



Legislation Text

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REGULAR SESSION - OCTOBER 21, 1991 Council - October 21, 1991 1

The regular session of the Ann Arbor City Council was called to order at 7:35 p.m. by Mayor Elizabeth S. Brater.

Council stood for a moment of silence.

Mayor Brater led the Pledge of Allegiance.

ROLL CALL OF COUNCIL

Present: Councilmembers Larry Hunter, Ann Marie Coleman, Ingrid Sheldon, Kirk Dodge, Robert Grady, Nelson Meade, Kurt Zimmer, Mark Ouimet, Thais Anne Peterson, Robert Eckstein, Mayor Elizabeth S. Brater, 11

Absent: 0

INTRODUCTIONS

PRESENTATION OF UNITED NATIONS DAY PROCLAMATION BY MAYOR BRATER

Mayor Brater presented a proclamation declaring October 24 as United Nations Day to June Reston, president of the Huron Valley Chapter of the United Nations Association of the United States, and Toni Gonzalez, vice president. This is the 46th year of the United Nations.

ANN ARBOR SUMMER FESTIVAL PRESENTATION BY SUSAN POLLAY, RUTH WHITAKER AND EMMY HARRIS

Ann Arbor Summer Festival, Inc. representatives Susan Pollay, Ruth Whitaker president of the Board of Trustees, and Amy Harris, Development person of the Festival, all presented a report on activities of this year's Festival. City funds are used to sponsor free programs at the "Top of the Park."

AUDIENCE PARTICIPATION - RESERVED TIME

MATT COMMERS - NOISE ORDINANCE

Matt Commers, 619 E. University, representing the Inter-Fraternity Council, said that initially recommendation to this body from the Noisy Party Task Force was a jail sentence 2 Council - October 21, 1991

for a third violation. He said that a compromise was reached to recommend community service instead.

LEO SIMON - DOMESTIC PARTNERSHIP ORDINANCE

Leo Simon, 2760 Holyoke, submitted a written statement which was filed with the City Clerk. He spoke against the proposed Domestic Partnership Ordinance. He said that the wording was ambiguous and that the ordinance distorts the true meaning of family. He said that its enactment will not provide appropriate public recognition, but rather, public indignation.

TOM NASH - DOMESTIC PARTNERSHIP ORDINANCE

Tom Nash, 2435 Traver, opposed the proposed Domestic Partnership Ordinance. He cited many instances where the ordinance may contribute to unacceptable behavior. He expressed the opinion that the ordinance could lead to serious social consequences, damage and death.

PAUL REIMANN - DOMESTIC PARTNERSHIP ORDINANCE

Paul Reimann, 1167 Pomona, said that approval of the Domestic Partnership Ordinance would encourage the wrong types of moral behavior. He said that straight people are being imposed upon as a result of recent judicial rulings, and that consciences are being

conditioned to think that a lesbian or gay lifestyle is acceptable.

BRENDON QUILTER - DOMESTIC PARTNERSHIP ORDINANCE

Brendon Quilter, 459 Skydale, said that he is against the Domestic Partnership Ordinance. He said that laws against practices outlined in the ordinance are still on the books. He asked Council to examine all ramifications.

CHARLES GRAHAM - DOMESTIC PARTNERSHIP ORDINANCE

Charles Graham, 1800 Hanover, expressed concern over the impact the Domestic Partnership Ordinance would have on the community, particularly children from nonmarried heterosexual relationships, its impact on the City's budget and on health care systems.

Council - October 21, 1991 3

PUBLIC HEARINGS

CHO LAND DIVISION

A public hearing was conducted on the Cho Land Division, 0.43 acre, 3190 Lorraine Street. There being on one to speak at this public hearing the Chair declared the hearing closed.

DAY PROPERTY REZONING

A public hearing was conducted on the proposed Amendment to Chapter 55, the rezoning of 0.19 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Day Property, 350 Rose Drive (Ordinance No. 51-91)

There being on one to speak at this public hearing, the Chair declared the hearing closed.

GRAMMATICO PROPERTY REZONING

A public hearing was conducted on the proposed Amendment to Chapter 55, the rezoning of 0.48 acre from TWP (Township District) to R1B (Single-Family Dwelling District), Grammatico Property, 1605 North Maple Road (Ordinance No. 52-91)

There being on one to speak at this public hearing, the Chair declared the hearing closed.

HAMMOND PROPERTY REZONING

A public hearing was conducted on the proposed Amendment to Chapter 55, the rezoning of 0.41 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Hammond Property, 426 Rose Drive (Ordinance No. 53-91)

There being on one to speak at this public hearing, the Chair declared the hearing closed.

4 Council - October 21, 1991

HUIZINGA PROPERTY REZONING

A public hearing was conducted on the proposed Amendment to Chapter 55, the rezoning of 0.17 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Huizinga Property, northwest corner of Robert and Victoria Avenue (Ordinance No. 54-91)

There being on one to speak at this public hearing, the Chair declared the hearing closed.

KAPP PROPERTY REZONING

A public hearing was conducted on the proposed Amendment to Chapter 55, the rezoning of 0.39 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Kapp Property, 330 Rose Drive (Ordinance No. 55-91).

There being on one to speak at this public hearing, the Chair declared the hearing closed.

MCGEE PROPERTY REZONING

A public hearing was conducted on the proposed Amendment to Chapter 55, the rezoning of 0.53 acre from TWP (Township District) to R1C (Single-Family Dwelling District), McGee Property, 3270 Valley Drive (Ordinance No. 56-91).

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

SINDLINGER PROPERTY REZONING

A public hearing was conducted on the proposed Amendment to Chapter 55, the rezoning of 0.25 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Sindlinger Property, 390 Glenwood (Ordinance No. 57-91).

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

Council - October 21, 1991 5

SPRIK PROPERTY REZONING

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

of 0.20 acre from TWP (Township District), to R1C (Single-Family Dwelling District), Sprik Property, 3245 Kingwood (Ordinance No. 58-91).

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

WILLIAM AND FIRST PARKING RATES

A public hearing was conducted on the proposed William and First Parking Lot Rates - \$40.00 per month.

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

APPROVAL OF AGENDA

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

ORDINANCES - SECOND READING

Delete: Ordinance Adding new Chapter 110 - Domestic Partnerships

(Ordinance No. 62-91) - Public hearing and second reading

scheduled for November 4, 1991

MOTIONS AND RESOLUTIONS

Revised: Resolution Supporting Cooperation Between the City of Ann Arbor and Washtenaw County to Reduce Duplication of Governmental Services

Communication: Communication from Gary Hillman, president of The 3rd Coast, Inc., regarding the Class C Resort liquor license transfer to 613-615 E. William Street.

Delete: Resolution to Approve Library Block Study

Delete: Resolution Regarding Domestic Partnership Benefits

(Councilmember Coleman)

Add: Resolution Regarding Michigan Senate Bill #522 (Councilmember Eckstein)

6 Council - October 21, 1991

COMMUNICATIONS FROM THE MAYOR

Revised: Appointments

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Add: Availability of Quarterly Report on Line-item Budget Transfers

Add: City of Ann Arbor 1990-1991 Annual Report

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

APPROVAL OF COUNCIL MINUTES

MINUTES APPROVED AS PRESENTED

Councilmember Eckstein moved that the special session minutes of September 30, 1991 and regular session minutes of October 7, 1991 be approved as presented.

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

CONSENT AGENDA

CONSENT AGENDA APPROVED

The following Consent Agenda was approved:

R-600-10-91 APPROVED

RESOLUTION TO APPROVE BATES ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval (8 years and 0 days) of the Bates Annexation, 0.44 acre, 303 Glenwood.

Whereas, The territory hereinafter described is located in the township of Scio and is adjacent to the corporate limits of the City of Ann Arbor;

Whereas, Richard and Bona Jean Bates are the owners of the Council - October 21, 1991 7 property; and

Whereas, It is the desire of Richard and Bona Jean Bates to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Scio, Washtenaw County, Michigan, be detached from said Township of Scio and annexed to the City of Ann Arbor, to-wit:

Lots 24 and 26 of The Evergreens, Scio Township, Washtenaw County.

R-601-10-91 APPROVED

RESOLUTION TO APPROVE CHO LAND DIVISION

A communication was received from the City Planning Commission transmitting its recommendation of approval (6 yeas and 0 nays) of the Cho Land Division, 0.43 acre, 3190 Lorraine Street.

Whereas, Kyung H. Cho has requested approval of the division of the existing parcel at 2190 Lorraine Street into two separate parcels; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of September 10, 1991, recommended approval of said request;

RESOLVED, That the Cho Land Division is hereby approved.

R-602-10-91 APPROVED

RESOLUTION TO APPROVE MARCICH/WOODWARD ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval (8 yeas and 0 nays) of the Marcich/Woodward Annexation, 0.37 acre, 195 Barton Drive.

Whereas, The territory hereinafter described is located in the Township of Ann Arbor and is adjacent to the corporate limits of the City of 8 Council - October 21, 1991

Ann Arbor; and

Whereas, Ivo P. Marcich and Heather Woodward are the owners of the property;

Whereas, it is the desire of Ivo P. Marcich and Heather Woodward to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Ann Arbor, Washtenaw County, Michigan, be detached from said Township of Ann Arbor and annexed to the City of Ann Arbor, to-wit:

Lot 2, Long Shore Park, City of Ann Arbor, Washtenaw County, Michigan.

R-603-10-91 APPROVED

RESOLUTION TO APPROVE TALBOT ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval (8 yeas and 0 nays) of the Talbot Annexation, 0.42 acre, 1850 Robert Street.

