP SAFE House and U-M's Sexual Assault Prevention and Awareness Center and address implementation concerns;

Whereas, City Council approved and appropriated a Fiscal Year 2000/01 budget total of \$95,500.00 to The Ann Arbor Mayor's Task Force on Increasing Safety for Women that included \$35,500.00 in City of Ann Arbor funds (as required local match) and \$60,000.00 in Michigan Department of Community Health grant funds;

Whereas, The Task Force wishes to apply for a Community Violence Prevention Partnership Grant from the State of Michigan Department of Community Health's Violence Prevention and Reduction Program in the sum of \$60,000.00;

RESOLVED, That the City of Ann Arbor approve the Task Force's \$60,000.00 Community Violence Prevention Partnership Grant application, with the understanding that Ann Arbor City Council has already approved a project budget of \$95,500.00 for the Task Force which includes \$35,500.00 in City general funds allocated in the City's FY 2000-01 budget - which will be used to match Michigan Department of Community Health State grant funds; and

RESOLVED, That if the grant is approved, the City Administrator be authorized to execute all documents necessary to comply with Michigan Department of Community Health requirements.

R-381-8-00 APPROVED

RESOLUTION TO APPROVE AN AGREEMENT WITH
JAMES L. MC COY, P.E. FOR PROFESSIONAL ENGINEERING
AND ENERGY MANAGEMENT SERVICES FOR THE WASTEWATER
TREATMENT PLANT AND WATER TREATMENT PLANT

Whereas, The Wastewater Treatment Plant (WWTP) and the Water Treatment Plant (WTP) have determined the need for professional engineering and energy management services on an Aas-needed \cong and Aas-approved \cong basis during Fiscal Year 2000/01;

Whereas, It is cost effective and efficient for the Water Utilities Department to employ James L. McCoy, P.E. for engineering and energy management services because of his familiarity with the WWTP and the WTP and lower per hour rate; and

Whereas, On July 25, 2000, the Human Resources Department approved James L. McCoy, P.E. to perform this work for the City;

RESOLVED, That Council approve a contract with James L. McCoy, P.E., on an Aas-needed \cong and Aas-approved \cong basis for \$50,000.00 to provide professional engineering services for the Water Utilities Department during Fiscal Year 2000/01, and that Council authorize the Mayor and City Clerk to sign the contract approved as to form by the City Attorney; and

RESOLVED, That the Professional Services Agreement be funded from the approved Fiscal Year 2000/01 WWTP and WTP Operations and Maintenance budgets.

R-382-8-00 APPROVED

RESOLUTION TO APPROVE A CONTRACT WITH
INTERNATIONAL CLEANING SERVICES FOR JANITORIAL SERVICES
AT THE WATER TREATMENT PLANT - BID NO. 3360

Whereas, The Water Treatment Plant requires janitorial services;

Whereas, A contract for janitorial services is the most cost-efficient way of meeting its cleaning needs for the Water Treatment Plant;

Whereas, Of the three bids received, International Cleaning Service submitted the lowest responsible bid in the amount of \$24,000.00 per year for janitorial services; and

Whereas, International Cleaning Service received Human Rights approval on June 19, 2000;

RESOLVED, That the City Council authorize a service agreement with International Cleaning Service in the amount \$24,000.00 per year for janitorial services at the Water Treatment Plant for a one-year agreement with four one-year options to renew provided both parties agree to the extension;

RESOLVED, That Mayor and City Clerk be authorized to sign an agreement approved as to form by the City Attorney;

RESOLVED, That the Water Treatment Plant, through the Administrative Services Department Purchasing division, be permitted to offer the contract to the next lowest responsible bidder in case International Cleaning Service is unable to perform; and

RESOLVED, That the janitorial services be funded by the Operations and Maintenance Budget of the Water Supply System.

R-383-8-00 APPROVED

RESOLUTION TO APPROVE JANITORIAL SERVICES
AGREEMENT WITH INTERNATIONAL CLEANING SERVICE FOR
THE POLICE COMMUNITY SERVICES DIVISION OFFICES -
BID NO. 3311

Whereas, The Police Community Service Division Offices require janitorial services for their location;

Whereas, A contract for janitorial services is the most cost-efficient way of meeting cleaning needs of this location;

Whereas, International Cleaning Service submitted the lowest responsible bid; and

Whereas, International Cleaning Service received Human Rights approval on June 19, 2000;

RESOLVED, That the City Council authorize a service agreement with International Cleaning Service in the amount of \$9,600.00 for a two-year period for Fiscal Years 2000/01 and 2001/02 with four one-year options to renew provided both parties agree to the extension;

RESOLVED, That Mayor and City Clerk be authorized to sign an agreement approved as to form by the City Attorney; and

RESOLVED, That the Police Department, through the Administrative Services Department-Purchasing Division, be permitted to offer the contract to the next lowest responsible bidder if International Cleaning Service is unable to perform.

R-384-8-00 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE
ADMINISTRATION MINUTES OF JULY 28, 2000
AND TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of July 28, 2000, be accepted and that the payments therein be authorized:

MINUTES
CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION
JULY 28, 2000

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

Absent: None

Also Present: Ron Olson, Associate City Administrator
James Armstrong, Safety Manager
Susan Campbell, Risk Management Office 3.

OTHER BUSINESS:

Case No.

- CC 58-00 Sewer back up claim of Steve Scerbak (405 Westwood)
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.
- CC 60-00 Sewer back up claim of Christie Barrigar (725 S. Division)
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.
- CC 63-00 Sewer back up claim of Bob & Jan Bower (633 Dartmoor)
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.
- CC 68-00 Sewer back up claim of Don & Barbara MacCullum (809 Dartmoor)
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.
- CC 69-00 Sewer back up claim of Joel A. Benedek (1827 Avondale Ave.)
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.
- CC 74-00 Sewer back up claim of Sam & Ivanice DeNicolo (1715 Weldon)
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.

Case No.

- CC 77-00 Sewer back up claim of Christy Summerfield (2609 Whitewood)
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.
- CC 81-00 Sewer back up claim of Nancy Harbison (640 Dartmoor)
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.
- CC 82-00 Sewer back up claim of Janine H. Thielk (937 Sunnyside)

Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.

- CC 73-00 Sewer back up claim of Melvin Williams (520 West Washington)
Discussed by Jim Armstrong, Safety Manager and the Board tabled pending further investigation.
- CC 76-00 Vehicle damage claim of Karen Susalla
Discussed by Jim Armstrong, Safety Manager and the Board tabled pending further investigation.
- CC 79-00 Sewer back up claim of James & Jackie Ryan (519 W. Washington)
Discussed by Jim Armstrong, Safety Manager and the Board tabled pending further investigation.
- CC 80-00 Sewer back up claim of the Shelter Assoc. of Washtenaw County
Discussed by Jim Armstrong, Safety Manager and the Board tabled pending further investigation.
- CC 65-00 Sewer back up claim of Geoffrey L. Duff (725 S. Division)
Discussed by Jim Armstrong, Safety Manager and the Board tabled pending further investigation.

