

EXECUTIVE SESSION - FEBRUARY 22, 1993

The executive session of the Ann Arbor City Council was called to order at 7:00 p.m. by Mayor Elizabeth S. Brater.

ROLL CALL OF COUNCIL

Present: Councilmembers Larry Hunter, Tobi Hanna-Davies, Peter Fink, Robert Grady, Nelson Meade, Kurt Zimmer, Peter Nicolas, Mayor Elizabeth S. Brater, 8

Absent: Councilmember Thais Anne Peterson, Robert Eckstein, 1

Discussion: Strategy to respond to the Environmental Protection Agency's (EPA) demand for repayment of certain grant payments

ADJOURNMENT

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

On a voice vote, the Chair declared the motion carried and the meeting was adjourned at 7:30 p.m.

Winifred W. Northcross
Clerk of the Council

Linda J. Wise
Recording Secretary

REGULAR SESSION - FEBRUARY 22, 1993

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

Council stood for a moment of silence.

Mayor Brater led the Pledge of Allegiance.

ROLL CALL OF COUNCIL

Present: Councilmembers Larry Hunter, Tobi Hanna-Davies, Peter Fink, Robert Grady, Nelson Meade, Kurt Zimmer, Peter Nicolas, Thais Anne Peterson, Mayor Elizabeth S. Brater, 9

Absent: Councilmember Robert Eckstein, 1

INTRODUCTIONS

MAYOR BRATER - ANNOUNCEMENT

Mayor Brater said that in recent weeks a good deal of attention was focused on the location of the keys to City vehicle 1118 which is available to the Mayor, Council and all other City employees for City business use. The Mayor informed Council that the keys to the vehicle were deposited at the motor pool desk in the purchasing division on the basement level of City hall. The Mayor said that this was done so that the time and attention of the Council could be focused on important issues now facing the City.

PUBLIC COMMENTARY - RESERVED TIME

ROSEMARION BLAKE - COUNCIL BUSINESS

Rosemarion Blake, 840 Wickfield Ct., objected to interference by Fourth Ward Councilperson Nicolas in First Ward business, approved of assignment of a City car to the Mayor's office for City business use, approved of the Mayor's supervision of the Council agenda as the traditional mayoral role.

SARAH GUSTA - LANDFILL-INCINERATOR RESOLUTION

Sarah Gusta, representing M-Cats, 10789 Tuttlehill Rd., Willis, opposed the siting by Envotech of a hazardous waste disposal facility in Augusta Township and supported the resolution scheduled this date opposing the proposal.

FRED VEIGEL - SPENDING TAXPAYERS' MONEY WISELY

Fred Veigel, 5300 W. Michigan Ave., Ypsilanti, proposed that Washtenaw County residents be given job priority in connection with the new materials recycling facility, and other government projects.

BLONDEEN MUNSON - SUPPORT OF LARRY HUNTER

Blondeen Munson, 2385 Arrowwood, First Ward resident, supported Councilmember Hunter's efforts on behalf of First Ward residents and cited the Councilmember's accomplishments on behalf of constituents.

COREY DOLGON - HOUSING

Corey Dolgon, 1411 Golden, representing the Housing Action Committee, said that Ann Arbor still lacks an adequate amount of affordable housing and that HAC will endorse the candidates in the upcoming election who support affordable housing.

BRYANT ANDERSON - HIV TASK FORCE

Bryant Anderson, 618 S. First St., expressed disappointment that the HIV/AIDS Task Force is not moving at a faster pace to accomplish its charge.

HANS POSSELT - ENVOTECH FACILITY

Hans Posselt, representing the Augusta Township Board, opposed siting the Envotech hazardous waste facility in Augusta Township. Better alternatives to ground disposal of hazardous waste should be explored and employed.

PUBLIC HEARINGS

YATES PROPERTY REZONING - ORDINANCE NO. 52-92

A public hearing was conducted on the proposed Ordinance No. 52-92 - Amendment to Chapter 55, Rezoning of 0.92 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Yates Property, 1889 Upland Drive.

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

YATES LAND DIVISION

A public hearing was conducted on the proposed Yates Land Division, 0.92 acre, 1889 Upland Drive.

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

COMMUNITY ANTENNA TELEVISION SYSTEM ORDINANCE - ORDINANCE NO. 1-93

A public hearing was conducted on the proposed Ordinance No. 1-93 - Community Antenna Television System and the following associated items: (1) Clarification of the Franchise Agreement; (2) Public Access Agreement and Consent Agreement with Columbia Associates, L.P.; (3) Terms and Conditions for Receiving and Maintaining a Franchise to Operate a Cable Television System with the City.