Whereas, The territory hereinafter described is located in the Township of Pittsfield and is adjacent to the corporate limits of the City of Ann Arbor;

Whereas, Elsie J. Talbot is the owner of the property; and

Whereas, it is the desire of Elsie J. Talbot to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Pittsfield, Washtenaw County, Michigan, be detached from said Township of Pittsfield and annexed to the

City of Ann Arbor, to-wit:

Lots 21, 22, 25, and the East 5 feet of the North 60 feet of Lot
20, Packard Hills Subdivision, Pittsfield Township, Washtenaw
Council - October 21, 1991 9

County, including adjacent Robert Street and Joseph Street
rights-of-way.

R-604-10-91 APPROVED

**RESOLUTION TO APPROVE THE PURCHASE OF
THREE 4-DOOR PASSENGER CARS AND SIX 3/4 TON
PICKUP TRUCKS - BID NO. 2190, ITEMS #1 AND #5
(\$114,414.00)**

Whereas, Three existing 4-door station wagons and six existing pickup trucks used
by the Utilities Department are fully-depreciated and their economically usable service lives
have been expended;

Whereas, The Purchasing Department has, following the necessary request from
the Utilities Department Field Division, secured competitive bids, No. 2190, item #1, and
Item #5, received September 26, 1991, and has determined that Varsity Ford was the sole
bidder in the amount of \$26,370.00 for three 4-door passenger cars, and John Lefere Ford
is the lowest responsible bidder meeting specifications for six 3/4 ton pickup trucks in the
amount of \$88,044.00;

Whereas, The Personnel/Human Rights Department has approved Varsity Ford and
John Lefere Ford on October 10, 1991 as meeting the City's Human Rights requirements;
and

Whereas, Funds for the purchase of these replacement vehicles have been
budgeted in the fiscal year 1991-92 operating budget appropriations for water and sanitary
sewer system revolving equipment capital replacements;

RESOLVED, That Council accepts the bid of Varsity Ford in the amount of
\$26,370.00 as the sole bidder for the three 4-door passenger cars; and the bid of John
Lefere Ford in the amount of \$88,044.00 as the lowest responsible bidder for the six 3/4
ton pickup trucks; and

RESOLVED, That the City Administrator is directed to issue purchase orders in the
amount of \$26,370.00 to Varsity Ford to supply the three 4-door passenger cars to John
Lefere Ford in the amount of \$88,044.00 to supply the six 3/4 ton pickup trucks as specified
in Bid No. 2190.

R-605-10-91 APPROVED

10 Council - October 21, 1991

**RESOLUTION TO AWARD CONTRACT FOR REPLACEMENT
OF FILTER UNDERDRAINS AT THE
WATER TREATMENT PLANT - BID NO. 2194
(\$92,000.00)**

Whereas, At the Water Treatment Plant the existing underdrains in filters 1-10, the
original 1938 and 1949 installations, are plugged and need to be replaced;

Whereas, It is proposed to replace the underdrains and install surface wash in one
filter at the Water Treatment Plant as a prototype to evaluate the performance and to
finalize the design of this underdrain replacement and filter upgrade;

Whereas, The Purchasing Department has secured competitive bids for this work
and in counsel with the Utilities Department has determined that Lerner-Linden, Inc. has
submitted the lowest responsible bid for said work in the total amount of \$83,500.00;

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

Whereas, On September 30, 1991 the Personnel/Human Rights Department

approved Lerner-Linden, Inc. for said contract;
RESOLVED, That the Council accept the proposal and award a contract to Lerner-Linden, Inc. in the amount of \$83,500.00 for the underdrain and surface wash work in one filter at the Water Treatment Plant;
RESOLVED, That the Council approve the appropriation of a contingency in the amount of \$8,500.00 to finance change orders to be approved by the City Administrator;
RESOLVED, That the Council appropriate \$92,000.00 as an interim advance from the Water Supply System Fund to be repaid by Water Revenue Bond Series R; and
RESOLVED, That the Mayor and the City Clerk are authorized and directed to sign said contract approved as to form by the City Attorney and approved as to substance by the City Administrator.

R-606-10-91 APPROVED

Council - October 21, 1991 11

RESOLUTION TO APPROVE FIVE (5) 1992

FORD TEMPO GL's - BID NO. 2190

(FISCAL YEAR 1991-92) (\$47,859.00)

Whereas, The Purchasing Department solicited bids for the purchase of five (5) new 1992 passenger cars;

Whereas, Varsity Ford was the lowest responsible bidder, Bid No. 2190, September 26, 1991, for the purchase of five (5) 1992 Ford Tempo GL's, at a cost of \$47, 859.00; and

Whereas, Varsity Ford received City of Ann Arbor Human Rights Approval on May 16, 1991;

RESOLVED, That City Council approve the issuance of a Purchase Order to Varsity Ford, for \$47,859.00.

R-607-10-91 APPROVED

**RESOLUTION TO AWARD CONTRACT TO REPLACE
TWO MOTOR CONTROL CENTERS AT THE WASTEWATER
TREATMENT PLANT - BID NO. 2126**

(\$28,000.00)

Whereas, At the Ann Arbor Wastewater Treatment Plant there are two old motor control centers, No.'s 2 and 4R, that need to be replaced;

Whereas, The Utilities Department-Wastewater Treatment Division, through the Purchasing Department, advertised for bids to perform this work as specified in Bid No. 2126;

Whereas, Three (3) bids were received and reviewed, Turner Electric Service Inc. is recommended as the lowest responsible bidder of a base bid of \$25,291.00;

Whereas, On September 25, 1991, the Personnel/Human Rights Department approved Turner Electric Service Inc. to perform the work; and

Whereas, Funds are available in the FY 91/92 Wastewater Treatment Plant Operating budget to finance this project;

RESOLVED, That Council accepts the bid and awards the contract to Turner Electric Service, Inc. for \$25,291.00 to perform the work as specified in Bid No. 2126;

12 Council - October 21, 1991

RESOLVED, That Council approve a contingency for this work in the amount of \$2,709.00 to finance change orders to be approved by the City Administrator;

RESOLVED, That the following project budget be adapted for the life of the project, to be available unit expended without regard to fiscal year;

Contract Work \$25,291.00

Contingency \$ 2,709.00

\$28,000.00

RESOLVED, That the Mayor and Clerk are authorized and directed to sign said contract approved as to form by the City Attorney, and approved as to substance by the

Administrator.

Funding Source: Sewage Disposal Fund

FY 91/92 Wastewater Treatment Plant Operating Budget.

R-608-10-91 APPROVED

**RESOLUTION TO APPROVE PURCHASE OF CURB INLET
AND MANHOLE CASTINGS - BID NO. 2196**

(\$18,290.00)

Whereas, The Utilities Department Field Services Division revolving supplies inventory of stormsewer catch basin curb inlet and manhole ring and cover castings needs to be replenished;

Whereas, The Purchasing Department has secured competitive bids, Bid No. 2196, received October 2, 1991, and in counsel with the Utilities Department has determined that Neenah Foundry Company is the lowest responsible bidder for cast iron storm sewer catch basin curb inlets and cast iron 21" manhole rings and covers in the total amount of \$18,290;

Whereas, On October 10, 1991 the Personnel/Human Rights Department approved Neenah Foundry Company to provide these castings to the City of Ann Arbor; and
Whereas, These castings will be purchased with the fiscal year 1991/92 operating budget appropriations in the Water Fund revolving supplies account 042-073-6210-3900 and Sanitary Sewer Fund revolving supplies account 043-073-7210-3900;

Council - October 21, 1991 13

RESOLVED, That Council accept and award the bid for these castings to Neenah Foundry Company in the total amount of \$18,290.00; and

RESOLVED, That the City Administrator is directed to issue a purchase order in the amount of \$18,290.00 to Neenah Foundry Company for these castings.

Funding Source: Water Supply and Sewage Disposal Funds - Revolving Supply Field.

R-609-10-91 APPROVED

**RESOLUTION TO PURCHASE GRANULAR ACTIVATED
CARBON FOR ONE FILTER AT THE WATER TREATMENT
PLANT - BID NO. 2101 (\$18,000.00)**

Whereas, It is necessary to replace Granular Activated Carbon in one filter at the Water Treatment Plant;

Whereas, For Bid No. 2101 Calgon Carbon Corporation submitted the low responsible bid of \$21.95/cft on March 22, 1991 and is willing to supply Granular Activated Carbon at this price now; and

Whereas, On October 10, 1991 the Personnel/Human Rights Department approved Calgon Carbon Corporation;

RESOLVED, That Council accepts the bid proposal of Calgon Carbon Corporation and approves the purchase in the amount of \$18,000.00 to supply Granular Activated Carbon at the Water Treatment Plant; and

14 Council - October 21, 1991

RESOLVED, That the City Administrator be directed to issue a purchase order in the amount of \$18,000.00 to Calgon Carbon Corporation to supply Granular Activated Carbon at the Water Treatment Plant.

**Source of Funds: Water Supply System, Water
Treatment Plant FY-91-92**

Operations and Maintenance Budget

R-610-10-91 APPROVED

**RESOLUTION TO APPROVE CHANGE ORDER NO. 1
FOR MECHANICAL REPAIRS IN SEDIMENTATION
BASIN #2 AT THE WATER TREATMENT PLANT**

BID NO. 2106 (\$1,824.00)

Whereas, Goyette Mechanical Company was originally awarded a contract to perform mechanical repairs on Sedimentation Basin #2 for \$30,900.00;

Whereas, Council approved a \$3,000.00 contingency in the FY 91/92 Budget for this project to fund necessary change orders;

Whereas, It was necessary to do extra work at a cost of \$1,824.00 in Basin No. 2; and this extra work was not delayed in order to meet water demands; and

Whereas, On April 9, 1991 the Personnel/Human Rights Department approved Goyette Mechanical Company for said work;

RESOLVED, That Mayor and Council approve the Change Order No. 1 to Goyette Mechanical Company in the amount of \$1,824.00 for Mechanical Repairs in Basin No. 2 at the Water Treatment Plant, and that the City Administrator is authorized and directed to issue this change order.