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

R-385-8-00 APPROVED

RESOLUTION APPROVING STREET CLOSINGS FOR THE 2000
UNIVERSITY OF MICHIGAN STUDENT MOVE-IN PROGRAM

Whereas, The City of Ann Arbor and the University of Michigan are cooperating in a joint effort to make the student move-in, scheduled to begin on Wednesday, August 30 and end Friday, September 1, 2000, an orderly and efficient process;

Whereas, This will require the closing of certain streets each day between the hours of 6:00 a.m. and 10:00 p.m., the bagging of parking meters, and the use of street barricades;

Whereas, The City Code of Ordinances (Chapter 47, Section 4:14) provides for the issuance of revocable street occupancy permits for the use of City streets and sidewalks;

Whereas, The City Code of Ordinances (Chapter 79, Section 7:69) allows City Council to restrict peddling at times of heavy congestion; and

Whereas, The University has requested that the meter bag deposit fee of \$4200.00 be waived;

RESOLVED, That the following streets be closed for the dates and times indicated:

Thompson - from East William to Packard
Madison - from South Division to South State
Jefferson - from South Division to Maynard
Maynard - from Jefferson to East William
East University - from Hill to Willard
Willard - from Church to East University
Church - from Hill to Willard
Observatory - from North University to East Ann
North University Court
Washington Heights - from Observatory to E. Medical Center Drive
East Ann - from Observatory to Zina Pitcher Place
Monroe - from State to end of cul-de-sac;

RESOLVED, That City Council prohibit all peddling and soliciting activities within a one block area of the closed streets from August 30 through September 1, 2000;

RESOLVED, That City Council direct staff to refrain from issuing permits for the use of sidewalks within a one block area of the University of Michigan residence facilities for the same dates indicated; and

RESOLVED, That City Council waive the meter bag deposit fee of \$4,200.00.

R-386-8-00 APPROVED

RESOLUTION TO COMPLY WITH SECTION 7(4)
OF THE UNIFORM BUDGETING AND ACCOUNTING ACT
(ACT 2, PA OF 1968, AS AMENDED) REQUESTING
EXTENSION OF AUDIT FILING DATE

Whereas, Preparation for the City's annual audit began July 1, 2000;

Whereas, As part of the annual audit process, a request was made to the Michigan Department of Treasury to extend the filing deadline to December 31, 2000;

Whereas, On July 17, 2000, the Michigan Department of Treasury responded stating that the City's request did not comply with the requirements of the Uniform Budget and Accounting Act, as amended;

Whereas, Beginning November 24, 1999, the Michigan Department of Treasury required that an extension of the annual audit filing date be filed with the State Treasurer within 120 days after the end of the fiscal year;

Whereas, Beginning November 24, 1999, the Michigan Department of Treasury also required that the request must be made by a resolution adopted by the governing body of the municipality requesting the extension;

Whereas, The State Treasurer will grant a 60-day extension if the City presents evidence that the audit is in progress and will be completed within 180 days after the end of the fiscal year;

Whereas, the annual audit is in progress and will be completed within 180 days after the end of the fiscal year; and

Whereas, City Council is the authorized governing body of the City of Ann Arbor;
RESOLVED, That City Council request an extension of the annual audit filing due date and authorize the City Administrator and Interim Finance Director to forward a copy of this resolution and take all other actions necessary to request said extension of the filing date for the City's audit report.

R-387-8-00 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE
ADMINISTRATION MINUTES OF AUGUST 4, 2000
AND TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of August 4, 2000, be accepted and that the payments therein be authorized:

MINUTES
CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION
AUGUST 4, 2000

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

Absent: None

Also Present: Ron Olson, Associate City Administrator
James Armstrong, Safety Manager
Abigail Elias, City Attorney
Bob West, Assistant City Attorney
Susan Campbell, Risk Management Office 5.

CLAIMS DENIED:

Case No.

CC 76-00 Vehicle damage claim of Karen Susalla
Discussed by Jim Armstrong, Safety Manager and the Board denied the claim.

- CC 65-00 Sewer back up claim of Geoffrey Duff (725 S. Division)
Discussed by Jim Armstrong, Safety Manager and the Board denied the claim.
- CC 92-00 Vehicle damage claim of Laura Wernick (Felch & Ashley)
Discussed by Jim Armstrong, Safety Manager and the Board denied the claim.
- CC 95-00 Claim of David Mitropoulos-Rundus (2657 Balmoral Court)
Discussed by Jim Armstrong, Safety Manager and the Board denied the claim.

OTHER BUSINESS:

Case No.

- CC 66-96 Lawsuit of Jamar French by George Washington, Attorney
Discussed by Bob West, Assistant City Attorney and the Board was given a status update.
- CC 62-00 Lawsuit of Craig Warburton by Teres Killeen, Attorney
Discussed by Bob West, Assistant City Attorney and the Board was given a status update.
- CC 66-00 Sewer back up claim of Walden Management (1945 Pauline)
Discussed by Jim Armstrong, Safety Manager and the Board tabled pending further investigation.
- CC 71-00 Sewer back up claim of George & Lillie Granderson (607 Susan)
Discussed by Jim Armstrong, Safety Manager and the Board tabled pending further investigation.
- CC 96-00 Sewer back up claim of Mary Beth Carroll (3083 Bluett)
Discussed by Jim Armstrong, Safety Manager and the Board tabled pending further investigation.
- CC 97-00 Sewer back up claim of Adam Landau (1125 White St. #1)
Discussed by Jim Armstrong, Safety Manager and the Board tabled pending further investigation.

- CC 102-00 Sewer back up claim of Paula Doan (219 Chapin)
Discussed by Jim Armstrong, Safety Manager and the Board tabled pending further investigation.

- CC 80-00 Sewer back up claim of the Shelter Assoc. of Washtenaw County
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.

Property damage claim of the Police Department
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.

- CC 49-00 Vehicle damage claim of John Wessinger
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.

- CC 61-00 Vehicle damage claim of Michael Magiera
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.

- CC 83-00 Sewer back up claim of Francis LeFerre (1735 Weldon)
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.

- CC 84-00 Sewer back up claim of Helena & Ed Wegryn (2825 Sequoia Pkwy)
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.

- CC 85-00 Sewer back up claim of Edith Douglass (516 W. Washington)
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.

- CC 72-00 Sewer back up claim of Ruth Michaelis (808 Dartmoor)
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.

- CC 86-00 Sewer back up claim of Stephanie Olsen (725 S. Division)
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.

- CC 87-00 Sewer back up claim of Amherst T. Turner (401 E. Stadium Blvd)
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.
- CC 91-00 Sewer back up claim of Citizen=s Ins. for Bob Bower (633 Dartmoor)
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.
- CC 93-00 Sewer Back up claim of Larime Photographic (404 W. Huron)
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.
- CC 94-00 Sewer back up claim of Hans Tsang (2915 Burlington Court)
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.
- CC 98-00 Sewer back up claim of Rachael Rogers (3466 Richard)
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.
- CC 99-00 Sewer back up claim of Sue Steiner (3427 Norwood)
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.
- CC 57-00 Sewer back up claim of Carol Lentz (2407 S. Circle Drive)
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.
- CC 101-00 Sewer back up claim of Sarah & John Quin (3302 Alton Court)
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.
- CC 103-00 Sewer back up claim of Laura Czuk (3507 Oakwood)
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.
- CC 104-00 Sewer back up claim of Claire Hansen (3433 Edgewood Drive)
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.

