

## **REGULAR SESSION - NOVEMBER 4, 1991**

The regular session of the Ann Arbor City Council was called to order at 7:32 p.m. in the City Hall Council Chamber by Mayor Elizabeth S. Brater.

Council stood for one moment of silence.

Mayor Brater led Council in the recitation of the Pledge of Allegiance.

### **ROLL CALL OF COUNCIL**

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

ABSENT : 0.

### **INTRODUCTIONS**

None.

### **AUDIENCE PARTICIPATION - Reserved Time**

#### **MICHAEL MC GETTIGAN - OPEN MEETINGS RESOLUTIONS**

Michael McGettigan, 2613 Fenwick Ct., spoke in favor of the proposed resolution regarding open meetings for all City committees, commissions, boards and task forces. Mr. McGettigan emphasized the importance of having government conduct all of its discussions and decision making in a completely open manner and without restrictions.

#### **TASIE KALEMIS - COMPREHENSIVE AFFORDABILITY STRATEGY (CHAS)**

Tasie Kalemis, Ann Arbor resident, spoke in favor of the proposed Comprehensive Affordability Strategy as amended and approved by the Housing Policy Board and the Planning Commission. Ms. Kalemis expressed support of the changes allowing more money to be directed to new construction of affordable housing for low-income people.

#### **JENNIFER HALL - COMPREHENSIVE AFFORDABILITY STRATEGY (CHAS)**

Jennifer Hall, Ann Arbor resident, spoke in support of the proposed Comprehensive Affordability Strategy as amended. Ms. Hall expressed concern with the effects of State budget cuts on social services, and emphasized the need for a day shelter and permanent solutions to the housing problem in Ann Arbor.

### **PUBLIC HEARINGS**

#### WATERSHED REZONING (ORDINANCE NO. 59-91)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning 2.35 acres from R3 (Townhouse District) to R1C (Single-Family Dwelling District), Watershed, west side of Green Road, north of Narrow Gauge Way. Notice of public hearing was published October 14, 1990.

The following person appeared:

A representative of the petitioner stated that he would be available to answer questions concerning the plan and asked whether action would be taken on the proposal at this meeting.

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

#### WATERSHED LAND DIVISION

A public hearing was conducted on the proposed Watershed Land Division, 2.35 acres, west side of Green Road, north of Narrow Gauge Way. Notice of public hearing was published October 28, 1991.

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

#### BOARDWALK COMMERCE CENTER/GRAINGER REVISED SITE PLAN

A public hearing was conducted on the proposed Boardwalk Commerce Center/ Grainger Revised Site Plan, 1.5 acres, east side of Boardwalk, north of Eisenhower Parkway. Notice of public hearing was published October 28, 1991.

The following person appeared:

Edward Gerber, representing the Garrison Co., project contractor, requested

approval of the revised site plan which would enlarge the previously-approved structure by 2,822 square feet and add a second curb cut on Boardwalk Drive.

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

FIRST MARTIN (TRAVER VILLAGE/TRAVERWOOD) LAND DIVISION

A public hearing was conducted on the proposed First Martin (Traver Village/ Traverwood) Land Division, 21.0 acres, southwest corner of Nixon Road and Huron Parkway Extension. Notice of public hearing was published October 28, 1991.

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

DOMESTIC PARTNERSHIP ORDINANCE (ORDINANCE NO. 62-91)

A public hearing was conducted on the proposed ordinance to amend the City Code by adding a new Chapter 110 - Domestic Partnerships. Notice of public hearing was published October 27, 1991.

The following persons appeared in support of the proposed ordinance because they feel it would recognize the diversity of families in the City and help end discrimination against lesbians, gay men and bisexuals. The speakers emphasized that adoption of the ordinance would foster the spirit of tolerance and represent equity and justice for all citizens in the community. The speakers further stated that the ordinance would be a step toward ending discrimination in employment benefits for nontraditional families.