Source of Funds: Water Supply System, Water Treatment Plant FY 91-92 Operations and Maintenance Budget.

Council - October 21, 1991 15

R-611-10-91 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICES

OUTSIDE CITY LIMITS TO LOT 47 OF THE

EVERGREENS (2923 DEXTER ROAD)

Whereas, Theodore Graham and Ruth Ryan, owners of the property at 2923 Dexter Road have requested that on October 9, 1991 the City extend public water and sewer services for their use to the property in Scio Township prior to the completion of the annexation process;

Whereas, They desire 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 May 13, 1991, Theodore Graham and Ruth Ryan petitioned the City for annexation under Planning Department file number 8244J4.1 & .2;

RESOLVED, That the Mayor and Clerk are authorized and directed to sign the agreements on behalf of the City allowing City water and sewer services to the land during the time it is still outside of the Corporate Limits; the City Clerk is directed and ordered to send a copy of this resolution and the agreements by first class mail to the property owners 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.

R-612-10-91 APPROVED

RESOLUTION TO APPROVE PURCHASE OF A 1978 JOHN

DEERE ROAD GRADER - BID NO. 2184

(\$31,000.00)

Whereas, The Street Division of the Transportation Department does not presently own a road grader;

Whereas, The Street Division of the Transportation Department requires the use of a road grader for operations such as: snow removal, road grading, shoulder maintenance, road construction;

Whereas, AIS Continental Company submitted the lowest bid in the sum of \$46,000 and included a credit of \$15,000 for the previous rental of this unit to be applied towards the purchase price; and

16 Council - October 21, 1991

Whereas, AIS Continental Company received City of Ann Arbor Human Rights Approval on May 17, 1991;

RESOLVED, That \$31,000 be approved for a purchase of a used 1978 John Deere Road Grader from AIS Continental Company for the Street Division of the Transportation

Department from the Municipal Garage Equipment Fund 012-091-0130-5480.

R-613-10-91 APPROVED

**RESOLUTION AUTHORIZING WATER MAIN, SANITARY
SEWER AND STORM SEWER IMPROVEMENT CHARGES FOR
2460 JAMES STREET (\$10,418.92)**

Whereas, The City has previously constructed a water main, sanitary sewer and storm sewer described as follows:

Water Main: 8" water main in James St.; District No. 452; File No. 87100

\$5,117.42/connection; one connection = \$5,117.42

Sanitary Sewer: 8" sanitary sewer in James St.; District No. 452; File No. 87100;

\$5,185.16/connection; one connection = \$5,185.16.

Storm Sewer: Land contributing to oversize on Packard from Kensington to Independence and on Independence from Packard to James; District No. 56; Job Nos. 3568, 3569; \$0.0098/S.F.; 11881 S.F. = \$116.34;

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;

RESOLVED,

1. That Council hereby levy an improvement charge against the following newlyannexed property which is specially benefitted by the above improvements:

Annexation Address: 2460 James St.

City Assessor Code: 12-04-122-005

Annexation Number : A90-18

Planning File No. : 12041D18.1 & .2

Lot 3 and northerly 30 feet of Lot 4, Packard Hills Subdivision, including that portion of adjacent James Street right-of-way. Now situated in the City of Ann Council - October 21, 1991 17

Arbor.

2. That the improvement charge so levied be in the amount of \$10,418.92 and be hereby designated as Utilities Improvement Charge No. 576;

3. That said improvement charge be divided into 15 equal installments, the first to be due on December 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 December 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 John K. Musgrave and Elizabeth C. Musgrave, 2460 James Street, Ann Arbor, Michigan, 48104-6303 and be credited in the amount of \$5,117.42 to Fund 042-073-7151, and \$5,185.16 to Fund 043-073-7151 and \$116.34 to Fund 031-073-7151.

R-614-10-91 APPROVED

**RESOLUTION AUTHORIZING WATER MAIN AND
SANITARY SEWER IMPROVEMENT CHARGES FOR
LOT 156 AND 157 THE EVERGREENS SUBDIVISION
426 ROSE DRIVE (\$9,191.79)**

Whereas, The City has previously constructed a water main and a sanitary sewer described as follows:

Water Main: 16" water main in Rose Dr.; Non-Dist No. A-516W; \$20.85 front foot; 120 front feet = \$2,502.00

Sanitary Sewer: 8" Sanitary Sewer in Rose Drive; File No. 90060; District No. 461

\$6,583.33/connection, one (1) connection = \$6,583.33

Trunkline Improvement Charge = \$106.46

Total of Sanitary Sewer Improvement Charges = \$6,689.79

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 18 Council - October 21, 1991

improvements, such fair share not having heretofore been paid nor contracted for; and

Whereas, Due to the 1,4 Dioxane contamination in the owner's well, the State of Michigan Department of Public Health has agreed to pay the water main improvement charges;

RESOLVED,

1. That Council hereby levy an improvement charge against the following newlyannexed property which is specially benefitted by the above improvements:

Annexation Address: 426 Rose Drive

City Assessor Code: 08-24-304-006

Annexation Number : A91-08

Planning File No. : 8243L15.1 & .2

Lot 156 and 157 of Evergreens Subdivision, including adjacent Rose Drive right-of-way. 426 Rose Drive. Now situated in the City of Ann Arbor.

2. That the improvement charge so levied be in the amount of \$9,191.79 and be hereby designated as Utilities Improvement Charge No. 575;

3. That said sanitary sewer improvement charge be divided into 15 equal installments, the first to be due on December 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 December 1, 1991.

4. That said water main improvement charge be due upon receipt of an invoice to the State of Michigan Department of Public Health;

5. 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;

6. That the sanitary sewer improvement charge so levied be invoiced to Frederick W. Hammond and Linda K. Hammond, 426 Rose Drive, Ann Arbor, Mi. 48103, and that the amount of \$6,689.79 be credited to Fund 043-073-7151; and

7. That the water main improvement charge so levied be invoiced to Ms. Lois Graham, R.S., Michigan Department of Public Health, Division of Water Supply, P.O. Box 30195, Lansing, MI. 48909, in the amount of \$2,502.00 and be credited to Fund 042-073-7151.

Council - October 21, 1991 19

R-615-10-91 APPROVED

**RESOLUTION AUTHORIZING SANITARY SEWER
IMPROVEMENT CHARGE FOR LOT 177 THE
EVERGREENS SUBDIVISION, 3245 KINGWOOD
(\$6,695.78)**

Whereas, The City has previously constructed a water main and a sanitary sewer described as follows:

Water Main: 16" water main in Rose Dr.; Non-Dist Job No. A516W; \$20.80 front foot; 134 front feet = \$2,793.90

Sanitary Sewer: 8" Sanitary sewer in Kingwood; Dist. No. 444; File No. 86035;

\$6,589.32/connection, one (1) connection = \$6,589.32

Trunkline Improvement Charges: \$106.46

Total Sanitary Sewer Charge: \$6,695.78

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; and
Whereas, Due to the 1,4 Dioxane contamination in the owner's well, Gelman Sciences, Inc. has paid the water main improvement charges;

RESOLVED,

1. That Council hereby levy an sanitary sewer improvement charge against the following newly-annexed property which is specially benefitted by the above improvements:

Annexation Address: 3245 Kingwood

City Assessor Code: 08-24-308-005

Annexation Number : A91-11

Planning File No. : 8243F14.1 & .2

Lot 177, The Evergreens, including adjacent Rose Drive right-of-way. 3245 Kingwood Street. Now situated in the City of Ann Arbor.

2. That the improvement charge so levied be in the amount of \$6,695.78 and be hereby designated as Utilities Improvement Charge No. 570;

20 Council - October 21, 1991

3. That said sanitary sewer improvement charge be divided into 15 equal installments, the first to be due on December 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 December 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 sanitary sewer improvement charge so levied be invoiced to Timothy L. Sprik and Jill S. Sprik, 3245 Kingwood, Ann Arbor, MI. 48103, and \$6,695.78 be credited to Fund 043-073-7151.

R-616-10-91 APPROVED

RESOLUTION AUTHORIZING WATER MAIN

IMPROVEMENT CHARGE FOR LOTS 185 AND

187 THE EVERGREENS SUBDIVISION 3270 VALLEY

DRIVE (\$2,982.35)

Whereas, The City has previously constructed a water main described as follows:

Water Main: 16" water main in Rose Drive; Non-Dist Job No. A-516W; \$20.85/front foot;

191 front feet = \$3,982.35

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; and
Whereas, Due to the 1,4 Dioxane contamination in the owner's well, the State of Michigan Department of Public Health has agreed to pay the water main improvement charges;

RESOLVED,

1. That Council hereby levy an improvement charge against the following newlyannexed property which is specially benefitted by the above improvements:

Annexation Address: 3270 Valley Drive

City Assessor Code: 08-24-308-002

Council - October 21, 1991 21

Annexation Number : A91-10

Planning File No. : 8243D15.1 & .2

Lots 185 and 187 of Evergreens, and including adjacent Valley Drive and Rose Drive right-of-way; now situated in the City of Ann Arbor;

2. That the improvement charge so levied be in the amount of \$3,982.35 and be

hereby designated as Utilities Improvement Charge No. 572;

3. That said water main improvement charge be due upon receipt of an invoice to the State of Michigan Department of Public Health;

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 water main improvement charge so levied be invoiced to Ms. Lois Graham, R.S., Michigan Department of Public Health, Division of Water Supply, P.O. Box 30195, Lansing, MI. 48909; and \$4,483.45 be credited to Fund 042-073-7151.

