

**SPECIAL SESSION - JANUARY 14, 1991**

The special session of the Ann Arbor City Council was called to order at 7:32 p.m. in the City Hall Council Chamber by Mayor Gerald D. Jernigan.

**ROLL CALL OF COUNCIL**

PRESENT: Councilmembers Larry Hunter (entered at 7:55 p.m.), Ann Marie Coleman, M. Terry Martin, Ingrid B. Sheldon (entered at 7:40 p.m.), Elizabeth S. Brater, Nelson K. Meade, Jerry S. Schleicher, Mark Ouimet, Thais Anne Peterson (entered at 7:48 p.m.), Joe Borda, Mayor Gerald D. Jernigan, 11.

ABSENT : 0.

**NOTICE OF CALL OF SPECIAL SESSION**

The certification and notice of call of special session was read and ordered placed on file with the City Clerk.

**AUDIENCE PARTICIPATION - Reserved Time**

DAN MC CLOSKEY - BOULDER AT JACKSON/DEXTER RDS. INTERSECTION

Dan McCloskey, 211 E. Huron St., stated that the death of a fellow worker was caused when his vehicle crashed into the boulder at the intersection of Jackson and Dexter Roads. Mr. McCloskey requested that the rock be relocated or a barrier be constructed to protect against other fatal accidents.

**APPROVAL OF AGENDA**

AGENDA APPROVED WITH CHANGE

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

## MOTIONS AND RESOLUTIONS

Revise Resolution to Approve Hauling Contract **TO FILL THE EXCAVATION AT**  
Title: **410-416 SOUTH MAIN STREET AND TO APPROPRIATE NECESSARY**  
**FUNDS (\$25,000.00) (Mayor Jernigan) (8 VOTES REQUIRED)**

On a voice vote the Chair declared the motion carried.

### MOTIONS AND RESOLUTIONS

R-14-1-91 APPROVED

#### RESOLUTION TO APPROVE CONTRACT TO FILL EXCAVATION AT 410-416 SOUTH MAIN STREET AND TO APPROPRIATE NECESSARY FUNDS

Whereas, The excavation by Downtown Ann Arbor Associates at 410-416 South Main Street has been adjudicated a public nuisance in violation of Section 9:13 of the Ann Arbor City Code (Incomplete Construction);

Whereas, The public nuisance presents an immediate danger to adjacent property including the City street and sidewalk;

Whereas, Competitive bidding is both clearly not practical in light of the immediate danger and would not result in any advantage to the City in light of the contract price being a small fraction of the price estimates for the work;

Whereas, On January 14, 1991, Neal Young Excavating has received approval from the Personnel/Human Rights as being in compliance with the City's human rights policies; and

Whereas, The costs incurred for abatement of the immediate danger caused by the public nuisance will be charged to the property owner and, if not paid, placed upon the tax rolls for collection;

RESOLVED, That:

1. Council does hereby appropriate \$25,000.00 from the General Fund for the costs of filling-in the excavation at 410-416 South Main (\$20,000.00 for the contract and \$5,000.00 in associated staff time and other expenditures), with all costs to be reimbursed by the property owners either directly or by placing the amounts due upon the tax rolls for collection pursuant to City Code Section 9:13.

Revenue Account:           010-033-4371           +\$25,000.00 (new account)

Expenditure Account:       010-033-0160           +\$25,000.00 (new account)

2.     Upon approval as to form by the City Attorney and as to substance by the City Administrator, the Mayor and Clerk are authorized to enter into a contract with Neal Young excavating that is substantially similar to the form on file with the City Clerk.

Councilmember Borda moved that the resolution be adopted.

Councilmember Sheldon entered at 7:40 p.m.

Councilmember Peterson entered at 7:48 p.m.

Councilmember Sheldon moved that the meeting be recessed for information from the City Attorney and reconvened following the scheduled working session.

On a voice vote the Chair declared the motion carried and the meeting recessed at 7:49 p.m.

Councilmember Brater moved that the special session of Council be reconvened.

On a voice the Chair declared the motion carried and the meeting reconvened at 10:29 p.m.

Councilmember Coleman exited during the working session.

After further discussion, the Chair declared a recess at 10:50 p.m.

The Chair again called the meeting to order at 10:55 p.m.

The question being the resolution as presented, on roll call the vote was as follows:

Yeas, Councilmembers Hunter, Martin, Sheldon, Brater, Meade, Schleicher, Ouimet, Peterson, Borda, Mayor Jernigan, 10;

Nays, 0.

The Chair declared the motion carried.

**REPORTS FROM COUNCIL COMMITTEES**

None.

