



## Action Minutes

City Council

April 4, 1991

### **..Title**

**REGULAR SESSION - APRIL 4, 1991**

### **..Body**

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The regular session of the Ann Arbor City Council was called to order at 7:05 p.m. in the City Hall Council Chamber by Mayor pro tem Jerry S. Schleicher.

### **ROLL CALL OF COUNCIL**

PRESENT : Councilmembers Larry Hunter, Ingrid B. Sheldon, Elizabeth S. Brater, Nelson K. Meade, Jerry S. Schleicher, Mark Ouimet, Thais Anne Peterson, Joe Borda, 8.

ABSENT : Mayor Gerald D. Jernigan, Councilmembers Ann Marie Coleman, M. Terry Martin, 3.

### **RECESS FOR EXECUTIVE SESSION**

Councilmember Peterson moved that the regular session of Council be recessed to hold an executive session to discuss property purchase and litigation.

On a voice vote the Chair declared the motion carried and the meeting recessed at 7:06 p.m.

### **REGULAR SESSION RECONVENED**

The regular session of Council was again called to order at 7:37 p.m.

Council stood for one moment of silence.

Mayor pro tem Schleicher led Council in the recitation of the Pledge of Allegiance.

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### **ROLL CALL OF COUNCIL**

PRESENT : Councilmembers Larry Hunter, Ingrid B. Sheldon, Elizabeth S. Brater, Nelson K. Meade, Jerry S. Schleicher, Mark Ouimet, Thais Anne Peterson, Joe Borda, 8.

ABSENT : Mayor Gerald D. Jernigan, Councilmembers Ann Marie Coleman, M. Terry Martin, 3.

### **INTRODUCTIONS**

#### **ANN ARBOR-HIKONE MIDDLE SCHOOL STUDENT EXCHANGE PRESENTATION**

Judy Brown and Peter Ways of the Ann Arbor Public Schools introduced the ten student delegates from the Ann Arbor-Hikone Middle School Student Exchange who reported on their trip to Japan in July of 1990. The students thanked City Council and the community for supporting the successful program and expressed hope for support of future exchange programs. ("Ann Arbor-Hikone Exchange, July, 1990" report on file in the City Clerk's Office)

#### **NEW POLICE CHIEF INTRODUCED**

Acting City Administrator Donald Mason introduced the new Police Chief, Douglas Smith. Chief Smith stated that he is looking forward to his new position and will be reporting for duty by May 6.

#### **PRESENTATION OF CERTIFICATES OF APPRECIATION**

Acting City Administrator Donald Mason presented Certificates of Appreciation to Councilmembers Jerry S. Schleicher and Joe Borda in recognition of their years of

dedicated service to the City of Ann Arbor as representatives of the Fourth and Fifth Wards respectively. (Mayor Jernigan and Councilmember Martin, who were absent from the meeting, also received Certificates of Appreciation).

**AUDIENCE PARTICIPATION - Reserved Time**

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**DAVE NEWELL - KLINE'S PARKING STRUCTURE PETITION DRIVE**

Dave Newell stated that the Homeless Action Committee is continuing its petition drive to place the matter of the Kline's lot parking structure on the ballot.

**LARRY FOX - KLINE'S PARKING STRUCTURE**

Larry Fox, representing the Homeless Action Committee, stated that the new Council will be more willing to work to solve the issues raised by HAC. Mr. Fox expressed his appreciation to the outgoing members of Council for their willingness to discuss the issues, even though they disagreed politically with HAC's positions.

**NICHOLAS BELL - HOMELESSNESS**

Nicholas Bell, 3209 Smith, and two other University of Michigan students, encouraged everyone to contribute to the homeless. Mr. Bell stated that small contributions can make a big difference in homeless people's lives.

**TODD SACHSE - HURON PARKWAY EXTENSION**

Todd Sachse, 25595 Dundee, Huntington Woods, MI, co-owner of Ironwood Place Apartments, stated that he agreed to cooperate with the City on the Huron Parkway expansion, but objected to the amount of the assessment and the manner in which it was calculated. Mr. Sachse further stated that no notice was given informing property owners that the issue would be placed before Council.

**PUBLIC HEARINGS**

**REZONING OF 8 PARCELS IN JENNINGS NEWPORT HEIGHTS SUBDIVISION  
(ORDINANCE NO. 8-91)**

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 4.0 acres, 8 parcels in Jennings Newport Heights Subdivision, from TWP (Township District) to R1A (Single-Family Dwelling District). Notice of public hearing was published March 17, 1991.

There being no one to speak the Chair declared the hearing closed.

**GAYNOR ZONING (ORDINANCE NO. 9-91)**

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A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.17 acre, located at 2509 James Street, from TWP (Township District) to R1C (Single-Family Dwelling District). Notice of public hearing was published March 17, 1991.

There being no one to speak the Chair declared the hearing closed.

**GRAMBAU ZONING (ORDINANCE NO. 10-91)**

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.25 acre, located at 2740 Valley Drive, from TWP (Township District) to R1C (Single-Family Dwelling District). Notice of public hearing was published March 17, 1991.

There being no one to speak the Chair declared the hearing closed.

**PRICE ZONING (ORDINANCE NO. 11-91)**

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.22 acre, located at 310 Glenwood Street, from TWP (Township District) to R1C (Single-Family Dwelling District). Notice of public hearing was published March 17, 1991.

There being no one to speak the Chair declared the hearing closed.

**WIEDMANN ZONING (ORDINANCE NO. 12-91)**

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of

0.46 acre, located at 1870 Independence Blvd., from TWP (Township District) to R1C (Single-Family Dwelling District). Notice of public hearing was published March 17, 1991. There being no one to speak the Chair declared the hearing closed.

**APPROVAL OF AGENDA**

**AGENDA APPROVED WITH CHANGES**

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

**CONSENT AGENDA**

Correct Resolution to Approve Submission of Grant Application to Michigan Title: Department of State for Ann Arbor Historic Buildings Project (\$22,500.00) **(\$24,500.00)**

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Add: Resolution to Approve Work at the Bryant and Northside Community Centers (\$23,531.50)

**ORDINANCES - First Reading**

Add: Amendment to Chapter 126, Section 10:140 - Release of Towed Vehicles

**MOTIONS AND RESOLUTIONS**

Revise: Resolution to Approve Contract between Ann Arbor Housing Commission and Midwest Restoration Company of Lansing for Oakwood and Platt Road Improvement Project (\$282,319.00) and Seventh and Washington Street Improvement Project (\$216,713.00)

Add: Resolution to Approve Professional Services Agreement with Engineering and Testing Services, Inc. for Testing for the Stadium Boulevard Reconstruction Program (from Washtenaw Avenue to Brockman Boulevard) (\$45,000.00)

Add: Resolution Proclaiming C.O.P.E. - O'Brien Center Day, April 26, 1991 (Councilmember Schleicher)

Add: Resolution Denying Special Events Permit for Delta Sigma Phi Fraternity

**COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

Add Safety Test for Handgun Purchase Permits (PA 320 of 1990)

Add: Video Cameras on Police Vehicles

Add: Plaza Repairs at Ann Arbor Federal Building

Add: Police Department Citizen Ride-Along Program

Add: University of Michigan Request for Proposal - Disposal of Scrap Wood and Wood Pallets

Add: Use of Mace by Police Department

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On a voice vote the Chair declared the motion carried.

The Chair declared a recess at 8:17 p.m.

The Chair again called the meeting to order at 8:35 p.m.

**APPROVAL OF COUNCIL MINUTES**

None.