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

CONTRACT PROPOSAL TO DESIGN, CONSTRUCT AND OPERATE A MATERIALS RECOVERY/WASTE TRANSFER STATION

A public hearing was conducted on the City of Ann Arbor proposal to award contracts to design, construct and operate a Materials Recovery/Waste Transfer Station.

The following persons appeared:

David Stead, Solid Waste Commission member, supported and endorsed the administrator's proposal for a MRF facility. The commission voted 7-1-1 in favor of awarding a contract to Resource Recovery Systems for the MRF. City staff was commended for its efforts.

Peter Rosewig, 8153 W. Huron River Drive, Dexter, Mi. 48130, president of Contract Containers Corporation, (dba) Mr. Rubbish, opposed the proposal because there are several currently operating recycling facilities, including one built by Mr Rubbish 2 years ago. the calculations used in awarding the MRF contract were questioned.

Elwood Holman, 211 E. Huron, president of the Ann Arbor Chamber of Commerce, opposed. The reasons cited were: currently operating facilities, flawed figures, incomplete explanation of privately owned facilities, questionable savings in taxes and recycling programs.

Howard Stewart, 1601 Leaird, supported the construction of the MRF facility and awarding the contract to Resource Recycling Systems but also supported preservation of local employment and Recycle Ann Arbor.

Lauren Sargent, 1411 Henry, supported the publicly owned, privately operated MRF. The citizens voted for the environmental bond as a way to maintain accountability.

Dick Stoll, 2121 Hall St., supported the MRF plan as presented. It is a commitment by the citizens to recycling. Ann Arbor is well suited to the process. The facility and cooperating contract will increase the amount of materials that can be recycled.

Lee Pace, 3435 Fernwood, supported the proposal for the MRF, but was concerned that the project may be under-bid. Hiring preference for local residents was urged.

Doug Cowherd, representing the Sierra Club and Ann Arbor Recycling Coalition, supported the proposal. The citizens voted 3-1 for the facility. The proposal will provide more services and greater recycling volume for less money.

Jim Dolan, 1231 VanDusen, supported the proposal. Public support for the Environmental Bond issue, which made this proposal possible, was based on interest in maximum development of recycling scope, methods and markets. Ownership of the MRF and direct control of its operation is the best way to provide leadership.

Ed Boucher, 116 Allen, opposed the proposal because there are MRF facilities currently operating. Mr. Rubbish was cited as a first-class facility. Council was invited to tour the facility.

Russell Calvert, Solid Waste Commission member, owner of Calvert's Roll-Off Container, a private concern, supported the City-owned MRF and the proposed contract as a benefit to the citizens.

Mike Garfield, representing the Ecology Center and Recycle Ann Arbor, supported the proposal as a benefit to the City, to bring to it the highest recovery rates possible. Local employment preference as a contract condition was urged.

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

APPROVAL OF AGENDA

AGENDA APPROVED AS AMENDED

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

CONSENT AGENDA

Delete: Resolution Authorizing Summary Publication of Ordinance No. 1-93 - Chapter 32 of the City Code - Community Antenna Television System (Moved to end of Motions and Resolutions)

ORDINANCES - SECOND READING

Communication RE: Amendment to Chapter 126 - Traffic Code - See communication from City Attorney Schwartz

ORDINANCES - FIRST READING

Communication RE: Amendment to Chapter 55 - Arbor Hills Zoning Ordinance - See communication from Fred Steingold

MOTIONS AND RESOLUTIONS

Distribution of: Resolution to Join Boycott of State of Colorado (Mayor Brater)

Delete: Resolution Adopting Human Services Allocation (Councilmember Nicolas)

Substitute: Resolution to Award Contracts to Design, Construct and Operate a Materials Recovery Facility/Waste Transfer Station (\$5,100,000)

Add: Resolution to Grant 4 New Class C Liquor Licenses (Councilmembers Fink, Peterson and Hunter)

a. Grant of 3 Liquor licenses awarded by State of Michigan to:
Golden Chef Restaurant, 175 N. Maple Road,
48103

Levy's Art Cafe, Inc., 211 W. Washington St.,
48104

Amadeus Cafe, 122 E. Washington, 48104

b. Reallocation of 1 Liquor License to:
Pastabilities, 212 E. Kingsley, 48104

Add: Resolution Regarding City Car (Councilmember Nicolas)

Delete: Resolution Appointing Ralph Michener to the City Council (Councilmember Nicolas)

Add: Resolution Regarding Residency (Councilmember Nicolas)

Add: Resolution to Request Councilmember Hunter's Explanation of his use of the Mayor and Council Car (Councilmember Zimmer)