David Chambers, University of Michigan Law School

Richard Krupinski, Ann Arbor resident

Thomas Nickey, Ann Arbor resident

Gary Hann, Ann Arbor resident

Jean King, Ann Arbor resident

Jerry Woods, Ann Arbor resident

Jim Toy, Ann Arbor resident

Laura Sky Brown, Ann Arbor resident

Paul Turner, Toledo, OH

Liz Cramer, Whitmore Lake, MI

Lore Rogers, Whitmore Lake, MI

Alain Reed, Ann Arbor resident  
Christopher Finnegan, Toledo, OH  
Mary Franklin, Ann Arbor resident  
Gail Gorlen, Toledo, OH  
Paul Lambert, Ann Arbor resident  
Anthony Welsh, Ann Arbor resident  
Susan McGee, Ann Arbor resident  
Virginia Gordan, Ann Arbor resident  
Molly Reno, Ann Arbor resident  
Stephen Hartwell, Ann Arbor resident  
David Michener, Ann Arbor resident  
Howard Stewart, Ann Arbor resident  
Tracy Ore, Ann Arbor resident  
Tom Ball, Ann Arbor resident  
Sheila Ritter, Ann Arbor resident  
Nancy Williams, Ann Arbor resident  
Lloyd Williams, Ann Arbor resident  
Parker Pennington, IV, Ann Arbor resident  
Susan Hansen, Ann Arbor resident  
Dale Burkholder, Ann Arbor resident  
Jerry Fluegge, Manchester, MI  
Joe Summers, Ann Arbor resident  
Lynn Rivers, Ann Arbor resident  
Valerie Ackerman, Ann Arbor resident  
Leeron Kopelman, Ann Arbor resident  
Charley Sullivan, Ann Arbor resident  
Jenifer Levin, Ann Arbor resident  
Chris McCown, Whitmore Lake, MI  
Joyce Kerr, Ann Arbor resident  
Deborah Orłowski, Ann Arbor resident  
Ronald Bishop, Ann Arbor resident  
Mary Bejian, Ann Arbor resident

Barb Vicory, Ann Arbor resident  
Lori DeGayner, Ann Arbor resident  
Elizabeth Lindsey, Ann Arbor resident  
Carlos Acevedo, Ann Arbor resident  
David Toland, Ann Arbor resident  
Dwayne Petrey, Ann Arbor resident  
Adolfo Torango, Ann Arbor resident  
Kirsten Kingdon, Ann Arbor resident  
John Kingdon, Ann Arbor resident  
Susan McGarry, Ann Arbor resident  
Mary Barber, Ann Arbor resident  
Ken Blochowski, Ann Arbor resident  
Diane Pawlowski, Ann Arbor resident  
David Bassett, Ann Arbor resident  
Jeannine Palms, Ann Arbor resident  
Kenneth Phifer, Ann Arbor resident  
Harvey Guthrie, Ann Arbor resident  
Max Heirich, Ann Arbor resident  
Mary Teasdale, Ann Arbor resident  
Jane Miller, speaking for an Ann Arbor resident  
Karen Cooper, Ann Arbor resident  
Elizabeth Patten, Ann Arbor resident  
Brian Chambers, Ann Arbor resident  
Lynden Kelly, Ann Arbor resident  
Laurel Federbush, Ann Arbor resident  
Rose Hochman, Ann Arbor resident  
Marcia Federbush, Ann Arbor resident  
Carie Bree, Ann Arbor resident  
Larry Greenfield, Ann Arbor resident  
Lisa Silver, Ann Arbor resident  
Eugene Feingold, Ann Arbor resident  
Michael Anderson, Ann Arbor resident

Cathy Doherty, Ann Arbor resident  
Laura Champion, Ann Arbor resident  
Virginia Peacock, Ann Arbor resident  
Angus Burch, Ann Arbor resident  
Blane McLane, Ann Arbor resident  
Jane Michener, Ann Arbor resident  
David Horste, Ann Arbor resident  
Jean Summerfield, Ann Arbor resident  
James D'Amour, Ann Arbor resident  
Helen Gallagher, Ann Arbor resident

The following persons appeared in opposition to the proposal because they feel it would undermine the concept of the traditional family and defy the laws of God and nature. Many of these speakers expressed concern with the economic burden of extending employment benefits to nontraditional families and with the legal ramifications of adopting an ordinance which opposes State law.

Leo Simon, Ann Arbor resident  
Dennis Heaton, Ann Arbor resident  
Elder Walker, Ann Arbor resident  
Ezra Rowry, Ann Arbor resident  
Kim VanCuler, Ypsilanti, MI  
Gary Hirth, Ann Arbor resident  
Cecilia Knox, Ann Arbor resident  
Pamela Willmann, Ann Arbor resident  
Paul Reimann, Ann Arbor resident  
Charles Graham, Ann Arbor resident  
Michael Donnelly, Ann Arbor resident  
Brendon Quilter, Ann Arbor resident  
Khrystye Stacey, Ann Arbor resident  
Paul Champoux, Ann Arbor resident  
Thomas Nash, Ann Arbor resident  
Stephen D. Lindner, Ann Arbor resident  
David Dean, Ann Arbor resident

David Hildreth, Ann Arbor resident

Francis Cullen, Ann Arbor resident

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

### **APPROVAL OF AGENDA**

#### AGENDA APPROVED WITH CHANGES

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

#### APPROVAL OF COUNCIL MINUTES

Delete: Working session of October 14, 1991; regular session of October 21, 1991  
(Rescheduled for November 18, 1991)