R-617-10-91 APPROVED

**RESOLUTION AUTHORIZING WATER MAIN AND
SANITARY SEWER IMPROVEMENT CHARGES FOR
LOT 42 THE EVERGREENS SUBDIVISION,
401 GLENWOOD (\$1,045.23)**

Whereas, The City has previously constructed a water main and sanitary sewer described as follows:

Water Main: 6" water main in Glenwood; Non-Dist. Job No. 4-410; \$307.97 connection; one (1) connection = \$307.97

Sanitary Sewer: 12" Sanitary Sewer in Glenwood; Non-Dist. No. 3680-5 \$737.26/connection; one (1) connection = \$737.26

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;

22 Council - October 21, 1991

RESOLVED,

1. That Council hereby levy an improvement charge against the following newlyannexed property which is specially benefitted by the above improvements:

Annexation Address: 401 Glenwood

City Assessor Code: 08-24-405-008

Annexation Number : A91-06

Planning File No. : 8244H4.1 & .2

Lot 42, The Evergreens Subdivision, a subdivision of part of the S 1/2 of Section 24, Town 2 South, Range 5 East, Scio Township, Washtenaw County, Michigan, according to the plat thereof as recorded in Liber 7 of Plats, page 42, Washtenaw County Records; also a parcel described as follows: Commencing at the SE corner of Lot 44 in The Evergreens, a subdivision of part of the S 1/2 of Section 24, Scio Township, Washtenaw County, Michigan; thence W 142.32 feet in the S line of Lot 44 to the SW corner of said lot; thence NE 26.35 feet to the W line of Lot 44; thence E 134.47 feet parallel to the S line of Lot 44 to the W line of Glenwood Street; thence S in the W line of Glenwood Street, 25.0 feet to the place of beginning, being a part of Lot 44 of the Evergreens, according to the plat thereof as recorded in Liber 7 of Plats, page 42, Washtenaw County Records, including adjacent Glenwood Street right-of-way. Now situated in the City of Ann Arbor.

2. That the improvement charge so levied be in the amount of \$1,045.23 and be hereby designated as Utilities Improvement Charge No. 567;

3. That said sanitary sewer improvement charge be divided into 15 equal installments, the first to be due on December 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 December 1, 1991;

4. That said water main improvement charge be due upon receipt of an invoice to the State of Michigan Department of Public Health;
 5. 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
 6. That the sanitary sewer improvement charge so levied be invoiced to Robert and Mary Beth West, 401 Glenwood, Ann Arbor, MI. 48103 and \$737.26 be credited to Fund Council - October 21, 1991 23 043-073-7151; and
- RESOLVED, That the water main improvement charge so levied be invoiced to Ms. Lois Graham, R.S., Michigan Department of Public Health, Division of Water Supply, P.O. Box 30195, Lansing, MI. 48909, in the amount of \$307.97 and be credited to Fund 042-073-7151.

**R-618-10-91 APPROVED
RESOLUTION AUTHORIZING WATER MAIN AND
SANITARY SEWER IMPROVEMENT CHARGES FOR
LOT 4 THE EVERGREENS SUBDIVISION - 390 GLENWOOD
(\$1,045.23)**

Whereas, The City has previously constructed a water main and a sanitary sewer described as follows:

Water Main: 6" water main in Glenwood.; Non-Dist. Job No. 4-410; \$307.97/connection;
one (1) connection = \$307.97

Sanitary Sewer: 12" Sanitary Sewer in Glenwood; Non-Dist. No. 3680; \$737.26/connection;
one (1) connection = \$737.26

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; and
Whereas, Due to the 1,4 Dioxane contamination in the owner's well, the State of Michigan Department of Public Health has agreed to pay the water main improvement charges;

RESOLVED,

1. That Council hereby levy an improvement charge against the following newlyannexed property which is specially benefitted by the above improvements:

Annexation Address: 390 Glenwood

City Assessor Code: 08-24-404-022

Annexation Number : A91-09

Planning File No. : 8244F5.1 & .2

Lot 4 of the Evergreens, including adjacent Glenwood Street right-of-way.

390 Glenwood Street, now situated in the City of Ann Arbor.

24 Council - October 21, 1991

2. That the improvement charge so levied be in the amount of \$1,045.23 and be hereby designated as Utilities Improvement Charge No. 571;
3. That said sanitary sewer improvement charge be divided into 15 equal installments, the first to be due on December 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 December 1, 1991;
4. That said water main improvement charge be due upon receipt of an invoice to the State of Michigan Department of Public Health;
5. 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;

6. That the sanitary sewer improvement charge so levied by invoiced to Harold W. Sindlinger and Teruko Sindlinger, 390 Glenwood Street, Ann Arbor, Mi. 48103 and \$737.26 be credited to Fund 043-073-7151; and

7. That the water main improvement charge so levied be invoiced to Ms. Lois Graham, R.S., Michigan Department of Public Health, Division of Water Supply, P.O. Box 30195, Lansing, Mi. 48909, in the amount of \$307.97 and be credited to Fund 042-073-7151.

Council - October 21, 1991 25

R-619-10-91 APPROVED

RESOLUTION AUTHORIZING WATER MAIN AND
SANITARY SEWER IMPROVEMENT CHARGES FOR

LOT 15 SCIOTO HILLS SUBDIVISION,

2819 DEXTER ROAD (\$764.96)

Whereas, The City has previously constructed a water main and a sanitary sewer described as follows:

Water Main: 16" water main in Dexter Road; Non-Dist. Job No. A-168; \$252.84 connection; one (1) connection = 252.84

Sanitary Sewer: 8" Sanitary Sewer in Dexter Road; Dist. No. 359; Job No. 2903; \$512.12/connection, one (1) connection = \$512.12

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; and

Whereas, Due to the 1,4 Dioxane contamination in the owner's well, the State of Michigan Department of Public Health has agreed to pay the water main improvement charges;

RESOLVED,

1. That Council hereby levy an improvement charge against the following newlyannexed property which is specially benefitted by the above improvements:

Annexation Address: 2819 Dexter Road

City Assessor Code: 08-24-404-021

Annexation Number : A91-05

Planning File No. : 8244F8 .1 & .2

Lot 15, Scioto Hills, including adjacent Dexter Road right-of-way. Now situated in the City of Ann Arbor.

2. That the improvement charge so levied be in the amount of \$764.96 and be hereby designated as Utilities Improvement Charge No. 566;

3. That said sanitary sewer improvement charge be divided into 15 equal installments, the first to be due on December 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 December 1, 1991;

4. That said water main improvement charge be due upon receipt of an invoice to the 26 Council - October 21, 1991

State of Michigan Department of Public Health;

5. 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;

6. That the sanitary sewer improvement charge so levied be invoiced to Eric S. Kasischke, 2819 Dexter Road, Ann Arbor, Mi. 48103, in the amount of \$512.12 to Fund 043-073-7151; and

7. That the water main improvement charge so levied be invoiced to Ms. Lois Graham, R.S., Michigan Department of Public Health, Division of Water Supply, P.O. Box 30195,

Lansing, MI. 48909 in the amount of \$252.84 and be credited to Fund 042-073-7151.

R-620-10-91 APPROVED

**RESOLUTION AUTHORIZING WATER MAIN AND
SANITARY SEWER IMPROVEMENT CHARGES FOR
LOT 49 THE EVERGREENS SUBDIVISION
2963 DEXTER ROAD (\$764.95)**

Whereas, The City has previously constructed a water main and a sanitary sewer described as follows:

Water Main: 16" water main in Dexter Road; Non-Dist Job No. A-168; \$252.83/connection; one (1) connection = \$252.83

Sanitary Sewer: 8" Sanitary Sewer in Dexter Road; Dist. No. 359; Job No. 2903; \$512.12/connection, one (1) connection = \$512.12

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; and

Whereas, Due to the 1,4 Dioxane contamination in the owner's well, the State of Michigan Department of Public Health has agreed to pay the water main improvement charges;

RESOLVED,

1. That Council hereby levy an improvement charge against the following newlyannexed property which is specially benefitted by the above improvements:

Council - October 21, 1991 27

Annexation Address: 2963 Dexter Road

City Assessor Code: 08-24-405-009

Annexation Number : A91-03

Planning File No. : 8244J3 .1 & .2

Lot 49, according to the recorded plat of the Evergreens, a subdivision of part of the South half of Section 24, T2S, R5E, including adjacent Dexter Road right-of-way. Now situated in the City of Ann Arbor.

2. That the improvement charge so levied be in the amount of \$764.95 and be hereby designated as Utilities Improvement Charge No. 564;

3. That said sanitary sewer improvement charge be divided into 15 equal installments, the first to be due on December 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 December 1, 1991;

4. That said water main improvement charge be due upon receipt of an invoice to the State of Michigan Department of Public Health;

5. 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;

6. That the sanitary sewer improvement charge so levied be invoiced to Elizabeth A. Bjork, 2963 Dexter Road, Ann Arbor, MI. 48103, and \$512.12 be credited to Fund 043-073-7151; and

7. That the water main improvement charge so levied be invoiced to Ms. Lois Graham, R.S., Michigan Department of Public Health, Division of Water Supply, P.O. Box 30195, Lansing, MI. 48909, in the amount of \$252.83 and be credited to Fund 042-073-7151.

