



Action Minutes

City Council

September 18, 1995

..Title

REGULAR SESSION - SEPTEMBER 18, 1995

..Body

Council - September 18, 1996 1

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

Council stood for a moment of silence.

Mayor Sheldon led the Pledge of Allegiance.

ROLL CALL OF COUNCIL

Present: Councilmembers Tobi Hanna-Davies, Patricia Vereen-Dixon, Peter Fink, Jane Lumm, Jean Carlberg, Peter Nicolas, Stephen Hartwell, Christopher Kolb, Elisabeth Daley, Mayor Ingrid Sheldon, 10

Absent: Councilmember Haldon Smith, 1

INTRODUCTIONS

MUNICIPAL TREASURER'S AWARD

City Treasurer Brenda Smith was presented the Certification of Excellence plaque by the Municipal Treasurer's Association of the United States and Canada at its annual conference held in Spokane, Washington on August 15, 1995. The award was given for the City's Investment policy, adopted by City Council. Mayor Sheldon accepted the award on behalf of the City.

PUBLIC COMMENTARY - RESERVED TIME

PATTRICE MAURER - JOKES

Patrice Maurer, 513 S. State Street, reprimanded members of the Council for continuing to consider hiring a city administrator candidate after it was revealed that the candidate joked about wife beating. Maurer said that after all of the years of workshops and educational programs participation and the approval of protective ordinances, she felt despair that Councilmembers failed to understand the gravity of the candidate's remarks, and its effect on women who may be in a spousal abuse situation.

SAFIYA KHALID - ILLEGAL CITY PAYOFFS PART II

Safiya Khalid, P.O. Box 130654, named police officers, a judge and real estate companies that she said are involved in illegal payoffs and misconduct in order to avoid charges of discrimination against African-American renters. She said that these parties were named by her in a civil rights complaint, and as a result, she is being stalked by the police.

KERMIT SCHLANSKER - CITY WORK PROGRAM

Kermit Schlansker, 2960 Marshall Street, said that government spending must be concentrated on workfare in communities as a way of combatting deterioration of society. He said that the structuring of such programs as the Civilian Conservation Corps would be a useful tool and would appeal to both conservative and liberal ideology in that it helps the poor but involves hard work. (Kermit Schlansker's remarks were filed with the City Clerk.)

ANDY GULVEZAN - FLASH FLOOD SONG

Andy Gulvezan, 2104 Pauline Blvd., played a song on his karaoke machine.

SANDRA HAZLETT - AIRPORT ADVISORY COMMITTEE

Sandra Hazlett, 3215 Charing Cross, requested that the Airport Advisory Committee be

dropped from the proposed resolution that would limit staff participation to the Airport Manager. She said that limiting staff input at this time would be detrimental to the City and would jeopardize an important city asset.

LARRY FOX - CITY ADMINISTRATOR

Larry Fox, 530 S. State Street, commended the Democrats for their city administrator selection. He said that the alternative candidate was totally unacceptable because of the domestic violence joke that he made during the interview.

PUBLIC HEARINGS

ARBOR HILLS PHASES II AND III REZONING - CONTINUED

A public hearing was conducted on the proposed Amendment to Chapter 55, Rezoning of 44.48 acres from Preliminary Phase PUD (Planned Unit Development) to Final Phase PUD, Arbor Hills Phases II and III, north side of Green Road, north of Burbank Drive.

(Ordinance No. 38-95) The public hearing was continued from August 21, 1995.

There being no one to speak, the Mayor declared the hearing continued until October 16, 1995.

AMENDMENT TO CHAPTER 59 - BICYCLE PARKING

A public hearing was conducted on the proposed Amendment to Chapter 59, Off-Street Parking Ordinance Regarding Bicycle Parking.

The following persons spoke at this public hearing:

Mary Underwood, member of the Bicycle Coordinating Committee, encouraged Councilmembers to take a hard look at the proposed ordinance and to support it.

She said that one of the national goals of the U.S. Department of Transportation is to increase cycling use. One of the things that could enhance the use of bicycles is adequate parking facilities to deter theft and weather damage.

Ken Clark, 419 Larkspur, said that he bikes to work, approximately 5 miles, everyday. The parking issue is a real one for cyclists because good parking is scarce and is needed to deter theft and rain damage. If Council wants to encourage commuting in the City, it should consider this ordinance change.

Council - September 18, 1996 3

Rebecca Kanner, member of the Bicycle Coordinating Committee, said that the ordinance was fully endorsed. This ordinance would encourage people out of their single cars and would provide people with a place to park their bikes.

There being no further speakers, the Mayor declared the public hearing continued to the working session to be held in October.

WILLIAMS REZONING

A public hearing was conducted on the proposed Amendment to Chapter 55, the rezoning of 0.14 acre from TWP (Township District) to R1D (Single-Family Dwelling District), Williams Property, west side of Westover Avenue between Rhea Street and Porter Avenue. (Ordinance No. 45-95)

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

HERB DAVID GUITAR STUDIO SITE PLAN

A public hearing was conducted on the proposed Herb David Guitar Studio Site Plan, 0.07 acre, 302 East Liberty Street.

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

1320 HURON PLACE AREA PLAN AND LAND DIVISION

A public hearing was conducted on the proposed 1320 Huron Place Area Plan and Land Division, 1.14 acres, 1320 West Huron Street.

There being no one to speak at this public hearing, the Mayor declared the hearing continued indefinitely.

APPROVAL OF AGENDA

AGENDA APPROVED AS AMENDED

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

MOTIONS AND RESOLUTIONS

Revised: Resolution Reaffirming the City's Commitment to Use Chlorine-Free Recycled Content Paper

Add Sponsor: Resolution Revising Certain Requirements for the City's Domestic Partnership Benefits Program (Councilmember Nicolas **AND COUNCILMEMBER KOLB**)

Revised: Resolution Regarding the Gathering of Information on the Proposed **4 Council - September 18, 1996**

Elimination of Certain City Boards, Committees, and Commissions and the Limitation of Staff Participation on Other City Boards, Committees, and Commissions

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Add: Response to Councilor Fink's Question Regarding Energy Saving Improvements

COMMUNICATIONS FROM THE CITY ATTORNEY

Add: Veto of Resolution Authorizing Settlement of Ann Arbor Tenants Union v City and Ann Arbor YMCA

COMMUNICATIONS FROM THE CITY CLERK

Add: Governor Engler - approval of the proposed City of Ann Arbor Charter Amendment - **FILED**

Councilmember Carlberg moved for concurrent action on the Arbor Hills Phases II and III ordinance and resolution and on the 1320 Huron Place ordinance and resolution.

The question under consideration was approval of the agenda as amended.

On a voice vote, the Mayor declared the motion carried unanimously.

APPROVAL OF COUNCIL MINUTES**MINUTES APPROVED AS PRESENTED**

Councilmember Nicolas moved that the special session minutes of August 31, 1995 and the regular session minutes of September 5, 1995 be approved as presented.

On a voice vote, the Mayor declared the motion carried unanimously.

CONSENT AGENDA**CONSENT AGENDA APPROVED**

The following Consent Agenda was considered:

R-426-9-95 APPROVED

RESOLUTION TO AWARD JANITORIAL

SERVICES FOR CITY HALL - BID NO.

Council - September 18, 1996 5

2769 (\$75,420)

Whereas, The Facilities Management Division of Administrative Services solicited bids through the Purchasing Division to perform janitorial services for City Hall as specified in Bid No. 2769:

Whereas, Three (3) bids were received and reviewed, with Midwest Maintenance Services, Inc. being recommended as the lowest responsible bid for \$75,420.00 per year; and

Whereas, On August 2, 1995 the Human Resources Department approved Midwest Maintenance Services, Inc. to perform work specified in Bid No. 2769;

RESOLVED, That the Mayor and City Council approve Bid No. 2769 for Janitorial Services in the amount of \$ 75,420.00 per year for a three (3) year period to Midwest Maintenance Services, Inc.;

RESOLVED, That the City Administrator is authorized to issue purchase orders as required to Midwest Maintenance Services, Inc. for Janitorial Services;
 RESOLVED, That the Mayor and City Clerk are authorized and directed to sign a contract approved as to form by the City Attorney, and approved as to substance by the City Administrator; and
 RESOLVED, That the City Administrator is authorized to extend this agreement for two (2) one (1) year periods in accordance with the terms and conditions of Bid No. 2769 if deemed to be in the best interest of the City of Ann Arbor.
 RESOLVED, That the City Administrator is authorized to take necessary administrative actions to implement this resolution, and is authorized to obtain janitorial services from the next lowest bidder (City Building Maintenance) if Midwest Maintenance Services, Inc. is not able to furnish adequate services or does not perform to City Specifications.

CITY HALL JANITORIAL SERVICES CONTRACT

THE CITY OF ANN ARBOR and (CONTRACTOR) agree as follows:

- (1) Contractor agrees to perform the services and all of its obligations as described in Attachment A (BID NO. 2769 and as modified by attachment B).
- (2) The City agrees to pay contractor \$_____ for Contractor services
6 Council - September 18, 1996
 as specified in Bid No. 2769. Payment shall be made in the following manner:
- (3) The services specified in this agreement shall commence as provided in Bid No. 2769.
- (4) At all times during the terms of this contract, Contractor shall maintain in effect public liability insurance in the sum not less than \$ 500,000. Said insurance must name the City of Ann Arbor as an additional insured party. Evidence of such insurance must be approved by the City Attorney and shall include certification that the insurance will not be canceled or materially altered without ten days prior written notice to the City of Ann Arbor.
- (5) The Contractor agrees to defend, indemnify and hold harmless the City, its employees and agents from all claims and lawsuits arising out of its performance of this contract.
- (7) The Contractor agrees to comply with the affirmative action regulations which are attached hereto and marked Attachment B.