**CONSENT AGENDA**

**CONSENT AGENDA ITEMS APPROVED**

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

R-157-4-91 APPROVED

RESOLUTION TO APPROVE SUBMISSION OF GRANT APPLICATION TO MICHIGAN DEPARTMENT OF STATE FOR ANN ARBOR HISTORIC BUILDINGS PROJECT

Whereas, The City of Ann Arbor is a Certified Local Government and therefore eligible to apply for federal historic preservation matching funds through the Michigan Department of State;  
 Whereas, The Ann Arbor Historic District Commission in cooperation with the Ann Arbor Historical Foundation are seeking such funds in order to publish an expanded edition of Historic Buildings, Ann Arbor, Michigan, and  
 Whereas, This project will benefit both Ann Arbor residents and visitors by providing information on the City's architectural heritage in an entertaining and convenient format;  
 RESOLVED, That the City Council approve the submission of a grant application to the Michigan Department of State for \$12,000.00 for the Ann Arbor Historic Buildings project;  
 RESOLVED, That upon approval of the application by the Michigan Department of State, the City Council accept the allocation and authorize the Mayor and City Clerk to execute the required grant agreements; and

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RESOLVED, That upon execution of the grant agreements, the City Council appropriate \$24,000.00 for the Ann Arbor Historic Buildings project from the following sources:

- City of Ann Arbor General Fund
- Fiscal 1992 and 1993 budgets
- Account #010-002-0160-1100 \$ 2,250.00
- Volunteer in-kind services 250.00
- Ann Arbor Area Community Foundation 3,000.00
- Approved 3/21/91
- Ann Arbor Historical Foundation 7,000.00
- Approved 3/26/91
- Department of State 12,000.00
- TOTAL \$24,500.00

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R-158-4-91 APPROVED  
 RESOLUTION NO. 1 - PREPARE PLANS AND SPECIFICATIONS FOR LIBERTY ROAD BETWEEN CAROLINA AND DARTMOOR

Whereas, Council deems it necessary to acquire and construct a sanitary sewer described as follows:

District No. 463, File No. 91023;  
 West Liberty Road - Sanitary Sewer Construction between Carolina and Dartmoor Road;

RESOLVED, That

1. The City Administrator be directed to have prepared plans and specifications for said improvement project, and an estimate of the cost thereof;
2. The City Administrator be directed to file a report of same with the City Clerk, including a recommendation as to what proportion of the cost should be paid by special assessment and what part, if any, should be a general obligation of the City, the number of installments in which the assessments may be paid, and the land which should be included in the special assessment district;

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3. The City Clerk shall present said report to the Council and make it available for public examination;

4. The sum of \$10,000.00 be appropriated for the planning and design of said project, such sum being advanced from the Sewage System Fund pending the sale of appropriate bonds;
5. Any unspent portion of said sum is re-appropriated and re-advanced as above for said project for succeeding fiscal years until bonds are sold and the Sewage System Fund reimbursed, or until said project is officially closed; and
6. Council declare its intent to issue bonds to pay all or part of the cost of such improvement project, funding reserves, paying for credit enhancement, and the cost of issuance of such bonds (either initially or ultimately), provided that such bonds are issued in conformity with applicable State statutes an all documents, provisions, and details pertaining to such bonds are acceptable to and approved by this Council and provided, further, that such bonds can be sold.

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R-159-4-91 APPROVED  
 RESOLUTION TO APPROVE THE DEXTER-  
 ANN ARBOR RUN ON MAY 25, 1991

Whereas, The Ann Arbor Track Club has requested that the annual Dexter-Ann Arbor Run be held on May 25, 1991 and utilize closed streets to facilitate the race finish area and post-race events;

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

1. Obtain a State permit for closing Huron and Main Streets;
2. Closing these streets from 6:00 a.m. to 1:00 p.m.:

- \* Main Street - Kingsley to Huron
- \* Ann Street - Fourth to Ashley
- \* Catherine - Fourth to Ashley
- \* Surface parking lot at Ann and Main Streets
- \* Beakes Street - Fourth to Main
- \* Kingsley Street - Ashley to Main

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3. Provide barricades for closing the streets (placed on the street corners on Friday and picked up the following Tuesday);
4. Provide directional cones (to be picked up and returned by Track Club);
5. Place hoods on parking meters on Friday night and remove Saturday afternoon on:

- \* Fourth Avenue - Huron to Liberty
- \* Main Street - Huron to northernmost meter on Main
- \* Surface parking lot at Ann and Main Streets
- \* Other closed streets

6. Clean Main Street on Friday from Huron River Drive to William Street and patch holes as needed; and

7. Place one Solid Waste dumpster in the lot at Main and Ann Streets along with 60 55-gallon trash can barrels on both sides of Main Street from Catherine to Huron (placed Friday and picked up Saturday afternoon or Tuesday);

Whereas, The Track Club has agreed to pay the event costs for the Police supervision, Solid Waste Department services and Transportation Department costs; Whereas, The Track Club will file all necessary street closure and banner permits, and will comply with all liability insurance and other requirements, including maintaining fire lanes; and

Whereas, The Main Street Association supports the event;  
RESOLVED, That the Mayor and Council authorize the following for the event:

1. Requested street closings and securing of necessary State permits for same;
2. Banner permit;
3. Police, Solid Waste and Transportation Department service requests with costs reimbursed; and
4. That beer be allowed to be served in an enclosed area in the Ann at Main parking lot, in accordance with current City policy with required State permits

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and insurance suitable to the City Attorney; and

RESOLVED, That the Ann Arbor Track Club:

1. Reimburse the City expenses incurred for the following requested department services:

Estimate:

Solid Waste \$ 500.00

Transportation 1,451.00

Police 1,360.00

TOTAL \$3,311.00

2. Comply with all City permit requirements and State permits, including provision of liability insurance.

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R-160-4-91 APPROVED

RESOLUTION REQUIRING PROPERTY OWNER  
NOTICE OF POTENTIAL LIEN ASSESSMENT OF  
DELINQUENT UTILITY BILLS ON NEXT TAX ROLL

Whereas, The City Administrator is reporting to the City Council that there are unpaid charges for water, sanitary sewer and stormwater services furnished to certain premises in the City of Ann Arbor which on the 29th day of March, 1991 have remained unpaid for a period of six months, (on file in the City Clerk's Office);

RESOLVED, That, pursuant to Section 2:72 of Chapter 29 of Title II of the Code of the City of Ann Arbor, due notice be given by the Utilities Department by first class mail to the owners of record in the Assessor's Office of the premises so served; stating the total amount due for such service and further notice that such amount shall be assessed by this Council on May 6, 1991, unless sooner paid, as a tax against said premises and placed on the next tax roll of the City.

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R-161-4-91 APPROVED

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RESOLUTION TO GRANT WATER AND SEWER  
SERVICE OUTSIDE CITY LIMITS TO RSI WHOLESAL  
LOCATED AT 1380 NORTH MAIN STREET

Whereas, RSI Wholesale, C. Kim Emery, Partner, owner of the property at 1380 North Main Street has requested the City on March 25, 1991 to extend public water and sewer services for their use to the property in Ann Arbor Township prior to the completion of the annexation process;

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

Whereas, On March 19, 1991 the owner petitioned the City for annexation under Planning Department File No. 9201N13.1;  
 RESOLVED, That the Mayor and Clerk be hereby authorized and directed to sign the agreements on behalf of the City allowing City water and sewer service to the land during the time it is still outside of the corporate limits and that the City Clerk be hereby directed and ordered to send a copy of this resolution and the agreements by first class mail to the customer chargeable therewith of the amounts therein determined and the Utilities Department shall promptly have this resolution and the agreements recorded in the Office of the Register of Deeds of Washtenaw County, Michigan.

