

## **REGULAR SESSION - JANUARY 21, 1992**

The regular session of the Ann Arbor City Council was called to order at 7:32 p.m. by Mayor pro tem Larry Hunter. Mayor Brater was attending the National Conference of Mayors in Washington D.C.

Council stood for a moment of silence dedicated to former Councilmember Richard Dennard who recently passed away.

Mayor pro tem Hunter led the Pledge of Allegiance.

### **ROLL CALL OF COUNCIL**

Present: Councilmembers Ann Marie Coleman, Ingrid Sheldon, Kirk Dodge, Robert Grady, Nelson Meade, Kurt Zimmer, Thais Anne Peterson, Robert Eckstein, Mayor pro tem Hunter, 9

Absent: Councilmember Mark Ouimet, Mayor Elizabeth S. Brater, 2

### **INTRODUCTIONS**

#### **EARLY RETIREMENT SAVINGS**

City Administrator Alfred A. Gatta presented an analysis of the actual costs to the City for individuals who retired under the early retirement provision. He said that costs for early retirement totaled \$539,355. compared with \$673,949. for the same personnel had they retired at their normal time in fiscal year 1996-97.

### **AUDIENCE PARTICIPATION - RESERVED TIME**

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

Sheila Tyler, 1711 Green Road, representing the Community Resident/Management Corporation, said that members of the Housing Commission were unresponsive to the concerns of the tenants. She expressed the opinion that current members of the Commission be replaced and that the Commission membership be revised to include two residents of public housing.

#### **PHYLLIS ENGLEBERT - LOW INCOME HOUSING**

Phyllis Englebert, 611 Longshore, said that letters sent to Councilmembers, County Commissioners and members of the Downtown Development Authority resulted in Mayor Brater scheduling a meeting on February 9, 1992 in the Firehall Conference Room. She

said that she hoped this meeting would be the start of ending homelessness in Ann Arbor.

#### LAURA DRESSER - PUBLIC APATHY

Laura Dresser, 807 Dewey, representing the Homeless Action Committee, spoke of the three reported recent deaths of homeless males in Ann Arbor. She expressed concern over what she thought was public apathy over these incidents, and the dehumanization of homelessness.

#### LARRY FOX - PUBLIC FUNDING PRIORITIES

Larry Fox, 530 S. State Street, cited an incident in which a poor person who was the ringleader of a gang responsible for several robberies of U of M students was recently taken into custody by the U of M and City police. As a result he will probably be incarcerated in a state correctional institution. Fox expressed the opinion that the cost of housing and rehabilitating this person would far exceed the cost of preventive measures such as providing poor people with enough income to survive.

#### ROLAND ERWIN - PRIVATE RESIDENTIAL ALARM COSTS

Roland Erwin, 2015 Wiltshire, objected to the \$25.00 annual connection fee permit for private residence security alarm systems. He said that his alarm system is not connected to police communications systems. He asked Council to reconsider the amendment because it suggests that a \$25.00 fee is being charged to call the police to report a suspected burglary in the event that an alarm sounds.

### **PUBLIC HEARINGS**

#### HUMAN SERVICES, HOUSING AND COMMUNITY DEVELOPMENT NEEDS

Mayor pro tem Hunter introduced Chairperson Elizabeth Kaufman, Planning Commissioner Sam Offen, Carol Rees and Lena Ricks, all members of the Community Development Block Grant Committee.

Mayor pro tem Hunter said that the City expects to receive \$1,128,000.00 in federal community development funds this year.

Following is a list of speakers requesting funds for the organizations they represent:

Mary DeWan - Ann Arbor Seniors, Inc.

Jenny McAlpine - Child Care Coordinating & Referral Service

Cecille Smith and Will Kelsaw - Options Center

Nancy Moustakas and Cathy Baldwin - Community Action Network

Joan Cheslar - The Corner Health Center  
Dianne Baker, Bertha Gard and Nicki Galsgy - Domino's House Senior Center  
Paul Gilbert - Ozone House  
Chuck Kieffer - SOS Community Crisis Center  
Molly Resnick/Carolyn Hastings - NSS, Housing Bureau for Seniors  
Dr. Bagramian - Community Dental Health  
Evy E. Mavrellis - COPE - O'Brien Youth Center  
Mike Garfield and Helen Rice - Ecology Center of Ann Arbor  
Marcene Root - Student Advocacy Center  
Tessie Calumnus - Housing Discrimination  
Virginia Boyce - Retired Senior Volunteers Program  
Susan Baskette - Washtenaw County Chapter of the American Red Cross  
Letitia Byrd - Washtenaw Area Council of Children  
Ann Bailey - Trailblazers of Washtenaw County  
Mary Ann Hinton - New Generations Youth Club  
Kent Bernard - Ann Arbor Community Center