- CC 106-00 Sewer back up claim of Laura Sonye (725 S. Division)
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.
- CC 105-00 Sewer back of claim of Elizabeth Michael (3523 Burbank Drive)
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.
- CC 74-00 Sewer back up claim Sam DeNicolo (1715 Weldon)
Discussed by Jim Armstrong, Safety Manager and the Board authorized settlement.

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

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

ORDINANCES - SECOND READING

27-00 APPROVED AS AMENDED

PRIVATE SWIM CLUBS

An Ordinance to Amend Chapters 55 and 59
of Title V of the Code of the City of Ann Arbor

(The complete text of Ordinance 27-00 is on file in the City Clerk=s Office).

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

Councilmember Herrell moved that Section 5:10.2 be amended as follows:

5:10.2(3)(f) Private swimming club, subject to the following standards:

1. For purposes of this section, a private swimming club is defined as property used by an association of persons organized for the common purpose of outdoor swimming and ~~to pursue common goals, interests or~~ accessory recreational activities who pay a fee for membership in a nonprofit organization established to provide outdoor swimming and accessory recreational

facilities....

On a voice vote the Mayor declared the motion carried.

Council unanimously agreed to further amend Section 5:10.2 as follows:

5:10.2(3)(f) Private swimming club, subject to the following standards:

- 1. For purposes of this section, a private swimming club is defined as
 - b. Where one or more modifications of a private swimming club described in subsection (a), above, is desired, the requirements of this section and Section 5:104(7) shall apply.

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

32-00 APPROVED

ROEBUCK 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 0.22 acre, located at the southeast corner of Kingwood Street and Barber Avenue from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 32-00 is on file in the City Clerk's Office).

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

On a voice vote the Mayor declared the motion carried.

ORDINANCES - FIRST READING

38-00 APPROVED

BROOKSIDE SUBDIVISION PARCELS 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 3139, 3145, 3151, 3226, 3244, 3264 and 3265 Baylis Drive and 3175 Stone School Road from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 38-00 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-388-8-00 APPROVED

**RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF
ORDINANCE NO. 27-00 - AMENDMENTS TO CHAPTERS 55 AND 59
REGARDING PRIVATE SWIM CLUBS**

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

RESOLVED, That the publication of Ordinance 27-00 be by the following summary:

Ordinance 27-00 revises Chapter 55 (Zoning Ordinance) and Chapter 59 (Off-Street Parking) to allow existing swim clubs as a special exception use.

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

Councilmember Daley moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-389-8-00 APPROVED

RESOLUTION TO AWARD TO VARIOUS ARTIST CONTRACTS
FOR THE CREATION AND INSTALLATION OF WORKS OF ART IN
THE FOURTH AND WASHINGTON STREET PARKING STRUCTURE
AND APPROPRIATE FUNDS

Whereas, The Ann Arbor Commission on Art in Public Places (ACAPP≡) was established by City Council Resolution R-72-2-98 to encourage greater community awareness of, access to, participation in, and appreciation of the visual arts as an essential component of the vitality, health and spirit of the City;

Whereas, CAPP has identified the Fourth and Washington Street Parking Structure as an appropriate site for inclusion of works of art, released a Call for Artists,≡ and conducted a two-tiered jury selection including interviews with finalists for each site;

Whereas, CAPP recommends the following finalists and their submissions to City Council for consideration and award of a contract for services:

- *Irina Koukhanova, Submission No. 47 - Washington Street Facade,
- *Michael William Hall, Submission No. 49 - Fourth Avenue Street Level Facade,
- *Barron Naegel and Yiu Keung Lee, Submission No. 59 - Fourth Avenue Pedestrian Walk,

which are more particularly described in the materials on file in the City Clerk=s Office;

Whereas, CAPP has actively promoted the Ann Arbor Art in Public Places fund at the Ann Arbor Area Community Foundation to community donors with the assistance of its advisory committee, the Downtown Public Arts Committee (ADPAC≡);

Whereas, The Ann Arbor Art in Public Places Fund at the Ann Arbor Area Community Foundation, an advised pass-through fund, has sufficient monies to allow for the installation of art at each of the recommended locations based on the site budgets:

Washington Street Facade	\$17,500
Fourth Avenue Street Level Facade	\$44,000
Fourth Avenue Pedestrian Walk	\$10,500;

Whereas, The Downtown Development Authority, on August 2, 2000, adopted a Resolution of Support of the CAPP Implementation Team=s recommendations on art

selections and their proposed locations on/within the Fourth and Washington Parking Structure; and

Whereas, The Public Services Department, Engineering Division staff has conducted preliminary discussions with a representative of the CAPP Implementation Team concerning the recommended art selections and their proposed locations on/within the Fourth and Washington Parking Structure and will continue to monitor, in conjunction with related City departments, the installation of any art selection approved by City Council for compliance with City Code;

RESOLVED, That the Mayor and City Council accept each of the art works and the installation of the respective art work subject to the following conditions:

1. That the Ann Arbor Community Foundation approves the distribution of funds for all the costs associated with each of the respective art works, in accordance with the Designated Endowment Fund Agreement between the City of Ann Arbor Commission for Art in Public Places and Ann Arbor Community Foundation Agreements authorized by City Council Resolution R-50-2-99;

2. That said funds are distributed in accordance with the City recommendation as authorized by the above agreement;

3. That in accordance with City Council Resolution R-163-3-99, the Ann Arbor Community Foundation funds are appropriated by Council to pay the respective artists as stated below, if all other prerequisites stated in this resolution are met;

RESOLVED, That the Mayor and City Council approve the award of a contract to the following artists for the amounts stated:

Irina Koukhanova	Washington Street Facade	\$17,500
Michael William Hall	Fourth Avenue Street Level Facade	\$44,000
Barron Naegel & Yiu Keung Lee	Fourth Avenue Pedestrian Walk	\$10,500

subject to the artists= attendance at a meeting with representatives from the following City Departments: Public Services Department, Engineering Division, Building Department, Human Resources Department and Risk Management Division to present their submissions for analysis to ensure compliance with City Code requirements, acceptable building requirements and integration/installation with the parking structure;

RESOLVED, That the foregoing representatives of the City departments report their analyses to the City Administrator;

RESOLVED, That, if on the basis of the engineering and risk review, each of the respective submissions is endorsed by the City Administrator, a contract for fabrication and installation of the art be presented to the respective artist;

RESOLVED, That, if on the basis of the engineering and risk review, any or all of the respective submissions are not endorsed by the City Administrator, a report be presented to City Council discussing the analysis and the reasons for the denial of the endorsement;

RESOLVED, That the Mayor and Clerk be authorized to sign any contract authorized by the provisions of this resolution after approval as to substance by the City Administrator and as to form by the City Attorney; and

RESOLVED, That the City Administrator be authorized to take any and all appropriate actions to ensure that the funds be released by the Ann Arbor Community Foundation in accordance with this resolution, and that City codes and procedures are followed in installation of art in the Fourth and Washington Street Parking Structure.

Councilmember Carlberg moved that the resolution be adopted.