#### CONSENT AGENDA

Delete: Resolution to Approve First Martin (Traver Village/Traverwood) Land Division, 21.0 acres, southwest corner of Nixon Road and Huron Parkway Extension (Planning Commission recommendation: Approval -7 years, 0 days) (Rescheduled for November 18, 1991)

Delete: Resolution to Approve Purchase of Five 1992 GMC Pickups - Bid No. 2190 (\$62,625.00) (Rescheduled for November 18, 1991)

Delete: Resolution to Approve Purchase of Two 2-3 Cubic Yard Dump Trucks - Bid No. 2197 (\$34,750.00) (Rescheduled for November 18, 1991)

Delete: Resolution to Approve FY 1991-92 Agreement with the Domestic Violence Project (\$30,000.00) (Rescheduled for November 18, 1991)

Delete: Resolution to Approve Ford 3930 Diesel Utility Tractor - Bid No. 2200 (\$17,318.00) (Rescheduled for November 18, 1991)

Delete: Resolution to Approve FY 1991-92 Community Development Block Grant-Funded Agreement with Visiting Care (\$12,000.00) (Rescheduled for November 18, 1991)

Delete: Resolution Authorizing Water Main and Sanitary Sewer Improvement Charges for 431 Parkwood (\$9,227.60) (Rescheduled for November 18, 1991)

- Delete: Resolution Authorizing Water Main and Sanitary Sewer Improvement Charges for 310 Glenwood (\$3,072.92) (Rescheduled for November 18, 1991)
- Delete: Resolution to Grant Water Service Outside City Limits to 430 Parkwood (Rescheduled for November 18, 1991)
- Delete: Resolution Accepting Utility Easements from Eisenhower Corporate Park (Rescheduled for November 18, 1991)
- Delete: Resolution Accepting Utility Easement from the Regents of the University of Michigan (U-M Hospital Child Care Center) (Rescheduled for November 18, 1991)
- Delete: Resolution Accepting Deeds from R.E.M. Vero, Inc. (Rescheduled for November 18, 1991)
- Delete: Resolution Accepting Deed from Statutory Drainage Board for the Traver Creek Drain (Rescheduled for November 18, 1991)

#### ORDINANCES - Second Reading

Move to beginning of Ord's.: Ordinance Adding New Chapter 110 - Domestic Partnerships (Ordinance No. 62-91)

#### ORDINANCES - First Reading

Revise: Amendment to Chapter 17 - Ward Boundaries

Correct Title & Amendment to ~~<Section 9:84>~~ Chapter 109, **ADD NEW SECTION 9:84** - Use of False Identification (Rescheduled for November 18, 1991)

Delete:

#### MOTIONS AND RESOLUTIONS

Delete: Resolution to Amend City Pesticide Policy (Councilmember Peterson) (Rescheduled for November 18, 1991)

- Delete: Resolution to Approve the Purchase of Sodium Chloride - Bid No. 2188 (\$24.42/ton) (Rescheduled for November 18, 1991)
- Delete: Resolution Awarding Contract for Supply of Ice Control Sand - Bid No. 2176 (\$4.00/ton) (Rescheduled for November 18, 1991)
- Delete: Resolution to Approve Rehabilitation Agreement with Dorothy Johnson (\$27,200.00) (Rescheduled for November 18, 1991)
- Delete: Resolution to Approve 1992 Ford Passenger Van - Bid No. 2190 (\$18,262.00) (Rescheduled for November 18, 1991)
- Delete: Resolution to Approve Rehabilitation Agreement with Charlie and Annie Carter (\$15,985.00) (Rescheduled for November 18, 1991)
- Delete: Resolution to Approve Third Annual Children's Holiday Parade Street Closing and Fee Waiver (\$1,345.00 - Community Events Account; \$590.00 - Meter Bag Deposit) (Rescheduled for November 18, 1991)
- Delete: Resolution to Approve Transfer Ownership of a 1991 Class B-Hotel Licensed Business with Dance Permit, Located at 600-610 Hilton (Rescheduled for November 18, 1991)
- Delete: Resolution to Amend Annual Contributions Contract for 1991 Comprehensive Improvement Assistance Program (\$3,579,500.00) (Rescheduled for November 18, 1991)  
(added after publication deadline)
- Add: Resolution to Temporarily Suspend Enforcement of the 6:00 p.m. to 9:00 p.m. Parking Regulations and Encourage the DDA to Reimburse the City for Parking Expenses for the Ashley/William Surface Parking Lot (Mayor Brater and Councilmember Hunter)
- Add: Resolution Approving the Washtenaw County/City of Ann Arbor Community Corrections Strategic Plan (Councilmember Peterson)

#### COMMUNICATIONS FROM THE CITY ADMINISTRATOR

- Add: First Quarter Financial Report - 1991/92 Budget

## CLERK'S REPORT

Add: Communication from Kay Cornell, 1430 Las Vegas, regarding City leaf pickup - Transportation Dept.