R-427-9-95 APPROVED

RESOLUTION TO AUTHORIZE CONTRACT WITH P.K. CONTRACTING, INC.
 PAINT AND MAINTENANCE GRADE THERMOPLASTIC
 CENTERLINE VARIOUS STREETS CITY WIDE - BID NO. 2793 (\$30,000

Whereas, Eight Michigan Department of Transportation Pre-qualified pavement marking contractors were solicited for bids pertaining to Paint and Maintenance Grade Thermoplastic Centerline on various streets city-wide on August 18, 1995, and P.K. Contracting, Inc. was the lowest responsible bidder;
 Whereas, Funds have been allocated in the FY 1995-96 Public Services Department Major Streets Budget; and
 Whereas, On April 17, 1995 the Human Resources Department gave approval of said company for said work;

RESOLVED, That a contract in an amount not to exceed \$30,000 is authorized with P.K. Contracting, Inc.;

RESOLVED, That the Mayor and City Clerk are hereby 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

Council - September 18, 1996 7

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

R-428-9-95 APPROVED

RESOLUTION TO APPROVE PURCHASE

ORDER TO GENE BUTMAN FORD - BID NO. 2784

(\$30,110)

Whereas, The Building and Public Services Departments require certain replacement vehicles;

Whereas, Gene Butman Ford was the lowest responsible bidder for two cargo vans, \$15,055 per van, Bid No. 2784; and

Whereas, Gene Butman Ford received Human Resources Department approval on September 18, 1995;

RESOLVED, That City Council approves the issuance of a purchase order to Gene Butman Ford for \$30,110.

R-429-9-95 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION MINUTES

OF SEPTEMBER 7, 1995 AND TO

AUTHORIZE PAYMENTS

RESOLVED, That the Board of Insurance Administration Minutes of September 7, 1995, be accepted and that the payments therein be authorized:

MINUTES

CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION

SEPTEMBER 7, 1995

Present: Christopher Kolb, Councilperson

Brenda Smith, City Treasurer

Peter Fink, Councilperson 3.

8 Council - September 18, 1996

Absent: None

Also present: Dan Cullen, Risk Manager

John VanLoon, Acting City Attorney

Bob West, Assistant City Attorney

Stacey Washington, Assistant City Attorney

Susan Cameron, Assistant City Attorney

Matthew Engelbert, Claimant

Obioma Udeala, Claimant

George Stewart, Attorney for Claimant Obioma Udeala

Donald Sandberg, Claimant 9.

CITIZENS' CLAIMS APPROVED: (and check issued)

CASE NO. CLAIMANT AMOUNT

CC 59-95 Property damage claim of Ann Arbor Golf and Outing \$344.00

CC 61-95 Property damage claim of Gregg Alf for Robert Eaton \$278.06

CC 88-93 Lawsuit of John D. Lee by James Crippen, Attorney \$47,500.00

CC 70-95 Sewer Back-Up Claim of Trellis Tea Room (3574 Plymouth) \$135.00

CC 67-95 Property damage claim of Detroit Edison (1307 Baldwin) \$1,058.19

CC 83-95 Sewer Back Claim of Mail Boxes Etc. (3588 Plymouth) \$333.98

CC 87-95 Property damage claim of Rena Soifer \$10.59
CC 147-93 Lawsuit of Lucy Reed by Stephen Baylerian \$25,000.00
CC 56-95 Vehicle damage claim of Richard Eichler \$737.76

TOTAL \$75,397.58

LEGAL EXPENSES AND/OR CASE RELATED EXPENSES:

CASE NO. CLAIMANT

CC 46-93 Lawsuit of Denise Lee by Franci Silver, Attorney \$60.00
Hall and Deer
CC 47-95 Lawsuit of Leonor Barroso by Carrick Craig, Attorney \$1,129.75
Hall and Deer
CC 71-94 Lawsuit of Deanna Staskievitz by Douglas Fraleigh, Attorney \$141.00
Luzod Reporting Service, Inc.
CC 115-94 Lawsuit of Robert Salley by James Wines, Attorney \$ 272.75
Arco Court Reporters, Inc.

Council - September 18, 1996 9

TOTAL \$1,603.50

CLAIM SERVICE CHARGES:

Workers' Compensation Services for third quarter \$10,000.00
(September 1995 to November, 1995)
Liability Claims Administration for first Quarter \$7,792.50
(August 15, 1995 - November 15, 1995)

TOTAL \$17,792.50

CITIZEN'S CLAIMS DENIED:

CASE NO.

CC 60-95 Vehicle damage claim of Obioma Kingsley Udeala
Discussed by Obioma Udeala, Claimant and George Stewart, Attorney
and the Board denied the claim.
CC 86-95 Property damage claim of M.N.S. Contractors
Discussed by Daniel J. Cullen, Risk Manager and the Board denied the
claim.
CC 6-95 Bodily injury claim of Elizabeth Hodges by Sheldon Goldner, Attorney
Discussed by Daniel J. Cullen, Risk Manager and the Board denied the
claim.
CC 47-94 Bodily injury claim of Timothy Taylor by David Christensen, Attorney
Discussed by Daniel J. Cullen, Risk Manager and the Board denied the
claim.
CC 81-95 Vehicle damage claim of Allen Brown
Discussed by Daniel J. Cullen, Risk Manager and the Board denied the
claim.
CC 50-95 Bodily injury claim of James Hambright by Steven Garris, Attorney
Discussed by Daniel J. Cullen, Risk Manager and the Board denied the
claim.

OTHER BUSINESS:

CASE NO.

CC 135-93 Lawsuit of Lois McWherter by James Fett, Attorney
Discussed by Daniel J. Cullen, Risk Manager and the Board was given
an update status of this claim.
CC 91-94 Bodily injury claim of Timothy Carpenter by J.J. Hiller, Attorney
10 Council - September 18, 1996
Discussed by Daniel J. Cullen, Risk Manager and the Board tabled

pending further investigation.

CC 65-95 Vehicle damage claim of Matthew T. Engelbert
Discussed by Matthew Engelbert, Claimant and the Board authorized
settlement.

CC 63-95 Vehicle damage claim of Donald Sandberg
Discussed by Donald Sandberg, Claimant and the Board authorized
settlement.

CC 35-95 Lawsuit of Blair Shelton by Kurt Bergren, Attorney
Discussed by Bob West, Assistant City Attorney and the Board
authorized settlement.

CC 85-95 Property damage claim of Scott Gitlin
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized
settlement.

CC 74-95 Bodily injury claim of Rita DeCola
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized
settlement.

CC 84-95 Sewer Back-Up Claim of Jonathan Wald (320 Second Street)
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized
settlement.

WC 10-95 Workers' Compensation Case of Mary Rinne
Discussed by John VanLoon, Acting City Attorney and the Board
authorized settlement.

CC 90-95 Vehicle damage claim of Mueller Pipeline
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized
settlement.

CC 91-95 Vehicle damage claim of David Butler
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized
settlement.

WC 5-94 Workers' Compensation Case of Michael Talbot
Discussed by Stacey Washington, Assistant City Attorney and the
Board authorized settlement.

Council - September 18, 1996 11

CC 97-95 Lawsuit of Donald Hamilton by Douglas Spicer, Attorney
Discussed by Susan Cameron, Assistant City Attorney and the Board
authorized settlement.

CC 79-93 Lawsuit of Charlotte Juide by Douglas Spicer, Attorney
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized
settlement.

CC 94-95 Property damage claim of James Fienup
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized
settlement.

REIMBURSEMENTS RECEIVED --

CASE NO. FROM

PD 61-95 Reimbursement from AAA for Charles Heldsinger for accident\$668.20
involving Building Department Vehicle 5193

TOTAL DEPOSITED SINCE 8-3-95 \$668.20

REQUESTS FOR INFORMATION on PENDING CLAIMS

awaiting more information:

INCIDENT CLAIM INFO FROM DATE OF ND. RPT DATE
TO

CASE NO. NAME DATE RECEIVED CLAIMANT CORRES. FROM CLM.SRVC.

CC 55-95 Light 4-25-95 5-15-95*

CC 88-95 Petric 7-25-95 8-9-95 8-15-95 Utilities 8-15-95

CC 93-95 Wright 7-26-95 8-11-95 8-15-95 Engineering 8-15-95

* Waiting for more information from claimant's attorney

12 Council - September 18, 1996

ADDITIONAL CLAIMS RECEIVED SINCE LAST MEETING -- awaiting further investigation (and/or information):

CASE NO.

CC 88-95 Vehicle damage claim of Christine Petric

CC 90-95 Vehicle damage claim of New Berlin

CC 91-95 Vehicle damage claim of David Butler

CC 92-95 Lawsuit of Michelle Richards by John M. Toomey, Attorney

CC 93-95 Vehicle damage claim of Genevieve Wright

CC 94-95 Property damage claim of James Fienup

CC 95-95 Bodily injury claim of Mitchell Rycus by B.A. Tyler, Attorney

CC 96-95 Property damage claim of Cornelius Olive and Robbie Burks

CC 97-95 Lawsuit of Donald Hamilton by Douglas Spicer, Attorney

R-430-9-95

RESOLUTION TO APPROVE A NEW ENTERTAINMENT PERMIT FOR THE FULL MOON TAVERN, INC.

AT 309-311 S. MAIN STREET

RESOLVED, That the request from The Full Moon Tavern, Inc. for a new Entertainment Permit to be held in conjunction with a 1995 Class C licensed business with Dance Permit, located at 309-311 S. Main Street, Ann Arbor, MI., Washtenaw County, be approved.

Councilmember Nicolas moved that the Consent Agenda be approved.

On a voice vote, the Mayor declared the motion carried unanimously.

ORDINANCES - SECOND READING

38-95 POSTPONED

ARBOR HILLS FINAL PHASE PUD (PHASES II AND III) 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 is the rezoning of 44.48 acres from Preliminary Phase PUD (Planned Unit Development) to Final Phase PUD, Arbor Hills Phases II and III, north side of Green Road, north of Burbank Drive.