Peter Pollack and Jan Onder, members of the Ann Arbor Commission on Art in Public Places, briefly reviewed the selection process and presented a description of the three works of art selected by the Commission.

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

DEFEATED

RESOLUTION RECOMMENDING CONSIDERATION OF APPOINTMENT
OF FORMER COUNCILPERSON JANE LUMM TO COMPLETE THE TERM OF
SECOND WARD COUNCILPERSON DEE FREIBERG

Whereas, My family and I will be moving out of Ann Arbor in August, 2000, requiring me to resign from my seat on the City Council;

Whereas, The City Charter stipulates that the City Council shall fill the vacancy for the remaining 15 months of my term;

Whereas, I feel an obligation to the residents of the Second Ward to recommend to Council a replacement I feel will represent our ward well;

Whereas, I believe former Second Ward Councilperson Jane Lumm is the best possible choice to complete my term;

Whereas, Second Ward voters elected Jane Lumm to represent us on Council three times in the last eight years;

Whereas, Jane Lumm=s experience on Council enables her to step in immediately and be an effective representative of the Second Ward;

Whereas, Jane Lumm=s previous service on Council earned her high, bipartisan praise from her Council colleagues; and

Whereas, After Jane Lumm left Council she continued serving the community in a number of areas:

Citizens Advisory Council to the Northeast Area Plan
Affordable Housing Task Force Volunteer
LISC
Big Brothers/Big Sisters of Washtenaw County
Arbor Hospice
Christmas in April Volunteer, downtown clean-up
Sustainable Washtenaw Committee Volunteer
Ann Arbor Art Center Board Member
Street Art Fair Board Member
Chamber City Budget Committee Member;

RESOLVED, That the Ann Arbor City Council consider placing the name of Jane

Lumm into nomination at the second regular session of Council in August 2000 to fill the balance of the term vacated by the pending resignation of Councilperson Dee Freiberg.

Councilmember Freiberg moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Upton, Freiberg, Higgins, Mayor Sheldon, 4;

Nays, Councilmembers Kolb, Daley, Hanna-Davies, Hieftje, Carlberg, Herrell, Hartwell, 7.

The Mayor declared the motion defeated.

R-390-8-00 APPROVED

RESOLUTION TO APPROVE ASHLEY MEWS REVISED DEVELOPMENT AGREEMENT

Whereas, It has been determined that revisions to the Ashley Mews Development Agreement, as approved by City Council on October 18, 1999, are necessary as a result of the Ashley Mews Land Division; and

Whereas, The proposed revisions have been reviewed and found acceptable by City departments;

RESOLVED, That City Council approve the Ashley Mews Revised Site Development Agreement, substantially in the form of that attached, dated July 31, 2000.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-391-8-00 APPROVED AS AMENDED

RESOLUTION TO APPROVE DAMON=S RESTAURANT
REVISED SITE PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Damon=s Restaurant Revised Site Plan, 1.84 acres, 3150 Boardwalk.

A resolution to approve Damon=s Restaurant Revised Site Plan was considered.

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

RESOLVED, That City Council approve the Damon=s Restaurant Revised Site Plan, subject to necessary permits being obtained from the Washtenaw County Drain Commissioner and submittal of approved legal descriptions for required easements prior to the issuance of permits, **AND UPON THE CONDITION THAT NO HERBICIDES OR PESTICIDES BE USED AND THAT ONLY LAKE-FRIENDLY, LOW OR NO PHOSPHOROUS FERTILIZERS BE USED ON THE LANDSCAPING.**

On a voice vote the Mayor declared the motion carried.

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

The resolution as amended reads as follows:

R-391-8-00

RESOLUTION TO APPROVE DAMON=S RESTAURANT
REVISED SITE PLAN

Whereas, Bay Best Ribs, LLC has requested site plan approval in order to reconstruct an 8,933-square foot restaurant at 3150 Boardwalk; and

Whereas, The Ann Arbor City Planning Commission, on July 6, 2000, recommended approval of said request;

RESOLVED, That City Council approve the Damon=s Restaurant Revised Site Plan, subject to necessary permits being obtained from the Washtenaw County Drain Commissioner and submittal of approved legal descriptions for required easements prior to the issuance of permits, and upon the condition that no herbicides or pesticides be used and that only lake-friendly, low or no phosphorous fertilizers be used on the landscaping.

R-392-8-00 APPROVED

RESOLUTION TO APPROVE ISSEL LAND DIVISION AND DIVISION OF SPECIAL ASSESSMENT

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Issel Land Division and Division of Special Assessment, 0.56 acre, 415 Pinewood Street.

Whereas, Louis and Barbara Issel have requested land division approval in order to divide the property at 415 Pinewood Street (Assessor=s Code No. 08-24-418-010) into three separate parcels;

Whereas, Louis and Barbara Issel desire to divide the outstanding special assessment of \$7,961.29 into two special assessments; and

Whereas, The Ann Arbor City Planning Commission, on July 6, 2000, recommended approval of said request;

RESOLVED, That City Council approve the Issel Land Division, as described below, subject to the removal of a building encroachment into the Kingwood Street right-of-way and subject to 415 Pinewood Street connecting to the sanitary sewer:

Parcel A

Part of Lot 58 of The Evergreens, a subdivision of the South 2 of Section 24, Scio Township, Washtenaw County, Michigan, as recorded in Liber 7 of Plats, page 42, Washtenaw County Records, described as: Beginning at the Southeast corner of said Lot 58; S 28°46'27" W 60.00 feet; thence N 61°13'33" W 159.90 feet; thence N 28°46'27" E 60.00 feet; thence N 28°48'20" E 13.50 feet; thence S 29°52'34" W 3.01 feet; thence S 63°21'22" E 91.55 feet; thence S 28°48'20" W 13.50 feet along the said right-of-way to the Point of Beginning, containing 0.27 acres of land, more or less, and being subject to any and all easements or rights-of-way of record, if any.

Parcel B

Beginning at the South quarter post of Section 24, T2S, R5E, Washtenaw County, Michigan; thence Northerly along the North-South 1/4 line of said Section to the North edge of the existing Kingwood Street right-of-way; thence along said right-of-way line to the intersection with the West right-of-way line of Pinewood Street as the Point of Beginning; thence N 88°01'12" W 54.22 feet; thence N 26°40'50" W 135.37 feet; thence S 61°13'33" E 159.90 feet; thence S 28°46'48" W 52.32 feet to the Point of Beginning of revised Lot 5; containing 0.17 acres more or less and subject to easements and restrictions of record.

Parcel C

Beginning at the South quarter post of Section 24, T2S, R5E, Washtenaw County, Michigan; thence Northerly along the North-South 1/4 line of said Section to the North edge of the existing Kingwood Street right-of-way; thence Easterly along said right-of-way line to the intersection with the West right-of-way line of Pinewood Street as the Point of Beginning; thence continuing N 88°01'24" W 54.22 feet along the North right-of-way line of Kingwood Street; thence continuing N 88°01'24" W 116.42 feet; thence N 01°58'48" E 16.84 feet; thence N 28°46'48" E 114.21 feet; thence S 26°40'50" E 135.37 feet; thence S 88°01'24" E 54.22 feet along the North Kingwood Street right-of-way line to the Point of Beginning of revised Lot C; containing 0.17 acres, more or less, and subject to easements and restrictions of record.