On a voice vote the Chair declared the motion carried.

**ORDINANCES - Second Reading**

62-91 SUBSTITUTE ORDINANCE  
APPROVED AS AMENDED

## DOMESTIC PARTNERSHIPS

An Ordinance Adding a New Chapter 110 to Title IX  
of the Code of the City of Ann Arbor

This ordinance would recognize committed relationships apart from marriages by allowing partners in such relationships to declare a Domestic Partnership by filing a Declaration of Domestic Partnership with the City Clerk.

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

Councilmember Coleman moved that the substitute ordinance distributed with the Council agenda packets be placed on the table for consideration and adoption.

On a voice vote the Chair declared the motion carried.

Council unanimously agreed to amend Sections 9:92 and 9:86 of the substitute ordinance as follows:

## 9:86 Purpose.

Many persons today share a life as families in enduring and committed relationship apart from marriages. Some are lesbians, some are gay males, **SOME ARE BISEXUAL PERSONS**, and some are heterosexual persons....

## 9:92 Form of Declarations.

The City Clerk shall provide to interested individuals a uniform Declaration of Domestic Partnership form, and shall provide them a copy of the ordinance and information about available counselling for AIDS and sexually transmitted diseases **IN THE SAME MANNER AS REQUIRED FOR MARRIAGE LICENSES.**

Councilmember Sheldon moved that the last sentence in Section 9:86 of the substitute ordinance be amended as follows:

9:86 Purpose.

...It provides appropriate public recognition of these relationships, **EXCEPT AS TO THE DOMESTIC PARTNERS AND CITY CLERK, IT DOES NOT CREATE ANY OBLIGATIONS, RESPONSIBILITIES, OR DUTIES ON THE PART OF ANY PERSON, CORPORATION, OR ENTITY WHETHER AN EMPLOYER OR OTHERWISE.**

On roll call the vote was as follows:

Yeas, Councilmembers Sheldon, Dodge, Ouimet, 3;

Nays, Councilmembers Hunter, Coleman, Grady, Meade, Zimmer, Peterson, Eckstein, Mayor Brater, 8.

The Chair declared the motion defeated.

The question being the substitute ordinance as amended, on roll call the vote was as follows:

Yeas, Councilmembers Hunter, Coleman, Sheldon, Dodge, Grady, Meade, Ouimet, Zimmer, Peterson, Eckstein, Mayor Brater, 11;

Nays, 0.

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

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48-91 TABLED

ERIM 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 ordinance would change the zoning of 33.15 acres, located at 1968 Green Road, from RE (Research District) to ORL (Office/Research/Limited Industrial District).

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

Councilmember Hunter moved that the ordinance be tabled for review of the information concerning site development plans.

On a voice vote the Chair declared the motion carried and the ordinance tabled at second reading.

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59-91 TABLED

WATERSHED 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 ordinance would change the zoning of 2.35 acres, located on the west side of Green Road, north of Narrow Gauge Way, from RE (Townhouse District) to R1C (Single-Family Dwelling District).

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

Councilmember Eckstein moved that the ordinance be tabled to the November 18, 1991 regular session of Council to address unresolved issues and questions concerning compliance.

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

**ORDINANCES - First Reading**

65-91 APPROVED

WARD BOUNDARIES

An Ordinance to Amend Chapter 17 of Title I  
of the Code of the City of Ann Arbor

This ordinance would reapportion City wards based on the 1990 census data.

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

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

**MOTIONS AND RESOLUTIONS**

R-641-11-91 APPROVED

**RESOLUTION TO APPROVE BOARDWALK COMMERCE  
CENTER/GRAINGER REVISED SITE PLAN**

A communication was received from the City Planning Commission transmitting its recommendation of denial (4 years, 3 nays) of the proposed Boardwalk Commerce Center/Grainger Revised Site Plan, 1.5 acres, east side of Boardwalk, north of Eisenhower Parkway.

Whereas, Grainger, Inc. has requested revised site plan approval in order to enlarge the previously-approved structure and install an additional curb cut on Boardwalk; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of October 22, 1991, reviewed said request;

RESOLVED, That the Boardwalk Commerce Center/Grainger Revised Site Plan be hereby approved.

Councilmember Meade moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

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TABLED

**RESOLUTION TO APPROVE WATERSHED LAND DIVISION**

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Watershed Land Division, 2.35 acres, west side of Green Road, north of Narrow Gauge Way.