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

### **APPROVAL OF AGENDA**

#### AGENDA APPROVED AS AMENDED

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

#### MOTIONS AND RESOLUTIONS

Delete: Resolution Regarding State Legislation that has Local Financial Impact (Councilmember Hunter)

Revised: Resolution to Approve Proposed Executive Pay Plan

Add: Resolution Extending Appointment of Mel Laracey as City Attorney

Add: Resolution Regarding Leased Space and Business Activity with Tax-Exempt Institutions (Councilmember Hunter)

#### COMMUNICATIONS FROM THE MAYOR

Add: Appointments

#### COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Revised: Turnberry Subdivision Construction/Wetlands

Add: Residential Snow Removal

Add: 1991 Leaf Collection and Street Sweeping Program -

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

### **APPROVAL OF COUNCIL MINUTES**

#### **MINUTES APPROVED AS PRESENTED**

Councilmember Coleman moved that the regular session minutes of January 6, 1992 be approved as presented.

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

### **CONSENT AGENDA**

#### **CONSENT AGENDA APPROVED**

The following Consent Agenda items were considered:

R-31-1-92 APPROVED

RESOLUTION TO APPROVE FOUR 1992  
CHEVROLET PASSENGER CARS  
BID NO. 2213 FOR FISCAL YEAR 1991-92  
(\$51,368.64)

Whereas, The Purchasing Department and Municipal Garage compared bids from City of Ann Arbor bid No. 2213 and Oakland County bid lists, for the purchase of four, 1992 passenger cars;

Whereas, Buff Whelen Chevrolet was the lowest responsible bidder, for \$51,368.64, under Oakland County Bid Prices; and

Whereas, Buff Whelen Chevrolet received Human Rights Approval on December 16, 1991;

RESOLVED, That City Council approve the issuance of a purchase order to Buff Whelen Chevrolet in the amount of \$51,368.64.

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R-32-1-92 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE  
ADMINISTRATION MINUTES OF JANUARY 7, 1992  
AND TO AUTHORIZE PAYMENTS

RESOLVED, That the Board of Insurance Administration Minutes of January 7, 1992 be accepted and that the payments therein be authorized.

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R-33-1-92 APPROVED

RESOLUTION RECOGNIZING THE ARBOR-ETTS  
AS A NON-PROFIT ORGANIZATION

RESOLVED, By the Ann Arbor City Council that the Arbor-Etts, the auxiliary of the Ann Arbor Lodge of Elks #325, is a non-profit organization in this community which cooperates with the Lodge in its charitable, patriotic and social activities; and

RESOLVED, That upon the dissolution of the Arbor-Etts of Ann Arbor Lodge #325 B.P.O.E. any and all assets or property owned by this organization shall become the property of the City of Ann Arbor.

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R-34-1-92 APPROVED

RESOLUTION TO APPROVE THE CLOSING OF  
STREETS FOR THE 7TH ANNUAL FESTIVAL OF CYCLING

Whereas, The 1988-91 Ann Arbor Festivals of Cycling were co-sponsored by the Department of Parks and Recreation and supported by the Ann Arbor City Council and the Main Street Merchants Association;

Whereas, The 1988-91 Ann Arbor Festivals of Cycling were successful in drawing over 500 bicycle racers and thousands of spectators to downtown Ann Arbor;

Whereas, the 1992 Ann Arbor Festival of Cycling will attract 750 bicycle racers from Michigan and surrounding states plus over 7000 spectators to downtown Ann Arbor;

Whereas, The 1992 Ann Arbor Festival of Cycling sponsored by the Velo Club with assistance by the Department of Parks and Recreation and is supported by the Main Street Merchants Association; and

Whereas, The Ann Arbor Velo Club will provide all required liability insurance coverage and pay the City of Ann Arbor for the following City services needed to facilitate the downtown bicycle races:

- 1) 2 to 3 Police Officers at control points - estimated cost \$1,800;
- 2) Deposit fee on parking meter bags to be placed on meters within race course the night before the race - estimated cost \$1,200; and
- 3) Parking violation staff to ticket violating cars within race course for towing on morning of race - estimated cost \$100.

RESOLVED, That the Mayor and Council approve the closure to all traffic from 6:00 a.m. to 8:00 p.m. on Sunday, June 28, 1992, on Main, from William to Washington; Washington, from Main to First; First, from Washington to Liberty; Liberty, from First to South Ashley; South Ashley, from Liberty to William; and, William, from South Ashley to Main; and that the Velo Club will pay the expenses incurred by the City (estimated at \$3,100).

Councilmember Sheldon moved that the Consent Agenda be approved.