Council - September 18, 1996 13

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

Councilmember Lumm moved that consideration of the Arbor Hills Phases II and III Final Phase PUD be postponed until the regular City Council meeting of October 16, 1995 for the reason that such an extension is necessary for adequate review by Council.

On a voice vote, the Mayor declared the motion carried unanimously and the ordinance postponed.

40-95 TABLED

1320 HURON PLACE 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 is the rezoning of 0.49 acre from R4A (Multiple-Family Dwelling District) to R2A (Two-Family Dwelling District), 1320 Huron Place, 1320 West Huron Street.

Councilmember Lumm moved that the ordinance be approved.
 Councilmember Carlberg moved that the ordinance be tabled indefinitely pending review by the City Planning Commission on alternative vehicular approaches to the property.
 On a voice vote, the Mayor declared the motion carried unanimously and the ordinance tabled.

45-95 APPROVED

WILLIAMS PROPERTY 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 is the rezoning of 0.14 acre from TWP (Township District) to R1D (Single-Family Dwelling District), Williams Property, west side of Westover Avenue between Rhea Street and Porter Avenue.

Councilmember Hanna-Davies moved that the ordinance be approved at second reading.
 On a voice vote, the Mayor declared the motion carried unanimously.

14 Council - September 18, 1996

ORDINANCES - FIRST READING

48-95 APPROVED

SAVARINO PROPERTY 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 is the rezoning of 1.0 acre from TWP (Township District) to R1A (Single-Family Dwelling District), Savarino Property, north side of Golfview Lane, east of South Main Street. (Planning Commission Recommendation: Approval - 8 yeas and 0 nays)

Councilmember Lumm moved that the ordinance be approved at first reading.
 On a voice vote, the Mayor declared the motion carried unanimously.

49-95 APPROVED

SCHICK PROPERTY 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 is the rezoning of 0.79 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Schick Property, 84 Valhalla Road. (Planning Commission Recommendation: Approval - 9 yeas and 0 nays)

Councilmember Hartwell moved that the ordinance be approved at first reading.
 On a voice vote, the Mayor declared the motion carried unanimously.

50-95 APPROVED

WATER SUPPLY SYSTEM REVENUE BONDS, SERIES U (\$4,020,000)

(Requires Only One Reading)

AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF EXTENSIONS AND IMPROVEMENTS TO THE WATER SUPPLY SYSTEM OF THE CITY OF ANN ARBOR; AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF REVENUE BONDS OF EQUAL STANDING WITH CERTAIN OUTSTANDING WATER SUPPLY SYSTEM REVENUE BONDS FOR THE PURPOSE OF PAYING THE COST OF SAID EXTENSIONS AND IMPROVEMENTS; TO PROVIDE FOR THE

Council - September 18, 1996 15

COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM AND TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS AND CERTAIN OUTSTANDING BONDS OF THE SYSTEM; TO PROVIDE AN ADEQUATE RESERVE FUND FOR THE BONDS AND OUTSTANDING BONDS OF THE SYSTEM; TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF THE REVENUES; TO

PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE BONDS AND OUTSTANDING BONDS OF THE SYSTEM IN ENFORCEMENT THEREOF; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE SYSTEM AND THE BONDS AND OUTSTANDING BONDS OF THE SYSTEM.

This ordinance would authorize the issuance of \$4,020,000 Water Supply System Revenue Bonds, Series U.

Councilmember Kolb moved that the ordinance be approved.

On a voice vote, the Mayor declared the motion carried.

51-95 APPROVED

SEWAGE DISPOSAL SYSTEM REVENUE BONDS

SERIES XVI (\$1,525,000)

(Requires Only One Reading)

AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF ADDITIONS AND IMPROVEMENTS TO THE SEWAGE DISPOSAL SYSTEM OF THE CITY OF ANN ARBOR; AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF REVENUE BONDS OF EQUAL STANDING WITH THE REVENUE BONDS NOW OUTSTANDING FOR THE PURPOSE OF PAYING THE COST THEREOF UNDER THE PROVISIONS OF ACT 94, PUBLIC ACTS OF MICHIGAN, 1933, AS AMENDED, ORDINANCE NOS. 44-73, NO. 53-76, NO. 17-86, NO. 21-88, NO. 19-89, 17-90, ORDINANCE NO. 25-91 AND ORDINANCE NO. 28-92 OF THE CITY OF ANN ARBOR, TO PROVIDE FOR OTHER MATTERS RELATING TO SAID SYSTEM AND BONDS.

This ordinance would authorize the issuance of \$1,525,000 Sewage Disposal System Revenue Bonds, Series XVI.

Councilmember Kolb moved that the ordinance be approved.

On a voice vote, the Mayor declared the motion carried.

Enter Councilmember Kolb at 8:25 p.m.

MOTIONS AND RESOLUTIONS

16 Council - September 18, 1996

TABLED INDEFINITELY

RESOLUTION TO APPROVE 1320 HURON PLACE AREA PLAN AND LAND DIVISION

A communication was received from the City Planning Commission transmitting its recommendation of approval (7 yeas and 1 nay) of the 1320 Huron Place Area Plan and Land Division, 1.14 acres, 1320 West Huron Street.

Whereas, Edmund Place Group Home, Ltd. has requested area plan and land division approval to divide the existing 1.14-acre parcel at 1320 West Huron Street (Assessor Code No. 09-30-127-132) into two separate parcels for the construction of one duplex structure;

Whereas, The Ann Arbor City Planning Commission, at its meeting of June 6, 1995, recommended approval of said request; and

Whereas, A private agreement between the petitioner and adjacent homeowners to the west has been executed, which addresses engineering and paving costs of the boulevard, design of the duplex structure, protection of trees, and water runoff and erosion (agreement on file in Planning Department);

RESOLVED, That the 1320 Huron Place Area Plan and Land Division be hereby approved, as described below, subject to the recording of necessary easements and a shared maintenance agreement:

Parcel A - A parcel of land located in Section 30, T2S, R6E, City of Ann Arbor, being further described as follows: Commencing at the intersection of the east line of Revena Boulevard and the north line of West Huron Street, distant S 86° 22' 30" E 295.05 feet

along the said north line of West Huron Street and N 00° 02' 00" E 305.96 feet to the true Point of Beginning; thence N 00° 02' 00" E, a distance of 200.02 feet; thence S 58° 38' 00" E, a distance of 247.63 feet; thence S 03° 37' 29" W, a distance of 83.50 feet; thence N 86° 36' 54" W, a distance of 206.64 feet to the true Point of Beginning.

Parcel B - A parcel of land located in Section 30, T3S, R6E, City of Ann Arbor, being further described as follows: Commencing at the intersection of the East line of Revena Boulevard and the north line of West Huron Street, distant S 86° 22' 30" E 295.05 feet along the said north line of West Huron Street to the true Point of Beginning; thence N 00° 02' 00" E, a distance of 105.94 feet; thence S 86° 36' 54" E, a distance of 206.64 feet; thence S 03° 37' 29" W, a distance of 106.59 feet; thence N 86° 22' 30" W, a distance of 200.00 feet to the true Point of Beginning.

Council - September 18, 1996 17

Councilmember Lumm moved that the resolution be approved.

Councilmember Carlberg moved that the resolution be tabled pending final action on the ordinance.

On a voice vote, the Mayor declared the motion carried unanimously.

POSTPONED

**RESOLUTION TO APPROVE ARBOR HILLS FINAL PHASE
SITE DEVELOPMENT AGREEMENT AND WETLAND
PERMIT AUTHORIZATION**

A communication was received from the City Planning Commission transmitting its recommendation of Denial (3 yeas and 4 nays) of the Arbor Hills Final Phase PUD Site Development Agreement and Wetland Permit Authorization, 44.48 acres, north side of Green Road, north of Burbank Drive.

(Please See October 16, 1995 Council Proceedings for text)

Councilmember Carlberg moved that the resolution be approved.

Councilmember Lumm moved that the resolution be postponed to October 16, 1995, pending final action on the ordinance.

On a voice vote, the Mayor declared the motion carried.

18 Council - September 18, 1996

R-431-9-95 APPROVED

**RESOLUTION TO APPROVE HERB DAVID
GUITAR STUDIO SITE PLAN**

A communication was received from the City Planning Commission transmitting its recommendation of approval (7 yeas and 0 nays) of the Herb David Guitar Studio Site Plan, 0.07 acre, 302 East Liberty Street.

Whereas, Herb David has requested site plan approval in order to construct a 792-square foot addition onto the existing retail building at 302 East Liberty Street. The Ann Arbor City Planning Commission, at its meeting of August 15, 1995, recommended approval of said request.

RESOLVED, by the Mayor and City Council that Herb David Guitar Studio Site Plan is hereby approved.

Councilmember Kolb moved that the resolution be approved.

On a voice vote, the Mayor declared the motion carried unanimously.

R-432-9-95 APPROVED

**RESOLUTION AUTHORIZING NOTICE OF SALE FOR
WATER SUPPLY SYSTEM REVENUE BONDS**

SERIES U, (\$4,020,000)

WHEREAS, the City of Ann Arbor, County of Washtenaw, State of Michigan (the "Issuer"), has by an Ordinance duly adopted on date even herewith, authorized the issuance and sale of Four Million Twenty Thousand Dollars (\$4,020,000) principal amount of the Issuer's Water Supply System Revenue Bonds, Series U (the "Bonds");

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Issuer's Clerk is hereby authorized and directed to fix the date for the sale of the Bonds.
2. The Issuer's Clerk shall cause a Notice of Sale of the Bonds to be published in either the Detroit Legal News, published in Detroit, Michigan, or in the Bond Buyer, published in New York, New York, at least fourteen (14) full days before the date fixed for sale.