Whereas, David Peters has requested approval of a land division of existing Lots 20, 21, 22 and 26 of Watershed Subdivision into seven lots in order to construct single-family homes; and

Whereas, The Ann Arbor City Planning Commission, at its meeting of September 24, 1991, recommended approval of said request;

RESOLVED, That the Watershed Land Division be hereby approved, subject to the following deed restrictions being recorded: 1) provision of a 30-foot wide buffer area along the westerly property lines of all proposed lots, in which deciduous trees shall be preserved, shrubs may be substituted with other landscape species, and no further cutting or grading permitted into the hill, and 2) a 40-foot rear setback restriction maintained where no buildings are allowed.

Councilmember Dodge moved that the resolution be adopted.

Councilmember Dodge moved that the resolution be tabled to the November 18, 1991 regular session of Council to address unresolved issues.

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

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R-642-11-91 SUBSTITUTE RESOLUTION  
APPROVED AS AMENDED

RESOLUTION REGARDING OPEN MEETINGS FOR CITY  
COMMITTEES, COMMISSIONS, BOARDS AND TASK FORCES

**(Original Resolution):**

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 subcommittees 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 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 adopted.

Councilmember Sheldon moved that the following substitute resolution be placed on the table for consideration:

**(Substitute Resolution):**

RESOLUTION REGARDING OPEN MEETINGS FOR CITY  
COMMITTEES, COMMISSIONS, BOARDS AND TASK FORCES

Whereas, The City Council desires that all meetings of 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 subcommittees hold their meetings open to the public as prescribed in Section 3 of the Open Meetings Act; and

RESOLVED, That closed meetings of such bodies be held only under situations where a closed meeting would be specifically authorized by the Open Meetings Act.

On a voice vote the Chair declared the motion carried.

Councilmember Eckstein moved that the last two paragraphs of the substitute resolution be amended as follows:

RESOLVED, That all City boards, task forces, commissions, committees and their subcommittees hold their meetings open to the public **TO THE BEST OF THEIR ABILITIES IN THE SPIRIT OF** <as-prescribed-in> Section 3 of 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 **IN THE SPIRIT OF** the Open Meetings Act.

On a voice vote the Chair declared the motion carried.

The question being the substitute resolution as amended, on a voice vote the Chair

declared the motion carried.

**The substitute resolution as adopted reads as follows:**

R-642-11-91

**RESOLUTION REGARDING OPEN MEETINGS FOR CITY  
COMMITTEES, COMMISSIONS, BOARDS AND TASK FORCES**

Whereas, The City Council desires that all meetings of 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 subcommittees hold their meetings open to the public to the best of their abilities in the spirit of Section 3 of the Open Meetings Act; and

RESOLVED, That closed meetings of such bodies be held only under situations where a closed meeting would be authorized in the spirit of the Open Meetings Act.

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R-643-11-91 SUBSTITUTE APPROVED

**RESOLUTION REGARDING DOMESTIC PARTNERSHIP BENEFITS**

**(Original Resolution):**

Whereas, The City of Ann Arbor has enacted a Domestic Partnership Act; and

Whereas, It is appropriate that the City examine employee benefits provided to married people with the purpose of extending similar benefits to domestic partners;

RESOLVED, That the finance Director study the costs of providing benefits to domestic partners, and report the findings by the first Council meeting in December; and

RESOLVED, That the report shall include a comparison of the benefits provided by other communities which have Domestic Partnership legislation.

Councilmember Coleman moved that the resolution be adopted.

Council unanimously agreed to place the following substitute resolution on the table for consideration:

**(Substitute Resolution):**

RESOLUTION REGARDING DOMESTIC PARTNERSHIP BENEFITS

Whereas, The City of Ann Arbor has enacted a Domestic Partnership Act; and

Whereas, It is appropriate that the City examine employee benefits provided to married people with the purpose of extending similar benefits to domestic partners;

RESOLVED, That the City Administrator study the costs of providing benefits to City employees who are in a domestic partnership and report the findings by the second Council meeting in December; and

RESOLVED, That the report include a comparison of the benefits provided by other communities which have Domestic Partnership legislation, and criteria for establishing the economic basis of the relationship.

Councilmember Sheldon moved that the substitute resolution be amended by adding the following language:

Whereas, The Ann Arbor City Council has fiduciary responsibilities to all citizens, and in its desire to treat all fairly;

RESOLVED, That the City Administrator also investigate the implementation of a cafeteria benefits plan as a method to equally distribute employee benefits.

On a voice vote the Chair declared the motion defeated.

The question being the substitute resolution as originally presented, on a voice vote the Chair declared the motion carried.

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RESOLUTION REGARDING ASHLEY/WILLIAM  
SURFACE PARKING LOT RATES

Councilmember Peterson moved that the resolution be adopted.