Add: Resolution Authorizing Summary Publication of Ordinance No. 1-93 - Chapter 32 of the City Code - Community Antenna Television System (Deleted from Consent Agenda)

I - CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

Add: Valerie H. Twanmoh, C.O.P.E.-O'Brien Board of Directors Citizen-at-Large - expressing strong support for Council approval of the Human Services Funding request submitted by the C.O.P.E. program - referred to the Community Development Department and Filed

Add: Pauline Skinner, Manager and Senior Loan Officer NBD Mortgage Company - urging support for the C.O.P.E. program - referred to the Community Development Department and Filed

Add: Joan Smith - opposed to the Envotech toxic waste incinerator and hazardous waste landfill being located in southeast Michigan - File

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

Councilmember Grady moved that the following resolution be placed on the agenda for action this date:

Add: Resolution to Fill Vacancy for Second Ward City Council Seat (Councilmembers Grady and Meade)

On a voice vote, the Chair declared the motion carried with Councilmembers Fink and Zimmer dissenting.

APPROVAL OF COUNCIL MINUTES

MINUTES APPROVED AS PRESENTED

Councilmember Hunter moved that the working session minutes of January 25, 1993 and the regular session minutes of February 1, 1993 be approved as presented.

Councilmember Meade moved the following corrections to the February 1, 1993 minutes:

Change the following title to reflect approved amendment:

Resolution to ~~Abandon~~ **Close** Oakway Road When Necessary to Allow the V.A. Hospital Expansion

and

Delete section containing the Roll Call vote on the Resolution to Support Full Tenant Management at Ann Arbor Public Housing Sites, until the next session of Council to correct recording of "Yeas" and Nays."

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

CONSENT AGENDA

The following Consent Agenda was considered:

R-52-2-93 APPROVED

RESOLUTION TO APPROVE YATES LAND DIVISION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the Yates land division, 0.92 acre, 1889 Upland Drive.

Whereas, Jon Yates has requested land division approval in order to divide the 0.92-acre parcel at 1889 Upland Drive into two separate parcels;

Whereas, The Ann Arbor City Planning Commission, at its meeting of April 28, 1992, recommended approval of said request;

RESOLVED, That the Yates Land Division is hereby approved.

R-53-2-93 APPROVED

RESOLUTION TO ACCEPT AND APPROPRIATE FUNDS RECEIVED FROM A WORKSITE AND COMMUNITY HEALTH PROMOTION GRANT (\$2,430)

Whereas, The Ann Arbor Police Department has initiated a Health and Wellness Program for its employees;

Whereas, The Police Department has contracted with the University of Michigan Fitness Research Center to provide the Health and Wellness Program;

Whereas, The Police Department has submitted a grant application to the Michigan Worksite and Community Health Promotion Program; and

Whereas, The Michigan Worksite and Community Health Promotion Program has awarded the Police Department a grant award not to exceed the sum of \$2,430 based on actual expenditures;

RESOLVED, That the City of Ann Arbor accept and receive the \$2,430, or any other sum so designated by the Michigan Worksite and Community Health Promotion Program, and appropriate it to the current 1992-1993 fiscal year Police budgeted account #010-031-0110-2110, for the purpose of paying costs associated with the Police Health and Wellness Program; and

RESOLVED, That the City Administrator is authorized to take all necessary administrative actions required to carry out the grant.

R-54-2-93 APPROVED

RESOLUTION TO ACCEPT BOARD OF
INSURANCE ADMINISTRATION MINUTES
OF FEBRUARY 2, 1993 AND TO
AUTHORIZE PAYMENTS

RESOLVED, That the Board of Insurance Administration Minutes of February 2, 1993 be accepted and that the payments therein be authorized.

R-55-2-93 APPROVED

RESOLUTION RECOGNIZING THE ANN
ARBOR ART ASSOCIATION AS A NONPROFIT
ORGANIZATION IN THE CITY OF ANN ARBOR

Whereas, The Ann Arbor Art Association is a nonprofit institution;

Whereas, The United States Department of Treasury - Internal Revenue Service has recognized the Ann Arbor Art Association as a nonprofit organization by giving it tax exempt status; and

Whereas, The Ann Arbor Art Association needs the City to recognize it as a nonprofit organization in order to conduct fundraising with State approval;

RESOLVED, That the City of Ann Arbor recognizes the Ann Arbor Art Association

as a nonprofit organization in the City of Ann Arbor.