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R-162-4-91 APPROVED  
 RESOLUTION AUTHORIZING SANITARY SEWER  
 IMPROVEMENT CHARGES FOR 3175 BAYLIS DRIVE

Whereas, The City has previously constructed sanitary sewers described as follows:

- 8" crosslots sewer (Brookside Sanitary Sewer);
- District No. 451, File No. 87032;
- \$6,902.65/connection for main x 1 connection = \$6,902.65
- \$769.08/lead x (1) lead = 769.08
- Total \$7,671.73

Whereas, This Council desires, pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, to levy against certain properties their fair share of the cost of said improvements, such fair share not having heretofore been paid nor contracted for;  
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RESOLVED,

1. That Council hereby levy an improvement charge against the following newly-annexed property which is specially benefitted by the above improvements:  
 Annexation Address: 3175 Baylis Drive  
 City Assessor Code: 12-10-504-022  
 Annexation No.: A87-22  
 Planning File No.: 12102P7.1 & .2  
 Lot 14, Brookside Subdivision, Pittsfield Township, Liber 11 of plats, page 25. Now situated in the City of Ann Arbor;
2. That the improvement charge so levied be in the amount of \$7,671.73 and be hereby designated as Utilities Improvement Charge No. 550;
3. That said improvement charge be divided into 15 equal installments, the first to be due on June 1, 1991 and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of said improvement charge to bear interest at the rate of 8% per annum commencing June 1, 1991;
4. That the City Clerk be directed and ordered to send a copy of this resolution and give notice by first class mail to the persons chargeable therewith of the amounts hereby determined, and promptly have this resolution recorded in the Office of the Register of Deeds of Washtenaw County, Michigan; and
5. That the improvement charge so levied be invoiced to Peter and Karen Nestor, 3181 Baylis, Ann Arbor, Michigan 48108, and be credited in the amount of \$7,671.73 to Fund 043-073-7151.

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R-163-4-91 APPROVED  
 RESOLUTION TO APPROVE LIQUOR LICENSE TRANSFER  
 TO COA, INC. FROM THE COUNT OF ANTIPASTO, INC.

LOCATED AT 1140 SOUTH UNIVERSITY AVENUE  
RESOLVED, That the request of COA, Inc. to transfer ownership of a 1988 Class C licensed business, located at 1140 South University Avenue, Ann Arbor, from the Count of Antipasto, Inc., be hereby approved.

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R-164-4-91 APPROVED  
RESOLUTION TO APPROVE REQUEST OF COLONIAL LANES OF ANN ARBOR, INC. FOR A NEW DANCE-ENTERTAINMENT PERMIT LOCATED AT 1950 SOUTH INDUSTRIAL HIGHWAY

RESOLVED, That the request from Colonial Lanes of Ann Arbor, Inc. for a new Dance-entertainment Permit to be held in conjunction with a 1990 Class C licensed business, located at 1950 South Industrial Highway, Ann Arbor, be hereby approved.

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R-165-4-91 APPROVED  
RESOLUTION TO APPROVE WORK AT BRYANT AND NORTHSIDE COMMUNITY CENTERS

Whereas, The 1989-94 Park Rehabilitation and Development Millage fund includes \$50,000.00 for the Bryant and Northside Community Centers;

Whereas, Improvements needed include new carpeting and tile;

Whereas, R.P. Lewis, Co. submitted the lowest responsible bid of \$23,531.50 (\$14,596.50 for Bryant and \$8,935.00 for Northside); and

Whereas, R.P. Lewis Co. received Personnel/Human Rights Department approval on March 21, 1991;

RESOLVED, That the Mayor and City Council approve the recommendation of the City Administrator to award the bid to R.P. Lewis, Co. in the amount of \$23,531.50, to authorize the Mayor and City Clerk to sign the agreement on file with the City Clerk, and to appropriate \$23,531.50 for the life of the project; and

RESOLVED, That the funds be used from the 1989-94 Park Millage fund to cover the cost of this project.

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

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**ORDINANCES - Second Reading**

8-91 APPROVED

REZONING OF 8 PARCELS IN JENNINGS NEWPORT HEIGHTS SUBDIVISION

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 8 parcels in Jennings Newport Heights Subdivision, 4.0 acres, located on Newport Road, from TWP (Township District) to R1A (Single-Family Dwelling District).

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

On roll call the vote was as follows:

Yeas, Councilmembers Hunter, Sheldon, Brater, Meade, Schleicher, Ouimet, Peterson, Borda, 8;

Nays, 0.

The Chair declared the motion carried and the ordinance adopted at second reading.

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9-91 APPROVED  
GAYNOR 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 0.17 acre, located at 2509 James Street, from TWP (Township District) to R1C (Single-Family Dwelling District).

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

On roll call the vote was as follows:

Yeas, Councilmembers Hunter, Sheldon, Brater, Meade, Schleicher, Ouimet, Peterson, Borda, 8;

Nays, 0.

The Chair declared the motion carried and the ordinance adopted at second reading.

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10-91 APPROVED  
GRAMBAU 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 0.25 acre, located at 2740 Valley Drive, from TWP (Township District) to R1C (Single-Family Dwelling District).

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

On roll call the vote was as follows:

Yeas, Councilmembers Hunter, Sheldon, Brater, Meade, Schleicher, Ouimet, Peterson, Borda, 8;

Nays, 0.

The Chair declared the motion carried and the ordinance adopted at second reading.

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11-91 APPROVED  
PRICE 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 1150 Council - April 4, 1991

This ordinance would change the zoning of 0.22 acre, located at 310 Glenwood Street, from TWP (Township District) to R1C (Single-Family Dwelling District).

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

On roll call the vote was as follows:

Yeas, Councilmembers Hunter, Sheldon, Brater, Meade, Schleicher, Ouimet, Peterson, Borda, 8;

Nays, 0.

The Chair declared the motion carried and the ordinance adopted at second reading.

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12-91 APPROVED  
WIEDMANN 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 0.46 acre, located at 1870 Independence Blvd, from TWP (Township District) to R1C (Single-Family Dwelling District).

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

On roll call the vote was as follows:

Yeas, Councilmembers Hunter, Sheldon, Brater, Meade, Schleicher, Ouimet, Peterson, Borda, 8;  
Nays, 0.

The Chair declared the motion carried and the ordinance adopted at second reading.

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18-91 APPROVED

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HUMAN RIGHTS ORDINANCE

An Ordinance to Amend Section 9:163 of Chapter 112 of Title IX of the Code of the City of Ann Arbor

This ordinance would make violations of Chapter 112 civil infractions punishable by a civil fine of not more than \$500.00.

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

On roll call the vote was as follows:

Yeas, Councilmembers Hunter, Sheldon, Brater, Meade, Schleicher, Ouimet, Peterson, Borda, 8;  
Nays, 0.

The Chair declared the motion carried and the ordinance adopted at second reading.

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19-91 APPROVED

ALARM FEES

An Ordinance to Amend Sections 7:32 and 7:33 of Chapter 77 Title VII of the Code of the City of Ann Arbor

This ordinance would increase fees for alarm connections.

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

On roll call the vote was as follows:

Yeas, Councilmembers Hunter, Sheldon, Brater, Meade, Schleicher, Ouimet, Peterson, Borda, 8;  
Nays, 0.

The Chair declared the motion carried and the ordinance adopted at second reading.

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20-91 APPROVED

FALSE ALARM FEES

An Ordinance to Amend Sections 7:403 and 7:404 of Chapter 93 of Title VII of the Code of the City of Ann Arbor

This ordinance would established a \$35.00 fee for each false alarm having police or fire department response.

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

On roll call the vote was as follows:

Yeas, Councilmembers Hunter, Sheldon, Brater, Meade, Schleicher, Ouimet, Peterson, Borda, 8;  
Nays, 0.

The Chair declared the motion carried and the ordinance adopted at second reading.

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21-91 APPROVED

COMMERCIAL VEHICLES - EQUIPMENT AND OPERATION

An Ordinance to Amend Chapter 126 of Title X of the Code of the City of Ann Arbor by Adding a New Section 10:104

This ordinance would prohibit operation of any vehicle in violation of Act 181 of 1963 as amended, and would make a violation of this section a misdemeanor punishable by up to a \$500 fine and/or 90 days in jail.

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

On roll call the vote was as follows:

Yeas, Councilmembers Hunter, Sheldon, Brater, Meade, Schleicher, Ouimet, Peterson, Borda, 8;

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Nays, 0.

The Chair declared the motion carried and the ordinance adopted at second reading.

**ORDINANCES - First Reading**

22-91 APPROVED

**ATWELL-HICKS, INC. 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 2 acres, located at 1241 South Maple Road, from TWP (Township District) to R4A/B (Multiple-Family Dwelling District).

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

On a voice vote the Chair declared the motion carried and the ordinance approved at first reading.