RESOLVED, That the outstanding special assessment amount of \$7,961.29 be hereby divided into two separate assessments as follows:

Parcel B (Lot 62)

\$4,007.08

Parcel C (Lot 64)

\$3,954.21;

and

RESOLVED, That the payments for said special assessments continue to be on the same terms as were set forth in the resolution levying the original assessments.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-393-8-00 APPROVED

RESOLUTION TO APPROVE RED ROOF INN REVISED SITE PLAN AND DEVELOPMENT AGREEMENT

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Red Roof Inn Revised Site Plan and Development Agreement, 5.91 acres, 3505 South State Street

Whereas, Ann Arbor Hospitality LLC has requested site plan approval in order to construct an 84-room, three-story motel at 3505 South State Street;

Whereas, A development agreement has been prepared to address public and private improvements, traffic mitigation and the use of lawn care fertilizer; and

Whereas, The Ann Arbor City Planning Commission, on July 6, 2000, recommended approval of said request;

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that attached, dated July 28, 2000; and

RESOLVED, That City Council approve the Red Roof Inn Revised Site Plan, upon the conditions that (1) the Development Agreement is signed by all necessary parties; (2) all terms of the Development Agreement are satisfied; (3) public sidewalks are constructed adjacent to Victors Way and South State Street, and (4) approval of the off-site storm water management system by the Washtenaw County Drain Commissioner.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-394-8-00 APPROVED

RESOLUTION TO APPROVE THE PURCHASE OF
25.52 ACRES OF PARK LAND ON PLATT ROAD NORTH OF
I-94 FOR AN ADDITION TO SCARLETT-MITCHELL WOODS

Whereas, The 25.5 acres adjacent to Scarlett-Mitchell Woods is for sale and the Park Advisory Commission recommends the purchase to the Mayor and City Council, based on the approved Michigan Natural Resources Trust Fund matching grant agreement to acquire the site to increase outdoor recreation opportunities and provide for other park uses;

Whereas, The 2000 Park, Recreation and Open Space Plan (PROS) and previous PROS Plans recommended that parcel be acquired to provide a greenway corridor and preserve open space park opportunities;

Whereas, Two the real estate appraisals were completed which valued the property at \$1,020,000 and at \$1,170,000;

Whereas, The owners have agreed to a purchase price of \$1,100,000;

Whereas, The required Phase I Environmental Assessment is completed; and

Whereas, There are sufficient funds in the Park Acquisition Millage (Fund 024) to match the total purchase price of \$1,100,000, with a MiDNR match of \$575,500 and a City match of \$524,500 (including a \$50,000 from Colonial Square Coop) plus \$10,000 estimated incidental closing costs and other fees, totaling \$1,110,000;

RESOLVED, That the Mayor and City Council approve a purchase agreement for the purchase of the 25.52-acres of park land adjacent to Scarlett-Mitchell Woods from M. Korchiac and S. Finkel, described as:

Commencing at the Southwest corner of Section 11, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan; thence N01°19'00"W 1337.78 feet along the West line of said Section and the centerline of Platt Road; thence N88°17'00"E 50.00 feet to a point on the Easterly right-of-way line of Platt Road, said point being the POINT OF BEGINNING; thence continuing N88°17'00"E 1287.09 feet; thence S01°06'00"E 1298.71 feet to a point on the Northeasterly right-of-way line of Ellsworth Road; ;thence along said right-of-way line in the following three (3) courses: N57°35'00"W 1349.32 feet, N01°19'00"W 12.02 feet and N57°35'00"W 192.40 feet to a point on the Easterly right-of-way line of Platt Road; thence N01°19'00"W 421.54 feet along said right-of-way line to the Point of Beginning. Being a part of the Southwest 3 of Section 11, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan and containing 25.52-acres of land, more or less. Being

subject to easements and restrictions of record, if any;\

RESOLVED, That the Mayor and Clerk sign the agreements substantially in the form on file with the City Clerk, authorize \$1,110,000 from the Park Acquisition Millage (fund 024) budget, and appropriate the State grant of \$575,000 and the \$50,000 donation from the Colonial Square Cooperative to purchase the 25.52-acres and to use for associated closing costs and fees for the life of the project; and

RESOLVED, That the City Council authorize the Mayor, City Clerk and City Administrator to execute all documents necessary to complete the transactions, including transfer of 64% of the mineral rights to MiDNR, which is a condition for receiving matching grant funds for the purchase.

Councilmember Hartwell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-395-8-00 APPROVED

RESOLUTION TO MODIFY VARIOUS BUDGETS FOR PAY INCREASES

Whereas, The raises for both union and nonunion employees were not known at the time that the budget was approved, and funds were placed in the Contingency-Pay Increase account until the amounts were known; and

Whereas, It was expected that the various union contracts would be settled by June 30, 1999 when the budget was adopted and the funds that were in the 1998-1999 budget for pay increases has been added to the General Fund Balance;

RESOLVED, That \$522,167.00 be transferred from the Contingency-Pay Increase account and \$261,514.00 be appropriated from the General Fund fund balance to the various departments for the 1999-2000 budget, allocated as shown on the spreadsheet on file in the City Clerk=s Office.

Councilmember Herrell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-396-8-00 APPROVED

RESOLUTION TO ESTABLISH A PROJECT BUDGET AND APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH BLACK & VEATCH FOR THE WASTEWATER TREATMENT PLANT FACILITIES MASTER PLAN - RFP 483

Whereas, Preparation of a Facilities Master Plan for the Wastewater Treatment Plant (WWTP) is necessary to properly assess current and future plant flows and conditions, and identify improvements to meet these conditions, as well as to develop a long-range financial plan which addresses the operational and capital needs of the Water Utilities Department;

Whereas, Of the five firms which submitted proposals to prepare the WWTP Facilities Master Plan, Black & Veatch submitted a proposal in the amount of \$315,852.00 and was selected as the most qualified firm to provide the services requested in RFP No. 483; and

Whereas, On May 8, 2000, the Human Resources Department approved Black & Veatch to perform work for the City;

RESOLVED, That Council accept the proposal and approve the professional services agreement with Black & Veatch in the amount of \$315,852.00 to provide professional engineering services to prepare the WWTP Facilities Master Plan, and that the Mayor and City Clerk be authorized to sign the contract approved as to form by the City Attorney;

RESOLVED, That Council approve a project budget for these services in the amount of \$350,000.00, including \$315,852.00 for the contract with Black & Veatch and a contingency in the amount of \$34,148.00 to finance change orders to be approved by the City Administrator; and

RESOLVED, That \$350,000.00 be appropriated for the project from the Operating Fund Balance for the Sewage Disposal System for the life of the project without regard to fiscal year.

Councilmember Herrell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-397-8-00 APPROVED AS AMENDED

RESOLUTION TO APPROVE ACTION PLAN FOR MALLETT'S CREEK RESTORATION

A resolution to approve an action plan for the Malletts Creek restoration was considered.

Councilmember Freiberg moved that the resolution be adopted.