28 Council - October 21, 1991

R-621-10-91 APPROVED

**RESOLUTION TO GRANT WATER SERVICE OUTSIDE
CITY LIMITS TO LOTS 175 AND 176**

THE EVERGREENS (3250 KINGWOOD)

Whereas, Donald E. Johnston, owner of the property at 3250 Kingwood has requested on August 19, 1991 the City extend public water service for their use to the property in Scio Township prior to the completion of the annexation process; Whereas, Mr. Johnston desires to enter into the standard agreement with the City which provides an equitable method of obtaining City service outside of its Corporate Boundaries; and

Whereas, On June 3, 1991 he petitioned the City for annexation under Planning Department file number 8243K22.1 & .2, described as follows:

Lot 175 & Lot 176, The Evergreens a Subdivision of Part of the South Half Section 24, Scio Township, Washtenaw County, Michigan. Rec'd L. 7, P. 42 plats WCR. 3250 Kingwood at Rose, Ann Arbor, MI.;

RESOLVED, That the Mayor and Clerk are authorized and directed to sign the agreement on behalf of the City allowing City water service to the land during the time it is still outside of the Corporate Limits; the City Clerk is directed and ordered to send a copy of this resolution and the agreements by first class mail to the property owner 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.

R-622-10-91 APPROVED

**RESOLUTION TO TRANSFER DELINQUENT
MOWING FEES TO THE CITY TAXROLL**

Whereas, The property at 1004 Woodlawn (vacant lot), Assessor Code #81-09-33-213-018 owned by Jack Schwarcz, was in violation of the City vegetation and Weed Control, Chapter 40;

Whereas, This property was brought into compliance by the City following notification as required by the Code; and

Whereas, An invoice for service was issued in the amount of \$63.25 to the applicable property owner and to date has not been paid;

RESOLVED, That such unpaid charges be levied as a special assessment against Council - October 21, 1991 29

the owner and premises together with an additional penalty charge of 10% of the total unpaid, as provided for in Section 1.292 of the City Code; and

RESOLVED, That the City Assessor shall place the same on the next taxroll of the City and that such charges will be collected in the same manner as general City taxes.

R-623-10-91 APPROVED

**RESOLUTION AUTHORIZING LEVY OF MILLAGE ON
THE DECEMBER, 1991 COUNTY TAX LEVY FOR
THE CITY'S SHARE OF VARIOUS STORM DRAIN
DEBT PAYMENTS (LEVY OF .1095 MILLS)**

Whereas, Washtenaw County has levied assessments on the City of Ann Arbor for various storm sewer capital and maintenance projects, as follows:

Allen Creek Drain 1 of 1 \$8,634.38

County Farm Drain 1 of 1 1,548.98

Swift Run Drain 1 1 of 1 2,710.20

Swift Run Drain 2 2 of 2 2,830.73

Swift Run Drain 3 3 of 3 4,168.64

Pittsfield-Ann Arbor Drain 1 of 1 5,808.72

Subtotal Maintenance 25,701.65

Pittsfield-Ann Arbor Drain 15 of 26 225,582.65

Subtotal Capital 225,582.65

GRANT TOTAL \$251,284.30

and,

Whereas, The Council in prior years has authorized a special millage on the December Washtenaw County tax levy (on City of Ann Arbor properties only) for the payment of these items;

RESOLVED, That Council does hereby authorize a levy of .1095 mills on the December, 1991 Washtenaw County tax levy (City of Ann Arbor properties only) for the City share of drain payments as outlined above.

Councilmember Dodge moved that the Consent Agenda be approved.

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

ORDINANCES - SECOND READING

30 Council - October 21, 1991

60-91 APPROVED

REDUCED FEES FOR RESTRICTED PEDDLER PERMITS

AN ORDINANCE TO AMEND SECTION 7:67 OF CHAPTER 79 OF TITLE VII OF THE CITY OF ANN ARBOR.

This amendment would allow the Clerk to reduce by 75% the fee charged for a peddler's permit or license, for applicants under 14 years old, who reasonably anticipate less than \$100 profit from the activity.

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

On roll call the vote was as follows: Yeas, Councilmembers Coleman, Sheldon, Dodge, Grady, Meade, Zimmer, Ouimet, Peterson, Eckstein, Mayor Brater, 10

Nays, 0

The Chair declared the motion carried.

61-91 APPROVED AS AMENDED

NOISE - LIABILITY OF OWNER, LESSEE, OR OCCUPANT

AN ORDINANCE TO AMEND SECTIONS 9:369 AND 9:370 OF CHAPTER 119 OF TITLE IX OF THE CODE OF THE CITY OF ANN ARBOR

This amendment would provide for fines and penalties for noise violations.

Councilmember Dodge moved that the ordinance be approved.

Councilmember Grady moved that the ordinance be amended as follows:

Section 1. That Section 9:369 of Chapter 119 of Title IX of the Code of the City of Ann Arbor is amended to read as follows:

9:369. Liability of owner, lessee, or occupant.

If the person responsible for an activity which violates this article cannot be determined, the any owner, any lessee or any occupant of the property on which the activity is located shall be deemed responsible for the violation. A person found responsible under this section shall be guilty of a civil infraction punishable by a fine of up to \$50 to \$500 plus costs. For a second offense within a two-year period the fine shall be \$100 to

Council - October 21, 1991 31

\$500 plus costs. For third and subsequent offenses within a two-year period the fine shall be \$200 to \$500 plus costs.

Section 2. That Section 9:370 of Chapter 119 of Title IX of the Code of the Cit of Ann Arbor is amended to read as follows:

9:370. Penalty.

Except as provided in section 9:369, all violations of an activity which violates this article shall be punishable by a fine of not more than \$50 to \$500 plus costs. For a second offense within a two-year period the fine shall be \$100 to \$500 plus costs. For third and subsequent offenses within a two-year period the penalty shall be \$200 to \$500 plus costs and/or, in the discretion of the court, up to 240 hours community service.

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

The question on the floor is approval of the ordinance as amended at second reading.

On roll call the vote was as follows: yeas, Councilmembers Coleman, Sheldon, Dodge, Grady, Meade, Zimmer, Ouimet, Peterson, Eckstein, Mayor Brater, 10

Nays, 0

The Chair declared the motion carried.

51-91 APPROVED

DAY 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 is the rezoning of 0.19 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Day Property, 350 Rose Drive.

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

On roll call the vote was as follows: Yeas, Councilmembers Coleman, Sheldon, Dodge, Grady, Meade, Zimmer, Ouimet, Peterson, Eckstein, Mayor Brater, 10

Nays, 0

The Chair declared the motion carried.

52-91 APPROVED

32 Council - October 21, 1991

GRAMMATICO 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 0.48 acre from TWP (Township District) to R1B (Single-Family Dwelling District), Grammatico Property, 1605 North Maple Road.

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

On roll call the vote was as follows: Yeas, Councilmembers Coleman, Sheldon, Dodge, Grady, Meade, Zimmer, Ouimet, Peterson, Eckstein, Mayor Brater, 10

Nays, 0

The Chair declared the motion carried.

53-91 APPROVED

HAMMOND 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 0.41 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Hammond property, 426 Rose Drive.

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

On roll call the vote was as follows: Yeas, Councilmembers Coleman, Sheldon, Dodge, Grady, Meade, Zimmer, Ouimet, Peterson, Eckstein, Mayor Brater, 10

Nays, 0

The Chair declared the motion carried.

54-91 APPROVED

HUIZINGA 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 0.17 acre from TWP (Township District) to R1C

Council - October 21, 1991 33

(Single-Family Dwelling District), Huizinga property, northwest corner of Robert and Victoria Avenue.

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

On roll call the vote was as follows: Yeas, Councilmembers Coleman, Sheldon, Dodge, Grady, Meade, Zimmer, Ouimet, Peterson, Eckstein, Mayor Brater, 10

Nays, 0

The Chair declared the motion carried.

55-91 APPROVED

KAPP 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 0.39 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Kapp Property, 330 Rose Drive.

Councilmember Coleman moved that the ordinance be approved at second reading.
On roll call the vote was as follows: Yeas, Councilmembers Coleman, Sheldon, Dodge,
Grady, Meade, Zimmer, Ouimet, Peterson, Eckstein, Mayor Brater, 10
Nays, 0

The Chair declared the motion carried.

56-91 APPROVED

MCGEE 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 0.53 acre from TWP (Township District) to R1C
(Single-Family Dwelling District), McGee property, 3270 Valley Drive.

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

On roll call the vote was as follows: Yeas, Councilmembers Coleman, Sheldon, Dodge,
Grady, Meade, Zimmer, Ouimet, Peterson, Eckstein, Mayor Brater, 10

34 Council - October 21, 1991

Nays, 0

The Chair declared the motion carried.

57-91 APPROVED

SINDLINGER PROPERTY

**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 0.25 acre from TWP (Township District) to R1C
(Single-Family Dwelling District), Sindlinger Property, 390 Glenwood.

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

On roll call the vote was as follows: Yeas, Councilmembers Coleman, Sheldon, Dodge,
Grady, Meade, Zimmer, Ouimet, Peterson, Eckstein, Mayor Brater, 10

Nays, 0

The Chair declared the motion carried.

58-91 APPROVED

SPRIK 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 0.20 acre from TWP (Township District) to R1C
(Single-Family Dwelling District), Sprik Property, 3245 Kingwood.

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

On roll call the vote was as follows: Yeas, Councilmembers Coleman, Sheldon, Dodge,
Grady, Meade, Zimmer, Ouimet, Peterson, Eckstein, Mayor Brater, 10

Nays, 0

The Chair declared the motion carried.