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23-91 APPROVED

**VINCENT/KEITH 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 0.17 acre, located at 1856 Joseph Street, from TWP (Township District) to R1C (Single-Family Dwelling District).

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

On a voice vote the Chair declared the motion carried and the ordinance approved at first reading.

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24-91 APPROVED

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**RELEASE OF TOWED VEHICLES**

An Ordinance to Amend Section 10:140 of Chapter 126 of Title X of the Code of the City of Ann Arbor

This ordinance would eliminate the no fee provision for towing and storage of stolen vehicles claimed within 4 days. This ordinance would also require a party with security interest in an impounded vehicle to pay the parking fines owed by the owner, as well as towing and storage charges, prior to release of the vehicle.

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

On a voice vote the Chair declared the motion carried and the ordinance approved at first reading.

**MOTIONS AND RESOLUTIONS**

R-166-4-91 APPROVED

**RESOLUTION STIPULATING NO OBJECTION TO RELOCATION OF MODULAR CONVEYOR SYSTEMS, INC. TO PLYMOUTH TOWNSHIP**

Whereas, Modular Conveyor Systems, Inc. would like to obtain an Industrial

Facilities Exemption Certificate for its facility to be located at 14970 Cleat Street, Plymouth, Michigan 48170, which would meet the company's need to move closer to its major material suppliers, providing a savings in operational costs;

Whereas, The place of employment of 6 Modular Conveyor Systems, Inc. employees will be transferred from the City of Ann Arbor to Plymouth Township; and

Whereas, Before Plymouth Township can approve the tax incentive benefits of Michigan Public Act 198 of 1974, as amended, the City Council of Ann Arbor must consent by resolution to the granting of the certificate;

RESOLVED, That the Ann Arbor City Council hereby consents to the granting of said Industrial Facilities Exemption Certificate pursuant to said public act to Modular Conveyor Systems.

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Councilmember Peterson moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

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R-167-4-91 APPROVED

RESOLUTION TO AWARD CONTRACT TO ANGELO IAFRATE CONSTRUCTION COMPANY FOR PLYMOUTH ROAD RECONSTRUCTION PHASE III AND TRAVER CREEK CULVERT IMPROVEMENTS

Whereas, It has been found necessary to reconstruct Plymouth Road and improve the Traver Creek Culvert which runs under Plymouth Road and the railroad tracks west of Barton Drive;

Whereas, Angelo Iaftrate Construction Company of Warren, Michigan has submitted to the City on March 20, 1991 a bid for said work in the total amount of \$2,692,587.00, which is the lowest responsible bid;

Whereas, The contract is in the standard City form and 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; and

Whereas, The Personnel/Human Rights Department approved said company for said contract on March 21, 1991;

RESOLVED, That Council award a contract to the Angelo Iaftrate Construction Company in the amount of \$2,692,587.00 for construction of Plymouth Road Reconstruction Phase III and the Traver Creek Culvert Improvement Project;

RESOLVED, That the Mayor and Clerk be authorized and directed to sign said contract on forms approved as to form by the City Attorney, and approved as to substance by the City Administrator, City Engineer, and Personnel/Human Rights Director; and

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

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Section I - Revenue

\$2,877,522.00 1988 Major Street Millage (Fund 062)

455,065.00 Bonds to be sold by Drain Commission which will be reimbursed from the Storm Water Utility (Fund 069)

\$3,332,587.00 TOTAL

Section II - Expense

\$2,717,587.00 Construction Contract (includes \$25,000 for special

landscaping)  
 90,000.00 Construction Engineering - City staff, equip., materials,  
 supplies  
 80,000.00 Construction Testing  
 182,000.00 Construction Staking and Surveying  
 188,000.00 Contingencies to be approved by the City Administrator  
 75,000.00 Overhead/Fringe Benefits  
 \$3,332,587.00 TOTAL

Councilmember Peterson moved that the resolution be adopted.  
 On a voice vote the Chair declared the motion carried.

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R-168-4-91 APPROVED

RESOLUTION TO APPROVE CONTRACT WITH THOMPSON-  
 MC CULLY COMPANY AND ESTABLISH PROJECT BUDGET FOR  
 THE 1991 ANNUAL STREET RESURFACING PROJECT

Whereas, The 1991 Capital Improvements Plan includes Project No. 1065, 1991  
 Annual Street Resurfacing Project;  
 Council - April 4, 1991 1157

Whereas, The Thompson-McCully Company of Whitmore Lake, Michigan has  
 submitted to the City on March 20, 1991, a bid for said work in the total amount of  
 \$1,216,925.40, which amount is the lowest responsible bid;

Whereas, The contract proposals set 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 Personnel/Human Rights Department has on March 21, 1991  
 approved said company for said project;

RESOLVED, That a contract in the amount of \$1,216,925.40 be awarded to the  
 Thompson-McCully Company;

RESOLVED, That the Mayor and Clerk be 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;

RESOLVED, That the following 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

\$1,301,625.00 Fund 062, 1989 Major Street Millage  
 115,000.00 Fund 099, Proposed 1991 Spring Bond Issue  
 (Water Revenue Bonds)  
 75,500.00 Fund 047, Golf Course Fund  
 13,875.00 Fund 010, Fire Department Operating Budget  
 \$1,506,000.00 TOTAL

Section II - Expense

\$85,000.00 Design (previously authorized by Council Resolution  
 R-612-11-90)  
 60,000.00 Construction Engineering  
 40,000.00 Consulting (Testing)  
 20,000.00 City-Owned Vehicles  
 2,000.00 Printing and Binding

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2,000.00 Materials and Equipment

1,225,000.00 Construction (includes \$204,375.00 for construction of public utilities, road and site improvements)

72,000.00 Overhead and Miscellaneous Charges

\$1,506,000.00 TOTAL; and

RESOLVED, That the City Administrator shall add or delete streets from the 1991 Annual Street Resurfacing Project list, on file in the City Clerk's Office, to keep the total cost of the project as close to \$1,506,000.00 as practical.

Councilmember Peterson moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

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R-169-4-91 APPROVED

RESOLUTION TO APPROVE CONTRACT BETWEEN ANN ARBOR HOUSING COMMISSION AND MIDWEST RESTORATION COMPANY OF LANSING FOR OAKWOOD AND PLATT ROAD IMPROVEMENT PROJECT AND SEVENTH AND WASHINGTON STREET IMPROVEMENT PROJECT

Whereas, The seventeen public housing rental units at Oakwood and Platt, and Seventh and Washington need major rehabilitation;

Whereas, The Ann Arbor Housing Commission, through its architectural firm, has prepared plans and specifications which resulted in the submission of bids;

Whereas, The Department of Housing and Urban Development, through the comprehensive Improvement Assistance Program, has provided funds for this project based on their acceptance of the required documents;

RESOLVED, That the City Council approve and award the Oakwood and Platt, and Seventh and Washington improvement projects to Midwest Restoration Company of Lansing, Michigan for:

a) Oakwood and Platt, up to \$282,319.00

b) Seventh and Washington, up to \$216,713.00; and

RESOLVED, That the Mayor and City Clerk be authorized to execute the contract

Council - April 4, 1991 1159

that is substantially in the form of that on file with the City Clerk.