Councilmember Hanna-Davies moved that the following paragraph be added prior to the last paragraph of the resolution:

RESOLVED, That City Council recommend to the Malletts Creekshed Coordinating Committee that a rain barrel promotion campaign be included in the Action Plan as early as possible, and that moving street sweeping to earlier in the Action Plan be seriously considered;

On a voice vote the Mayor declared the motion carried.

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

The resolution as adopted reads as follows:

R-397-8-00

RESOLUTION TO APPROVE ACTION PLAN FOR
MALLETTS CREEK RESTORATION

Whereas, On March 6, 2000, the Council accepted the Malletts Creek Restoration Plan submitted by the consultants and the Malletts Creek Management Plan submitted by the Malletts Creek Association;

Whereas, The Council directed the City staff to develop an action plan for the restoration of Malletts Creek based upon the Malletts Creeks Restoration Plan and Malletts Creek Management Plan;

Whereas, A Project Manager is needed to coordinate activities of various organizations for implementation of the action plan and seek grants and the Project Manager works through the Washtenaw County Drain Commissioner=s (WCDC) office;

Whereas, A Malletts Creekshed Coordinating Committee needs to be established to assess and make recommendations about the proposals that will affect Malletts Creek, provide assessment about conditions in the creekshed and make recommendations of policies and practices that will enhance the quality of the creekshed;

Whereas, Malletts Creekshed Coordinating Committee consists of representatives from Malletts Creek Association, a representative of Huron River Watershed Council, representatives from the WCDC=s office, Washtenaw County Road Commission, Michigan Department of Transportation, representatives of the Pittsfield Township, and the City staff from Building, Planning, Engineering, Parks & Recreation and Water Utilities Departments;

Whereas, It will take a number of years to complete all steps to meet established goals for water quality and habitat restoration in Malletts Creek;

Whereas, The Coordinating Committee periodically review and assess work completed to verify that the progress is made to accomplish goals established for water quality and habitat restoration in Malletts Creek and make changes in action plan, if needed; and

Whereas, An action plan for first three years for restoration of Malletts Creek is prepared and at the end of third year an assessment be made to ensure that the desired progress for the restoration of Malletts Creek is made;

RESOLVED, That activities for restoration of Malletts Creek be coordinated through WCDC=s office;

RESOLVED, That Council approve the proposed Malletts Creekshed Coordinating Committee for restoration of Malletts Creek;

RESOLVED, That Council be provided yearly status of the restoration actions for Malletts Creek;

RESOLVED, That Council approve the proposed action plan for three years for restoration of Malletts Creek;

RESOLVED, That City Council recommend to the Malletts Creekshed Coordinating Committee that a rain barrel promotion campaign be included in the Action Plan as early as possible, and that moving street sweeping to earlier in the Action Plan be seriously considered; and

RESOLVED, That Malletts Creekshed Coordinating Committee present for Council=s approval future action plan for restoration of Malletts Creek at the end of third year of the proposed action plan.

R-398-8-00 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM
MARVIN E. CARLSON, 1206 CAMBRIDGE COURT - CAMBRIDGE
COURT SANITARY SEWER REPLACEMENT PROJECT

Whereas, Marvin E. Carlson, a married man, is the owner in fee simple of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 1955, Page 838, recorded October 26, 1984; and

Whereas, Marvin E. Carlson, a married man, has delivered an easement to the City for the construction and maintenance of municipally operated public services to run with the land and burden the respective property perpetually, being more particularly described as follows:

The Northerly Seven (7) Feet of the following described parcel:

Commencing at the intersection of the North line of Roosevelt Avenue with the East line of Church Street; thence North on Church Street 108.3 feet, East 80.0 feet for a Place of Beginning; thence North 73.0 feet, East 40.0 feet, South 73.0 feet, West 40.0 feet to the Place of Beginning, being part of the NW 3 of Section 33, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, also including and subject to the use of a private drive described as follows; Beginning at a point on the East side line of Church Street where said line intersects the North line of Judson=s Second Addition and

proceeding thence East on the said North line of said Addition 125 feet; thence North parallel with the East line of Church Street 73 feet, more or less, to the centerline of a cement drive; thence West parallel with the first line to the East side line of Church Street; thence to the place of beginning;

RESOLVED, That the City hereby accept said easement.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-399-8-00 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENTS FROM
NANCY REID HARVIE AND TIRZAH MAILKOFF AND RAY B. AND
NANCY S. SYKES, 1016 FOREST STREET - CAMBRIDGE COURT
SANITARY SEWER REPLACEMENT PROJECT

Whereas, Nancy Reid Harvie and Tirzah Mailkoff, as land contract vendors and Ray B. Sykes and Nancy S. Sykes, Husband and Wife, as land contract vendees of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 2094, Page 405-7, recorded November 17, 1986; and

Whereas, Nancy Reid Harvie and Tirzah Mailkoff, as land contract vendors and Ray B. Sykes and Nancy S. Sykes, Husband and Wife, as land contract vendees, each have delivered an easement to the City for the construction and maintenance of municipally operated public services to run with the land and burden the respective property perpetually, both easements being more particularly described as follows:

The Northerly Seven (7) Feet of the following described parcel:

Beginning at a point in the center line of Forest Avenue 14 chains and 41 links south and 9.44 chains west of the north quarter post of Section 33 which is now marked by an iron pipe monument; running thence west along the north line of Judson=s Second Addition 99 feet; thence north parallel with the center line of Forest Avenue 73.3 feet; more or less to the center of a cement driveway 9 feet wide; thence east along the center of said driveway substantially parallel with the first mentioned line to the center of Forest Avenue; thence south to place of beginning, all being in the City of Ann Arbor, County of Washtenaw and State of Michigan, together with the appurtenances including the right of second parties, their heirs and assigns,

to use said driveway; excepting and reserving any and all easements, and rights of way, and subject to the building restrictions, heretofore created, and appearing of record in connection with said land;

RESOLVED, That the City hereby accept said easements.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-400-8-00 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENTS FROM
NANCY REID HARVIE AND TIRZAH MAILKOFF AND RAY B. AND
NANCY S. SYKES, 1210 CAMBRIDGE COURT - CAMBRIDGE
COURT SANITARY SEWER REPLACEMENT PROJECT

Whereas, Nancy Reid Harvie and Tirzah Mailkoff, as land contract vendors and Ray B. Sykes and Nancy S. Sykes, Husband and Wife, as land contract vendees of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 2094, Page 254, recorded November 14, 1986; and

Whereas, Nancy Reid Harvie and Tirzah Mailkoff, as land contract vendors and Ray B. Sykes and Nancy S. Sykes, Husband and Wife, as land contract vendees, each have delivered an easement to the City for the construction and maintenance of municipally operated public services to run with the land and burden the respective property perpetually, both easements being more particularly described as follows:

The Northerly Seven (7) Feet of the following described parcel:

Beginning at a point on the north side of Judson=s Second Addition to the City of Ann Arbor, Washtenaw County, Michigan, 99 feet west of the center of Forest Avenue and proceeding thence west along the north side of said Addition, 36 feet; thence north parallel with the center line of Forest Avenue to the center of cement drive; thence east parallel with the first line 36 feet; thence to the place of beginning, being a part of the NW 3 of Section 33, Ann Arbor Township (now City of Ann Arbor), T2S, R6E, Washtenaw County, Michigan;

RESOLVED, That the City hereby accept said easements.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-401-8-00 APPROVED AS AMENDED

RESOLUTION TO ASSIST HOUSEHOLDS EXPERIENCING
SANITARY SEWER BACKUPS

A resolution to assist households experiencing sanitary sewer backups was considered.

