



## Legislation Text

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### **REGULAR SESSION - NOVEMBER 16, 1992** **Council - November 16, 1992 1**

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

Council stood for a moment of silence.

Mayor Brater led the Pledge of Allegiance.

#### **ROLL CALL OF COUNCIL**

Present: Councilmembers Larry Hunter, Tobi Hanna-Davies, Kirk Dodge, Peter Fink, Robert Grady, Nelson Meade, Kurt Zimmer, Peter Nicolas, Thais Anne Peterson, Robert Eckstein, Mayor Elizabeth S. Brater, 11

Absent: 0

#### **INTRODUCTIONS**

Mayor Brater introduced Cub Scout Pack No. 111, Den No. 9 and Pack No. 11, Den No. 8.

#### **PUBLIC COMMENTARY - RESERVED TIME**

##### **DAVE MARTENS - ASSISTED PUBLIC HOUSING**

Dave Martens, 2927 Marshall, supported city-wide scattered sites for low-income assisted housing rather than single neighborhood concentration.

##### **SHEILA TYLER - ANN ARBOR HOUSING COMMISSION**

Sheila Tyler, 1711 Green Road, member of the Public Housing Tenants Union, objected to Housing Commission efforts to terminate the employment of Executive Director Conrad Benson.

##### **MARYANN HINTON - ANN ARBOR HOUSING COMMISSION**

Maryann Hinton, 3455 Platt Road, said that Housing Commission Executive Director Conrad Benson is responsible for improved conditions in the public housing system and improved tenant relations.

##### **JEAN KING - VOTING MACHINES**

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Jean King, 3134 Sunnywood, reviewed the history of voting in Ann Arbor and the shortcomings of punch-card voting. The Optec voting system was recommended because it has a "paper trail" back up system and protects from over-voting.

##### **CHRISTI CLARK - MATERIALS RECYCLING FACILITY**

Christi Clark, 220 S. Washington, Manchester, MI., representing BFI, said that the company meets all of the City's MRF requirements and offered to address any concerns. Each Council member was given a video tape of the company's operations.

##### **RUTH ZWEIFLER - CONCERNS OF YOUTH**

Ruth Zweifler, representing Student Advocacy, asked Council participation in a task force to provide assistance to troubled youth. (complete statement filed with the City Clerk.)

#### **PUBLIC HEARINGS**

##### **CENTRAL AREA PLAN**

A public hearing was conducted on the Central Area Plan (a plan which identifies action strategies for the preservation, revitalization and redevelopment of the central part of the city).

The following persons appeared:

Lalahni Wessinger, 2216 Melrose, Paul Ryder, a west side resident and Margaret Wong, members of the Central Area Plan Task Force, urged adoption of the plan. The plan achieved the consensus of the task force and is financially feasible.

Ray Detter, Chair of the Downtown Development Authority Citizens Council, urged adoption of the Central Area Plan but requested assurance of enactment of legislation to implement the plan, and a clear statement of the Planning Department process to be followed by future developers under both the Downtown and Central Area Plan.

There being no further speakers, the Chair declared the hearing closed.

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#### **PUBLIC SERVICES DEPARTMENT STANDARD SPECIFICATIONS**

A public hearing was conducted on the Public Services Department Standard Specifications (standards for public improvements such as City utilities, public streets, etc. which are applicable for publicly constructed projects as well as private development projects).

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

#### **APPROVAL OF AGENDA**

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

#### **CONSENT AGENDA**

Delete: Resolution to Approve Grammatico Annexation, 0.22 acre, 430

Parkwood (Planning Commission recommendation: Approval - 8 yeas and 0 nays)

Add: Resolution to Accept Board of Insurance Administration Minutes of November 10, 1992 and Authorize Payments (8 Votes Required) -

Deleted from Motions and Resolutions

#### **MOTIONS AND RESOLUTIONS**

Add Sponsor: Resolution Regarding Federal Designation of the Ann Arbor, M1

Primary Metropolitan Statistical Area (PMSA) Mayor Brater AND

COUNCILMEMBER NICOLAS)

Delete: Resolution to Accept Board of Insurance Administration Minutes of November 10, 1992 (8 Votes Required) - See Consent Agenda

Add: Resolution to Ratify Downtown Development Authority Parking Agreement (Mayor Brater)

Add: Resolution Authorizing Levy of Millage on the December, 1992 County Tax Levy for the City's Share of Various Storm Drain Debt Payments

Add and Resolution to Lease-Purchase a New Voting System

Substitute: (Mayor Brater AND COUNCILMEMBER ECKSTEIN) (This is a substitute for the Resolution To Put a One-Time Millage Request

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on the City Ballot of 1993 for the Purchase of New Voting Machines (Councilmember Eckstein)

Add: Resolution to Support Early Voting System in the State of Michigan (Mayor Brater)

#### **COMMUNICATIONS FROM THE MAYOR**

Add: Nominations and Revision of HIV/AIDS Task Force list to designate alternate

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

Add: Varsity Ford Regarding Bid No. 2357 - Public Services Department

Add: Wallace C. Donoghue regarding city ownership of a waste recycling facility - File

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

Councilmember Eckstein asked for Council consent to add the following resolution:

Add: Resolution Concerning Michigan House Bill 5407 and Support for Seiter and Kirscht, Inc. (Councilmember Eckstein)

On a voice vote, the Chair declared the motion carried with Councilmember Zimmer dissenting.