Councilmember Peterson moved that the resolution be amended by changing the parking rate for the Main/William metered parking lot from .30 cents per half hour to **.25 cents** per half hour.

On a voice vote the Chair declared the motion carried.

The question being the resolution as amended, on a voice vote the Chair declared the motion carried.

The resolution as adopted reads as follows:

R-644-11-91

RESOLUTION REGARDING ASHLEY/WILLIAM  
SURFACE PARKING LOT RATES

RESOLVED, That the following parking rates be hereby authorized:

- A. Ashley/William (attended) - .30 cents per half hour  
for first four hours
- B. Main/William (metered) - .25 cents per half hour  
(two-hour meters only)

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R-645-11-91 APPROVED

RESOLUTION TO APPROVE PROFESSIONAL SERVICE AGREEMENT  
WITH WASHTENAW ENGINEERING COMPANY, INC. FOR FULLER/OAK WAY  
REALIGNMENT AND ESTABLISH PROJECT DESIGN BUDGET

Whereas, In cooperation with the United States Department of Veterans Affairs (V.A.), it is necessary to perform certain roadway improvements to realigned Fuller/Oak

Way, and the realigned intersections of Glazier, Beal, Fuller and Bonisteel;

Whereas, It has been found necessary to retain the services of professional consulting engineering firm to perform the design;

Whereas, It is now necessary to enter into a contract for performance of the design;

Whereas, The professional engineering firm of Washtenaw Engineering Company, Inc. of Ann Arbor has submitted to the City a proposal for engineering services, setting forth the services to be performed by said consulting engineers, and the payments to be made by the City therefore, all of which are agreeable to the City; and

Whereas, The Personnel/Human Rights Department has given approval of Washtenaw Engineering Company, Inc. for said project on November 4, 1991;

RESOLVED, That a professional services agreement in the amount of \$186,670.00 be approved with Washtenaw Engineering Company, Inc.;

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

RESOLVED, That \$237,000.00 be appropriated and the following design budget be adopted for the life of the project, to be available until expended without regard to fiscal year:

Section I, Revenue

\$237,000.00	Fund 062, 1991 Street Millage Fund (pending the reimbursement of funds by the V.A., reference Council Resolution No. R-90-2-91)
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Section II, Expense

\$186,670.00	Design engineering services (consultant)
25,000.00	City's design engineering services
<u>25,330.00</u>	Other charges including City-owned vehicles, printing, materials and supplies, overhead, etc.
\$237,000.00	TOTAL

Councilmember Sheldon moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

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R-646-11-91 APPROVED

RESOLUTION APPROVING REIMBURSEMENT AGREEMENT  
WITH COMERICA BANK AND LETTER OF CREDIT IN FAVOR  
OF MICHIGAN DEPARTMENT OF NATURAL RESOURCES TO  
MEET REQUIREMENT OF THE LANDFILL CONSENT ORDER

Whereas, The City of Ann Arbor (the "City") owns the Ann Arbor Sanitary Landfill, a municipal solid waste disposal site located in the N 1/2 of Section 15, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan, occupying approximately 158 acres of land, and consisting of Phase I, a partially lined, closed landfill area, and Phase II, a lined, operating and licensed landfill area comprised of four cells (the "Disposal Site");

Whereas, The construction and operation of solid waste disposal areas, including the Disposal Site, is governed by the provisions of Michigan law, including Act 641 of the Public Acts of Michigan, 1978, as amended ("Act 641");

Whereas, The Michigan Department of Natural Resources ("MDNR") has alleged that the City is in violation of Act 641 and other applicable law in connection with the City's operation of the Disposal Site;

Whereas, The MDNR and the City have agreed to resolve MDNR's allegations and the issues of non-compliance at the Disposal Site by entry of Consent Order No. 641-03-245-04-91 (the "Consent Order");

Whereas, The Consent Order requires, among other things, that the City provide the Director of MDNR with an irrevocable letter of credit or other satisfactory surety in the face amount of \$1,000,000.00 to ensure performance of the City's obligations under the Consent Order;

Whereas, The City has requested Comerica Bank (the "Bank") to issue its Letter of Credit to the Director of MDNR in order to satisfy the City's obligations under the Consent Order; and

Whereas, A Reimbursement Agreement (the "Agreement") between the City and the Bank has been prepared pursuant to which the Bank will agree to issue its irrevocable Letter Of Credit (the "Letter of Credit") in favor of the Director of MDNR in satisfaction of the

Consent Order's requirements, and the City will agree to certain reimbursement obligations and other obligations thereunder;

Whereas, It is necessary for City Council to approve and authorize the execution of the Agreement;