Councilmember Peterson moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

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R-170-4-91 APPROVED

RESOLUTION TO APPROVE PROFESSIONAL SERVICE AGREEMENT WITH C.T.I. AND ASSOCIATES, INC. FOR TESTING OF THE 1991 ANNUAL STREET RESURFACING PROJECT

Whereas, It is necessary to employ a qualified testing firm to perform essential testing for the 1991 Annual Street Resurfacing Project;

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

Whereas, C.T.I. and Associates, Inc. has demonstrated the required experience, personnel and competitive fee schedule to perform the work;

Whereas, On January 10, 1991 the Personnel/Human Rights Department gave approval of said company for said work; and

Whereas, On April 4, 1991 Council has appropriated sufficient funds to cover the cost of this contract;

RESOLVED, That Council authorize a professional service agreement in the standard City form in the amount of \$40,000.00 with C.T.I. and Associates, Inc. for construction testing and inspection services on the 1991 Annual Street Resurfacing Project; and

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

Councilmember Peterson moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

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R-171-4-91 APPROVED  
RESOLUTION TO APPROPRIATE FUNDS FOR  
BURR OAK PARK IMPROVEMENTS

Whereas, Burr Oak Park is a 3.64 acre neighborhood park, comprised of two separate parcels as dedicated to the City under the Liberty Glen Subdivision Development Agreement;

Whereas, All lots in the single-family subdivision have been developed, the first phase of the Liberty Pointe Condominium development is nearing completion, and the park has been graded and seeded as stipulated in the development agreement;

Whereas, Representatives of the Liberty Glen Homeowner's Association, Liberty Pointe Condominiums, and Lakewood Subdivision Homeowner's Association have expressed support for development of the park in accordance with preliminary plans (which include barrier-free access to walks; play equipment, site furnishings and landscaping) as discussed at a public meeting held on March 13, 1991;

Whereas, The opportunity to provide additional recreational facilities where a parkland dedication has occurred is provided for in the 1989-95 Park Rehabilitation and Development Millage (under "Development of New Parkland Acquisitions"), as follows:

- 1989-90 \$17,000
- 1990-91 30,000
- 1991-92 40,000
- 1992-93 50,000
- 1993-94 10,000
- 1994-95 70,000
- Total \$217,000

(none of these funds have been expended to date); and

Whereas, The Park Advisory Commission has unanimously approved a resolution recommending that \$30,000.00 be appropriated from the 1989-95 Park Rehabilitation and Development Millage (Fund 041) for improvements in Burr Oak Park;

RESOLVED, That the City Council appropriate \$30,000.00 from the 1989-95 Park Rehabilitation and Development Millage (Fund 041) for Burr Oak Park Improvements (Phase I).

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Councilmember Peterson moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

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TABLED  
RESOLUTION NO. 4 - CONFIRM ASSESSMENT ROLL FOR  
HURON PARKWAY AND TRAVERWOOD ROAD IMPROVEMENTS

Whereas, The City Council, after due and legal notice, has met for the purpose of assessing the private property's share of the cost of acquiring and constructing road improvements described as follows:

Huron Parkway Extension from Nixon to Tuebingen, and Traverwood Drive Construction from Plymouth to Huron Parkway, District No. 13, File No. 84088;

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

Whereas, The second resolution, R-10-1-90, approved by the Council on January 8, 1990, stipulates that an amount of \$4,498,412.89 be paid by special assessment upon the property specially benefitted within the City;

Whereas, Such amount was determined prior to receiving bids;

Whereas, Based on bids received and using a modified cost distribution system which allocates a share of the project cost to the City, the estimated amount of special assessment is now \$2,668,744.00; and

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

1. That said special assessment roll as prepared by the City Assessor be hereby confirmed in the amount of \$2,668,744.00 and designated as Road Improvements Special Assessment District No. 13, File No. 84088;

2. That said special assessment roll be divided into fifteen equal annual 1162 Council - April 4, 1991

installments, the first of which shall be due on December 1, 1991, and the fourteen subsequent installments shall be due on June 1 of each and every year thereafter;

3. That the deferred installments of said special assessment roll bear interest at the rate of 8% to be adjusted to 1% per annum above the average interest rate of any bonds issued to finance the improvements, commencing December 1, 1991, said interest to be collected on the due date of the second and subsequent installments of said special assessment roll; and

4. That the assessment against the properties in the district be revised to the amount shown below;

Original

Assessor's Estimated Revised

Code Owner Assessment Assessment

09-15-300-002 Ironwood Associates

Limited Partnership

24275 Twelve Mile Rd.

Southfield, MI 48034 \$ 515,837.77 \$ 381,476.00

09-15-300-003 Martin, William

115 Depot St.

Ann Arbor, MI 48104 2,419,888.82 1,459,834.00

09-15-409-004 Parkway Management Co.

2575 Sandalwood Cir.

Ann Arbor, MI 48104 672,554.22 38,653.00

09-15-409-005 First Martin Corp.

115 Depot St.



Ann Arbor, MI 48104 890,132.08  
788,781.00  
TOTAL PROPERTY SHARE \$4,498,412.89  
\$2,668,744.00

Councilmember Hunter moved that the resolution be adopted.  
Councilmember Sheldon moved that the resolution be tabled to the April 15, 1991 regular session of Council to address concerns with the notification requirement.

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On a voice vote the Chair declared the motion carried and the resolution tabled.

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R-172-4-91 APPROVED

RESOLUTION NO. 4 - CONFIRM ASSESSMENT ROLL FOR PLYMOUTH ROAD RECONSTRUCTION - PHASES I AND II

Whereas, The City Council, after due and legal notice, has met for the purpose of assessing the private property's share of the cost of acquiring and constructing roadway improvements described as follows:

Plymouth Road Reconstruction Project;  
District No. 19, File No. 85113;

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

Whereas, The second resolution, R-16-1-90, approved by the Council on January 22, 1991, stipulates that an amount of \$93,505.56 be paid by special assessment upon the property specially benefitted within the City; and

Whereas, Such amount was determined after receiving bids on March 9, 1990;

RESOLVED,

1. That said special assessment roll as prepared by the City Assessor be hereby confirmed in the amount of \$93,505.56 and designated as Road Improvements Special Assessment District No. 19, File No. 85113;
2. That said special assessment roll be divided into fifteen equal annual installments, the first of which shall be due on June 1, 1991, and the fourteen subsequent installments shall be due on June 1 of each and every year thereafter;
3. That the deferred installments of said special assessment roll bear interest at the rate of 8% to be adjusted to 1% per annum above the average interest rate of any bonds issued to finance the improvements, commencing June 1, 1991, said interest to be collected on the due date of the second and subsequent installments of said special assessment roll; and
4. That the amount of the improvement costs designated as future recoverable shall, when imposed on the property, include interest at an amount then determined by Council, but not less than 7%.

Councilmember Sheldon moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

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TABLED

RESOLUTION NO. 4 - CONFIRM ASSESSMENT ROLL FOR INDEPENDENCE BOULEVARD ROAD IMPROVEMENTS

Whereas, The City Council, after due and legal notice, has met for the purpose of assessing the private property's share of the cost of acquiring and constructing roadway

improvements described as follows:

Independence Boulevard Road Improvements Project

District No. 21, File No. 89029;

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

Whereas, The second resolution, R-17-1-91, approved by the Council on January 22, 1991, stipulates that an amount of \$434,535.06 be paid by special assessment upon the property specially benefitted within the City;

Whereas, Such amount was determined prior to receiving bids;

Whereas, Based on bids received on March 20, 1991 the projected amount of special assessment for this project (District 21) is \$307,024.26; and

Whereas, The existing improvement charges from previously constructed projects (Gladstone Storm Sewer Oversizing, District No. 67) amount to \$28,929.38;

RESOLVED,

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1. That said special assessment roll as prepared by the City Assessor be hereby confirmed in the amount of \$335,953.64 and designated as Road Improvements Special Assessment District No. 21, File No. 89029;
2. That said special assessment roll be divided into fifteen equal annual installments, the first of which shall be due on December 1, 1991, and the fourteen subsequent installments shall be due on June 1 of each and every year thereafter;
3. That the deferred installments of said special assessment roll bear interest at the rate of 8% to be adjusted to 1% per annum above the average interest rate of any bonds issued to finance the improvements, commencing December 1, 1991, said interest to be collected on the due date of the installments of said special assessment roll; and
4. That the assessment against the properties in the district be adjusted to the amount shown below;

Prior Charges

Original Revised Storm Sewer

Assessor's Estimated Estimated District #67

Code/Owner Cost Cost (Gladstone) Total

81-12-03-202-005 \$14,688.83 \$ 9,746.36 \$1,180.79 \$10,927.15

Goldstein, Stephen

Neff, Debra

1945 Independence

Ann Arbor, MI 48104

81-12-03-202-006 13,319.36 10,072.44 1,180.79 11,253.23

Walters & Hoogendyk

1955 Independence

Ann Arbor, MI 48104

81-12-03-202-007 15,725.79 11,486.76 1,115.18 12,601.94

Kabamba, P. & J.