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

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Council recessed at 9:16 p.m. and reconvened at 9:30 p.m.

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**ORDINANCES - SECOND READING**

6-92 APPROVED

ADD DEFINITION OF NON-DISCRIMINATION ORDINANCE  
REGARDING SEXUAL HARASSMENT

AN ORDINANCE TO AMEND SECTION 9:151 OF CHAPTER 112 OF TITLE IX OF THE CODE OF THE CITY OF ANN ARBOR.

This amendment would include a definition of sexual harassment in the City's Non-Discrimination Ordinance.

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

On roll call the vote was as follows: Yeas, Councilmembers Coleman, Sheldon, Grady, Meade, Zimmer, Peterson, Eckstein, 8

Nays, 0

Absent for the vote, Councilmember Dodge, 1

The Chair declared the motion carried.

7-92 TABLED

CITY ATTORNEY MEMBERSHIP IN THE RETIREMENT SYSTEM

AN ORDINANCE TO AMEND SECTION 1:559 OF CHAPTER 18 OF TITLE I OF THE CODE OF THE CITY OF ANN ARBOR.

This amendment would allow the City Attorney the option of becoming a member of the City's retirement system upon hire.

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

Councilmember Grady moved that the ordinance be amended as follows:

Section 1:559. (c) (6)

Is the city administrator or city attorney or police chief and has, ~~upon~~ **WITHIN 6 MONTHS OF** the commencement of employment or appointment to office, elected not to be a member of the retirement system.

and

Section 1:559. (a)

...Officers of the City who are eligible to membership in the retirement system shall become members on the date they assume office to which they have been elected or appointed **EXCEPT AS PROVIDED IN SECTION (C) (6).**

Councilmember Coleman moved that the ordinance be tabled to February 3, 1992 pending a determination from the City Attorney on the correct language.

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

**ORDINANCES - FIRST READING**

8-92 APPROVED

ABDUL-KARIM REZONING

AN ORDINANCE TO AMEND THE ZONING MAP BEING A PART OF CHAPTER 55 OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR.

This is the rezoning of 0.38 acre from TWP (Township District) to R1B (Single-Family Dwelling District), Abdul-Karim Property, southwest corner of Calvin and Woodrow Streets. (Planning Commission recommendation: Approval - 8 yeas and 1 nay)

Councilmember Eckstein 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.

9-92 APPROVED

PENSION SYSTEM OFFICERS AND ADMINISTRATION  
RECORDS AND ANNUAL REPORTS

AN ORDINANCE TO AMEND SECTIONS 1:556 AND 1:557 OF CHAPTER 18 OF TITLE I OF THE CODE OF THE CITY OF ANN ARBOR.

This amendment changes all references to "Controller" to "Finance Director." This amendment also provides that the secretary of the Pension Board as well as the chairperson and vice chairperson be elected from its membership at its meeting in February, and deletes the Clerk as its secretary and administrative officer.

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

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

**MOTIONS AND RESOLUTIONS**

R-35-1-92 APPROVED

**RESOLUTION OPPOSING SENATE BILLS 96-105  
IN CURRENT FORM**

Whereas, Senate Bill 96 and its companion bills (SB's 97, 98, 99, 100, 101, 102, 103, 104, and 105) have been passed by the state Senate and sent to the state House of Representatives;

Whereas, The aforementioned bills have the laudatory goal of permitting local governments to choose whether an ordinance is a criminal or civil infraction;

Whereas, The companion bills (SB's 97-105, to SB 96) contain provisions to the effect that: "An ordinance is void if a violation of the ordinance constitutes conduct proscribed as a crime by this state and the ordinance explicitly states that a violation of the ordinance is a municipal civil infraction"; and

Whereas, These provisions would invalidate existing ordinances created under authority of the City Charter;

RESOLVED, That the Mayor and City Council oppose the aforementioned bills in their present form;

RESOLVED, That the Mayor and City Council urge the Judiciary Committee of the state House of Representatives, to which the bills have been assigned, to remove the problematic provisions from the bill; and

RESOLVED, That the Mayor and City Council urge the Michigan Municipal League to withdraw its support of the bills until such time as the problematic provisions have been removed.

Councilmember Grady moved that the resolution be approved.