Whereas, Compensation for this Letter of Credit is \$7,500.00 per year with an additional, one time cost not to exceed \$3,000.00 for Comerica's legal fees; and

Whereas, All costs associated with this Letter of Credit will be charged to account 072-071-0572-4190;

RESOLVED, That the agreement (including the form of the Letter of Credit) be hereby approved substantially in the form on file with the City Clerk, subject to such amendments and revisions as are necessary to complete the transaction and which are not materially adverse to the City or inconsistent with the terms of this resolution;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the final form of agreement and to sign all documents necessary to execute the agreement; and

RESOLVED, Upon execution of the agreement, the Letter of Credit is to be presented to the Director of the Michigan Department of Natural Resources as required in Consent Order 641-03-245-04-91 and funds are to be appropriated from the Solid Waste Fund 072-071-0572-4190.

Councilmember Peterson moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

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R-647-11-91 APPROVED AS AMENDED

RESOLUTION TO TEMPORARILY SUSPEND ENFORCEMENT OF THE 6:00 P.M. TO 9:00 P.M. PARKING REGULATIONS AND ENCOURAGE THE DDA TO REIMBURSE THE CITY FOR PARKING EXPENSES FOR THE ASHLEY/WILLIAM SURFACE PARKING LOT

Councilmember Hunter moved that the resolution be adopted.

Councilmember Sheldon moved that the following paragraph of the resolution be deleted:

RESOLVED, That the suspension of parking enforcement expire on December 1, 1992.

On a voice vote the Chair declared the motion defeated.

Council unanimously agreed to amend the last paragraph of the resolution as follows:

RESOLVED, That the suspension of parking enforcement ~~<expire on December 1, 1992>~~ **CONTINUE THROUGH JANUARY 12, 1992, AND CAN BE EXTENDED AT THAT TIME.**

The question being the resolution as amended, on a voice vote the Chair declared the motion carried.

The resolution as adopted reads as follows:

R-647-11-91

RESOLUTION TO TEMPORARILY SUSPEND ENFORCEMENT OF  
THE 6:00 P.M. TO 9:00 P.M. PARKING REGULATIONS AND  
ENCOURAGE THE DDA TO REIMBURSE THE CITY FOR PARKING  
EXPENSES FOR THE ASHLEY/WILLIAM SURFACE PARKING LOT

Whereas, The Ann Arbor City Council on September 3, 1991 adopted a resolution indicating its willingness to cooperate with the DDA in addressing parking issues in the downtown;

Whereas, The said resolution authorized the paving and engineering costs for the Anthony Brown lot provided that the DDA reimburses the City for said expenses; and

Whereas, The resolution also addresses the reimbursement by the DDA to the City for designed paving and landscaping improvements to the Ashley/William surface parking lot, estimated to be approximately \$500,000.00;

RESOLVED, That in an effort to indicate a further willingness on behalf of the Council to cooperate with the DDA and respond to parking issues in general, the

Administrator be directed to suspend enforcement of the 6:00 p.m. to 9:00 p.m. parking regulation for City parking lots and structures;

RESOLVED, That the Ann Arbor City Council encourage the DDA to meet in special session to consider approval of the reimbursement to the City, estimated to be approximately \$500,000.00 for the paving of the Ashley/William surface parking lot; and

RESOLVED, That the suspension of parking enforcement continue through January 12, 1992, and can be extended at that time.

\*\*\*\*\*

TABLED

RESOLUTION TO APPROVE THE COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY (CHAS) FOR SUBMISSION TO DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Whereas, The National Affordable Housing Act of November, 1990 requires that communities expecting to receive federal funds complete a Comprehensive Housing Affordability Strategy (CHAS);

Whereas, A draft of the CHAS was completed on August 25, 1991 and a 60-day comment period was established to receive public comment; and

Whereas, The Housing Policy Board at its meeting on Wednesday, October 16, the Community Development Executive Committee at its meeting on October 21, and the Planning Commission at its meeting on October 22, have all recommended City Council approval of the CHAS;

RESOLVED, That the Mayor and City Council approve the Comprehensive Housing Affordability Strategy (CHAS), substantially in the form on file in the Office of the City Clerk, for submission to the Department of Housing and Urban Development.

Councilmember Coleman moved that the resolution be adopted.

Councilmember Coleman moved that the resolution be tabled indefinitely.