1965 Independence

Ann Arbor, MI 48104

Prior Charges

Original Revised Storm Sewer

Assessor's Estimated Estimated District #67

Code/Owner Cost Cost (Gladstone) Total

1166 Council - April 4, 1991  
81-12-03-202-008 \$ 15,648.95 \$ 11,781.46 N/A \$ 11,781.46  
Patrickson, David J.  
1915 Independence  
Ann Arbor, MI 48104  
81-12-03-202-009 6,915.83 5,034.07 N/A 5,034.07  
Brown, Allan  
1920 Camelot Rd.  
Ann Arbor, MI 48104  
81-12-03-205-006 16,895.76 12,038.74 1,311.99 13,350.73  
Koziol, Wladyslaw  
2005 Independence  
Ann Arbor, MI 48104  
81-12-03-205-007 12,912.47 9,411.86 1,311.99 10,723.85  
Bacelis, Omar W.  
2015 Independence  
Ann Arbor, MI 48104  
81-21-03-205-008 12,912.47 10,031.17 1,311.99 11,343.16  
Mueller, Neil E.  
2020 Camelot Rd.  
Ann Arbor, MI 48104  
81-12-03-205-009 12,912.47 9,028.33 1,311.99 10,340.32  
NBD  
P.O. Box 7061  
Troy, MI 48007  
81-12-03-205-010 12,912.47 9,047.03 1,311.99 10,359.02  
Muirhead, Robb & V.  
2480 Kimberley Rd.  
Ann Arbor, MI 48104  
Prior Charges  
Original Revised Storm Sewer  
Assessor's Estimated Estimated District #67  
Council - April 4, 1991 1167  
Code/Owner Cost Cost (Gladstone) Total  
81-12-03-206-001 \$ 46,663.67 \$ 28,878.23 \$ 1,377.59 \$30,255.82  
Good Shepherd Church  
2145 Independence  
Ann Arbor, MI 48104  
81-12-03-206-004 19,024.36 13,280.08 1,902.39 15,182.47  
Good Shepherd Church  
2145 Independence  
Ann Arbor, MI 48104  
81-12-03-206-005 13,941.54 9,626.55 1,377.59 11,004.14  
Schuler, Caroline  
2117 Independence  
Ann Arbor, MI 48104  
81-12-03-206-006 13,941.54 10,767.62 1,377.59 12,145.21  
Schuler, Caroline  
2117 Independence

Ann Arbor, MI 48104  
 81-12-03-220-006 14,402.88 9,917.89 1,508.79 11,426.68  
 Weber, Verne & Joanne  
 2150 Independence  
 Ann Arbor, MI 48104  
 81-12-03-220-007 13,875.04 9,209.13 1,443.19 10,652.32  
 Weber, Verne & Joanne  
 2150 Independence  
 Ann Arbor, MI 48104  
 81-12-03-221-001 13,119.86 8,699.91 1,377.59 10,077.50  
 Vanden Bosch, J.L. & T.  
 2500 Kimberley Rd.  
 Ann Arbor, MI 48104  
 Prior Charges  
 Original Revised Storm Sewer  
 1168 Council - April 4, 1991  
 Assessor's Estimated Estimated District #67  
 Code/Owner Cost Cost (Gladstone) Total  
 81-12-03-221-002 \$ 13,119.86 \$ 9,324.71 \$ 1,377.59 \$ 10,702.30  
 Stone, Dennis W.  
 2030 Independence  
 Ann Arbor, MI 48104  
 81-12-03-221-003 13,119.86 10,294.91 1,377.59 11,672.50  
 Bertz, Elizabeth  
 2014 Independence  
 Ann Arbor, MI 48104  
 81-12-03-221-004 17,529.24 13,072.03 N/A 13,072.03  
 Bertz, Elizabeth  
 2014 Independence  
 Ann Arbor, MI 48104  
 81-12-03-222-010 11,011.92 8,356.64 N/A 8,356.64  
 Decker, M.A. & Horan, M.  
 1954 Independence  
 Ann Arbor, MI 48104  
 81-12-03-222-015 9,860.19 7,835.09 N/A 7,835.09  
 Doernte, Dean & Linda  
 1960 Independence  
 Ann Arbor, MI 48104  
 81-12-03-222-018 9,243.93 6,002.89 N/A 6,002.89  
 Frank, Anthony & S.  
 2500 Gladstone Ave.  
 Ann Arbor, MI 48104  
 81-12-03-222-019 14,068.73 9,925.83 N/A 9,925.83  
 Tungol, J. & I.  
 1962 Independence  
 Ann Arbor, MI 48104  
 Prior Charges  
 Council - April 4, 1991 1169  
 Original Revised Storm Sewer

Assessor's Estimated Estimated District #67  
Code/Owner Cost Cost (Gladstone) Total

81-12-03-223-003	\$ 10,586.02	\$ 8,112.25	N/A	\$ 8,112.25
Mays, James & E. 1910 Independence Ann Arbor, MI 48104				
81-12-03-223-004	9,586.30	6,977.92	N/A	6,977.92
Kolling, Josef & B. 1914 Independence Ann Arbor, MI 48104				
81-12-03-224-001	14,148.93	9,408.50	1,443.19	10,851.69
Bartolacci, Donald 2504 Powell Ave. Ann Arbor, MI 48104				
81-12-03-224-008	14,148.93	9,874.53	1,443.19	11,317.72
Robinson, T & L-R E. 2100 Independence Ann Arbor, MI 48104				
81-12-03-224-009	14,148.93	9,966.20	1,443.19	11,409.39
Salliotte, Lawr & Deb 2110 Independence Ann Arbor, MI 48104				
81-12-03-224-010	14,148.93	9,815.13	1,443.19	11,258.32
Ogenovski, Vladimir & Vesna 2120 Independence Ann Arbor, MI 48104				
TOTALS \$434,535.06 \$307,024.26 \$28,929.38 \$335,953.64				

5. That the amount of the improvement costs designated as future recoverable shall, when imposed on the property, include interest at an amount then determined by Council, but not less than 7%.

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Councilmember Sheldon moved that the resolution be adopted.

Councilmember Meade moved that the resolution be tabled to the April 15, 1991 regular session of Council.

On a voice vote the Chair declared the motion carried and the resolution tabled.

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R-173-4-91 APPROVED

RESOLUTION NO. 4 - CONFIRM ASSESSMENT ROLL FOR WESTOVER HILLS SUBDIVISION SANITARY SEWER

Whereas, The City Council, after due and legal notice, has met for the purpose of assessing the private property's share of the cost of acquiring and constructing a sanitary sewer described as follows:

Westover Hills Sanitary Sewer Project  
District No. 460, File No. 89055;

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

Whereas, The second resolution, R-18-1-91, approved by the Council on January .....

22, 1991, stipulates that an amount of \$108,375.00 be paid by special assessment upon the property specially benefitted within the City;

Whereas, Such amount was determined prior to receiving bids; and

Whereas, Based on bids received on March 19, 1991, the projected amount of special assessment is \$67,779.36;

RESOLVED,

1. That said special assessment roll as prepared by the City Assessor be hereby confirmed in the amount of \$67,779.36 and designated as Sanitary Sewer Special Assessment District No. 460, File No. 89055;

2. That said special assessment roll be divided into fifteen equal annual Council - April 4, 1991 1171

installments, the first of which shall be due on December 1, 1991, and the fourteen subsequent installments shall be due on June 1 of each and every year thereafter;

3. That the deferred installments of said special assessment roll bear interest at the rate of 8% to be adjusted to 1% per annum above the average interest rate of any bonds issued to finance the improvements, commencing December 1, 1991, said interest to be collected on the due date of the installments of said special assessment roll; and

4. That the assessment against the properties in the district be adjusted to the amount shown below:

Original Revised

Assessor's Estimated Estimated

Code Owner Cost Cost

08-25-217-001 Model Cities Health \$ 7,225.00 \$ 4,236.21

Lot 76 Center, Inc.