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

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R-36-1-92 APPROVED

RESOLUTION TO RECOMMEND APPROVAL OF AGREEMENT FOR PROFESSIONAL DESIGN SERVICES FOR VETERANS PARK ARENA AND POOL IMPROVEMENTS (RFP #284) (\$86,828.00) AND APPROPRIATE PROJECT FUNDS: PARK MILLAGE: \$420,000.00 AND MICHIGAN STATE GRANT: \$700,000.00)

Whereas, The major improvements to Veterans Park Arena and Pool were identified in the 1988-94 Park and Recreation Open Space Plan;

Whereas, The RFP for Veterans Park Arena and Pool Improvements project included pool renovation, barrier free access, and revenue generating enhancements, general arena improvements and to coordinate with the ice slab replacement;

Whereas, Funding for the project is from the approved State Grant from the Michigan Quality of Life Bond (\$700,000) and the 1989-94 Park Rehabilitation and Development Millage (\$420,000);

Whereas, Human Rights Approval was obtained on January 2, 1992; and

Whereas, The Evaluation Committee and the Park Advisory Commission unanimous decision was to recommend M.C. Smith Associates and Architectural Group, to perform the services as identified in response to RFP #284;

RESOLVED, That the Mayor and City Council appropriate \$1,120,000 for the life of the project from the unreserved balance of the Park Rehabilitation and Development Millage which includes a previously approved \$700,000 reimbursable State Grant and \$420,000 from the Park Rehabilitation and Development Millage; and

RESOLVED, That the Mayor and City Council approve an agreement for Professional Services between the City of Ann Arbor and M.C. Smith, Inc. in the amount of the \$76,881 plus reimbursable not to exceed \$9,947 for Veterans Park Arena and Pool Improvements for completing the services proposed in response to RFP #284, and authorize the Mayor and City Clerk to sign the agreement substantially in the form on file with the City Clerk.

Councilmember Coleman moved that the resolution be approved.

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

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R-37-1-92 APPROVED

RESOLUTION TO AWARD BID #2202 TO BASELINE  
CONSTRUCTORS, INC. FOR COBBLESTONE FARM  
VISITORS CENTER (\$165,293)

Whereas, The Cobblestone Farm Visitors Center was identified in the 1988-94  
Parks & Recreation Open Space Plan;

Whereas, The Visitors Center is approximately 85% complete and has been  
uncompleted since September of 1988;

Whereas, The City of Ann Arbor Purchasing Department bid the project as Bid No.  
2202;

Whereas, Baseline Constructors of Chelsea, Michigan presented the lowest  
responsible bid; and

Whereas, Human Rights Approval was obtained on December 18, 1991;

RESOLVED, That the Mayor and Council approve the recommendation of the City  
Administrator to award Bid No. 2202 to Baseline Constructors, in the amount of \$136,630  
and authorize the City Clerk to sign the agreement with Baseline Constructors substantially  
in the form on file with the City Clerk;

RESOLVED, That Mayor and City Council approve a contingency for this project in  
the amount of \$13,663 and \$15,000 for furnishings and implemented in accordance with  
purchasing procedures; and

RESOLVED, That \$165,293 be appropriated for the life of the project from the Park  
Millage contingency (041) to cover the total cost of the project:

\$136,630	Baseline
<u>13,663</u>	10% Contingency
\$150,293	
<u>15,000</u>	Furnishings
\$165,293	

Councilmember Sheldon moved that the resolution be approved.

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

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R-38-1-92 APPROVED

RESOLUTION TO APPROPRIATE FUNDS AND ESTABLISH  
A BUDGET FOR THE DESIGN PHASE OF THE GEDDES  
AVENUE/NORTH UNIVERSITY RECONSTRUCTION PROJECT  
(\$50,000)

Whereas, It is necessary to begin the Design Phase of the Geddes Avenue/North University Reconstruction Project;

Whereas, This project is contained in the approved Capital Improvements Plan as project E226;

Whereas, The costs of this work is to be shared equally between the University of Michigan and the City; and

Whereas, The City's share of this work shall be funded by the 1991 Street Millage (Fund 062);

RESOLVED, That Council appropriates \$50,000 from the 1991 Street Millage (Fund 062) for the Design Phase of the Geddes Avenue/North University Reconstruction Project; and

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

Section I - Revenue

\$50,000	1991 Street Millage Fund
\$50,000	TOTAL; and

Section II - Expense

\$15,000	Design Engineering
\$ 8,000	Consulting
\$ 5,000	City Owned Vehicles
\$ 3,000	Printing and Binding
\$ 1,000	Materials and Supplies
<u>\$18,000</u>	Overhead and Miscellaneous Charges
\$50,000	TOTAL

Councilmember Dodge moved that the resolution be approved.

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

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R-39-1-92 APPROVED

RESOLUTION TO APPROVE NOMINATING CAUCUS  
DATE FOR THE ANN ARBOR CITY CAUCUS OF  
THE LIBERTARIAN PARTY OF WASHTENAW COUNTY

RESOLVED, That the City Council grant approval to the Ann Arbor City Caucus of the Libertarian Party of Washtenaw County to hold its nominating caucus on Thursday, January 30, 1992.

Councilmember Zimmer moved that the resolution be approved.