Councilmember Eckstein asked for Council consent to add the following resolution:

Add: Resolution Concerning the Ann Arbor Housing Commission

(Councilmember Eckstein)

On roll call the vote was as follows: Yeas, Councilmembers Dodge, Fink, Zimmer, Nicolas, Eckstein, 5

Nays, Councilmembers Hunter, Hanna-Davies, Grady, Meade, Peterson, Mayor Brater, 6

The Chair declared the motion defeated for lack of the 9 necessary votes.

#### **APPROVAL OF COUNCIL MINUTES**

Councilmember Hanna-Davies moved that the minutes of October 19-21 be approved with the correction of the name of June RESTON, and that the November 2 minutes be

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approved as presented.

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

#### **CONSENT AGENDA**

#### **CONSENT AGENDA APPROVED**

The following Consent Agenda was considered:

#### **R-564-11-92 APPROVED**

#### **RESOLUTION TO AWARD CONTRACT FOR WASTEWATER TREATMENT PLANT SLUDGE**

#### **PIPING ADDITIONS - BID NO. 2321**

(\$45,000)

Whereas, Sludge pumping additions, valves and in line sludge mixers are necessary to transfer sludge from the Sludge Handling Building to the existing decommissioned sludge digester tanks to concentrate and store sludge for land application;

Whereas, Land application of sludge is more economical and environmentally preferred to sludge incineration;

Whereas, The Utilities Department Wastewater Treatment Plant Division, through the Purchasing Department, advertised for bids to install the necessary sludge piping, valves and mixers as specified in Bid No. 2321;

Whereas, Five (5) bids were received and reviewed, and Process Piping & Equipment Inc. is recommended as the lowest responsible bidder at a bid of \$39,150;

Whereas, On September 16, 1992, the Personnel/Human Rights Department approved Process Piping & Equipment Inc. to perform this work;

RESOLVED, That Council accepts the bid and awards the contract to Process Piping & Equipment Inc. for \$39,150 to perform the work as specified in Bid No. 2321;

RESOLVED, That Council approves a contingency for this work in the amount of \$5,850 to finance change orders to be approved by the City Administrator;

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

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Contract Work \$39,150

Contingency \$ 5,850

\$45,000

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 System approved FY 92/93 Operating Budget

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#### **R-565-11-92 APPROVED**

#### **RESOLUTION TO APPROVE TWO 1992**

#### **POLICE PATROL CARS FISCAL YEAR**

1992-93 (\$29,000)

Whereas, The Public Services Department, Fleet Services Division requests the purchase of two police patrol cars;

Whereas, Shaheen Chevrolet was the lowest responsible bidder, for \$29,000; and

Whereas, Shaheen Chevrolet received Human Rights approval on October 1, 1992;  
RESOLVED, That City Council approves the issuance of a purchase order to  
Shaheen Chevrolet in the amount of \$29,000.

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R-566-11-92 APPROVED

RESOLUTION TO APPROVE CONTRACT  
CHANGE ORDER TO BE ISSUED TO BASELINE  
CONSTRUCTORS FOR INSTALLATION OF  
STEEL ARCH TRUSS IN WEST PARK  
BAND SHELL (\$20,405)

Whereas, It has been determined that immediate replacement of the arch truss is  
necessary to protect the structural integrity of the West Park Band Shell;  
Whereas, Baseline Constructors was the qualified low bidder for the selective  
demolition and bracing of the structure and has submitted a cost proposal for installation of  
the replacement structural steel arch;

Whereas, The proposal submitted by Baseline Constructors has been evaluated by  
Quinn Evans/Architects (architectural consultant to the City for this project) and is felt to be  
reasonable;

Whereas, Due to the fragile condition of the historic structure, the work needs to be  
completed as soon as possible by the contractor currently on site as an emergency repair;  
and

Whereas, Work to be performed under this change order is included within the  
project budget of \$200,000;

RESOLVED, That the Mayor and Council approve of amending the current contract  
with Baseline Constructors to include installation of a structural steel arch to replace the  
deteriorated wooden arch in the West Park Band Shell, for an additional amount of  
\$20,405 (for a new contract total of \$29,000).

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R-567-11-92 APPROVED

RESOLUTION TO APPROVE CONTRACT  
FOR ENGINEERING SERVICES FOR  
PEDESTRIAN BRIDGES (\$22,851)

Whereas, The pedestrian bridges at Gallup Park, Argo Park and Sheffler Park are in  
need of repair for safety and structural integrity;

Whereas, Funds are available from the 1989-94 Rehabilitation and Development  
Millage for each of the parks;

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Whereas, The City of Ann Arbor Purchasing Department and the Department of  
Parks and Recreation bid the project as RFP #305;

Whereas, Capital Consultants, Inc. submitted the most thorough proposal and the  
lowest responsible bid for engineering services; and

Whereas, Human Rights approval was obtained on November 2, 1992;

RESOLVED, That Mayor and City Council approve the recommendation of the City  
Administrator to approve a contract to award RFP #305 to Capital Consultants, Inc. in the  
amount of \$22,851 and authorize the Mayor and City Clerk to sign the agreement with  
Capital Consultants substantially in the form on file with the City Clerk; and

RESOLVED, That Mayor and City Council approve a contingency for this project in  
the amount of \$2,285, which represents 10% of the cost of the project.