Westover Hills 267 Wagner Rd.

Ann Arbor, MI 48103

08-25-217-002 William & Ella Callaway 7,225.00 4,236.21

Lot 62 204 Westover Ave.

Westover Hills Ann Arbor, MI 48103

08-25-217-004 Ronald & Jan Hodge 7,225.00 4,236.21

Lot 73 5135 Jackson Rd.

Westover Hills Ann Arbor, MI 48103

08-25-217-005 Eleanora Gardner 7,225.00 4,236.21

Lot 69 249 Wagner Rd.

Westover Hills Ann Arbor, MI 48103

08-25-217-006 Gerald & M. Williams 7,225.00 4,236.21

Lot 67 212 Westover Ave.

Westover Hills Ann Arbor, MI 48103

08-25-218-001 Ernest & Agnes Kuebler 7,225.00 4,236.21

Lot 96 263 Westover Ave.

Westover Hills Ann Arbor, MI 48103

08-25-219-001 Ernest & Agnes Kuebler 14,450.00 8,472.42

Lots 90 & 91 263 Westover Ave.

Westover Hills Ann Arbor, MI 48103

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Original Revised

Assessor's Estimated Estimated

Code Owner Cost Cost

08-25-219-002 Arnold & M. Mickelson \$ 7,225.00 \$ 4,236.21

Lot 88 235 Westover Ave.  
 & N'ly 10 ft. Ann Arbor, MI 48103  
 of Lot 89  
 Westover Hills  
 08-25-219-004 Robert Schwartzenberger 7,225.00 4,236.21  
 Lot 86 213 Westover Ave.  
 Westover Hills Ann Arbor, MI 48103  
 08-25-219-005 Mariane Martin 7,225.00 4,236.21  
 Lots 81 & 82 3415 Porter Ave.  
 Westover Hills Ann Arbor, MI 48103  
 08-25-219-006 John & J.I. Scarbrough 7,225.00 4,236.21  
 Lots 84 & 85 211 Westover Ave.  
 Westover Hills Ann Arbor, MI 48103  
 08-25-219-007 Ernest & Agnes Kuebler -0- 4,236.21  
 S'ly 40 ft. of 263 Westover Ave.  
 Lot 89 Ann Arbor, MI 48103  
 Westover Hills  
 08-25-220-002 Randall & K. McClure 7,225.00 4,236.21  
 Lot 36 3412 Porter Ave.  
 Westover Hills Ann Arbor, MI 48103  
 08-25-220-003 Richard & M. Sayre 7,225.00 4,236.21  
 Lot 35 3404 Porter Ave.  
 Westover Hills Ann Arbor, MI 48103  
 08-25-220-009 Esther Yek 7,225.00 4,236.21  
 Lot 83 3390 Porter Ave.  
 Westover Hills Ann Arbor, MI 48103  
 TOTALS \$108,375.00 \$67,779.36  
 Council - April 4, 1991 1173

5. That the amount of the improvement costs designated as future recoverable shall, when imposed on the property, include interest at an amount then determined by Council, but not less than 7%.

Councilmember Meade moved that the resolution be adopted.  
 On a voice vote the Chair declared the motion carried.

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R-174-4-91 APPROVED  
 RESOLUTION NO. 4 - CONFIRM ASSESSMENT ROLL FOR  
 HURON PARKWAY WATER MAIN EXTENSION

Whereas, The City Council, after due and legal notice, has met for the purpose of assessing the private property's share of the cost of acquiring and constructing a water main described as follows:

Huron Parkway Water Main Extension Project  
 District No. 90080, File No. 90080;

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

Whereas, The second resolution, R-20-1-91, approved by the Council on January 22, 1991, stipulates that an amount of \$214,506.72 be paid by special assessment upon the property specially benefitted within the City;

Whereas, Such amount was determined prior to receiving bids; and

Whereas, Based on bids received March 21, 1991, the projected amount of special assessment is \$86,562.19;

RESOLVED,

1. That said special assessment roll as prepared by the City Assessor be hereby confirmed in the amount of \$86,562.19 and designated as Water Main Special Assessment District No. 90080, File No. 90080;

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2. That said special assessment roll be divided into fifteen equal annual installments, the first of which shall be due on December 1, 1991, and the fourteen subsequent installments shall be due on June 1 of each and every year thereafter;

3. That the deferred installments of said special assessment roll bear interest at the rate of 8% to be adjusted to 1% per annum above the average interest rate of any bonds issued to finance the improvements, commencing December 1, 1991, said interest to be collected on the due date of the installments of said special assessment roll; and

4. That the assessment against the properties in the district be adjusted to the amount shown below;

Original Revised

Assessor's Estimated Estimated

Code Owner Cost Cost

09-22-100-001 Warner Lambert/ \$111,369.62 \$43,577.18

Parke-Davis

2800 Plymouth Rd.

Ann Arbor, MI 48106

09-22-100-003 E.R.I.M. 92,006.72 37,056.38

3300 Plymouth Rd.

Ann Arbor, MI 48105

09-22-100-004 Warner Lambert/ 11,130.38 5,928.63

Parke-Davis

2800 Plymouth Rd.

Ann Arbor, MI 48106

TOTALS \$214,506.72 \$86,562.19

Councilmember Hunter moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

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Council - April 4, 1991 1175

R-175-4-91 APPROVED

RESOLUTION TO APPROVE AMENDMENT TO RECYCLING PROCESSING AGREEMENT WITH THE UNIVERSITY OF MICHIGAN

Whereas, The City of Ann Arbor and the University of Michigan have continually expressed at every administrative and political level their mutual interest and intent to work cooperatively on solid waste projects;

Whereas, Both the City and University embrace the need and recognize the economies of scale in developing and cooperating on regional solutions to the solid waste crisis and therefore not duplicate efforts or investments;

Whereas, The Ann Arbor City Council unanimously approved the Recycling Processing Agreement with the University of Michigan on November 5, 1990; and

RESOLVED, That the University has recommended an amendment to Appendix B of the agreement concerning the disposition of its \$107,500.00 capital investment in the



event of termination by either party for just cause;  
 RESOLVED, That the City of Ann Arbor approve the following amendment to Appendix B, Section 3 of the Recycling Processing Agreement with the University of Michigan;  
 "If the University terminates this Agreement without cause or the City terminates with cause pursuant to Section II B, the City will retain ownership of the assets purchased with the capital provided by the University. If the City terminates this Agreement without cause or the University terminates with cause pursuant to Section II B, the City will pay the University the fair market value of the equipment purchased by the City with the capital provided by the University, following appropriate appraisal by a mutually acceptable third party and in accordance with any applicable federal or state regulations"; and  
 RESOLVED, That the Mayor and City Clerk be authorized to sign this amended agreement on behalf of the City of Ann Arbor, such agreement retroactive to November 1, 1990.

Councilmember Meade moved that the resolution be adopted.  
 On a voice vote the Chair declared the motion carried.

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R-176-4-91 APPROVED

RESOLUTION TO INCREASE FEES FOR DOCUMENTS PROVIDED BY POLICE RECORDS

Whereas, The Police Department has historically collected fees for copies of reports, photographs, fingerprints, credential letters, and criminal records checks;  
 Whereas, The fees have not been raised since at least 1985, and in some cases 1980;

Whereas, Operation and production costs have risen since 1985; and  
 Whereas, It is reasonable to recover the costs associated with providing the service;

RESOLVED, That fees for the following document services be raised as shown below:

- Accident Reports from \$2.00/ea. to \$3.00/ea.
- Fingerprints from \$2.00/ea. to \$3.00/card
- Credential Letters from \$2.00/ea. to \$3.00/ea.
- Criminal Records Check from \$2.00/name to \$3.00/name
- 8 x 10 Accident Photo from \$5.00/ea. to \$8.50/ea.
- Pocket Size Accident Photo from \$2.50/ea. to \$3.50/ea.

Councilmember Meade moved that the resolution be adopted.  
 On a voice vote the Chair declared the motion carried.