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

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R-40-1-92 APPROVED

RESOLUTION TO APPROVE DEFICIT ELIMINATION  
PLAN AS OF JUNE 30, 1991

Whereas, The City's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 1991 indicated the presence of cumulative deficits in three funds;

Whereas, The City is required by the Michigan Department of Treasury to file a formal plan for the elimination of any such deficits (which must be approved by the Department);

RESOLVED, That the following Deficit Elimination Plan for the City of Ann Arbor for the fiscal year ended June 30, 1991 is hereby approved; and

RESOLVED, That a certified copy of this resolution be forwarded to the Michigan Department of Treasury:

Public Works Billable            \$95,187

This fund is designed to account for various engineering and inspection projects which are billed to outside entities. The fee increase on all new projects which was implemented in April, 1990 would eventually have eliminated this deficit; however, this fund will be combined with the General Fund in FY 1992-93, which has an unreserved fund balance

well in excess of this deficit.

Special Assessment (General Obligation Portion) Debt Service \$8,219

This deficit resulted from an underestimate of the amount of the General Fund operating levy required to fund it's share of the subject debt service; this deficit will be eliminated as of June 30, 1993 by proportionate increase in the amount budgeted for this purpose in the 1992-93 General Fund Budget

Special Assessments (Capital Projects) \$3,051,439

This deficit resulted from the incurrence of costs on various construction projects prior to the sale of the applicable bonds; it has been eliminated by the delivery, in July, 1991, of bonds totalling \$3,920,000.

Councilmember Eckstein moved that the resolution be approved.

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

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R-41-1-92 APPROVED

RESOLUTION TO APPROVE PROFESSIONAL SERVICE AGREEMENT WITH AYRES, LEWIS, NORRIS & MAY, INC. FOR SOUTH SEVENTH STREET AND SOUTH MAIN STREET RECONSTRUCTION AND ESTABLISH PROJECT DESIGN BUDGET (\$152,000.00)

Whereas, It has been found necessary to retain the services of a professional consulting engineering firm to perform the design of the South Seventh St. and South Main St. reconstruction project;

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

Whereas, The professional engineering firm of Ayres, Lewis, Norris & May, 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 therefor, all of which are agreeable to the City; and

Whereas, The Personnel/Human Rights Department has given approval of Ayres, Lewis, Norris & May, Inc. for said project on January 21, 1992;

RESOLVED, That a Professional Services Agreement in the amount of \$117,000

be approved with Ayres, Lewis, Norris & May, Inc.;

RESOLVED, That the Mayor and City Clerk are hereby authorized and directed to execute said Agreement after approval as to form by the City attorney and approval as to substance by the City Administrator; and

RESOLVED, That \$152,000 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.

DESIGN BUDGET	
Section I, Revenue	
\$152,000	1991 Street Millage (Fund 062)
Section II, Expense	
\$117,000	Consulting design engineering services
\$ 14,700	City's design engineering services
<u>\$ 20,300</u>	Other charges including City owned vehicles, printing, materials and supplies, overhead, etc.
\$152,000	TOTAL

Councilmember Sheldon moved that the resolution be approved.

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

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R-42-1-92 APPROVED

RESOLUTION TO APPROVING EMPLOYMENT AGREEMENT  
BETWEEN THE CITY OF ANN ARBOR AND ELIZABETH R. SCHWARTZ

RESOLVED, That the Ann Arbor City Council approves the Employment Agreement with Elizabeth R. Schwartz. The Mayor and Clerk are authorized to execute the agreement in the form on file with the City Clerk.

Councilmember Coleman moved that the resolution be approved.

On roll call the vote was as follows: Yeas, Councilmembers Coleman, Grady, Meade, Zimmer, Peterson, Eckstein, Mayor pro tem Hunter 7  
Nays, Councilmembers Sheldon, Dodge, 2

The Chair declared the motion carried.

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R-43-1-92 APPROVED

RESOLUTION TO ADOPT CITY ADMINISTRATOR'S PROPOSED REORGANIZATION PLAN

Whereas, The current organization reflects the partial implementation previous reorganization efforts;

Whereas, There are key goals and tangible efficiencies to be reached through a fully-implemented reorganization;

Whereas, The City Administrator's proposed reorganization is the culmination of three months of careful thought, discussion, and input from City employees and elected officials; and

Whereas, The proposed reorganization ensures efficiency, delivers key services, fosters communication, limits "turf battles," reduces the number of departments, and improves morale;

RESOLVED, That the City Administrator's proposed reorganization be adopted as shown; and

RESOLVED, That the City Council direct the City Attorney to draft any ordinance changes that may be necessary to implement this reorganization plan.

Councilmember Eckstein moved that the resolution be approved.