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R-568-11-92 APPROVED

RESOLUTION TO APPROVE NEW 12 MONTHS  
RESORT CLASS C LICENSE TO BE  
LOCATED AT EISENHOWER PARKWAY

**AND ANN ARBOR SALINE ROAD FOR  
APPLEBEE'S RESTAURANT**

**RESOLVED**, That the request of Applebee's of Michigan, Inc. for a new 12 Months Resort Class C license to be located at Eisenhower Parkway and Saline-Ann Arbor Road, Ann Arbor, Mi. Washtenaw County, be approved contingent upon final inspection by the City of Ann Arbor Building and Fire Departments.

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**R-569-11-92 APPROVED  
RESOLUTION TO GRANT WATER SERVICE  
OUTSIDE CITY LIMITS TO 3015 STONE  
SCHOOL ROAD**

Whereas, Elena Tsi, owner of the property at 3015 Stone School Road, on November 2, 1992 requested that the City extend public water service for their use to the property in Pittsfield, Township prior to the completion of the annexation process;  
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Whereas, Ms. Tsi desires to enter into the standard agreement with the City which provide an equitable method of obtaining City service outside of its Corporate Boundaries;  
and

Whereas, On November 2, 1992 Elena Tsi petitioned the City for annexation under Planning Department file number 12102Y1.1 and .2;

**RESOLVED**, That the Mayor and Clerk are hereby 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; that the City Clerk is hereby directed to send a copy of this resolution and the agreement by first class mail to the above property owner; and that the Utilities Department shall promptly have this resolution and the agreement recorded in the Office of the Register of Deeds of Washtenaw County, Michigan.

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**R-570-11-92 APPROVED  
RESOLUTION TO ACCEPT BOARD OF  
INSURANCE ADMINISTRATION MINUTES  
OF NOVEMBER 10, 1992 AND  
AUTHORIZE PAYMENTS**

**RESOLVED**, That the Board of Insurance Administration Minutes of November 10, 1992 be accepted and that the payments therein be authorized.

Councilmember Hunter moved that the Consent Agenda be approved.

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

**ORDINANCES - SECOND READING**

**77-92 APPROVED**

**SIDEWALK SNOW AND ICE REMOVAL**

**AN ORDINANCE TO AMEND SECTIONS 4:60, 4:61, 4:62 AND 4:63 OF CHAPTER 49  
OF TITLE IV OF THE CODE OF THE CITY OF ANN ARBOR**

This ordinance would require the owner or occupant of residentially zoned property to remove accumulation of snow greater than 1 inch from the sidewalk within 12 hours. The ordinance clarifies procedures for City removal

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of snow when the owner fails to do so.

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

Councilmember Grady moved that the ordinance be tabled to December 7, 1992, for City Attorney review of whether to include bike paths in the ordinance.

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

**ORDINANCES - FIRST READING**

**78-92 APPROVED**

**AN ORDINANCE TO AMEND SECTIONS 1:559(C), 1:564(3)(4), 1:566(1)(2) AND 1:575  
OF CHAPTER 18 OF TITLE I OF THE CODE OF THE CITY OF ANN ARBOR.**

This amendment would provide additions to the Retirement System ordinance of a "pop up" provision, residual refund upon death, optional membership for mayor's secretary, additional interest to retiree reserve. Councilmember Grady moved that the ordinance be approved at first reading. Councilmember Hunter moved to table pending Council review of the costs involved in the ordinance changes.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Zimmer, Mayor Brater, 4

Nays, Councilmembers Dodge, Fink, Grady, Meade, Nicolas, Eckstein, 6

The Chair declared the motion defeated.

The question on the floor is approval of the ordinance at first reading, on roll call the vote was as follows: Yeas, Councilmembers Fink, Grady, Meade, Zimmer, Nicolas, Eckstein, 6

Nays, Councilmembers Hunter, Hanna-Davies, Dodge, Peterson, Mayor Brater, 5

The Chair declared the motion carried.

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79-92 APPROVED (REQUIRES ONLY ONE READING)

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF REVENUE REFUNDING BONDS OF EQUAL STANDING WITH CERTAIN OUTSTANDING SEWAGE DISPOSAL SYSTEM REVENUE BONDS, TO PAY THE COST OF REFUNDING ALL OF THE CITY'S SEWAGE DISPOSAL SYSTEM REVENUE BONDS, SERIES VII AND VIII AND TO PRESCRIBE THE FORM OF THE REFUNDING BONDS; TO PROVIDE FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM AND TO PAY THE PRINCIPAL OF AND INTEREST ON THE REFUNDING BONDS AND CERTAIN OUTSTANDING BONDS OF THE SYSTEM; TO PROVIDE AN ADEQUATE RESERVE FUND FOR THE REFUNDING BONDS AND OUTSTANDING BONDS OF THE SYSTEM; TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF THE REVENUES; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE REFUNDING BONDS AND OUTSTANDING BONDS OF THE SYSTEM IN ENFORCEMENT THEREOF; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE SYSTEM AND THE REFUNDING BONDS AND OUTSTANDING BONDS OF THE SYSTEM.

Councilmember Eckstein moved that the ordinance be approved.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Dodge, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Eckstein, Mayor Brater, 11

Nays, 0

The Chair declared the motion carried.