Council - September 18, 1996 19

3. The Notice of Sale of the Bonds shall be in substantially the following form:

OFFICIAL NOTICE OF SALE

\$4,020,000

CITY OF ANN ARBOR

COUNTY OF WASHTENAW, STATE OF MICHIGAN

WATER SUPPLY SYSTEM REVENUE BONDS

Series U

SEALED BIDS for the purchase of the above bonds will be received by the undersigned at the office of the City Clerk located at 100 N. Fifth Ave., Ann Arbor, Michigan 48107-8647, on Monday, the ____ day of _____, 1995, until ____ o'clock p.m., Eastern _____ Time, at which time and place said bids will be publicly opened and read. Sealed bids for the purchase of the above bonds will also be received until the same time on the same date at the Municipal Advisory Council of Michigan, 1445 First National Building, Detroit, Michigan 48226, at which time and place said bids will be simultaneously opened and read. The City Council will meet at 7:30 o'clock p.m., on that date, to consider the award or rejection of bids.

BOND DETAILS: The bonds will be issued in fully-registered form, of the denomination of \$5,000 or multiples thereof not exceeding for each maturity the aggregate principal amount of that maturity, dated October 1, 1995, numbered in order of registration, and will bear interest from their date payable on February 1, 1996, and semiannually thereafter.

The bonds will mature on the 1st day of February of the years as follows:

Year Amount Year Amount Year Amount

1997 \$ 20,000 2002 \$ 50,000 2007 \$600,000

1998 25,000 2003 50,000 2008 600,000

1999 25,000 2004 150,000 2009 600,000

2000 25,000 2005 200,000 2010 600,000

2001 25,000 2006 425,000 2011 625,000

TERM BOND OPTION: Bidders shall have the option of designating bonds maturing on and after February 1, 2006, as serial bonds or term bonds, or both. The bid must designate whether each of the principal amounts shown above for the years 2006 through 2011, inclusive, represents a serial maturity or maturity or a mandatory redemption requirement for a term bond maturity. A bidder may designate more than one term bond maturity.

PRIOR REDEMPTION: Serial Bonds of this issue maturing in the years 1997 to 2005, inclusive, are not subject to redemption prior to maturity. Bonds or portions of bonds in multiples of \$5,000 maturing in the year 2006 and thereafter may be redeemed at the option of the Issuer, in such order as the Issuer shall determine and within any maturity by

20 Council - September 18, 1996

lot, on any interest payment date on or after February 1, 2005 at par and accrued interest to the date fixed for redemption plus a premium expressed as a percentage of par as follows:

1% of the par value of each bond or portion thereof called for redemption on or after February 1, 2005, but prior to February 1, 2006;

1/2 of 1% of the par value of each bond or portion thereof called for redemption on or after February 1, 2006, but prior to February 1, 2007;

No premium shall be paid on bonds or portions thereof called for redemption on or after February 1, 2007.

The amounts of the maturities which are aggregated in a designated term bond shall be subject to mandatory redemption on February 1 of the years and in the amounts set forth in the maturity schedule a redemption price of par, plus accrued interest to the date of mandatory redemption.

Notice of redemption of any bond or portion thereof shall be given by the transfer agent at least thirty (30) days prior to the date fixed for redemption by mail to the registered owner at the registered address shown on the registration books kept by the transfer agent. Bonds shall be called for redemption in multiples of \$5,000 and any bond of a denomination of more than \$5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the bond by \$5,000 and such bond may be redeemed in part. Notice of redemption for a bond redeemed in part shall state that upon surrender of the bond to be redeemed a new bond or bonds in aggregate principal amount equal to the unredeemed portion of the bonds surrendered shall be issued to the registered owner thereof. No further interest on a bond or portion thereof called for redemption shall accrue after the date fixed for redemption, whether presented for redemption or not, provided funds are on hand with the transfer agent to redeem the bond or portion thereof.

INTEREST RATE AND BIDDING DETAILS: The bonds shall bear interest at a rate or rates not exceeding 9% per annum, to be fixed by the bids therefor, expressed in multiples of 1/8 or 1/20 of 1%, or both. The interest on any one bond shall be at one rate only and all bonds maturing in any one year must carry the same interest rate. The difference between the highest and lowest interest rate on the bonds shall not exceed two percent (2%) per annum. The interest rate borne by bonds maturing on or after the year 2007 shall not be less than the interest rate borne by bonds maturing in the preceding year. No proposal for the purchase of less than all of the bonds or at a price less than 98.5% of their par value will be considered.

BOOK-ENTRY ONLY: The bonds will be issued in book-entry only form as one fully registered bond per maturity and will be registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company ("DTC"), New York, New

Council - September 18, 1996 21

York. DTC will act as securities depository for the bonds. Purchase of the bonds will be made in book-entry-only form, in the denomination of \$5,000 or any multiple thereof. Purchasers will not receive certificate representing their interest in bonds purchased. The book-entry-only system is described further in the preliminary official statement for the bonds.

TRANSFER AGENT AND REGISTRATION: Principal and interest shall be payable at the principal corporate trust office of Michigan _____, Michigan, or such other transfer agent as the Issuer may thereafter designate by notice mailed to the registered owners of the bonds not less than 60 days prior to any interest payment date. Interest shall be paid by check or draft mailed to the registered owners of the bonds as shown by the registration books of the Issuer on the 15th day of the month preceding the

interest payment date. The bonds will be transferable only upon the registration books of the Issuer kept by the transfer agent.

PURPOSE AND SECURITY: The bonds are issued under the provisions of Act 94, Public Acts of Michigan, 1933, as amended, and Ordinance No. 86, as amended, and Ordinance No. _____ of the Issuer, for the purpose of defraying the cost of acquiring and constructing extensions and improvements to the Issuer's Water Supply System (the "System"). The bonds are payable solely from the net revenues of the System and any additions thereto, and a statutory first lien on said revenues has been established by said Ordinance. The bonds and said lien are of equal standing with the following series of Water Supply System Revenue Bonds: Series A, dated July 1, 1949; Series D, dated May 1, 1966; Series K, dated July 1, 1977; Series M, dated June 1, 1983; Series N, dated July 1, 1988, Series O, dated May 1, 1989, Series P, dated June 1, 1990, Series Q, dated May 1, 1991, Series R, dated May 1, 1991, Series S, dated December 30, 1992 and Series T, dated July 1, 1994. The bonds do not constitute a general obligation of the City. The Issuer has covenanted and agreed to fix and maintain at all times while any of such bonds shall be outstanding such rates for service furnished by the System as shall be sufficient to provide for payment of the necessary expenses of operation, maintenance and administration of the System, of the principal and interest on all of said bonds when due, to create and maintain a bond reserve account therefor, and to provide for such other expenditures and funds for the System as are required by said Ordinance.

The rights or remedies of bondholders may be affected by bankruptcy, insolvency, fraudulent conveyance or other laws affecting creditors' rights generally now existing or hereafter enacted and by the application of general principles of equity including those relating to equitable subordination.

ADDITIONAL BONDS: For the terms upon which additional bonds of equal standing with the bonds of this issue as to revenues of the System may be issued reference is made to the above described Ordinances.

GOOD FAITH: A certified or cashier's check drawn upon an incorporated bank or trust
22 Council - September 18, 1996

company or a financial surety bond, in the amount of \$80,400 and payable to the order of the Treasurer of the Issuer, must accompany each bid as a guarantee of good faith on the part of the bidder, to be forfeited as liquidated damages if such bid be accepted and the bidder fails to take up and pay for the bonds. If a check is used, it must accompany each bid. If a Financial Surety Bond is used, it must be from an insurance company licensed to issue such a bond in the State of Michigan and such Bonds must be submitted to the Issuer's financial advisor prior to the opening of the bids. The financial surety bond must identify each bidder whose good faith deposit is guaranteed by such financial surety bond. If the bonds are awarded to a bidder utilized a financial surety bond, then that purchaser (the "Purchaser") is required to submit its good faith deposit to the Issuer or its financial advisor in the form of a cashier's check (or wire transfer such amount) as instructed by the Issuer or its financial advisor in the form of a cashier's check not later than Noon, Eastern Daylight Time, on the next business day following the award. If such good faith deposit is not received by that time, the financial surety bond may be drawn by the Issuer to satisfy the good faith deposit requirement. The good faith deposit will be applied to the purchase price of the bonds. In the event the Purchaser fails to honor its accepted bid, the good faith deposit will be retained by the Issuer. No interest shall be allowed on the good faith checks and checks of the unsuccessful bidders will be promptly returned. The good faith check of the successful bidder may be deposited immediately by the Issuer and payment for the balance of the purchaser price of the bonds shall be made at the closing.

MICHIGAN PROPERTY TAX REFORM: On March 15, 1994, the electors of the State of

Michigan voted to amend the State Constitution to increase the state sales tax from 4% to 6% and to place a yearly cap on property value assessment increases. A new state education authority will levy a property tax to finance education, and a higher real estate transfer tax will be imposed on the sale of real property. Two separate bills have been introduced in the Michigan House of Representatives which, if enacted, could, depending on the version enacted, result in either immediate or phased-in exemption of all or some of the personal property located in the jurisdictional boundaries of the City, without making provision for replacement of lost revenues to the City. While the ultimate nature, extent and impact of the constitutional amendment, the accompanying legislation and of other tax and revenue measures which are still to be adopted cannot currently be predicted, purchasers of the bonds offered herein should be alert to the potential effect of such measures upon the bonds, the security therefor, and the operations of the City.

CONTINUING DISCLOSURE: As described more fully in the Official Statement, the City will agree in the resolution awarding the Bonds to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission, (i) on or prior to the 180th day after the end of the fiscal year of the City, commencing with the fiscal year ended June 30, 1996, certain annual financial information and operating data, including audited financial statements for the preceding fiscal year, generally consistent with the information contained or crossreferenced in the Official Statement relating to the Bonds, (ii) timely notice of the occurrence of certain material events with respect to the Bonds and (iii) timely notice of a

Council - September 18, 1996 23

failure by the [Issuer] to provide the required annual financial information on or before the date specified in (i) above.

AWARD OF BONDS: The bonds will be awarded to the bidder whose bid produces the lowest interest cost computed by determining, at the rate or rates specified in the bid, the total dollar value of all interest on the bonds from _____ 1, 1995, to their maturity and deducting therefrom any premium or adding thereto any discount.