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

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R-44-1-92 APPROVED

RESOLUTION TO APPROVE PROPOSED EXECUTIVE PAY PLAN

Whereas, It is in the best interest of the City to broaden the number of positions in its "Exempt" pay category;

Whereas, The Federal Fair Labor Standards Act allows the City to eliminate payments of Overtime or Compensatory Time for positions in the Executive Pay Plan;

Whereas, The Proposed Executive Pay Plan was developed by the City Administrator's Office, the Finance Department and other City staff using salary data from the region, the state and the nation; and

Whereas, The Proposed Executive Pay Plan will pay for itself in five years;

RESOLVED, That the Proposed Executive Pay Plan be adopted with respect to the positions and salary ranges as shown;

RESOLVED, That implementation occur in two phases: Phase One, affecting Executive Pay Ranges I through V, will be implemented within one month of adoption; Phase Two, affecting Executive Pay Ranges VI and VII, will be implemented beginning July 1, 1992;

RESOLVED, That new positions to the Executive Pay Plan, as indicated, receive a cash buy-out of accrued Compensatory time according to the implementation schedule above;

RESOLVED, That new positions to the Executive Pay Plan receive a one-time, cash payment in lieu of future Compensatory time equal to 3% of base salary according to the schedule above; and

RESOLVED, That all positions in the Executive Pay Plan be compensated equal to or greater than the least salary amount in their respective pay range. Employees requiring a salary adjustment to the bottom of the range shall receive that adjustment. If the adjustment is more than 3% of the employee's current base salary, the position will not be eligible for the one-time cash payment as discussed above. If the adjustment is less than 3% of the employee's current base, the position will receive the one-time cash payment as discussed above equal to the difference between 3% of the employee's current base salary and the amount of the salary adjustment.

EPR-I \$63,076 - \$78,136

Asst. City Administrator - Environmental Services  
City Attorney

EPR-II \$57,757 - \$73,339

City Clerk  
Finance Director  
Fire Chief  
Parks & Recreation Superintendent  
Police Chief

! Public Services Director

## Utilities Director

EPR-III \$53,655 - \$66,908

- \* Budget Director
- City Assessor
- ! Human Resources Director
- Planning Director

EPR-IV \$49,140 - \$61,425

- ! Administrative Services Director
- Building Director
- \* Chief Assistant City Attorney
- ! Chief Engineer
- Community Development Director
- Solid Waste Director

EPR-V \$45,675 - \$57,068

- \* Assistant City Engineer
- City Treasurer
- \* Deputy Controller
- \* First Assistant City Attorney
- Fleet Services Manager
- Information Services Manager
- Risk Manager
- \* Senior Project Manager (Engineering)
- ! Transportation Manager
- \* Utilities Field Superintendent
- \* Water Treatment Plant Superintendent
- \* Wastewater Treatment Plant Superintendent

EPR-VI \$36,977 - \$52,546

- \* Airport Manager
- \* Assistant City Attorney
- \* Chief Appraiser
- \* City Forester
- \* Mainframe Systems Manager
- \* Manager - Park Operations
- \* Manager - Park Planning & Development
- \* Manager - Recreation Facilities
- \* Network Systems Manager
- ! Personnel Manager
- \* Project Manager (Engineering)
- Special Assistant to the City Administrator

EPR-VII      \$32,997 - \$46,269

- !      Assistant to the City Administrator
- \*      Cable Administrator
- \*      Capital Projects Planner
- \*      Deputy City Clerk
- \*      Fiscal & Administrative Manager
- \*      Housing Services Manager
- \*      Human Services & Economic Development Manager
  
- \*      Manager - Resource Recovery
- \*      Plan Examiner (Building)
- \*      Purchasing Agent
- \*      Senior Project Engineer (Engineering)
- \*      Traffic Engineer
- \*      Zoning Coordinator

- \*      Indicates position new to Executive Pay Plan
- !      Indicates new position under proposed reorganization

Councilmember Meade moved that the resolution be approved.

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

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R-45-1-92 APPROVED

RESOLUTION OPPOSING THE SITING OF A TOXIC WASTE STORAGE AND PROCESSING FACILITY IN AUGUSTA TOWNSHIP

Whereas, Envotech, a subsidiary of Wayne Disposal Inc. has a plan to construct a toxic waste landfill, incinerator, tank storage farm and deep injection well in Augusta Township;

Whereas, This facility, which will be one of the very largest in the nation, will primarily be accepting toxic wastes originating outside the State of Michigan (over half of Wayne Disposal's current waste flow originates outside the state);

Whereas, There is no local or state-wide demand for such a facility, nor will there be state-wide demand in the future, (over 85% of industrial toxic wastes in Michigan are handled on site now and this percentage is increasing);

Whereas, The area being considered for this facility is characterized by the U.S.