80-92 APPROVED (REQUIRES ONLY ONE READING)

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF REVENUE REFUNDING BONDS OF EQUAL STANDING WITH CERTAIN OUTSTANDING WATER SUPPLY SYSTEM REVENUE BONDS, TO PAY THE COST OF REFUNDING ALL OF THE CITY'S WATER SUPPLY SYSTEM REVENUE REFUNDING BONDS, SERIES I, J, L AND M; TO PROVIDE FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM AND TO PAY THE PRINCIPAL OF AND INTEREST ON THE REFUNDING BONDS AND CERTAIN OUTSTANDING BONDS OF THE SYSTEM; TO PROVIDE AN ADEQUATE RESERVE FUND FOR THE REFUNDING BONDS AND OUTSTANDING BONDS OF THE SYSTEM; TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF THE REVENUES; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE REFUNDING BONDS AND OUTSTANDING BONDS OF THE SYSTEM IN ENFORCEMENT THEREOF; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE SYSTEM AND THE REFUNDING BONDS AND

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OUTSTANDING BONDS OF THE SYSTEM.

Councilmember Hunter moved that the ordinance be approved.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Dodge, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Eckstein, Mayor Brater, 11

Nays, 0

The Chair declared the motion carried.

**81-92 TABLED**

**HISTORIC DISTRICT CODE APPEALS PROCESS**

**AN ORDINANCE TO AMEND SECTIONS 8:416 AND 8:417 OF CHAPTER 103 OF TITLE VIII**

This ordinance amendment would eliminate the Zoning Board of Appeals from the appeals process in Historic District matters and allow aggrieved parties to appeal directly to the State Historic Preservation Review Board.

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

Councilmember Nicolas moved that the ordinance be tabled pending receipt of information on the potential long-term costs and fees to be charged.

On roll call on the motion to table the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Dodge, Grady, Meade, Zimmer, Nicolas, Peterson, Eckstein, Mayor Brater, 10

Nays, Councilmember Fink, 1

The Chair declared the motion carried and the ordinance tabled.

**82-92 APPROVED**

**WEAPONS AND EXPLOSIVES**

**AN ORDINANCE TO AMEND CHAPTER 115 OF THE ANN ARBOR CITY CODE BY AMENDING SECTIONS 9:260-9:268 AND ADDING NEW SECTIONS 9:269-278**

This amendment would bring the City's ordinance governing weapons and explosives into compliance with the State's statute to define who may

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possess firearms and where those firearms may be possessed or brandished, and would allow warrants to be issued under City authority rather than County.

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

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

**MOTIONS AND RESOLUTIONS**

**R-571-11-92 SUBSTITUTE APPROVED AS AMENDED**

**RESOLUTION REGARDING VOTING MACHINES**

Councilmember Eckstein moved that the resolution be approved.

Councilmember Zimmer moved that the resolution be amended in the last paragraph as follows:

Now, Therefore, Be It Resolved, That the City Council asks the City Administrator <to work out a plan to lease-purchase a new voting system>  
**TO INVESTIGATE PLANS TO OBTAIN A NEW VOTING SYSTEM NO LATER THAN THE NOVEMBER 1994 ELECTION.**

On roll call the vote was as follows: Yeas, Councilmembers Dodge, Fink, Grady, Meade, Zimmer, Nicolas, Eckstein, 7

Nays, Councilmembers Hunter, Hanna-Davies, Peterson, Mayor Brater, 4

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:

**R-571-11-92 APPROVED**

**RESOLUTION REGARDING VOTING MACHINES**

Whereas, The City's voting machines are old, difficult to maintain, cumbersome to move and store, and only operational due to the herculean efforts of City staff;

Whereas, These machines have been the cause of periodic voting problems in

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recent years; and

Whereas, The number of machines is inadequate for some elections;

**RESOLVED**, That the City Council asks the City Administrator to investigate plans to obtain a new voting system no later than the November 1994 election; and

**RESOLVED**, That the Council requests the City Administrator to forward to Council information on available voting systems and costs, including the Optical Scanning Voting System and any other new voting technology that may be available.

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**R-572-11-92 APPROVED**

**RESOLUTION TO PROCLAIM ART DAY IN ANN ARBOR**

**DECEMBER 5, 1992**

Whereas, Art serves to enrich by bringing economic and cultural vitality to the community;

Whereas, The City of Ann Arbor is abundantly endowed with a consistency of art organizations, galleries, and artists who are nationally recognized;

Whereas, The establishment of a special day brings to the forefront the prominence of art in this community;

Whereas, The creative energies of the artistic community in Ann Arbor exemplify this city as unique;

**RESOLVED**, That the Mayor and City Council of Ann Arbor, Michigan, do hereby recognize December 5, 1992 as ART DAY IN ANN ARBOR to salute this day as a sharing of art by recognizing the contributions art makes to enhance the economic and cultural vitality of our city.

Councilmember Grady moved that the resolution be approved.

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

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**R-573-11-92 APPROVED**

**RESOLUTION REGARDING FEDERAL DESIGNATION OF THE ANN ARBOR, MI PRIMARY METROPOLITAN STATISTICAL AREA (PMSA)**

Whereas, The Federal Office of Management and Budget (OMB) currently is reviewing the definitions of all metropolitan areas as a result of 1990 U.S. Census data and is requesting local opinion concerning the redefinition of the current Ann Arbor, Mi. primary metropolitan statistical area (PMSA);

Whereas, Washtenaw County has had separate recognition as the Ann Arbor, Mi.