**COUNCIL PROPOSED BUSINESS**

None.

**COMMUNICATIONS FROM THE MAYOR**

None.

**COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

POLICE CHIEF SEARCH UPDATE

Acting City Administrator Donald Mason reported that one of the candidates for Police Chief has withdrawn, leaving two candidates for the position.

**COMMUNICATIONS FROM THE CITY ATTORNEY**

None.

**COMMUNICATIONS FROM COUNCIL**

MAYOR JERNIGAN

Mayor Jernigan expressed his concerns for pending war in the Middle East.

**AUDIENCE PARTICIPATION - General**

None.

**ADJOURNMENT**

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

On a voice vote the Chair declared the motion carried and the meeting adjourned at 10:57 p.m.

W. Northcross  
Clerk of the Council

Janet L. Chapin  
Recording Secretary



### **WORKING SESSION - JANUARY 14, 1991**

The working session of the Ann Arbor City Council was called to order at 7:50 p.m. in the City Hall Council Chamber by Mayor Gerald D. Jernigan.

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

PRESENT: Councilmembers Larry Hunter, Ann Marie Coleman, M. Terry Martin, Ingrid B. Sheldon, Elizabeth S. Brater, Nelson K. Meade, Jerry S. Schleicher, Mark Ouimet, Thais Anne Peterson, Joe Borda, Mayor Gerald D. Jernigan, 11.

ABSENT : 0.

#### **JOINT WORKING SESSION WITH PLANNING COMMISSION**

##### 1991-1997 CAPITAL IMPROVEMENTS PLAN

The City Planning Commission presented the recommended Capital Improvements Plan for 1991-1997. Commissioner Tom Shipley, Chairman of the Capital Improvements Review Committee, reported on the review process and format of the Plan, and recommended exploring alternative sources of revenue, including a City income tax. Mr. Shipley stated that two millage issues may be placed on the April ballot: 1) a citizen-initiated proposal for a \$4.5 million senior adult activity center at the Greenview School site; and 2) the recommended proposal for 2.5 mills each year for 20 years to maintain existing streets (a continuation of the existing millage).

Chuck Manchurian of the Planning Department distributed and reviewed summary charts of the proposed projects for 1991-97 (\$195,622,000) and 1991-92 (\$45,125,000).

Transportation Director James Valenta, Parks and Recreation Superintendent Ronald Olson, Utilities Director Frank Porta, and Assistant City Engineer Sabah Yousif were available to answer questions concerning projects for their departments.

Councilmembers requested that downtown sidewalk programs be given higher priority. ("1991-1997 Capital Improvements Plan, December 1990" and Summary Charts on file in the City Clerk's Office)

##### CENTRAL AREA PLAN

Planning Commission Chairman Franz Mogdis reported that the Commission will begin the process of updating the Central Area Plan component of the City Master Plan within the next couple of weeks. Mr. Mogdis explained that updating the Central Area Plan has become a priority issue since the focus of the Planning Commission has changed from new development to redevelopment and its impact on existing neighborhoods and the vitality of the downtown.

Mr. Mogdis stated that public input will be included early in the process, and requested Council's input on areas of concern.

Councilmember Brater requested that ordinance revisions be considered to address such issues as the premium provisions of Chapter 55, the special parking district provisions of Chapter 59, promotion of downtown housing development, and conformance with the Downtown Plan by developers.

Planning Director Martin Overhiser reviewed the tentative process schedule and stated that it will be a year before the Commission's recommendations are presented to Council.

("Resolution Regarding Implementation of the Downtown Plan", adopted 1/3/90, and "Ann Arbor Downtown Plan Final Report Summary 1988" on file in the City Clerk's Office)

#### FAMILY DEFINITION

Martin Overhiser distributed a revised draft of the ordinance revision regarding family definition and stated that the Planning Commission is close to adopting a recommendation for submission to Council.

City Attorney R. Bruce Laidlaw explained that five years ago the Michigan Supreme Court declared Ann Arbor's ordinance on family definition to be unconstitutional because adequate provision was not made for the nontraditional family. Mr. Laidlaw stated that the current ordinance revision meets the interests of all concerned.

Commissioner Shipley reported that the impact of noise and parking on neighborhoods were the two major issues raised, and that the current version of the ordinance takes care of both concerns.

(Revised Draft Ordinance on Family Definition, dated January 14, 1990, on file in the City Clerk's Office)

#### **ADJOURNMENT**

There being no further business to come before Council, the Chair declared the motion adjourned at 10:28 p.m.

Janet L. Chapin  
Acting Clerk of the Council  
Recording Secretary