Geological Survey as "prime farmland," along with woodlands and wetlands;

Whereas, The City of Ann Arbor, the Washtenaw County seat with a population of over 100,000 ks 12 miles north of the proposed site, well within the range of particulate fallout from the proposed incinerator, other environmental degradations and adverse economic impact;

Whereas, The Mayor and City Council are entrusted with protecting the health and safety of the residents and economic vitality of the community; and

Whereas, The cities of Ypsilanti and Milan, and the townships of Ann Arbor, Augusta, Bridgewater, Freedom, Huron, London, Milan, Salem, Saline, Scio, Sharon, Webster, York, and Ypsilanti are all opposed to this proposed facility;

RESOLVED, That the Mayor and City Council of Ann Arbor join these communities and many citizen groups in strongly opposing the siting of such a facility in the most populated portion of the State, in the most economically vital County within the State, on land clearly better suited for other uses; and

RESOLVED, That the Mayor and Council directs the City Clerk to send copies of this resolution to the aforementioned municipalities, to the Michigan Department of Natural Resources, Governor John Engler, State Senator Lana Pollack, State Representatives Perry Bullard, Kirk Profit, and Margaret O'Connor, United States Congressmen Carl Purcell, Senators Carl Levin and Donald Riegle, and M-CATS (Michigan Citizens Against Toxic Substances).

Councilmember Eckstein moved that the resolution be approved.

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

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R-46-1-92 APPROVED

RESOLUTION EXTENDING APPOINTMENT OF MEL LARACEY AS CITY ATTORNEY

Whereas, The employment of Elizabeth Schwartz as City Attorney is expected to begin on February 17, 1992;

RESOLVED, That the term of appointment of Mel Laracey as City Attorney is hereby extended through February 16, 1992.

Councilmember Peterson moved that the resolution be approved.

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

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R-47-1-92 APPROVED

RESOLUTION REGARDING LEASED SPACE AND BUSINESS  
ACTIVITY WITH TAX-EXEMPT INSTITUTIONS

Whereas, It is estimated that approximately 50 percent of properties located within the City limits of Ann Arbor is owned by government, non-profit and state tax exempt institutions;

Whereas, Many of these institutions receive City services and do not pay taxes; and

Whereas, Private, for profit businesses operated within tax exempt state institutions such as the University of Michigan pay no property taxes and, therefore may contribute to unfair competition in the business community which currently are assessed real estate and personal property taxes;

RESOLVED, That the Mayor and the Ann Arbor City Council direct the City Administrator and appropriate staff to investigate and provide information regarding all private, for profit business currently leasing space or conducting businesses within the facilities of the University of Michigan;

RESOLVED, That the City Attorney staff be directed to work with the City Administrator in order to investigate the legal issues and policies involved, so that the City may receive remuneration in the form of funds by assessing real estate taxes or payment in lieu of taxes as related to leased space or business conducted within the facilities of the University of Michigan which are located within the City of Ann Arbor; and

RESOLVED, That the City shall make a report to the Mayor and the Ann Arbor City Council no later than the second regular Council session in March 1992.

Councilmember Peterson moved that the resolution be approved.

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

**REPORTS FROM COUNCIL COMMITTEES**

Councilmember Peterson reminded Council of the joint City Council/Solid Waste Commission working session scheduled for January 27, 1992.

Councilmember Peterson informed Council that the County received a state grant to set up

a permanent household hazardous waste disposal site.

### **COUNCIL PROPOSED BUSINESS**

None.

### **COMMUNICATIONS FROM THE MAYOR**

#### **APPOINTMENTS APPROVED**

The following names were placed on the table at the last Council meeting by Mayor Brater. Mayor pro tem Hunter asked for confirmation of these nominations this date:

#### **CITY PLANNING COMMISSION**

Thomas J. Miree (to replace Leon Holman)  
2710 Tuebingen Parkway  
Term: 07-01-91 to 06-30-94

#### **HOUSING POLICY BOARD**

Larry French (reappointment)  
2410 Geddes Avenue  
Term: 01-21-91 to - 01-21-95

Jean Willing (reappointment)  
1717 Avondale  
Term: 01-21-92 to 01-21-95

Tim Wintermute (reappointment)  
920 Greene Street  
Term: 01-21-92 to 01-21-95

Councilmember Peterson moved that Council concur in the recommendation of the Mayor.

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

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

Kenneth Wadland (reappointment)  
308 West Jefferson  
Term: 01-21-92 to 01-21-96

ZONING BOARD OF APPEALS

Scott Munzel (to replace Cynthia Lynn Junker)  
1116 West Washington St.  
Term: 01-21-92 to 01-21-95

Councilmember Eckstein moved that Council concur in the recommendations of the Mayor.