LEGAL OPINION: Bids shall be conditioned upon the approving opinion of Miller, Canfield, Paddock and Stone, P.L.C., attorneys of Detroit, Michigan, a copy of which opinion will be printed on the reverse side of each bond, and the original of which will be furnished without expense to the purchaser of the bonds at the delivery thereof. The fees of Miller, Canfield, Paddock and Stone, P.L.C. for services rendered in connection with such approving opinion are expected to be paid from bond proceeds. Except to the extent necessary to issue their approving opinion as to validity of the above bonds, Miller, Canfield, Paddock and Stone, P.L.C. has not been requested to examine or review and has not examined or reviewed any financial documents, statements or materials that have been or may be furnished in connection with the authorization, issuance or marketing of the bonds, and accordingly will not express any opinion with respect to the accuracy or completeness of any such financial documents, statements or materials.

DELIVERY OF BONDS: The Issuer will furnish bonds ready for execution at its expense. Bonds will be delivered without expense to the purchaser at Detroit, Michigan or such other location as may be mutually acceptable to the Issuer and the purchaser. The usual closing documents, including a certificate that no litigation is pending affecting the issuance of the bonds, will be delivered at the time of the delivery of the bonds. If the bonds are not tendered for delivery by twelve o'clock noon, Eastern Daylight Time, on the 45th day following the date of sale, or the first business day thereafter if said 45th day is not a business day, the successful bidder may on that day, or any time thereafter until delivery of the bonds, withdraw his proposal by serving notice of cancellation, in writing, on the undersigned in which event the Issuer shall promptly return the good faith deposit.

Payment for the bonds shall be made in immediately available funds. Accrued interest to the date of delivery of the bonds shall be paid by the purchaser at the time of delivery. Unless the purchaser furnishes the transfer agent with a list giving the denominations and names in which it wishes to have the certificates issued at least 5 business days prior to delivery of the bonds, the bonds will be delivered in the form of a single certificate for each maturity registered in the name of the purchaser.

TAX EXEMPTION: In the opinion of bond counsel, the bonds will be exempt from taxation in the State of Michigan and from federal income tax subject, in both cases, to certain exceptions described in bond counsel's opinion.

CUSIP NUMBERS: CUSIP identification numbers will be printed on the bonds, but neither the failure to print the numbers nor any error with respect thereto shall constitute cause for
24 Council - September 18, 1996

refusal by the purchaser to accept delivery of the bonds. All expenses in relation to the printing of CUSIP numbers shall be paid for by the Issuer except that the CUSIP Service Bureau charge for the assignment of numbers shall be the responsibility of and paid for by the purchaser.

OFFICIAL STATEMENT: A copy of the Official Statement may be obtained by contacting Stauder, Barch & Associates, Inc., Financial Consultant to the City, 3989 Research Park Drive, Ann Arbor, Michigan 48108, telephone 313-668-6688. The Official Statement is in a form deemed final as of its date by the City for purposes of SEC Rule 15c2-12(b)1, but is subject to revision, amendment and completion of a final Official Statement. The successful bidder shall supply to the City, within twenty-four hours after the award of the bonds, all pricing information and any underwriter identification determined by the City to be necessary to complete the Official Statement.

The City will furnish to the successful bidder, at no cost, a reasonable number of copies of the final Official Statement within seven business days after the award of the bonds. Additional copies will be supplied upon the bidder's agreement to pay the cost of the City for those additional copies.

The City shall deliver, at closing, an executed certificate to the effect that as of the date of delivery the information contained in the Official Statement, including revisions, amendments and completions as necessary, relating to the City and the bonds is true and correct in all material respects, and that such Official Statement does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading.

CERTIFICATION: The successful bidder will be required to furnish, prior to the delivery of the bonds, a certificate in a form acceptable to bond counsel as to the "issue price" of the bonds within the meaning of Section 1273 of the Internal Revenue Code of 1986, as amended.

Council - September 18, 1996 25

FINANCIAL CONSULTANT: Additional information may be obtained from Stauder Barch & Associates, 3989 Research Park Drive, Ann Arbor, Michigan 48108 (telephone: (313) 668-6688), financial consultant to the City.

THE RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

ENVELOPES containing the bids should be plainly marked "Proposal for Water Revenue Bonds".

Winifred Northcross

City Clerk

City of Ann Arbor

4. All resolutions and parts of resolutions insofar as they conflict with the

provisions of this resolution be and the same hereby are rescinded.
Councilmember Kolb moved that the resolution be approved.
On a voice vote, the Mayor declared the motion carried unanimously.

R-433-9-95 APPROVED
RESOLUTION AUTHORIZING NOTICE OF SALE FOR
SEWAGE DISPOSAL SYSTEM REVENUE BONDS
SERIES XVI (\$1,525,000)

Whereas, The City, has by an Ordinance duly adopted on date even herewith,
authorized the issuance and sale of One Million Five Hundred Twenty-Five Thousand
Dollars (\$1,525,000) principal amount of the City's Sewage Disposal System Revenue
Bonds, Series XVI (the "Bonds");

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to fix the date for the sale of the Bonds.
2. The City Clerk shall cause a Notice of Sale of the Bonds to be published in The Detroit Legal News, Detroit, Michigan, in the Bond Buyer, New York, New York at least fourteen (14) full days before the date fixed for sale.
3. The Notice of Sale of the Bonds shall be in substantially the following form:

OFFICIAL NOTICE OF SALE

26 Council - September 18, 1996

\$1,525,000

CITY OF ANN ARBOR

COUNTY OF WASHTENAW, STATE OF MICHIGAN

SEWAGE DISPOSAL SYSTEM REVENUE BONDS

SERIES XVI

SEALED BIDS for the purchase of the above bonds will be received by the undersigned at the office of the City Clerk located at the City Hall, 100 N. 5th Avenue, P.O. Box 8647, Ann Arbor, Michigan 48107, on Monday, the ___ day of _____, 1995, until _____ o'clock __.m., Eastern _____ Time, at which time and place said bids will be publicly opened and read. Sealed bids for the purchase of the above bonds will also be received until the same time on the same date at the office of the Municipal Advisory Council of Michigan, 1445 First National Building, Detroit, Michigan 48226, at which time and place said bids will be simultaneously opened and read. The City Council will meet at 7:30 o'clock p.m., on that date, to consider the award or rejection of bids.

BOND DETAILS: The bonds will be issued in fully-registered form, of the denomination of \$5,000 or multiples thereof not exceeding for each maturity the aggregate principal amount of that maturity, dated October 1, 1995, numbered in order of registration, and will bear interest from their date payable on July 1, 1996, and semiannually thereafter.

The bonds will mature on the 1st day of July of the years as follows:

Year Amount Year Amount

1997 \$ 50,000 2005 \$125,000

1998 100,000 2006 125,000

1999 100,000 2007 125,000

2000 100,000 2008 125,000

2001 100,000 2009 125,000

2002 100,000 2010 125,000

2003 100,000

2004 125,000

TERM BOND OPTION: Bidders shall have the option of designating bonds maturing on

and after July 1, 2006, as serial bonds or term bonds, or both. The bid must designate whether each of the principal amounts shown above for the years 2006 through 2010, inclusive, represents a serial maturity or maturity or a mandatory redemption requirement for a term bond maturity. A bidder may designate more than one term bond maturity.

PRIOR REDEMPTION: Serial Bonds of this issue maturing in the years 1997 to 2005, inclusive, are not subject to redemption prior to maturity. Bonds or portions of bonds in multiples of \$5,000 maturing in the year 2006 and thereafter may be redeemed at the option of the Issuer, in such order as the Issuer shall determine and within any maturity by **Council - September 18, 1996 27**

lot, on any interest payment date on or after July 1, 2005 at par and accrued interest to the date fixed for redemption plus a premium expressed as a percentage of par as follows:

1% of the par value of each bond or portion thereof called for redemption on or after July 1, 2005, but prior to July 1, 2006;

1/2 of 1% of the par value of each bond or portion thereof called for redemption on or after July 1, 2006, but prior to July 1, 2007;

No premium shall be paid on bonds or portions thereof called for redemption on or after July 1, 2007.

The amounts of the maturities which are aggregated in a designated term bond shall be subject to mandatory redemption on February 1 of the years and in the amounts set forth in the maturity schedule a redemption price of par, plus accrued interest to the date of mandatory redemption.

Notice of redemption of any bond or portion thereof shall be given by the transfer agent at least thirty (30) days prior to the date fixed for redemption by mail to the registered owner at the registered address shown on the registration books kept by the transfer agent. Bonds shall be called for redemption in multiples of \$5,000 and any bond of a denomination of more than \$5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the bond by \$5,000 and such bond may be redeemed in part. Notice of redemption for a bond redeemed in part shall state that upon surrender of the bond to be redeemed a new bond or bonds in aggregate principal amount equal to the unredeemed portion of the bonds surrendered shall be issued to the registered owner thereof. No further interest on a bond or portion thereof called for redemption shall accrue after the date fixed for redemption, whether presented for redemption or not, provided funds are on hand with the transfer agent to redeem the bond or portion thereof.

INTEREST RATE AND BIDDING DETAILS: The bonds shall bear interest at a rate or rates not exceeding 9% per annum, to be fixed by the bids therefor, expressed in multiples of 1/8 or 1/20 of 1%, or both. The interest on any one bond shall be at one rate only and all bonds maturing in any one year must carry the same interest rate. The difference between the highest and lowest interest rate on the bonds shall not exceed two percent (2%) per annum. The interest rate borne by bonds maturing on or after the year 2007 shall not be less than the interest rate borne by bonds maturing in the preceding year. No proposal for the purchase of less than all of the bonds or at a price less than 98-1/2% of their par value will be considered.

TRANSFER AGENT AND REGISTRATION: Principal and interest shall be payable at the principal corporate trust office of _____, Detroit, Michigan, or such other transfer agent as the Issuer may thereafter designate by notice mailed to the registered owners of the bonds not less than 60 days prior to any interest payment date.