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R-177-4-91 APPROVED

RESOLUTION TO APPROVE PROFESSIONAL SERVICES AGREEMENT WITH ENGINEERING AND TESTING SERVICES, INC. FOR TESTING FOR THE STADIUM BOULEVARD RECONSTRUCTION PROGRAM - FROM WASHTENAW AVENUE TO BROCKMAN BOULEVARD

Whereas, It is necessary to employ a qualified testing firm to perform essential testing for the Stadium Boulevard Reconstruction Project (Washtenaw Avenue to Brockman Street);

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Whereas, Proposals for this testing were received and evaluated by the Engineering

Department on the basis of qualifications and fees;  
 Whereas, Engineering and Testing Services, Inc. has demonstrated the required experience, personnel and competitive fee schedule to perform the work;  
 Whereas, On April 4, 1991, the Personnel/Human Rights Department gave approval of said company for said work; and  
 Whereas, On September 10, 1990 (Council Resolution No. R-484-9-90), Council appropriated sufficient funds to cover the cost of this contract;  
 RESOLVED, That Council authorize a professional service agreement in the standard City form in the amount of \$45,000.00 with Engineering and Testing Services, Inc. for construction testing and inspection services on the Stadium Boulevard Reconstruction Project (from Washtenaw Avenue to Brockman Street); and  
 RESOLVED, That the Mayor and Clerk be authorized and directed to execute said agreement after approved as to form by the City Attorney and approved as to substance by the City Administrator.

Councilmember Hunter moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

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R-178-4-91 APPROVED  
 RESOLUTION PROCLAIMING C.O.P.E. - O'BRIEN  
 CENTER DAY, APRIL 26, 1991

Whereas, The City Council of Ann Arbor wishes to honor and pay tribute to an organization that provides valuable youth services to our community;  
 Whereas, The Francis L. O'Brien Center for Youth Development - Center for Occupational and Personalized Education, Incorporated known as the C.O.P.E. - O'Brien Center was founded in March, 1971 by former Juvenile Court Judge Francis L. O'Brien to provide local therapeutic and educational services for troubled adolescent youth as an alternative to institutional placement;

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Whereas, Over the years the Center's range of services have expanded to include day treatment programming, emergency shelter foster care, academic and remedial instruction and employment training, school dropout and delinquency prevention services;  
 Whereas, Since its inception over 200 youth annually and about 3,000 youth have benefited from the Center's programs during its twenty years of operation; and  
 Whereas, The C.O.P.E. - O'Brien Center is celebrating twenty years of service with an Anniversary Banquet;

RESOLVED, That the Mayor and Council of the City of Ann Arbor, Michigan do hereby proclaim April 26, 1991 as C.O.P.E. - O'Brien Center Day in the City of Ann Arbor and commend the Center's Board of Directors and staff for their many contributions to the youth of our area and wish them continued success in their future endeavors.

Councilmember Hunter moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

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R-179-4-91 APPROVED  
 RESOLUTION DENYING SPECIAL EVENTS PERMIT  
 FOR DELTA SIGMA PHI FRATERNITY

RESOLVED, That the Special Events Permit filed by Delta Sigma Phi Fraternity requesting the closing of South Forest St. between Hill Street and Willard Street on April 13, 1991 be denied.

Councilmember Hunter moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

## **REPORTS FROM COUNCIL COMMITTEES**

### **COUNCILMEMBER SHELDON**

Councilmember Sheldon reported that the Housing Board of Appeals and the Historic District Commission are considering a change in the Housing Code that would affect Council - April 4, 1991 1179

handrails.

Councilmember Sheldon further reported that copies of the corrected Family Definition Ordinance are now available to the public, and that citizens should check with the City Clerk's Office for the corrected version.

## **COUNCIL PROPOSED BUSINESS**

None.

## **COMMUNICATIONS FROM THE MAYOR**

### **APPOINTMENTS APPROVED**

Council unanimously concurred with the Mayor's recommendations for appointments made at the March 25, 1991 regular session of Council as follows:

#### **DOWNTOWN DEVELOPMENT AUTHORITY**

Lorri D. Sipes (to replace Sandra Campbell)

208 W. Liberty St.

Term: 4/4/91 to 7/17/92

#### **BOARD OF EXAMINERS OF ELECTRICIANS AND ELECTRICAL CONTRACTORS**

Kenneth J. Wadland (to replace Lyle Laidlaw)

308 W. Jefferson St.

Term: 4/4/91 to 9/8/91

#### **HOUSING POLICY BOARD**

Abraham Kadushin

2866 Baylis Dr.

Term: 4/4/91 to 4/3/94

Timothy P. Wintermute (to replace Robert Wallace)

920 Greene St.

Term: 4/4/91 to 1/8/92

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## **COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

### **REPORTS SUBMITTED**

Acting City Administrator Mason submitted the following reports for information of Council:

1. Solid Waste Department Progress Report - April 1991
2. Ozone Study for Ann Arbor Water Treatment Plant
3. Safety Test for Handgun Purchase Permits (PA 320 of 1990)
4. Video Cameras on Police Vehicles
5. Plaza Repairs at Ann Arbor Federal Building
6. Police Department Citizen Ride-Along Program
7. University of Michigan Request for Proposal - Disposal of Scrap Wood and Wood Pallets
8. Use of Mace by Police Department  
(Reports on file in the City Clerk's Office)

## **COMMUNICATIONS FROM THE CITY ATTORNEY**

### **FAMILY DEFINITION ORDINANCE**

City Attorney R. Bruce Laidlaw reported that the problem with the Family Definition

ordinance amendments has been straightened out and that the corrected ordinance is available to the public.

#### DOOLEY'S LIQUOR LICENSE

Mr. Laidlaw reported that he received a settlement proposal from the Attorney General and the attorney representing Dooley's. The settlement proposes that Dooley's receive a suspension and a permanent imposition of a "21 and over" rule for admittance to the facility. Mr. Laidlaw stated that the proposal is subject to approval by the City of Ann Arbor and that he will submit further information in writing.

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### COMMUNICATIONS FROM COUNCIL

#### COUNCILMEMBER BORDA

Councilmember Borda thanked fellow Councilmembers for working with him during the past two years, and stated that he enjoyed working with all members, especially with Councilmember Peterson on Fifth Ward constituent services.

#### COUNCILMEMBER SCHLEICHER

Councilmember Schleicher stated that he enjoyed his four years on Council regardless of differences on the floor, and thanked the staff for their help during the last four years.

#### COUNCILMEMBERS HUNTER, BRATER, OUIMET, PETERSON AND SHELDON

Councilmembers Hunter, Brater, Ouimet, Peterson and Sheldon presented their farewells to the outgoing Mayor and Councilmembers.

### CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from Conrad S. Yocum, 2080 Newport Rd., protesting proposed Ordinance No. 8-91 (Jennings Newport Heights Subdivision Zoning) - Planning.
  2. Board of Canvassers Report for the April 1, 1991 General City Election - File.
- (See Pages 1183-1197)

The following minutes were received for file:

1. Planning Commission - February 12 and 26, 1991
  2. Market Commission - January 17 and February 28, 1991
  3. Ann Arbor Transportation Authority - February 20, 1991
  4. Housing Policy Board - February 20 and March 20, 1991
  5. Sign Board of Appeals - February 12, 1991
- 1182 Council - April 4, 1991
6. Commission on Handicapper Concerns - January 22, 1991
  7. Employees' Retirement System Board - January 9 and February 13, 1991
  8. Historic District Commission - May 10, June 14, July 12, August 16, September 13, September 20, December 13, 1990 and February 14, 1991
  9. Zoning Board of Appeals - December 19, 1990

Council unanimously agreed that the Clerk's Report be accepted.

### AUDIENCE PARTICIPATION - General

None.

### ADJOURNMENT

There being no further business to come before Council, it was moved by Councilmember Brater that the meeting be adjourned.

On a voice vote the Chair declared the motion carried and the meeting adjourned at 9:34 p.m.

W. Northcross

Clerk of the Council

Janet L. Chapin

Recording Secretary