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

APPOINTMENTS NOMINATED

On behalf of Mayor Brater, Mayor pro tem Hunter placed the following names in nomination for confirmation at the next Council meeting:

BOARD OF REVIEW

Tim Somers (reappointment)  
619 Duane  
Term: 02-03-92 to 02-03-95

ANN ARBOR COMMISSION ON DISABILITY ISSUES

Pam Kovacich (to replace Paul Jett at term expiration)  
411 Burr Oak  
Term: 02-03-92 to 02-03-95

Donna Rose (to replace Nina Homel at term expiration)  
1930 West Liberty, #3  
Term: 02-03-92 to 02-03-95

Sherry Warden (reappointment)  
414 Westwood  
Term: 02-03-92 to 02-03-95

Carolyn M. Earl (reappointment)  
3272 Springbrook  
Term: 02-03-92 to 02-03-95

**BICYCLE COORDINATING COMMITTEE**

Linda Spencer (to replace Rueben Chapman upon his resignation)  
658 Peninsula Court  
Term: 02-03-92 to 02-03-95

**ANN ARBOR BUILDING AUTHORITY**

Ulrich W. Stoll (replacing Dalva Yarrington upon her resignation)  
2121 Hall  
Term: 02-03-92 to 02-03-98

**MAYOR ATTENDING U.S. CONFERENCE OF MAYORS**

Mayor pro tem Hunter said that Mayor Brater was in Washington D. C. attending the U.S. Conference of Mayors winter meeting. In her press release it states that she would specifically pursue meetings which involve energy in the environmental community. She would be discussing federal funds to aid municipalities in solid waste. A copy of the press release and the related resolution was placed with the Public Information Officer Susan Whitaker.

**TONY BROWN LOT PARKING FEES**

The Mayor received communications from people who had parked at the Tony Brown lot after 4:00 p.m. and were charged \$8.00 dollars if they parked for more than 4 hours. A follow-up meeting on maintaining a more uniform rate was suggested.

**COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

City Administrator Alfred Gatta presented the following communications for the information of Council:

- \* Community Development Block Grant Budget
- \* Lane Control Along Division Street and Fifth Avenue
- \* Curb Cuts/Wheelchair Access
- \* Payment for Snow Removal in the DDA District - \$11,250
- \* Turnberry Subdivision Construction/Wetlands

- \* Litter along the north side of Geddes Road
- \* Section 8 Certificates - Under What Conditions can Emergency Considerations be made for Housing?
- \* Solid Waste Department Monthly Report
- \* Monthly Statement of Revenues, Expenditures and Changes in Fund Balances for the Environmental Bond (Series A)
- \* Gelman Sciences proposed Deep Wells to Serve Evergreen Subdivision
- \* Lights and Reflectors on Night Bicyclists
- \* Breaking and Entering
- \* Roving Teenage Gangs
- \* Police Car Purchase Criteria
- \* Residential Snow Removal
- \* 1991 Leaf Collection and Street Sweeping Program

City Administrator Gatta received additional requests for information.

### **COMMUNICATIONS FROM THE CITY ATTORNEY**

City Attorney Mel Laracey informed Council that the hearing on the lawsuit challenging the City's Reapportionment Ordinance is scheduled for Friday, January 24. A decision is due shortly thereafter.

The hearing on the lawsuit challenging the Domestic Partnership Ordinance was scheduled for Thursday, January 23 but will probably be rescheduled for February 6.

The City Attorney said that his office filed an appeal of the Michigan State Department of Natural Resources denial of the Phase III development at the landfill. The appeal was filed on Friday, as a precautionary measure because the appeals time limit was expiring.

**COMMUNICATIONS FROM THE COUNCIL**

Councilmember Grady announced a press conference to be held after the Council meeting this date by the Democratic Caucus regarding its assessment of the Retirement payouts.

Mayor pro tem Hunter said that he is still collecting information, following the working session with representatives of the Michigan Liquor Control Commission, to be studied for the purpose of making changes in the procedure if needed.

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

The following communications were received:

1. Congressman William D. Ford regarding H.R. 3742, the Pesticide Safety Improvement Act - File
2. SEMCOG Communication - File

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

1. Downtown Development Authority - December 12, 1991
2. Ann Arbor Energy Commission - December 12, 1991
3. Housing Board of Appeals - December 3, 1991
4. Community Development Executive Committee - December 9, 1991
5. Employees Retirement System Board of Trustees - December 11, 1991

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

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

**ADJOURNMENT**

There being no further business, Councilmember Coleman 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.

Paul C. McCoy  
Acting Clerk of the Council

Linda J. Wise  
Recording Secretary