PMSA since the 1940 census and, under the OMB's revised standards, continues to be eligible for PMSA status, provided local opinion supports separate recognition;

Whereas, Livingston and Lenawee Counties now qualify to be included in the Detroit, MI consolidated metropolitan statistical area and may request to be included in the Ann Arbor, MI PMSA; and

Whereas, Continued separate recognition of the Ann Arbor, MI PMSA would facilitate continuity in data collection and the recognition of local conditions such as fair market rent levels and median income;

**RESOLVED**, That the Ann Arbor City Council supports continued separate recognition of the Ann Arbor, MI PMSA;

**RESOLVED**, That the Ann Arbor City Council does not find the inclusion of Livingston County or Lenawee County into the Ann Arbor, MI PMSA to be in the best interests of the City; and

**RESOLVED**, That this resolution be forwarded to the Office of Management and Budget for its consideration as part of the collection of local opinion.

Councilmember Eckstein moved that the resolution be approved.

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



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**R-574-11-92 REVISED SUBSTITUTE APPROVED**

**RESOLUTION SUPPORTING ASSESSMENT LIMITATION**

Whereas, The State Legislature enacted an assessment freeze which will end in 1993, requiring a two-year increase in assessments;

Whereas, The State of Michigan relies too heavily on the property tax, resulting in a burden on Ann Arbor taxpayers;

Whereas, The City of Ann Arbor is required by state law to assess property at 50 percent of market value; and

Whereas, The Ann Arbor City Council does not wish to burden its taxpayers with a two-year assessment increase in one year;

**RESOLVED**, That the Ann Arbor City Council requests the State legislature to adopt for 1993 a limitation on homestead assessment increases of 4.5 percent, or the level of the CPI, whichever is less;

**RESOLVED**, That the Ann Arbor City Council urges the Governor and Legislature to reform Michigan's taxing system in a way that provides property tax relief and allows local governments to maintain an adequate level of services; and

**RESOLVED**, That the City Clerk will forward a copy of this resolution to the Governor, our State Representatives, our State Senator, the Michigan Municipal League, and Southeast Michigan Council of Governments (SEMCOG).

Councilmember Grady moved that the resolution be approved.

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

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**R-575-11-92 APPROVED**

**RESOLUTION TO INCREASE CITY ADMINISTRATOR'S SALARY**

Whereas, The City Council has evaluated the City Administrator for his first year of service with the City of Ann Arbor;

**RESOLVED**, That the City Administrator will receive an increase in annual salary of two Percent (2%), retroactive to July 15, 1992.

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Councilmember Hunter moved that the resolution be approved.

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

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**R-576-11-92 APPROVED**

**RESOLUTION RECOGNIZING JUDGE S. J. ELDEN**

Whereas, Judge S. J. Elden, since August 10, 1956, has served the citizens of the City of Ann Arbor and the State of Michigan as 15th District Court Judge;

Whereas, Judge S. J. Elden, having recognized the importance of maintaining positive working relationships with those having matters before the 15th District Court, continually worked with the Ann Arbor City Council, City Administrator, the City Attorney's and County Prosecutor's offices, members of the bar and all others having business before the 15th District Court to enhance these working relationships and to improve our system of justice;

Whereas, Judge S. J. Elden has diligently worked during his terms of office to minimize the disruptions that court appearances may have on the daily lives of jurors and other citizens who may be required to use the court's services;

Whereas, Judge S. J. Elden, in spirit and in practice, embodies the highest standards of professional conduct of his elected office; and

Whereas, Those individuals associated with the justice system in our community will deeply miss Judge S. J. Elden's dedication and commitment to protecting the fundamental concepts of our legal system;

**RESOLVED**, That the Ann Arbor City Council congratulates Judge S. J. Elden on his retirement from the 15th District Court bench and by this resolution, expresses its

gratitude for his contributions to improving the administration of justice.  
Councilmember Zimmer moved that the resolution be approved.  
On a voice vote, the Chair declared the motion carried.

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R-577-11-92 APPROVED

RESOLUTION TO APPROVE PURCHASE ORDER  
INCREASE FOR ELECTRICAL AND  
INSTRUMENTATION MAINTENANCE SERVICE  
(\$29,900)

Whereas, Electrical and instrumentation maintenance services are needed for the  
hydropower dam and water supply operations;

Whereas, Most of these services are of a highly technical nature and are efficiently  
and cost effectively performed by a firm that is specifically qualified and familiar with this  
specialized equipment;

Whereas, Utilities Instrumentation Services has such knowledge and has been  
involved in the design and installation of much of this equipment in the water supply, dam  
and hydropower systems; and

Whereas, On May 22, 1992 the Human Resources Department has approved  
Utilities Instrumentation Service to perform these services;

RESOLVED, That Council directs the City Administrator to increase the standing  
purchase order issued to Utilities Instrumentation Service from \$14,900 to \$29,900.

Sources of Funds: Utilities Department Water Treatment Plant and Hydropower FY  
1992/93 Approved Operating Budgets.

Councilmember Grady moved that the resolution be approved.