28 Council - September 18, 1996

Interest shall be paid by check or draft mailed to the registered owners of the bonds as shown by the registration books of the Issuer on the 15th day of the month preceding the interest payment date. The bonds will be transferable only upon the registration books of

the Issuer kept by the transfer agent.

BOOK-ENTRY ONLY: The bonds will be issued in book-entry only form as one fully registered bond per maturity and will be registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository for the bonds. Purchase of the bonds will be made in book-entry-only form, in the denomination of \$5,000 or any multiple thereof. Purchasers will not receive certificate representing their interest in bonds purchased. The book-entry-only system is described further in the preliminary official statement for the bonds.

PURPOSE AND SECURITY: The bonds are issued under the provisions of Act 94, Public Acts of Michigan, 1933, as amended, and Ordinance Nos. 85, as amended, 44-73, 17-86, 21-88, 19-89, 17-90, 25-91,

28-92 and 79-92 of the Issuer, for the purpose of defraying the cost of acquiring and constructing additions and improvements to the Issuer's Sewage Disposal System (the "System"). The bonds are payable solely from the net revenues of the System and any additions thereto, and a statutory first lien on said revenues has been established by said Ordinances, which lien is of equal standing with the lien established for the Issuer's outstanding sewage disposal system revenue bonds. The Issuer has covenanted and agreed to fix and maintain at all times while any of such bonds shall be outstanding such rates for service furnished by the System as shall be sufficient to provide for payment of the necessary expenses of operation, maintenance and administration of the System, of the principal and interest on all of said bonds when due, to create and maintain and increase a bond reserve account therefor, and to provide for such other expenditures and funds for the System as are required by said Ordinances.

The rights or remedies of bondholders may be affected by bankruptcy, insolvency, fraudulent conveyance or other laws affecting creditors' rights generally now existing or hereafter enacted and by the application of general principles of equity including those relating to equitable subordination.

ADDITIONAL BONDS: For the terms upon which additional bonds of equal standing with the bonds of this issue and said Outstanding Bonds as to revenues of the System may be issued reference is made to the above described Ordinances.

GOOD FAITH: A certified or cashier's check drawn upon an incorporated bank or trust company or a financial surety bond, in the amount of \$30,500 and payable to the order of the Treasurer of the Issuer, must accompany each bid as a guarantee of good faith on the part of the bidder, to be forfeited as liquidated damages if such bid be accepted and the

Council - September 18, 1996 29

bidder fails to take up and pay for the bonds. If a check is used, it must accompany each bid. If a Financial Surety Bond is used, it must be from an insurance company licensed to issue such a bond in the State of Michigan and such Bonds must be submitted to the Issuer's financial advisor prior to the opening of the bids. The financial surety bond must identify each bidder whose good faith deposit is guaranteed by such financial surety bond. If the bonds are awarded to a bidder utilized a financial surety bond, then that purchaser (the "Purchaser") is required to submit its good faith deposit to the Issuer or its financial advisor in the form of a cashier's check (or wire transfer such amount) as instructed by the Issuer or its financial advisor in the form of a cashier's check not later than Noon, Eastern _____ Time, on the next business day following the award. If such good faith deposit is not received by that time, the financial surety bond may be drawn by the Issuer to satisfy the good faith deposit requirement. The good faith deposit will be applied to the purchase price of the bonds. In the event the Purchaser fails to honor its accepted bid, the good faith deposit will be retained by the Issuer. No interest shall be allowed on the good faith checks

and checks of the unsuccessful bidders will be promptly returned. The good faith check of the successful bidder may be deposited immediately by the Issuer and payment for the balance of the purchaser price of the bonds shall be made at the closing.

AWARD OF BONDS: The bonds will be awarded to the bidder whose bid produces the lowest interest cost computed by determining, at the rate or rates specified in the bid, the total dollar value of all interest on the bonds from _____ 1, 1995, to their maturity and deducting therefrom any premium or adding thereto any discount.

LEGAL OPINION: Bids shall be conditioned upon the approving opinion of Miller, Canfield, Paddock and Stone, P.L.C., attorneys of Detroit, Michigan, a copy of which opinion will be printed on the reverse side of each bond, and the original of which will be furnished without expense to the purchaser of the bonds at the delivery thereof. The fees of Miller, Canfield, Paddock and Stone, P.L.C. for services rendered in connection with such approving opinion are expected to be paid from bond proceeds. Except to the extent necessary to issue their approving opinion as to validity of the above bonds, Miller, Canfield, Paddock and Stone, P.L.C. has not been requested to examine or review and has not examined or reviewed any financial documents, statements or materials that have been or may be furnished in connection with the authorization, issuance or marketing of the bonds, and accordingly will not express any opinion with respect to the accuracy or completeness of any such financial documents, statements or materials.

DELIVERY OF BONDS: The Issuer will furnish bonds ready for execution at its expense. Bonds will be delivered without expense to the purchaser at Detroit, Michigan, or such other location as may be mutually acceptable to the Issuer and the purchaser. The usual closing documents, including a certificate that no litigation is pending affecting the issuance of the bonds, will be delivered at the time of the delivery of the bonds. If the bonds are not tendered for delivery by twelve o'clock noon, Eastern Daylight Time, on the 45th day following the date of sale, or the first business day thereafter if said 45th day is not a business day, the successful bidder may on that day, or any time thereafter until delivery of

30 Council - September 18, 1996

the bonds, withdraw his proposal by serving notice of cancellation, in writing, on the undersigned in which event the Issuer shall promptly return the good faith deposit.

Payment for the bonds shall be made in immediately available funds. Accrued interest to the date of delivery of the bonds shall be paid by the purchaser at the time of delivery.

Unless the purchaser furnishes the transfer agent with a list giving the denominations and names in which it wishes to have the certificates issued at least 5 business days prior to delivery of the bonds, the bonds will be delivered in the form of a single certificate for each maturity registered in the name of the purchaser.

TAX EXEMPTION: In the opinion of bond counsel, the bonds will be exempt from taxation in the State of Michigan and from federal income tax subject, in both cases, to certain exceptions described in bond counsel's opinion.

CUSIP NUMBERS: CUSIP identification numbers will be printed on the bonds, but neither the failure to print the numbers nor any error with respect thereto shall constitute cause for refusal by the purchaser to accept delivery of the bonds. All expenses in relation to the printing of CUSIP numbers shall be paid for by the Issuer except that the CUSIP Service Bureau charge for the assignment of numbers shall be the responsibility of and paid for by the purchaser.

CONTINUING DISCLOSURE: As described more fully in the Official Statement, the City will agree in the resolution awarding the Bonds to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission, (i) on or prior to the 180th day after the end of the fiscal year of the City, commencing with the fiscal year ended June 30, 1996, certain

annual financial information and operating data, including audited financial statements for the preceding fiscal year generally consistent with the information contained or crossreferenced in the Official Statement relating to the Bonds, (ii) timely notice of the occurrence of certain material events with respect to the Bonds and (iii) timely notice of a failure by the City to provide the required annual financial information on or before the date specified in (i) above.

OFFICIAL STATEMENT: A copy of the Official Statement may be obtained by contacting Stauder, Barch & Associates, Inc., Financial Consultant to the City, 3989 Research Park Drive, Ann Arbor, Michigan 48108, telephone 313-668-6688. The Official Statement is in a form deemed final as of its date by the City for purposes of SEC Rule 15c2-12(b)1, but is subject to revision, amendment and completion of a final Official Statement. The successful bidder shall supply to the City, within twenty-four hours after the award of the bonds, all pricing information and any underwriter identification determined by the City to be necessary to complete the Official Statement.

The City will furnish to the successful bidder, at no cost, a reasonable number of copies of the final Official Statement within seven business days after the award of the bonds. Additional copies will be supplied upon the bidder's agreement to pay the cost of

Council - September 18, 1996 31

the City for those additional copies.

The City shall deliver, at closing, an executed certificate to the effect that as of the date of delivery the information contained in the Official Statement, including revisions, amendments and completions as necessary, relating to the City and the bonds is true and correct in all material respects, and that such Official Statement does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading.

CERTIFICATION: The successful bidder will be required to furnish, prior to the delivery of the bonds, a certificate in a form acceptable to bond counsel as to the "issue price" of the bonds within the meaning of Section 1273 of the Internal Revenue Code of 1986, as amended.

MICHIGAN PROPERTY TAX REFORM: On March 15, 1994, the electors of the State of Michigan voted to amend the State Constitution to increase the state sales tax from 4% to 6% and to place a yearly cap on property value assessment increases. A new state education authority will levy a property tax to finance education, and a higher real estate transfer tax will be imposed on the sale of real property. Two separate bills have been introduced in the Michigan House of Representatives which, if enacted, could, depending on the version enacted, result in either immediate or phased-in exemption of all or some of the personal property located in the jurisdictional boundaries of the City, without making provision for replacement of lost revenues to the City. While the ultimate nature, extent and impact of the constitutional amendment, the accompanying legislation and of other tax and revenue measures which are still to be adopted cannot currently be predicted, purchasers of the bonds offered herein should be alert to the potential effect of such measures upon the bonds, the security therefor, and the operations of the City.

FINANCIAL CONSULTANT: Additional information may be obtained from Stauder Barch & Associates, 3989 Research Park Drive, Ann Arbor, Michigan 48108 (telephone: (313) 668-6688), financial consultant to the City.

THE RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

ENVELOPES containing the bids should be plainly marked "Proposal for Sewer Revenue Bonds".

Winifred Northcross

City Clerk - City of Ann Arbor

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

32 Council - September 18, 1996

Councilmember Kolb moved that the resolution be approved.

On a voice vote, the Mayor declared the motion carried unanimously.