ORDINANCES - FIRST READING

Council - October 21, 1991 35

63-91 APPROVED

CITY-OWNED PARCEL (FORMER KATZ 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 27.94 acres from UNZ (Unzoned) to PL (Public Land
District), City-Owned parcel (Former Katz Property) northwest corner of
Ellsworth and Platt Roads. (City Planning Commission recommendation:
Approval - 8 yeas and 0 nays)

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

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

64-91 APPROVED

MUSGRAVE 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 0.27 acre from TWP (Township District) to R1C

(Single-Family Dwelling District), Musgrave property, 2460 James Street.

(City Planning Commission recommendation: Approval - 6 yeas and 0 nays)

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

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

36 Council - October 21, 1991

MOTIONS AND RESOLUTIONS

R-624-10-91 APPROVED - AGREEMENT AMENDED

RESOLUTION TO APPROVE AGREEMENT BETWEEN THE CITY

OF ANN ARBOR AND THE UNIVERSITY OF MICHIGAN

FOR POLICE SERVICES

Whereas, The University of Michigan desires to purchase certain police services from the City of Ann Arbor Police Department during fiscal 1991-92; and

Whereas, The University of Michigan and the City of Ann Arbor have reached agreement on the services to be provided as well as the respective charges;

RESOLVED, That the agreement for police services for fiscal 1991-92 reached between University of Michigan Associate Vice President William Krumm and the City Administrator be accepted; and

RESOLVED, That the Mayor and Clerk are authorized to execute the agreement in the form on file with the City Clerk.

Councilmember Sheldon moved that the resolution be approved.

Mayor Brater suggested the following amendment to the agreement; Councilmember Sheldon moved that it be approved:

Last sentence in Section 1. **PATROL OFFICERS**

State statues only in accordance with City policies...

and

6. This Agreement shall have a term of one year beginning July 1, 1991, and ending June 30, 1992. Thereafter, this Agreement will renew for respective one year periods, if either party gives notice of renewal and the expenses and the numbers and types of City police assigned for the renewal period are mutually agreed upon. The City or U of M shall notify in writing the other of a desire to renew which is received at least 120 days prior to the termination of this agreement. Renewal shall include a review of all personnel and operating expenses. Adjustments will be made and agreed upon prior to renewal. The City and the UM shall agree on the numbers and types of City police to be assigned for the one year renewal period. IN JANUARY 1992, THE CITY AND THE UM WILL BEGIN DISCUSSIONS ON THE CONDITIONS OF CONTINUING SERVICE SPECIFIED IN THIS CONTRACT, AND ON THE ENTIRE RELATIONSHIP BETWEEN THE ANN ARBOR

Council - October 21, 1991 37

POLICE DEPARTMENT AND THE UM DEPARTMENT OF PUBLIC SAFETY, WITH THE GOAL OF ARRIVING AT A COMPREHENSIVE PROGRAM FOR POLICE SERVICES ON UM PROPERTY. ANY PROPOSED CONTRACT RESULTING FROM SUCH DISCUSSIONS SHOULD BE AVAILABLE FOR COUNCIL REVIEW ON OR BEFORE JUNE 1, 1992.

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

The question on the floor is approval of the resolution. On a voice vote, the Chair declared the motion carried.

Council recessed at 9:00 p.m.

Council reconvened at 9:15 p.m.

R-625-10-91 APPROVED

**RESOLUTION TO TRANSFER OWNERSHIP OF A CLASS C
LICENSED BUSINESS WITH DANCE PERMIT AND NEW
ENTERTAINMENT PERMIT LOCATED AT
310 MAYNARD STREET**

RESOLVED, That the request from Gamekeepers, Inc. to transfer ownership of a 1990 Class C licensed business with Dance Permit, located in escrow at 310 Maynard, Ann Arbor, Michigan, Washtenaw County, from Dooley's of Ann Arbor II, Limited partnership and request for new Entertainment Permit, be approved.
Councilmember Hunter moved that the resolution be approved.
On a voice vote, the Chair declared the motion carried.

R-626-10-91 APPROVED

**RESOLUTION RECOMMENDING THAT THE RETIREMENT
BOARD INVEST LOCALLY IN AFFORDABLE HOUSING**

Whereas, There is a demonstrated need for affordable housing in the City of Ann Arbor;

Whereas, Some cities, states, and unions have begun directing small portions of their employee pension funds toward affordable housing initiatives; and

38 Council - October 21, 1991

Whereas, The City of Ann Arbor's Retirement System's assets exceed \$192,000,000 with \$4,000,000 currently in real estate holdings;

RESOLVED, That the Ann Arbor City Council request that the Board of Trustees of the City of Ann Arbor Employees Retirement System research potential methods of investing in local housing initiatives consistent with its fiduciary responsibility and report back to City Council within six months of this date.

Councilmember Hunter moved that the resolution be approved.

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

R-627-10-91 APPROVED

**RESOLUTION TO ELIMINATE THE \$100 PREFERRED
PARKING SPACE PROGRAM**

Whereas, Rate structures in the Parking System should be competitive and respond to the market demands of the consumer as well as simple to administer; and

Whereas, The existing "reserved" parking space program leads to confusion and anger from other regular permit holders and short term parking users; and

Whereas, The revenue implications are relatively minor compared to the goodwill that would be created with the general public;

20 holders x \$40 x 6 months = \$4800 less fees generated by hourly sale of that space which could possibly even be a net gain to the revenue stream (20 spaces x 154 days x 12 hours x .40/hour x .5 use rate = \$7392 as an example);

RESOLVED, That the City of Ann Arbor abolish the "reserved" parking space program provided that existing permit holders are allowed to purchase "regular" parking permits for the structure where the space is located and at the approved rate scale. This resolution would take full effect January 1, 1992.

Councilmember Sheldon moved that the resolution be approved.

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

Council - October 21, 1991 39

**RESOLUTION REVISED AND TABLED
RESOLUTION REGARDING OPEN MEETINGS**

Whereas, The City Council desires that all of the City Boards, Task Forces, Commissions and Committees conform to the spirit of the Open Meetings Act;

RESOLVED, That all City Boards, Task Forces, Commissions, Committees and

their Sub-Committees hold their meetings in a manner that is open to the public in the manner that is required of bodies covered by the Open Meetings Act; and
RESOLVED, That closed meetings of such bodies shall be held only under situations where a closed meeting would be specifically authorized by the Open Meetings Act.

Councilmember Sheldon moved that the resolution be approved.

Councilmember Zimmer moved that the resolution be amended as follows:

RESOLVED, That all City Boards, Task Forces, Commissions and Committees and their sub-committees hold their meetings in a manner that is open to the public in the manner that is required of bodies covered by the Open Meetings Act, **WITH THE ADDITION THAT A COPY OF ANY RECORDINGS MADE AT THE MEETINGS, AUDIO OR VIDEO, SHALL BE MADE AVAILABLE TO THE BOARD, TASK FORCE, COMMISSION AND COMMITTEE AND THEIR SUB-COMMITTEE, IF REQUESTED BY THEM IN WRITING WITHIN SEVEN DAYS.**

Councilmember Hunter moved that the resolution be tabled to November 4, 1991 pending a determination of the ramifications of opening all meetings to the public in a manner required by the Open Meetings Act, and (per Councilmember Peterson) its impact on those boards, committees, commissions and sub-committees whose meetings are held on an irregular basis and those who may be ill-served by being open to the public.

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

40 Council - October 21, 1991

R-628-10-91 APPROVED

**RESOLUTION PETITIONING DRAIN COMMISSIONER
TO CONDUCT A DRAIN STUDY OF EBERWHITE WOODS**

Whereas, The City Engineer has presented to this City Council a general description of a proposed storm drain project for the properties in the vicinity of the Allen Creek Drain within the City;

Whereas, This City Council intends to file with the Drain Commissioner for Washtenaw County a petition to study alternatives for the improvement of storm water runoff management within that portion of the Allen Creek watershed which drains through the Eberwhite Woods and to subsequently make improvements pursuant to Section 463 of Chapter 20 of the Drain Code of 1956;

Whereas, It is the desire of the City Council to have the Mayor and Clerk sign and file the necessary petition with the Washtenaw County Drain Commissioner; and

Whereas, A suggested form of such petition has been presented to this City Council;

RESOLVED, That:

1. The City Council hereby determines to proceed with the proposed drain project for a portion of the Allen Creek Drainage District as more fully described in the petition;
2. The Mayor and Clerk be and they are hereby authorized and directed to execute such petition for and on behalf of the City and to file the same with the Drain Commissioner of the County of Washtenaw; and
3. The City Council hereby consents to the study of alternatives for improvement of the existing storm drainage system within the limits of the City and the assessment of a portion of the cost of such a study and subsequent improvements, so located, against the City.

Councilmember Peterson moved that the resolution be approved.

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

R-629-10-91 APPROVED AS REVISED

Council - October 21, 1991 41

**RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICES
AGREEMENT WITH THE TRAVERSE GROUP, INC.**

**AND ESTABLISH PROJECT BUDGETS FOR GROUNDWATER
MONITORING PROGRAMS AT THE CITY OF ANN ARBOR
LANDFILL (\$368,695.00)**

Whereas, The City is required by Public Act 641, the Consent Order with the Michigan Department of Natural Resources, and the Cell IV Operating License to monitor the groundwater and surface water in the vicinity of the landfill;

Whereas, A new contract to perform groundwater and surface water monitoring for the next two years is needed to replace the previous program which was completed in July, 1991;

Whereas, Requests for proposals were solicited from qualified environmental consulting firms;

Whereas, Based on the proposals received and the interviews conducted, the City selection committee recommends The Traverse Group, Inc. as the most qualified and cost effective firm to provide the City with continuing groundwater monitoring programs; and

Whereas, The Traverse Group, Inc. was approved by the Personnel/Human Rights Department on October 2, 1991;

RESOLVED, That the Mayor and Clerk are hereby authorized and directed to sign a Professional Services Agreement after approval as to form by the City Attorney and as to substance by the City Administrator; and

RESOLVED, That \$368,695 be appropriated for the life of the project with the specific account appropriations determined by the City Administrator.