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

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R-578-11-92 APPROVED

RESOLUTION VACATING A UTILITY EASEMENT  
AT 907 AND 909 WILLOW STREET AND  
225 NORTH SEVENTH STREET

Whereas, The City acquired a utility easement over Lots 10 and 11 and parts of  
Lots 8 and 9 of the L. Grunners Additions, as recorded in Liber 199 of Plats, Page 183;

Whereas, The owners have requested the City to vacate the easement described  
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below; and

Whereas, The City has no utilities installed in the easement and no longer has a use  
for it;

RESOLVED, That the City hereby quit claims and releases its interest in the  
easement which is located in the City of Ann Arbor, Michigan and more fully described as  
follows:

The East 9.43 feet of lots 10 and 11 and the north 1/2 of lot 12 and the north  
165 feet of land platted as Mineral Street; also the north 8 feet of Lot 9; also  
the west 50 feet of the south 58 feet of lot 9; also the north 22 feet of the  
west 50 feet of lot 8, all in L. Grunners Addition to the City of Ann Arbor,  
Michigan.

Councilmember Grady moved that the resolution be approved.

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

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R-579-11-92 APPROVED

RESOLUTION TO AWARD CONTRACT FOR THE BROADWAY  
TERRACE IMPROVEMENT PROJECTS  
(\$259,000)

Whereas, The twenty public housing rental units at 1504, 1506 and 1508 Broadway

need major rehabilitation;

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

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

Whereas, Slavik, Butcher & Baecker Construction Co., Inc. of Rochester Hills, Michigan, has submitted the lowest responsible bid of \$259,000 for the Broadway Improvement Project;

Whereas, Slavik, Butcher & Baecker Construction Co., Inc. has received Human Rights approval from the City of Ann Arbor;

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RESOLVED, That the Mayor and City Clerk be authorized to execute the contract that is substantially in the form filed with the City Clerk.

Councilmember Grady moved that the resolution be approved.

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

\*\*\*\*\*

R-580-11-92 APPROVED

RESOLUTION TO APPROVE MEMORANDUM OF LEASE

AND ASSIGNMENT WITH SHELTER ASSOCIATION

OF ANN ARBOR FOR 201 W. WILLIAM

Whereas, The Shelter Association is undertaking rehabilitation of the structure located at 201 W. William which, upon completion, will contain 6 units of affordable housing;

Whereas, The Shelter Association has received in addition to the City approved funds, commitments from the Michigan Housing Trust Fund as well as Low Income Housing Tax Credits to finance project costs; and

Whereas, In order to complete the tax credit syndication agreement, the City must approve the assignment of the lease with the Shelter Association;

RESOLVED, That City Council approve the assignment of lease with the Shelter Association for 201 W. William to William Street Apartments Limited Partnership; and

RESOLVED, That City Council direct the Mayor and City Clerk to execute the documents necessary to implement this assignment substantially in the form on file in the office of the City Clerk.

Councilmember Grady moved that the resolution be approved.

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

\*\*\*\*\*

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R-581-11-92 APPROVED

RESOLUTION TO APPROVE SUBMISSION OF GRANT

APPLICATION TO MICHIGAN DEPARTMENT OF STATE

FOR KEMPF HOUSE REHABILITATION PROJECT

(\$13,500)

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 Department of Parks and Recreation is seeking such funds for major rehabilitation work on the historic, city-owned Kempf House; and

Whereas, This project will benefit both Ann Arbor residents and visitors of all ages by helping to preserve a valued landmark and visitor attraction;

RESOLVED, That the City Council approve the submission of a grant application to

the Michigan Department of State for \$13,500 for the Kempf House Rehabilitation Project;

RESOLVED, That upon approval of the application by the Michigan Department of

State, the City Council accepts the allocation and authorizes the Mayor and City Clerk to execute the required grant agreements; and

**RESOLVED**, that upon execution of the grant agreements, the City Council appropriates \$13,500 from the grant for the Kempf House Rehabilitation project.

Councilmember Grady moved that the resolution be approved.

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

\*\*\*\*\*

**R-582-11-92 REVISED APPROVED**

**RESOLUTION TO INVESTIGATE OPTIONS FOR 15TH**

**DISTRICT COURT FUNDING AGENCY**

Whereas, Council has instructed the City Administrator to investigate the space needs of the 15th District Court in a resolution passed November 2, 1992; and

Whereas, The City's current role as funding agency of the 15th District Court may

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have various financial and technical implications which might be material to the "Unified Court" pilot project and to the space needs of the Court;

**RESOLVED**, That the City Administrator and the City Attorney evaluate the option of relinquishing the City's role as the Court's funding agency, and provide Council with the economic and technical implications of such option; and

**RESOLVED**, That such evaluation be submitted to Council as part of the alternatives and plans requested in the Council resolution passed November 2, 1992.

Councilmember Fink moved that the resolution be approved.

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

\*\*\*\*\*

**R-583-11-92 SUBSTITUTE APPROVED**

**RESOLUTION TO RATIFY DOWNTOWN DEVELOPMENT**

**AUTHORITY PARKING AGREEMENT**

**BETWEEN CITY/DDA AND BORDER'S INC.**

**RESOLVED**, That the City of Ann Arbor herein consents and approves

substantially, in the form filed with the City Clerk, the agreement between the City/DDA and Borders, Inc., relative to the leasing of certain parking accommodations and that the City Administrator and Attorney and Mayor are authorized to execute said lease, it being understood that certain changes are to be mutually agreed upon by the parties.