R-434-9-95 APPROVED

RESOLUTION TO AUTHORIZE PURCHASE ORDER TO FIDUCIARY MANAGEMENT ASSOCIATES (\$144,000 - ESTIMATE)

Whereas, Council desires to enhance yield on the City's short term investments, improve money management procedures, increase the security of City assets through improved procedures and control, and enhance the training of City staff in investment banking and cash management areas, and

Whereas, Council approved a professional service agreement with Fiduciary Management Associates on July 18, 1994, and

Whereas, Fiduciary Management Associates has received renewal of Human Rights approval;

RESOLVED, Mayor and Council authorize staff to issue a purchase order to Fiduciary Management Associates for continued money management advisory services.

Councilmember Nicolas moved that the resolution be approved.

On a voice vote, the Mayor declared the motion carried.

R-435-9-95 APPROVED

RESOLUTION TO AWARD CONSTRUCTION CONTRACT AND TO ESTABLISH PROJECT BUDGET FOR REPAIRS AND PAINTING OF THE SOUTH INDUSTRIAL WATER STORAGE TANK, BID NO. 2766 (\$754,950)

(Requires 8 Votes)

Whereas, It is necessary to replace the roof and paint the 4 million gallons South Industrial water storage tank;

Whereas, Of the three bids received, Atsalis Bros painting Company has submitted **Council - September 18, 1996 33**

the lowest and responsible bid for said work in the amount of \$628,700;

Whereas, On August 16, 1995 the Personnel/Human Rights Department approved Atsalis Bros. Painting Company for said contract; and

Whereas, The Contractual proposal specifies the services to be performed by the said company, and payments to be made by the City, and all are agreeable to the City;

RESOLVED, That Council accepts the bid proposal and awards a contract to Atsalis Bros. Painting Company in the amount of \$628,700 to repair and paint South Industrial water storage tank;

RESOLVED, That Council approves a contingency of \$67,000 for change orders to be approved by the City Administrator;

RESOLVED, That the Mayor and the City Clerk are authorized and directed to sign said contract which is substantially in a form on file in the City Clerk's office; and

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 the fiscal year:

Section I - Revenue

Interim Advance from Water System

Funds to be Repaid from
 Sale of Future Water Revenue Bonds \$764,950
 Section II - Expenditure
 Construction \$628,700
 Consultant's fees \$39,250
 Contingencies approved by City Administrator \$67,000
 Bond overhead charges \$30,000
 Total \$764,950

Councilmember Kolb moved that the resolution be approved.
 On a voice vote, the Mayor declared the motion carried.

**R-436-9-95 APPROVED AS REVISED
 RESOLUTION REAFFIRMING THE CITY'S COMMITMENT
 TO USE CHLORINE-FREE RECYCLED CONTENT PAPER**

34 Council - September 18, 1996

Whereas, It is the policy of the City of Ann Arbor to promote the use of recycled content products and environmentally responsible purchases generally; and
 Whereas, The City should be a leader in implementing such policies to set a positive example for the private sector, other governmental units, and the general public; and
 WHEREAS, The International Joint Commission on the Great Lakes and the United States EPA have reported that the use of chlorine-based chemicals in pulp and paper making processes form persistent toxic by-products which pose a hazard to the environment and a threat to public health; and

Whereas, Technology exists to provide for all of society's paper needs without the use of chlorine-based compounds; and

Whereas, Staff has investigated the price, availability, quality, and acceptability of chlorine-free paper; and

Whereas, This investigation has produced positive results, including a price lower than that of bleached virgin or recycled paper alternatives; and

Whereas, The City has already made a policy commitment to use recycled content paper products whenever possible;

RESOLVED, That the City will continue to favor the procurement of non-chlorine bleached recycled content paper products whenever such paper is of comparable quality and within ten percent of the purchase price of non-chlorine-free paper, and that the City will promote the use of chlorine-free paper; and

RESOLVED, That the Solid Waste Department, working with the Administrative Services Department, will report to City Council on the progress relating to the implementation of this program no later than October 1, 1996.

Councilmember Kolb moved that the resolution be approved as revised.

On a voice vote, the Mayor declared the motion carried.

**R-437-9-95 APPROVED AS REVISED
 RESOLUTION REVISING CERTAIN REQUIREMENTS FOR THE
 CITY'S DOMESTIC PARTNERSHIP BENEFITS PROGRAM**

Whereas, The City of Ann Arbor decided to extend health insurance and other
Council - September 18, 1996 35

benefits to the domestic partners of permanent city employees on August 17, 1992;

Whereas, One of the goals of establishing such a program was to treat same-sex couples in committed relationships in the same way as couples who currently have the option of obtaining marriage licenses;

Whereas, Some of the eligibility requirements for obtaining health insurance and other benefits for the domestic partners of lesbian or gay city employees are more stringent than those required of city employees who have the option of obtaining marriage licenses; and Whereas, To the extent possible, we should eliminate requirements that treat these two populations differently;

RESOLVED, That Section B, Part II of the City's application/affidavit for Employee Domestic Partnership Benefits, which states that city employees "may not file another affidavit until at least six (6) months after termination of this domestic partnership", be deleted as no such requirement exists for those city employees who have the option of obtaining marriage licenses; and

RESOLVED, That the statement in the City's Affidavit of Termination of Domestic Partnership which reads that "I understand that another Affidavit of Domestic Partnership cannot be filed for six (6) months after this Statement of Termination of Domestic Partnership has been filed with the Department of Personnel and Human Relations, unless termination of the affidavit is due to death of my domestic partner." be deleted.

Councilmember Nicolas moved that the resolution be approved as revised.

On a voice vote, the Mayor declared the motion carried with Councilmember Fink dissenting.

**R-438-9-95 APPROVED AS SUBSTITUTED
RESOLUTION REGARDING REQUESTS FOR INFORMATION
REQUESTED UNDER THE MICHIGAN FREEDOM OF
INFORMATION ACT**

Whereas, The purpose of Michigan's Freedom of Information Act is to ensure the public's access to information regarding their government which is not specifically exempted under the Act;

Whereas, The Act allows municipalities up to five (5) days to respond to such requests;

36 Council - September 18, 1996

Whereas, In some instances, waiting five days to release the information means that such information is not made available to the public in advance of City Council action on that issue; and

Whereas, A lack of access to information regarding a particular issue prior to City Council action on that issue prevents members of the public from educating themselves on the issue and then providing feedback to their elected officials;

BE IT RESOLVED, That the City of Ann Arbor hereby establishes a policy of responding to reasonable freedom of information act requests which directly relate to pending City Council action no later than 24 hours prior to City Council action on the matter when the public has received less than five days notice regarding City Council action on the matter.

Councilmember Nicolas moved that the substitute resolution be approved.

On a voice vote, the Mayor declared the motion carried unanimously.

Council - September 18, 1996 37

**R-439-9-95 APPROVED AS REVISED
RESOLUTION REGARDING THE GATHERING OF INFORMATION
ON THE PROPOSED ELIMINATION OF CERTAIN CITY BOARDS,
COMMITTEES AND COMMISSIONS AND THE LIMITATION OF
STAFF PARTICIPATION ON OTHER CITY BOARDS,
COMMITTEES, AND COMMISSIONS**

Whereas, The City of Ann Arbor has 85 different boards, committees, and commissions;

Whereas, Some of these committees have completed their charge, been pre-empted by other committees or other levels of government, have no members, or do not meet, and;

Whereas, Other committees serve a useful purpose, but utilize a great deal of staff time;

Whereas, Given the tightness of the current city budget, it would be helpful to minimize staff activity on committees so that they can focus their efforts on the direct provision of services to City of Ann Arbor residents; and

Whereas, Even though some of these committees may serve a purpose at some future date, City Council can always re-create them;

RESOLVED, That the Mayor and City Council hereby request that the city administrator provide the following list of possible changes to city department heads and request that they get feedback from their staff as well as members of these committees, and that this information be reported to the Mayor and City Council in writing within 8 weeks so that we may better determine a course of action:

1. That the **Advisory Development Committee** would be dissolved as its authority was transferred to the City Planning Commission;
2. That staff participation at the **Airport Advisory Committee** would be limited only to the Airport Manager;
3. That staff participation at the **Ann Arbor Commission on Disability Issues** would be limited to the Personnel Manager or one designee;
4. That the **Ann Arbor Energy Commission** would be dissolved as this function can be carried out by the City's Energy Coordinator;
5. That there shall be no staff participation on the **Bicycle Coordinating Committee**;
- 38 Council - September 18, 1996
6. That there shall be no representative from the Fire Department at the **Building Board of Appeals**;
7. That the **Citizens' Alternative Fee Committee** would be dissolved because it has no members;
8. That the **City Child Care Assistance Program Committee** would be dissolved because it has no employee group members;
9. That staff participation at the **City Market Commission** would be limited to either the Administrative Services Director or the City Treasurer, but not both;
10. That the **Committee to Establish a Policy Regarding Public Housing Seizures** would be dissolved as its charge is complete and the committee is inactive;
11. That staff participation at the **Community Development Citizen Participation Executive Committee** would be limited to one representative from the Community Development Department;
12. That staff participation at the **Community Development Waiver and Review Board** would be limited to one representative from the Community Development Department;
13. That the **Employee/Management Joint Committee** would be dissolved because it has no members;
14. That staff participation on the **Finance Advisory Committee** would be limited to the Finance Director or one designee;
15. That staff participation on the **Housing Policy Board** would be limited to one representative from the Community Development Department;
16. That staff participation on the **Human Rights Commission** would be limited to one representative from the Human Resources Department;

17. That staff participation on the **Human Services Funding Task Force** would be limited to one representative from the Community Development Department;
18. The **Individual Historic Properties Historic District Study Committee** would be dissolved as it has recently completed its task;
19. That the **Library Lot Task Force** would be dissolved as it has no task at this time;
20. That staff participation on the **Mayor's Committee on Street Art Fairs** would be limited to one representative from the Building Department, one representative from the Police Department, one representative from the Fire Department, and one representative from the Solid Waste Department;
21. That the **Municipal Garages Relocation Task Force** would be dissolved as it has no task at this time;
22. That the **Natural Features Ordinance Committee** would be dissolved as it has recently completed its task;
23. That the **Northside Historic District Study Committee** would be dissolved because it has no members;
24. That the **Police Chief Selection Citizens Panel** would be dissolved as it has recently completed its task;
25. That the **Public Advisory Committee for Parking Management** would be dissolved as it has completed its task;
26. That the **Safe Celebration Task Force** would be dissolved as it has completed its task;
27. That the **Transportation Task Force** would be dissolved as it has no clear task;
28. That the **Washtenaw and Hill Street Historic District Study Committee** would be dissolved as it has been inactive; and
29. That the **West Summit Street Area Historic District Study Committee** would be dissolved because it has no members.