Councilmember Kolb moved that the resolution be adopted.

Council unanimously agreed that the third paragraph of the resolution be amended as follows:

RESOLVED, That the City of Ann Arbor work to develop and implement interim measures **IN COORDINATION WITH THE ADVISORY TASK FORCE ON SANITARY SEWER BACKUPS** to alleviate the hardship on the impacted households, any measure that would need City Council approval shall be brought for Council action as quickly as possible, including the possibility of holding a special session of City Council for that purpose;

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

The resolution as adopted reads as follows:

R-401-8-00

RESOLUTION TO ASSIST HOUSEHOLDS EXPERIENCING
SANITARY SEWER BACKUPS

Whereas, The City of Ann Arbor has experienced an unusually high rainfall this summer and many households have experienced sanitary sewer backups;

RESOLVED, That the City of Ann Arbor, in response to the sanitary sewer overflow situation being experienced in City, take the following action to assist households impacted by sanitary sewer backups:

- 1) All claims received by the Risk Management Division will be promptly reviewed and

the Board of Insurance Administration will meet as frequently as necessary in order to process and resolve claims.

- 2) The Council resolution establishing a guideline for limiting the amount of damages residents can collect is hereby rescinded and each claim will be evaluated on its own merits.
- 3) The City will offer free disinfecting of areas touched by sanitary sewer backup
- 4) The City will offer free pickup and disposal of items damaged by sanitary sewer backup. Appliances with refrigerants will require specialized disposal procedures.
- 5) The City will establish a claim form to be available to the public to assist in the itemization of property loss.
- 6) The City will send out claims coordinator(s), when appropriate, to help individual property owners fill out the claim forms and assess damages.
- 7) The City will explore options to limit the potential to exacerbate this situation due to any new sanitary sewer hookups. The City will continue the policy to review building permits and site plans, within the affected areas identified in the sanitary sewer backup study, for new occupiable or habitable space, or for change of use only after Water Utilities Department staff have reviewed the application for potential adverse impact on sewer flow.
- 8) The City will notify impacted residents of any new requested sanitary sewer hook up within their sewer line district.
- 9) The City will develop a rapid response system to assist impacted properties with cleanup personnel, cleanup services, claims coordinators, and distribute information on the storm event, the City response and areas impacted by the flooding/backups for future storm events
- 10) The City will develop and distribute to the public specific information on the health-related concerns associated with sanitary sewer backups, including how to check for mold spores.
- 11) The City will develop and implement a survey to the impacted households on the services they would like the City to offer to them to deal with future sanitary sewer backups.
- 12) The City will explore options to increase the availability of cleaning services to help quicken the speed of cleanup and reduce the cost of the cleanup.

RESOLVED, That the City of Ann Arbor work to develop and implement interim measures in coordination with the Advisory Task Force on Sanitary Sewer Backups to alleviate the hardship on the impacted households, any measure that would need City Council approval shall be brought for Council action as quickly as possible, including the possibility of holding a special session of City Council for that purpose; and

RESOLVED, That the City Administrator be directed to prepare and present an action plan to achieve this policy by Sept. 16, 2000.

R-402-8-00 APPROVED

RESOLUTION TO APPROVE CONTRACT BETWEEN CITY OF ANN ARBOR AND WALNUT RIDGE L.L.C. - WALNUT RIDGE DEVELOPERS

Whereas, WALNUT RIDGE L.L.C. (A Developer) has planned a residential development within Scio Township known as Walnut Ridge and desire to discharge the sanitary waste from that development into the City of Ann Arbor sanitary sewer system;

Whereas, Current users of the City's sanitary sewer system have experienced sewage backups during unusually large rain events; and

Whereas, To accommodate the sewage flows from Walnut Ridge and to assure current users that this accommodation does not lead to additional backups more comprehensive information is needed and funding for corrective measures where appropriate is required;

RESOLVED, That the City Council authorize the Mayor and Clerk to sign an agreement with Developer, approved as to form and content by the City Attorney, that provides for the following terms and conditions:

1. Developer to pay City \$350,000 at the time of hook-up to the City sanitary sewer system;
2. The Agreement is contingent upon the City of Ann Arbor and Scio Township reaching agreement on amendments to the Sewer Use Agreement currently governing Scio Township's access to the City's sanitary sewer system such that the discharge from Walnut Ridge Development can be connected generally in accordance with plans and specifications currently on file with the City's Public Services Department, Engineering Division; and

3. Other ancillary conditions or agreements, such as escrow agreements, necessary to effectuate the terms of this Amendment that the City Attorney deems appropriate to protect the interests of the City;

RESOLVED, That the money, when received, shall be appropriated within the General Fund, within the Water Utilities Department, until spent, for the purposes of investigating the sources and causes of sanitary system backups, supplementing corrective measures to prevent the backups or provide utility infrastructure improvements that may be required to meet housing goals of City of Ann Arbor; and

RESOLVED, That the Administrator provide City Council a detailed plan for use of the money as the money is actually received.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-403-8-00 APPROVED

RESOLUTION TO APPROVE AMENDMENT TO SEWER USE AGREEMENT
BETWEEN CITY OF ANN ARBOR AND SCIO TOWNSHIP

Whereas, Walnut Ridge, L.L.C. (A Developer) has planned a residential development within Scio Township known as Walnut Ridge and desire to discharge the sanitary waste from that development into the City of Ann Arbor sanitary sewer system;

Whereas, Current users of the City's sanitary sewer system have experienced sewage backups during unusually large rain events; and

Whereas, To accommodate the sewage flows from Walnut Ridge and to assure current users that this accommodation does not lead to additional backups, various cooperative measures with Scio Township are required;

RESOLVED, That the City Council authorize the Mayor and Clerk to sign an agreement with Scio Township, approved as to form and content by the City Attorney, that provides for the following terms and conditions:

1. Discharges of sanitary waste from Scio Township shall be required to meet the requirements of the City's Sanitary Sewer Use Ordinance;
2. Scio Township shall allow the installation of flow monitoring equipment at all discharge points to the Ann Arbor sanitary sewer system that permits instantaneous flow readings and cumulative flow readings and provides for remote reading and monitoring of this data. If the current flow meters require upgrading to allow for the remote transmission of flow data, this cost of the upgrade will be provided at City expense but the maintenance of the meters, once installed, shall remain an obligation of the Township;
3. Scio Township shall cooperate with the City in limiting current average and peak flows at each discharge point to the Ann Arbor sanitary sewer system to their approximate existing values until the City of Ann Arbor can make a more complete assessment of the adequacy of the downstream conveyance systems and shall work cooperatively with the City to develop and implement mitigation measures that may prove to be prudent or useful in ensuring sufficient capacity to handle flows from Scio Township without creating inappropriate hazard of backup for down gradient users of the sanitary sewer system;
4. Eliminate a requirement to construct approximately 390 feet of gravity sewer near the west boundary of the Newport Creek Development, construction of which is more fully described within the 1999 amendment to the Sewer Use Agreement of September 18, 1984;

5. The Agreement is contingent upon the City of Ann Arbor and Developer reaching agreement on funding certain investigation and corrective actions that might be appropriate for reducing the possibility of sanitary sewer backups for current users; and

6. Other ancillary conditions or agreements necessary to effectuate the terms of this Amendment that the City Attorney deems appropriate to protect the interests of the City;

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

AUGUST 21 REGULAR SESSION:

Resolution In Support of Clean Car Campaign and Establishment of a City Green Fleet Policy (Councilmember Herrell)

COMMUNICATIONS FROM THE MAYOR

FAREWELL TO COUNCILMEMBER FREIBERG

Mayor Sheldon thanked Councilmember Freiberg for her dedicated service to the City and presented her with a gift.