Councilmember Peterson moved that the resolution be approved.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Dodge, Fink, Grady, Meade, Nicolas, Peterson, Mayor Brater, 9

Nays, Councilmember Zimmer, 1

Absent for the vote, Councilmember Eckstein, 1

The Chair declared the motion carried.

\*\*\*\*\*

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**R-584-11-92 APPROVED**

**RESOLUTION AUTHORIZING LEVY OF MILLAGE ON THE**

**DECEMBER 1992 COUNTY TAX LEVY FOR THE CITY'S**

**SHARE OF VARIOUS STORM DRAIN DEBT PAYMENTS**

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

County Farm Drain 1 of 1 \$ 1,182.35

Mallet's Creek Drain 1 of 1 19,809.60

Swift Run Drain 1 of 1 4,846.72

Earhart West Drain 1 of 1 2,392.79

Subtotal Maintenance 28,231.46

Pittsfield-Ann Arbor Drain 16 of 26 218,178.38

Subtotal Capital 218,178.38

**GRAND TOTAL \$ 246,409.84**

**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 .1064 mills on the December, 1992 Washtenaw County tax levy (City of Ann Arbor properties only) for the city share of drain payments as outlined above.**

**Councilmember Hunter moved that the resolution be approved.**

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

\*\*\*\*\*

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**R-585-11-92 APPROVED**

**RESOLUTION TO SUPPORT EARLY VOTING SYSTEM IN  
THE STATE OF MICHIGAN**

**Whereas, Voters in the City of Ann Arbor and all across the State of Michigan experienced long lines at polling places during the November 3, 1992 election;**

**Whereas, Two to three hour waits to vote may deter some voters from voting; and**

**Whereas, It is desirable to encourage people to vote;**

**RESOLVED, That the Ann Arbor City Council requests the Michigan State Legislature to investigate and implement a system for early voting in the State of Michigan;  
and**

**RESOLVED, That this resolution be copied to our State Legislators, our State Senators, Governor Engler, and the Michigan Municipal League.**

**Councilmember Hunter moved that the resolution be approved.**

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

\*\*\*\*\*

**R-586-11-92 APPROVED AS AMENDED**

**RESOLUTION CONCERNING MICHIGAN HOUSE BILL 5407  
AND SUPPORT FOR SEITER AND KIRSCHT INC.**

**Councilmember Eckstein moved that the resolution be approved.**

**Councilmember Fink moved that the resolution be amended as follows:**

**2nd paragraph:**

**Whereas, <the firm of Seiter and Kirscht, Inc. is> DEVELOPERS MAY BE in the process of ....**

**3rd paragraph:**

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**Whereas, <Seiter and Kirscht will> DEVELOPERS MAY BE restoring a historic structure....**

**6th paragraph:**

**Whereas, The building restoration, investment, and jobs resulting from the <Seiter and Kirscht project> DEVELOPMENT OF PROJECTS will have direct and ....**

**Last paragraph:**

**Be It Further Resolved, That the Mayor and Council support the efforts of <Seiter and Kirscht Inc.> DEVELOPERS to develop "Brew Pub" restaurants <on W. Washington Street> in Ann Arbor.**

**On a voice vote, the Chair declared the motion carried with Councilmembers Peterson and Eckstein dissenting.**

**The question on the floor is approval of the resolution as amended, on roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Dodge, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Mayor Brater, 10**

**Nays, Councilmember Eckstein, 1**

**The Chair declared the motion carried.**

Following is the resolution as approved:

**R-586-11-92**

**RESOLUTION CONCERNING MICHIGAN HOUSE BILL 5407**

Whereas, The Michigan Senate will be considering House Bill 5407 known as the "Brew Pub" Bill on December 3, 1992;

Whereas, Developers may be in the process of developing a "Brew-Pub" restaurant in Ann Arbor;

Whereas, Developers may be restoring a historic structure within a historic district at a cost of over one million dollars;

Whereas, This structure has been vacant for over two years and poorly maintained for many more and is, as a result, in great disrepair;

Whereas, The "Brew-Pub" will employ about 100 persons, many in full-time skilled and professional positions; and

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Whereas, The building restoration, investment, and jobs resulting from development of projects will have direct and immediate economic impact on the downtown;

**RESOLVED**, That the Mayor and City Council of Ann Arbor wish to go on record supporting House Bill 5407; and

**RESOLVED**, That the Mayor and Council support the efforts of developers to develop "Brew-Pub" restaurants in Ann Arbor.

**REPORTS FROM COUNCIL COMMITTEES**

None.

**COUNCIL PROPOSED BUSINESS**

None.

**COMMUNICATIONS FROM THE MAYOR**

**APPOINTMENTS APPROVED**

Mayor Brater asked for confirmation of the following appointments:

**HOUSING COMMISSION**

Constance Jones (replacing George C. Stewart at term expiration)

869 Wickfield Court

Term: 11/16/92 to 11/16/97

**CAPITAL IMPROVEMENTS REVIEW COMMITTEE**

Nelson Meade, City Councilmember

Peter Fink, City Councilmember

**HIV/AIDS TASK FORCE**

Patrick Yankee

800 West Huron, No. 4

Cecilia M. Sheehan

2729 Packard

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Claudia Dwass (alternate for Cecilia M. Sheehan)

1142 S. Forest

Linda Drach (alternate for Cecilia M. Sheehan)

2729 Packard

David G. Ostrow, M.D., Ph. D.