Councilmember Nicolas moved that the resolution be approved as revised.

On a voice vote, the Mayor declared the motion carried unanimously.

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

October 2, 1995:

Resolution to Establish a Customer Satisfaction Program for the Continuous Improvement of City Services (Councilmember Kolb)

40 Council - September 18, 1996

Executive Session regarding the New Administrator Contract

COMMUNICATIONS FROM THE MAYOR

NEIGHBORHOOD SENIOR SERVICES AWARD

Mayor Sheldon acknowledged Neighborhood Senior Services who was awarded the distinguished Dr. Martin Luther King, Jr. Award for Community Service from the Michigan State Department of Public Health. The award was given to the NSS Medical Access program for its service to the community's seniors.

APPOINTMENT APPROVED

Mayor Sheldon asked for confirmation of the following appointment which was placed in nomination at a previous Council meeting:

HOUSING COMMISSION

Kate Warner (to fill vacancy)

1804 Linwood Avenue 48103

Term: 09-18-95 to 04-30-2000

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

On a voice vote, the Mayor declared the motion carried unanimously.

Mayor Sheldon asked for confirmation of the following appointments which were placed in nomination at previous Council meetings:

Councilmember Kolb moved that Council concur in the recommendations of the Mayor.

It was the consensus of the Council that the appointments be voted on separately.

APPOINTMENT DEFEATED

HOUSING POLICY BOARD

Richard Hoogesteger (to fill vacancy)

1545 Pine Valley Drive, #17 48104

Term: 09-05-95 to 09-04-98

On roll call the vote was as follows: Yeas, Councilmembers Fink, Lumm, Nicolas, Mayor Sheldon, 4

Nays, Councilmembers Hanna-Davies, Vereen-Dixon, Carlberg, Hartwell, Kolb, Daley, 6

The Mayor declared the motion defeated.

Council - September 18, 1996 41

APPOINTMENTS APPROVED

DOWNTOWN DEVELOPMENT AUTHORITY

Leah Gunn (reappointment - at-large member)

1308 E. Stadium Boulevard 48104

Term: 08-21-95 to 07-31-99

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Lumm, Carlberg, Hartwell, Kolb, Mayor Sheldon, 7

Nays, Councilmembers Fink, Nicolas, Daley, 3

The Mayor declared the motion carried.

Edward A. Shaffran (replacing George Wahr Sallade as commercial property owner)

3376 Golfside Drive

Ypsilanti, MI 48197

Term: 08-21-95 to 07-31-99

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Fink, Lumm, Carlberg, Nicolas, Hartwell, Kolb, Mayor Sheldon, 9

Nays, Councilmember Daley, 1

The Mayor declared the motion carried.

Deanna Relyea (replacing Ed Surovell as commercial property owner)

451 South Fourth Avenue 48104

Term: 08-21-95 to 07-31-99

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Fink, Lumm, Carlberg, Nicolas, Hartwell, Kolb, Mayor Sheldon, 9

Nays, Councilmembers Daley, 1

The Mayor declared the motion carried.

Robert T. Gates (to complete the unexpired term of Victor Adamo who resigned - at large)

602 Brierwood Court 48103

Term: 08-21-95 to 07-31-98

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Fink, Lumm, Carlberg, Hartwell, Kolb, Mayor Sheldon, 8

Nays, Councilmembers Nicolas, Daley, 2

The Mayor declared the motion carried.

42 Council - September 18, 1996

David DeVarti (reappointment - business owner)

415 Detroit Street 48104

Term: 08-21-95 to 07-31-99

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Carlberg, Hartwell, Kolb, Mayor Sheldon, 6

Nays, Councilmembers Fink, Lumm, Nicolas, Daley, 4

The Mayor declared the motion carried.

CITY PLANNING COMMISSION

Edward D. Surovell (to fill vacancy)

2024 Vinewood Boulevard 48104

Term: 08-21-95 to 06-30-98

On roll call the vote was as follows: Yeas, Councilmembers Hanna-Davies, Vereen-Dixon, Fink, Lumm, Carlberg, Nicolas, Hartwell, Kolb, Mayor Sheldon, 9

Nays, Councilmember Daley, 1

The Mayor declared the motion carried.

ANN ARBOR ENERGY COMMISSION

Paul Ganz (reappointment)

Manager, Government/Community Relations

Michigan Consolidated Gas Co.

841 Broadway 48105

Term: 09-18-95 to 09-17-98

Donald A. Seikmeier (reappointment)

2680 Craig Road 48103

Term: 09-18-95 to 09-17-98

Wayne Appleyard (reappointment)

5750 Prospect Hill Road

Grass Lake, MI 49240

Term: 09-18-95 to 09-17-98

On a voice vote, the Mayor declared the motion carried with Councilmember Daley dissenting.

MAYOR'S TASK FORCE ON INCREASING SAFETY FOR WOMEN

Jennifer Holmes

Manager, Clinical Nursing Services, University Hospital

154 Park

Chelsea, MI 48118

On a voice vote, the Mayor declared the motion carried with Councilmember Daley

Council - September 18, 1996 43

dissenting.

APPOINTMENTS NOMINATED

Mayor Sheldon placed the following names in nomination for approval at a later date:

MAYOR'S TASK FORCE ON INCREASING SAFETY FOR WOMEN

Carl Martin

6220 Farmington

Westland, MI 48185

Ann Telfer

1076 Heatherway 48104

LOCAL OFFICERS COMPENSATION COMMISSION

Joseph W. Edwards (reappointment)

2107 Vinewood Boulevard 48104

Term: 10-02-95 to 09-30-2002

RECENTLY SIGNED PROCLAMATIONS

Mayor Sheldon informed Council of the following recently signed proclamations as of

September 18, 1995:

- * 24-Hour Relay for life Days - September 22 & 23, 1995
- * 100th Birthday of Dr. Wm G. Dow - September 30, 1995
- * Ann Arbor Area Quality Week - October 15-21, 1995
- * World Week of Peace - October 24-30, 1995

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Interim City Administrators Winifred Northcross and Ron Olson presented the following memorandums for the information of the Council:

- ! 1575 Miller Drainage Problem
- ! West Park Tennis Courts
- ! SMART Trailer Placement
- ! Police Department implementation of additional speed enforcement at several locations in the northeast
- ! Community Television Network Relocation Update
- ! Fiscal year 1994-95 Community Development Block Grant - Grantee Performance Report

44 Council - September 18, 1996

- ! Environmental Bond Statement of Revenues, Expenditures and Change in Fund Balance through August 31, 1995
- ! Status Report on 229 Buena Vista
- ! Response to Councilor Fink's Question Regarding Energy Saving Improvements

The memorandums were filed with the City Clerk.

The Interim City Administrators received requests from the Council for information on other subjects.

The Interim City Administrators received the thanks of the Council for their services during the City Administrator search.

COMMUNICATIONS FROM THE CITY ATTORNEY

Acting City Attorney John VanLoon presented the following memorandum:

- * Veto of Resolution Authorizing Settlement of Ann Arbor Tenants Union v City and Ann Arbor YMCA (Filed with the City Clerk)

Acting City Attorney VanLoon informed Council that the July, 1995 real estate taxes on the property at 229 Buena Vista have not been paid and the City will proceed with mortgage foreclosure as directed by the Council.

COMMUNICATIONS FROM THE COUNCIL

Councilmember Fink said that the reason that he voted against the Domestic Partnership resolution, which would have modified benefits requirements, was because he felt that there should be some level of commitment to this process from the State.

Councilmember Vereen-Dixon thanked the Administrators and the Police Department for increased police patrols to slow-down traffic in the Barton Drive area.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were received and referred or filed as indicated:

- ! Cheryl Arwood, Executive Administrator Legal Division, State of Michigan regarding City of Ann Arbor - Charter Amendments/Revisions - **FILED**
- ! George M. Elworth for Attorney General Frank Kelley with approval of proposed Charter Amendment - **FILED**
- ! Detroit Edison posting no objection to the proposed East Haven Avenue Vacation provided that property easements are reserved - **Referred to the Planning**

Department and FILED

Council - September 18, 1996 45

! Washtenaw County Public Works Division recommending approval of the City's proposal to convert the current Recycle Ann Arbor facility for continued use as a Re-Use Center - **FILED**

! Mayor Ingrid Sheldon - Veto Message - Resolution No. R-423-9-95 - Authorizing Settlement of Ann Arbor Tenants Union Lawsuit Against the City - **FILED**

! Molly Mahony requesting the Police Force be reinforced with more officers - **FILED**

! Governor Engler - approval of the proposed City of Ann Arbor Charter Amendment - **FILED**

The following minutes were received and filed with the City Clerk:

! Ann Arbor Taxicab Board - July 27, 1995

! Ann Arbor Energy Commission - August 17, 1995

! Housing Board of Appeals - June 6, 1995

! Cable Communications Commission - July 25, 1995

Councilmember Nicolas moved that the Clerk's Report be approved.

On a voice vote, the Mayor declared the motion carried unanimously.

PUBLIC COMMENTARY - GENERAL

None.

46 Council - September 18, 1996

ADJOURNMENT

Noting no further business, the Mayor declared the meeting adjourned at 9:45p.m.

Winifred W. Northcross

Clerk of the Council

Linda J. Wise

Recording Secretary