Councilmembers Hieftje, Upton and Kolb also gave their farewells and best wishes to Councilmember Freiberg.

ANNOUNCEMENTS

- X The monthly test of the storm warning system will be conducted August 8, at 1:00 p.m.
- X As part of the Michigan/Shiga Sister City Goodwill Exchange Program, several delegates from Ann Arbor=s sister city of Hikone, Japan spent last week in the city

hosted by volunteer members of the Hospitality Committee.

- X The Washtenaw County Safe Kids Coalition commended Police Chief Walter Lunsford, Deputy Chief Sherry Woods, Deputy Chief Larry Jerue and the Ann Arbor Police Department for their positive interaction with the community in the area of child passenger safety issues.
- X Free or low-cost health coverage for children is available through My Child Michigan Child and Healthy Kids. Such programs are being promoted as a response to the initiative from the National Conference of Mayors to look at health care provisions in communities.

APPOINTMENTS

Mayor Sheldon recommended the following appointment at the June 19, 2000 regular session of Council:

Downtown Development Authority (DEFEATED)

Jeffrey Hauptman (new Appointment)
805 Oxford Rd. 41804
Term: 7/10/00 to 7/31/04

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

On roll call the vote was as follows:

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

Nays, Councilmembers Kolb, Daley, Hanna-Davies, Hieftje, Carlberg, Herrell, Hartwell, Higgins, 8.

The Mayor declared the motion defeated.

Mayor Sheldon recommended that the residency/registered voter requirement of the City Charter, Section 12.2, be waived to allow the continued service of the following alternate member to the Building Board of Appeals:

Building Board of Appeals

Jeff Wurst, O=Neal Construction Supervisor
525 W. William St. 48103

Term: 11/15/99 to 11/14/2004

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

On a voice vote the Mayor declared the motion carried.

Mayor Sheldon recommended the following appointment to committee chair, in accordance with the bylaws of the Community Development Citizen Participation Executive Committee:

Community Development Citizen Participation Executive Committee

Bruce Warren, **Chair**

1001 Belmont Rd. 48104

Term: beginning September 18, 2000

Councilmember Freiberg 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:

Recreation Advisory Commission

Jonas Kieffer (reappointment)

263 Crest Ave. 48103

Term: 8/21/00 to 8/31/03

Donna Phillips (reappointment)

800 Heather Way 48104

Term: 8/21/00 to 8/31/03

Park Advisory Commission

Linda Langmore (reappointment)

1724 Hermitage Rd. 48104

Term: 8/21/00 to 8/20/03

Owen Janssen (reappointment)

1325 Minerva Rd. 48104

Term: 8/21/00 to 8/20/03

Bicycle Coordinating Committee

Everett Mayes (to fill unexpired term)
1007 Wright St., Apt. 3 48105
Term: 8/21/00 to 4/2/02

Commission on Disability Issues

John Hathaway (reappointment)
1407 Wakefield Ave. 48103
Term: 8/21/00 to 8/20/03

Individual Historic Properties Historic District Study Committee

Michelle Trombley (to replace Duane Black=s expired term)
819 S. Seventh St. 48103
Term: 8/21/00 to 5/1/03

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

COUNCIL/MEDIA SOFTBALL GAME

Associate City Administrator Ronald Olson announced that the annual Council/Media softball game is scheduled for August 28 at 6:30 p.m.

REPORTS SUBMITTED

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

1. 4th Quarter - Quarterly Report
2. Eberwhite Traffic Calming
3. Shadford Traffic Calming
4. June 2000 Investment Portfolio Report
5. Section 8 Renewal of Expiring Voucher Increments and Award of Special Fee and Additional Subsidies regarding LeForge Villa Apartments
6. Response to Agenda Item I-2
7. City Hall Space Needs Adoption
8. Proposed Monthly Permit Parking Rate Change and Art Fair Rate Change

(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 Russell J. Harding, Director of Michigan Department of Environmental Quality, regarding Council resolution on DEQ=s enforcement action against Pall/Gelman Sciences, Inc. (R-315-6-00), adopted June 19, 2000 - File.

2. Communication from Judith Elkin, 2104 Georgetown Blvd., regarding Huron River Bridge design - File.
3. Communication from George Elworth, Assistant in Charge of Municipal Affairs Division-Michigan Attorney General's Office, regarding approval of ballot language for proposed charter amendment on park millage renewal, adopted by Council June 19, 2000 - File.
4. Communication from Helen Fox, Human Rights Commission Chair, and Harry Mial, HRC Affirmative Action Committee Chair, regarding City's affirmative action plan - File.
5. Communication from E. Spaulding Clark, Scio Township Supervisor, transmitting resolution regarding DEQ's enforcement action against Pall/Gelman Sciences, Inc. - File.
6. Communication from Malama Chock, representing Malletts Creek Association, regarding Damon's Restaurant project, 3150 Boardwalk - File.
7. Communication from Washtenaw County Clerk/Register Peggy M. Haines transmitting A Resolution Appointing Members to the Various Boards, Committees, Commissions and Agencies - File.
8. Communication from Governor John Engler regarding approval of ballot language for proposed charter amendment on park millage renewal, adopted by Council June 19, 2000 - File.
9. Communication from Patty Gross, 9404 Valley Dale, Tecumseh, MI, regarding dog bite case - File.

The following minutes were received for file:

1. Commission on Art in Public Places - April 13, May 11 and June 8, 2000
2. Airport Advisory Committee - June 21, 2000
3. Deferred Compensation Administrative Board - April 19, 2000
4. Planning Commission - June 6 and June 20, 2000
5. Ann Arbor Energy Commission - July 13, 2000

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

On a voice vote the Mayor declared the motion carried.

PUBLIC COMMENTARY - GENERAL

None.

RECESS FOR EXECUTIVE SESSION

Councilmember Hanna-Davies moved that the regular session of Council be recessed for an executive session to discuss collective bargaining agreements.

On roll call the vote was as follows:

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

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 10:03 p.m.

Councilmember Kolb moved that the regular session of Council be reconvened

On a voice vote the Mayor declared the motion carried and the meeting reconvened at 11:06 p.m.

ADJOURNMENT

There being no further business to come before Council, the Mayor declared the meeting adjourned at 11:06 p.m.

Janet L. Chapin
Acting Clerk of the Council
Recording Secretary