712 Hutchins

Anthony P. Welsh, D.O.

1432 Broadway

Toby Citrin

2206 Rivenoak Court

Jim Toy

619 East University, No. C4

Ann E. Eyler, M.D.

2919 Whittier Court

**George L. Ridenour**

**2215 Fuller Road**

**Yong Kim**

**533 S. Fourth Avenue**

**Councilmember Robert Eckstein**

**100 North Fifth Avenue**

**DOWNTOWN DEVELOPMENT AUTHORITY**

**Ruth Schekter (replacing James Hart at term expiration)**

**1039 Baldwin**

**Term: 11/16/92 to 07/31/96**

**David Fritz (replacing Robert Anderson at term expiration)**

**200 South Main, Room 200**

**Term: 11/16/92 to 07/31/96**

**Lorri D. Sipes (reappointment)**

**208 W. Liberty**

**Term: 11/16/92 to 07/31/96**

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**SIGN BOARD OF APPEALS**

**James Szumko (reappointment)**

**3671 Middleton Drive**

**Term: 11/16/92 to 11/16/95**

**Councilmember Grady moved that Council concur in the recommendation of the Mayor.**

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

**Mayor Brater asked for and received the consent of Council to suspend the rules for confirmation of the following nominations this date:**

**MAYOR'S COMMITTEE ON STREET ART FAIRS**

**Brian R. Chambers (representing the Washtenaw Committee for Non-Profits)**

**1411 Henry**

**John Jourden (representing the Washtenaw Committee for Non-Profits)**

**4005 Washtenaw**

**Councilmember Hunter moved that Council concur in the recommendation of the Mayor.**

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

**NOMINATIONS**

**Mayor Brater placed the following nominations on the table for confirmation at the next Council meeting:**

**HIV/AIDS TASK FORCE**

**Patrice Maurer**

**417 Skydale Avenue**

**SOLID WASTE COMMISSION**

**Charles H. Cremin (Chamber of Commerce Rep., following resignation of David Tiedgen)**

**HUMAN RIGHTS COMMISSION**

**Beverly D. Wright (to fulfill membership requirements)**

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**2623 Arrowwood Trail**

**Term: 12/07/92 to 10/31/95**

**COMMUNITY DEVELOPMENT CITIZEN PARTICIPATION EXECUTIVE COMMITTEE**

**Letitia Byrd (replacing Susan Dickinson upon her resignation)**

**421 Brookside Drive**

**Term: 12/07/92 to 07/01/95**

**Jean M. Robinson (to serve as Chair)**

**1020 Cedar Bend Drive**

## **ANNOUNCEMENTS**

Council Call-In, Wednesday, 6:30 p.m. to 8:00 p.m. - Councilmember Grady  
Mayor's Night In, December 2, 1992, from 5:00 p.m. to 7:00 p.m.

City awaiting state action on its application for funds to repair Fuller Bridge.

## **COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

City Administrator Gatta presented the following information memorandums:

1. Fiscal Year 1992/93 Quarterly Report (July-September)
2. Cracksealing New Pavement on State Street
3. Pothole Repairs in Various Locations
4. Solid Waste Regulations
5. Ann Arbor's Drinking Water in Compliance with USEPA Lead and Copper Rule
6. City Assisted Housing Efforts
7. Comprehensive Housing Affordability Strategy (CHAS) Annual Plan
8. Access Capital Funding/Cable Television Ordinance and Franchise Agreement Revisions

9. First Quarter Financial Report

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10. Implementation of Domestic Partners Benefits Program

11. Fuller Bridge over Huron River

12. Central Area Plan (a plan which identifies action strategies for the preservation, revitalization and redevelopment of the central part of the City) (Planning Commission recommendation: Approval - 9 yeas and 0 nays)

The City Administrator received requests for information on other subjects.

## **COMMUNICATIONS FROM THE CITY ATTORNEY**

None.

## **COMMUNICATIONS FROM COUNCIL**

Call for special session of Council, Wednesday, November 18, 1992 (later changed to Friday, November 20, 1992 at 5:00 p.m.), by Councilmembers Nicolas, Zimmer, Dodge, Fink.

Councilmember Hanna-Davies advised Council on the need for funding of the Day Shelter to provide homeless people who work at night a place to sleep during the day, as well as others who need day shelter during winter.

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

The following communications were received:

1. Michigan Environmental Protection - Gelman Sciences, Inc., Site Project Update - File

2. Varsity Ford regarding Bid No. 2357 - Public Services Department

3. Wallace C. Donoghue regarding city ownership of a waste recycling facility - File

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

1. Housing Board of Appeals - September 1, 1992

2. Sign Board of Appeals - August 11, 1992

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3. Zoning Board of Appeals - May 20, 1992

4. Zoning Board of Appeals - June 17, 1992

5. Ann Arbor Energy Commission - October 9, 1992

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

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

## **PUBLIC COMMENTARY - GENERAL**

### **ANDREW GULVEZAN - AMERICAN INDIANS**

Andrew Gulvezan spoke regarding the American Indians.

## **ADJOURNMENT**

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

On a voice vote, the Chair declared the motion carried and the meeting was adjourned at



**11:10 p.m.**  
**Winifred W. Northcross**  
**City Clerk**  
**Linda J. Wise,**  
**Recording Secretary**