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

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TABLED

RESOLUTION APPROVING THE WASHTENAW COUNTY/CITY OF  
ANN ARBOR COMMUNITY CORRECTIONS STRATEGIC PLAN

Whereas, On August 6, 1989, by resolution 89-0219, the Washtenaw County Board of Commissioners established, in conjunction with the Ann Arbor City Council, a city/county community corrections advisory board, pursuant to PA 511 of 1988;

Whereas, In November, 1989, the Community Corrections Advisory Board held its first meeting and has continued to meet on a monthly basis;

Whereas, The adoption of the Community Corrections Strategic Plan is necessary to receive State Department of Corrections funds to provide services as alternatives to incarceration;

Whereas, It is intended that the Plan be presented to the State Board of Community Corrections on November 7, 1991;

Whereas, Members of the Washtenaw County/City of Ann Arbor Community Corrections Advisory Board recommended approval of the Plan; and

Whereas, Implementation of the Plan will assist in diverting non-violent offenders from jail, improving jail utilization, reducing jail overcrowding, and increasing efficiency in the use of corrections funds;

RESOLVED, That the City Council of the City of Ann Arbor approves the Washtenaw County/City of Ann Arbor Community Corrections Strategic Plan, as filed with the City Clerk, and recommends forwarding the Plan to the State Board of Community Corrections.

Councilmember Peterson moved that the resolution be adopted.

Councilmember Hunter moved that the resolution be tabled for an opportunity to review the plan.

On a voice vote the Chair declared the motion carried and the resolution tabled. (It was the consensus of Council to recess the meeting following consideration of appointments and to consider this resolution at the continued session on November 6, 1991)

**COMMUNICATIONS FROM THE MAYOR**

APPOINTMENTS APPROVED

Mayor Brater recommended the following appointments at the October 21, 1991 regular session of Council:

DOWNTOWN DEVELOPMENT AUTHORITY

David A. DeVarti (upon the resignation of John Finn)  
415 Detroit St.  
Term: 11-4-91 to 11-4-95

BOARD OF EXAMINERS OF ELECTRICIANS AND ELECTRICAL CONTRACTORS

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

LOCAL OFFICERS' COMPENSATION COMMISSION

Kathy Edgren (upon the resignation of Rev. William Hillegonds)  
606 Linda Vista  
Term: 11-4-91 to 9-30-98

Councilmember Hunter moved that Council concur with the recommendations of the Mayor.

On a voice vote the Chair declared the motion carried.

NOMINATIONS PLACED ON TABLED

Mayor Brater placed the following nominations on the table for approval at a later date:

ANN ARBOR HOUSING DEVELOPMENT CORPORATION

Kate Warner (to complete membership requirements)  
1804 Linwood Ave.  
Term: 11-18-91 to 11-18-94

DOWNTOWN HISTORIC DISTRICT STUDY COMMITTEE

Terms of office end when Council takes final action on Committee's recommendations:

Peter Allen (reappointment)  
105 S. Fifth Ave.

Johanna Aztalos (reappointment)  
315 E. Liberty St.

Cappy Bilakos (reappointment)  
812 E. Ann St.

Peggy Ann Charipar (reappointment)  
3725 Glazier Way

James D'Amour (reappointment)  
812 Henry St., #4

DOWNTOWN HISTORIC DISTRICT STUDY COMMITTEE (Cont.)

Mary Hathaway (reappointment)  
1407 Wakefield Ave.

Jane Jensen (reappointment)  
3045 Lakewood Dr.

Barbara Nalli (reappointment)  
505 E. Huron St.

Patricia Austin (reappointment)  
1931 Coronada Dr.

David Copi (reappointment)  
1304 Cambridge Rd.

George Dodd (reappointment)  
722 Spring St.

David Evans (reappointment)  
112 S. Revena Blvd.

Mary Jo Goard (reappointment)  
1507 Charlton Ave.

Norman Tyler (reappointment)  
464 Eberwhite Blvd.

Rosemarion Blake (reappointment)  
840 Wickfield Ct.

Susan Wineberg (reappointment)  
712 E. Ann St.

J. Michael Schroer (to complete membership requirements)  
1911 Geddes Ave.

COMMUNITY DEVELOPMENT EXECUTIVE COMMITTEE

Elizabeth Kaufman - to serve as chairperson  
1502 Brooklyn Ave.  
Term: 12-4-89 to 12-31-92

ANN ARBOR SUMMER FESTIVAL, INC. BOARD OF DIRECTORS

Eugene Power (reappointment)  
2929 Plymouth Rd.  
Term: 11-1-90 to 11-1-93

George Goodman (reappointment)  
3765 Fox Hunt Dr.  
Term: 11-1-90 to 11-1-93

Jane Von Voigtlander (reappointment)  
903 Airport Dr.  
Term: 11-1-90 to 11-1-93

**MEETING RECESSED**

With unanimous consent of Council, the Chair declared the meeting recessed at 1:55 a.m. until 6:30 p.m., Wednesday, November 6, 1991.

W. Northcross  
Clerk of the Council

Janet L. Chapin  
Recording Secretary