Councilmember Hunter moved that the revised resolution placed on the table this date be approved.

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

42 Council - October 21, 1991

R-630-10-91 APPROVED

**RESOLUTION TO APPROPRIATE FUNDS AND
ESTABLISH A BUDGET FOR THE DESIGN PHASE
OF THE 1992 ANNUAL STREET RESURFACING
PROJECT (\$85,000.00)**

Whereas, It is necessary to begin the Design Phase of the 1992 Annual Street Resurfacing Project; and

Whereas, This project is to be funded by the 1991 Street Resurfacing Millage;

RESOLVED, That Council appropriates \$85,000 from the 1991 Street Resurfacing Millage (Fund 062) for the Design Phase of the 1992 Annual Street Resurfacing Project; and

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

SECTION I - REVENUE

\$85,000 From the 1991 Street Resurfacing Millage Fund

\$85,000 TOTAL

SECTION II - APPROPRIATION

\$26,000 Design Engineering

\$20,000 Consulting

\$ 5,000 City Owned Vehicles

\$ 3,000 Printing and Binding

\$ 3,000 Materials and Supplies

\$26,000 Department Overhead

\$ 2,000 Miscellaneous Charges

\$85,000 TOTAL

Councilmember Hunter moved that the resolution be approved.

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

Council - October 21, 1991 43

R-631-10-91 APPROVED

RESOLUTION NO. 1 - PREPARE PLANS AND SPECIFICATIONS
FOR THE WESTOVER HILLS SUBDIVISION SANITARY
SEWER PHASE III TO SERVE PROPERTIES ON WAGNER
ROAD BETWEEN JACKSON AND PORTER, WESTOVER
AVENUE BETWEEN JACKSON AND FERRY AND
JACKSON ROAD EAST OF WAGNER
(\$10,000.00)

Whereas, Council deems it necessary to acquire and construct the following
improvement: Sanitary Sewer Construction, District No. 466; File No. 91059; described as:
Westover Hills Subdivision Sanitary Sewer - Phase III, to serve properties on
Wagner Road between Jackson and Porter, Westover Avenue between
Jackson and Ferry and Jackson Road east of Wagner;
RESOLVED, That:

1. The City Administrator is directed to have prepared plans and specifications for said
improvement project, and an estimate of the cost thereof;
2. The City Administrator is directed to file a report of same with the City Clerk,
including a recommendation as to what proportion of the cost should be paid by special
assessment and what part, if any, should be a general obligation of the City, the number of
installments in which the assessments may be paid, and the land which should be included
in the special assessment district;
3. The City Clerk shall present said report to the Council and make it available for
public examination;
4. The sum of \$10,000 is 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 declares its intent to issue bonds to pay all or part of the cost of such
improvement project, funding reserves, paying for credit enhancement , and the cost of
issuance of such bonds (either initially or ultimately), provided that such bonds are issued
in conformity with applicable State statutes and all documents, provisions, and details
pertaining to such bonds are acceptable to and approved by this Council and provided,
44 Council - October 21, 1991
further, that such bonds can be sold.

Councilmember Hunter moved that the resolution be approved.

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

R-632-10-91 APPROVED

RESOLUTION TO ESTABLISH MONTHLY PARKING RATE
FOR WILLIAM AND FIRST PARKING LOT

RESOLVED, That the Ann Arbor City Council establish a monthly rate of \$40.00 for
the William and First parking lot.

Councilmember Hunter moved that the resolution be approved.

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

R-633-10-91 APPROVED

RESOLUTION TO TRANSFER DELINQUENT HOUSING
INSPECTION FEES TO THE 1991 DECEMBER CITY TAXROLL

Whereas, There are unpaid charges for housing inspections of private properties
within the City which were unpaid on June 30, 1991

Whereas, This Council did, on December 9, 1974, resolve that notice should be

given by first class mail to the owners of such properties of the amount due, and that this Council did intend that such amount would be assessed against such property as a special assessment unless paid on, or before October 31, 1991;

Whereas, The City Clerk has on file a list of such recently unpaid charges; and
Whereas, Notice has been sent to all owners of property affected by such delinquent inspection fees, in accordance with the Council resolution of December 9, 1974; to advise said property owners of the impending assessment;

RESOLVED, That the City Clerk shall forthwith certify to the City Assessor such unpaid charges and the names of the owners of the premises so served; and
Council - October 21, 1991 45

RESOLVED, That such charges be levied as special assessments against such owners and premises together with an additional penalty charge of 10% of the total unpaid, as provided in Section 1:292 of the Ann Arbor City Code, and that the City Assessor shall place the same on the next taxroll of the City and that such charges will be collected in the same manner as general city taxes.

Councilmember Hunter moved that the resolution be approved.

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

R-634-10-91 APPROVED AS REVISED

**RESOLUTION SUPPORTING COOPERATION BETWEEN THE
CITY OF ANN ARBOR AND WASHTENAW COUNTY TO
REDUCE DUPLICATION OF GOVERNMENTAL SERVICES**

Whereas, The City of Ann Arbor and Washtenaw County have separate singular Risk Management and Public Purchasing programs which represent significant annual costs to the City and County and current demands for increased services in a context of limited revenues require that governments be more efficient and creative in providing services;

Whereas, The City of Ann Arbor and Washtenaw County have an opportunity to explore cooperative and centralize service delivery systems especially in the areas of Risk Management and Public Purchasing which could offer cost savings to both the taxpayers program administration and in the purchase of public goods;

Whereas, It is responsible and prudent for the City Council and the County Board to explore the options available for the establishment of combined centralized administration of programs in the areas of Risk Management and Public Purchasing; and

Whereas, A successful cooperative effort by the City and County may have application to other municipalities in Washtenaw County which would offer even greater eventual savings in Risk Management and Public Purchasing;

RESOLVED, That the Ann Arbor City Council and the Washtenaw County Board of Commissioners wholeheartedly support a cooperative effort between the City and County that can result in better services and lower costs and encourage and request the City and County Administrators to explore the possibility of establishing combined single administration of Risk Management and Public Purchasing activities;

46 Council - October 21, 1991

RESOLVED, That in support of the joint planning effort, the City and the County each commit a sum of \$9,000 to be available, if necessary, for the retention of a qualified consultant to assist in reviewing current Risk and Purchasing programs; identifying opportunities for combined management; designing single administrative systems with standardized procedures and, if appropriate, preparing a draft cooperative agreement for review by the City Council and County Board; and

RESOLVED, That the City and County Administrators submit to the Ann Arbor City Council and the Board of Commissioners for review and discussion the results of the joint planning effort with recommendations that are appropriate and consistent with the policy direction of the City Council and Board of Commissioners cited in this resolution; and

RESOLVED, That the City Administrator, if appropriate, work with the Ann Arbor

School System, Intermediate School District and Washtenaw Community College to further any efficiencies or cost savings that may be realized in the effort.
Councilmember Peterson moved that the resolution be approved.
On a voice vote, the Chair declared the motion carried.

**R-635-10-91 APPROVED
RESOLUTION ESTABLISHING 1991 FEES AND CHARGES
FOR DEPARTMENT OF PARKS AND RECREATION
BUHR PARK ICE RINK**

Whereas, The Department of Parks and Recreation recommends the proposed fees for 1991 to achieve budgeted levels of recreational facility self support;

Whereas, Support material has been prepared which summarizes facility self support levels for the past ten year and pre-audited levels for 1990-91;

Whereas, The Park Advisory Commission and Recreation Advisory Commission have recommended the proposed fees;

Whereas, The following significant issues and conclusions have been identified;

ISSUE CONCLUSIONS

Facility Self Support In order to maintain the self support level, as established by resolution in March 17,

1980; March 23, 1981; February 22,

1982; February 14, 1983; February 11,

1985, and October 15, 1990, the

proposed fee schedule is recommended

for implementation for the 1991-92

Council - October 21, 1991 47

budget year.

Whereas, The Department of Parks and Recreation has previously been directed as outlined in resolutions on March 17, 1980; March 23, 1981; February 22, 1982; February 14, 1983; February 23, 1984; February 11, 1985, and October 15, 1990 implement policies to achieve 53% level of self support at Buhr Park; and

Whereas, The Department of Parks and Recreation has just completed renovation and covering of the rink which will lead to an extended season;

RESOLVED, That the schedule of recreation facilities fees, on file with the City Clerk's Office, be adopted and implemented for the 1991-92 budget year.

Councilmember Peterson moved that the resolution be approved.

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

**R-636-10-91 APPROVED
RESOLUTION TO APPROVE FEES FOR HURON HILLS SKI CENTER**

Whereas, The Department of Parks and Recreation recommends the proposed fees for 1991-92 to achieve specific levels of recreational facility self-support;

Whereas, The Department of Parks and Recreation has previously been directed as outlined in a Resolution in 1985;

Whereas, The fees for the cross country ski center have remained the same since 1985; and

Whereas, The Park Advisory Commission and Recreation Advisory Commission have recommended the proposed fees;

RESOLVED, That the proposed fees for Huron Hills Ski Center, on file with the Clerk's Office, be adopted and implemented for the 1991-92 budget year.

Councilmember Coleman moved that the resolution be approved.

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

48 Council - October 21, 1991

R-637-10-91 APPROVED

**RESOLUTION TO APPROVE TRANSFER OF OWNERSHIP OF A
1988 12 MONTH RESORT CLASS C LICENSED BUSINESS
LOCATED AT 613-615 E. WILLIAM STREET**

RESOLVED, That the request from the 3rd Coast, Inc. of Michigan to transfer ownership of a 1988 12 Month Resort Class C licensed business with Dance-Entertainment Permit, located in escrow at 20430 Northland, Hwy. US-131, Paris, MI. 49338, Green Twp. Mescosta County, from Mutual Savings and Loan Association; and transfer location (governmental unit) to 613-615 E. William, Ann Arbor, MI. 48104, Washtenaw County, and the request to drop Dance-Entertainment Permit, be approved. Councilmember Coleman moved that the resolution be approved. On a voice vote, the Chair declared the motion carried.

**R-638-10-91 APPROVED AS AMENDED
RESOLUTION APPROVING PARKING RATES
ASHLEY/WILLIAM PARKING LOT**

Councilmember Coleman moved that the resolution be approved. Councilmember Peterson moved that the resolution be amended as follows: **BE IT FURTHER RESOLVED**, That the following parking rates are hereby authorized:

- A. Ashley/William (Attended) - .30 cents per half hour for first four hours, \$8.00 daily for any time beyond four hours.**
 - B. Main/William (metered) - .30 cents per half hour. (Two hour meters only);**
- and to schedule this for a vote on November 4, 1991 pending review by the Parking Advisory Committee.

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

The question on the floor is approval of the resolution as amended. On a voice vote, the Chair declared the motion carried.

Following is the resolution as approved:

Council - October 21, 1991 49

R-638-10-91

RESOLUTION REGARDING ASHLEY/WILLIAM SURFACE PARKING LOT

RESOLVED, That council approve the issuance of a purchase order in the amount of \$78,428 to Traffic & Safety Control Systems, Inc. for furnishing and installing equipment necessary for the attended portion of the lot;

RESOLVED, That the sum of \$90,000 is appropriated from the parking system fund undesignated fund balance, to be reimbursed from funds lawfully available therefor including a bond issue or tax increment revenues;

RESOLVED, That the City Administrator is hereby authorized to formulate and administer a program for third party reimbursement of parking fees (merchant validations) for the attended lot as necessary; and

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

R-639-10-91 APPROVED

RESOLUTION TO ESTABLISH SPECIAL EVENTS PARKING RATES

RESOLVED, That a special event parking rate of \$6.00 per space is herein established by the Ann Arbor City Council at the following structures: Fourth and William; Washington and First.

Councilmember Hunter moved that the resolution be approved.

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

R-640-10-91 APPROVED AS SUBSTITUTED

RESOLUTION REGARDING MICHIGAN SENATE BILL #522

Councilmember Eckstein moved that the substitute resolution be approved.

Whereas, Michigan State Senator Paul Wartner has introduced legislation

50 Council - October 21, 1991

(Michigan Senate Bill #522) which would prohibit the formulation of local wetland ordinances, and nullify existing local wetland ordinances;

Whereas, Bill #522 would prohibit local governments from fully controlling what is historically a local government function (land development and zoning), to the detriment of the home rule concept and local quality of life;

Whereas, Bill #522 would significantly reduce, or totally eliminate the protection afforded wetlands presently covered by local ordinances in the state;

Whereas, Local ordinances may be more restrictive than state-wide legislation in order to address specific local needs, but rarely less restrictive; and

Whereas, Ann Arbor is currently in the process of developing a Natural Features Ordinance (including wetland protection) to replace existing Natural Features Guidelines;

RESOLVED, That the Mayor and City Council of Ann Arbor Michigan is opposed to the special interest driven rationale for this bill and its goals, and strongly recommends that Senate Bill #522 be defeated. The Mayor and Council further instruct the City Clerk to forward copies of this resolution to State Senator Paul Wartner, State Senator Lana Pollack, Governor John Engler, the Director of the Michigan Department of Natural Resources, and the Natural Resources Sub-Committees of the Michigan State Senate and Michigan House of Representatives.

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

REPORTS FROM COUNCIL COMMITTEES

NOISE COMMITTEE

Councilmember Grady acknowledged and thanked Councilmember Dodge, all those members of the Noisy Party Task Force as well as neighborhood, University of Michigan student and administrative organizations, and City officials who helped to develop the amendments to the Noise Ordinance approved this date. He said that these people would be coming back in January to assess events of the fall and make further recommendations to the Council.

SOLID WASTE COMMISSION

Councilmember Peterson, member of the Solid Waste Commission, announced that beginning October 30 through November 16, citizens can recycle their phone books at all Kroger stores and at the recycling drop-off station on South Industrial. Commercial establishments who have a large number of phone books can make arrangements with Council - October 21, 1991 51

Recycle Ann Arbor. This program is sponsored by the Kroger Company, Ameritech Publishing, Pepsi Cola, Recycle Ann Arbor, NuWool and the City of Ann Arbor. The phone books will be made into insulation and a mulch.

JOINT TAXING UNIT MEETING

Councilmember Ouimet reported on the Joint Taxing Units of Washtenaw County meeting held on October 17. He attended this meeting along with Mayor Brater and City Administrator Gatta. He said that a number of approaches were discussed that may help if not resolve some tax challenges. One of the items discussed is coordination of efforts between taxing units who have millage questions on the ballot, and joint projects that slow down the expansion of government where it makes economic sense.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Brater asked for confirmation of the following appointments which were placed in nomination at the last Council session:

EMPLOYEES' RETIREMENT SYSTEM - BOARD OF TRUSTEES

Ronald Bishop (to complete membership requirements)

1011 Lincoln

Term: 10-21-91 to 10-21-94

CITY ATTORNEY SEARCH COMMITTEE

P. E. Bennett
1108 Vesper
Suellyn Scarnecchia
3183 Homestead Commons
Robert E. Guenzel
1703 Morton
Gail Altenburg
2718 Hampshire
COMMUNITY DEVELOPMENT CITIZEN PARTICIPATION EXECUTIVE COMMITTEE
Samuel G. Offen (representing City Planning Commission)
52 Council - October 21, 1991
2330 Adare

Term: 10-21-91 to 10-21-93
INDIVIDUAL HISTORIC PROPERTIES HISTORIC DISTRICT STUDY COMMITTEE
Alex Deparry (upon the resignation of Robert Harrington)
403 South Fifth Avenue
(Term of office ends when Council takes final action on this Committee's recommendations)

HISTORIC DISTRICT COMMISSION
George Dodd (reappointment)

722 Spring Street
Term: 10-21-91 to 10-21-94
Jean Ledwith King (to replace David Copi upon term expiration)
277 East Liberty

Term: 10-21-91 to 10-21-94
Councilmember Peterson moved that Council concur in the recommendation of the Mayor.
On a voice vote, the Chair declared the motion carried.

APPOINTMENTS NOMINATED

Mayor Brater placed the following names in nomination for confirmation at a later date:

DOWNTOWN DEVELOPMENT AUTHORITY
David A. DeVarti (upon resignation of John Finn)
415 Detroit

Term: 11-4-91 to 11-4-95
Tom Kittel (upon the resignation of Arnold Laubengayer)
365 Hazelwood

Term: 11-4-91 to 11-4-95
LOCAL OFFICERS' COMPENSATION COMMISSION
Kathy Edgren (upon moving out of the City of Reverend Hillegonds)
606 Linda Vista

Term: 11-4-91 to 9-30-98
Council - October 21, 1991 53

Mayor Brater expressed sympathy to the family of Vernon Phelps who recently passed away. She noted that Vernon Phelps served for thirty years as the Chair of the Board of Examiners of Electricians and Electrical Contractors.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Alfred A. Gatta presented the following information memorandums:

î City Ownership of the Property at William and First Streets

î On-Street Meter Locations

î Solid Waste Department Monthly Progress Report

î 1990-91 Crime and Incident Report

î 1991-92 Sidewalk Repair Program

î Legal Services Rendered with Respect to City of Ann Arbor Landfill

î Evaluation Committee Report - Request for Proposals #274 - Collection Services of Residential and Commercial Multi-Family Solid Waste

Î Comerica Bank Site

Î Payment of Sidewalk Claims

Î Council Follow-up 1/7-4 - Preparing Parking Structures for Winter

Î Termination of Parking Lease Arrangement with the Ann Arbor Development Council, Inc.

Î Bulk, Appliance and Supplemental (Commercial) Solid Waste Services in Surrounding Communities Analysis

Î Shefman Property

Î Availability of Quarterly Report on Line-item Budget Transfers

Î City of Ann Arbor 1990-1991 Annual Report

54 Council - October 21, 1991

The City Administrator received additional requests for information from Councilmembers to be reported at a later date.

COMMUNICATIONS FROM THE CITY ATTORNEY

City Attorney Mel Laracey presented the following for the information of Council:

Î Conditioning Utility Service on Compliance with Erosion Control Ordinance

COMMUNICATIONS FROM COUNCIL

None.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were received

Î Governor John Engler acknowledging receipt of a Council approved resolution - File

Î Dwayne and Colleen Hayes - Domestic Partnership Ordinance

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

Î Zoning Board of Appeals - August 21, 1991

Î Housing Board of Appeals - September 4, 1991

Î Ann Arbor Energy Commission - August 15, 1991

Î Human Rights Commission - June 24, 1991

Î Ann Arbor Historic District Commission - September 12, 1991

Councilmember Hunter moved that the Clerk's report be approved.

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

AUDIENCE PARTICIPATION - GENERAL

None.

Council - October 21, 1991 55

ADJOURNMENT

There being no further business, Councilmember Hunter moved that the meeting be adjourned.

On a voice vote, the Chair declared the motion carried and the meeting was adjourned at 10:35 p.m.

W. Northcross

Clerk of the Council

Linda J. Wise

Recording Secretary