R-56-2-93 APPROVED

RESOLUTION TO INCREASE PURCHASE
ORDER FOR KELLY TEMPORARY SERVICES
(\$5,400)

Whereas, The Administrative Services Department-Purchasing/Central Services Division uses temporary services from time to time;

Whereas, Kelly Temporary Services has consistently been the lowest responsible bidder on temporary services for clerical personnel; and

Whereas, Kelly Temporary Services received Human Rights Department approval on September 16, 1992;

RESOLVED, That City Council approve increasing Purchase Order No. 3-1956-13 to Kelly Temporary Services from \$9,980 to \$15,380 for temporary office services.

Councilmember Hunter moved that the Consent Agenda be approved.

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

ORDINANCES - SECOND READING

52-92 APPROVED
YATES 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 0.92 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Yates property, 1889 Upland Drive.

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

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

Nays, 0

The Chair declared the motion carried.

1-93 APPROVED
COMMUNITY ANTENNA TELEVISION SYSTEM

AN ORDINANCE TO AMEND CHAPTER 32, SECTIONS 2:103, 2:107, 2:109, 2:110, 2:112, 2:114, 2:117, 2:118, 2:122, 2:126, 2:128, OF TITLE II OF THE CODE OF THE CITY OF ANN ARBOR

This Amendment would clarify the terms and conditions for receiving and maintaining a franchise to operate a cable television system within the City.

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

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Fink, Grady, Zimmer, Nicolas, Peterson, Mayor Brater, 8

Nays, 0

Absent for Roll Call: Councilmember Meade, 1

The Chair declared the motion carried.

7-93 APPROVED
TRAFFIC CODE

AN ORDINANCE TO AMEND CHAPTER 126, SECTIONS 10:81, 10:121 AND 10:156 OF TITLE X OF THE CODE OF THE CITY OF ANN ARBOR

This Amendment would make it illegal to operate any motor vehicle in violation of a restriction imposed in a restricted license and set the fine for violation as provided in the Michigan Vehicle Code.

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

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Fink, Grady, Zimmer, Nicolas, Peterson, Mayor Brater, 8

Nays, 0

Absent for Roll Call: Councilmember Meade, 1

The Chair declared the motion carried.

ORDINANCES - FIRST READING

8-93 TABLED

ARBOR HILLS PRELIMINARY PHASE PUD 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 amendment would rezone 74.24 acres from Preliminary Phase PUD (Planned Unit Development) to Revised Preliminary Phase PUD, Arbor Hills, north side of Green Road, north of Burbank Drive.

Councilmember Hunter moved that the ordinance be approved.

Mayor Brater suggested and Councilmember Hunter moved that the ordinance be tabled and referred back to the Planning Commission for further consideration based on the City Attorney's advise and opinion regarding the appropriate stage of referral of preliminary stage PUD's to Council.

On roll call on the motion to table, the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Fink, Grady, Meade, Peterson, Mayor Brater, 7
Nays, Councilmembers Zimmer, Nicolas, 2

The Chair declared the motion carried and the ordinance tabled.

9-93 APPROVED

G.T. PRODUCTS/UNIVERSITY OF MICHIGAN 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 amendment would rezone 3.71 acres from M2 (Heavy Industrial District) to O (Office District) and PL (Public Land District), G.T. Products/University of Michigan Property, 401 East Stadium Boulevard.

Councilmember Meade moved that the ordinance be approved.

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

10-93 APPROVED

KING/KRAFT PROPERTY REZONING

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

This amendment would rezone 0.39 acre from TWP (Township District) to R1C (Single-Family Dwelling District), King/Kraft Property, corner of Burwood and Thaler.

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

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

11-93 APPROVED
LEWIS PROPERTY REZONING

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

This amendment would rezone 0.5 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Lewis Property, 411 Barber.

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

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

12-93 APPROVED
PARKE-DAVIS 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 amendment would rezone 10.61 acres from PL (Public Land District) to ORL (Office/Research/Light Industrial District), Parke-Davis Property, 2800 Plymouth Road.

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

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

13-93 APPROVED

PIETRAS PROPERTY REZONING

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

This amendment would rezone 0.22 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Pietras Property, 424 Barber.

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

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

14-93 APPROVED
RICHARDS PROPERTY REZONING

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

This amendment would rezone 0.21 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Richards Property, 415 Barber.

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

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

MOTIONS AND RESOLUTIONS

POSTPONED
RESOLUTION CONCERNING ANN ARBOR HOUSING COMMISSION

Whereas, The Ann Arbor Housing Commission is appointed by the Mayor and City Council to serve the people of Ann Arbor, particularly those living in public housing;

Whereas, City Council has for some time now been hearing of serious communication problems between the current Commission and some residents of Ann Arbor public housing, and it appears as though these problems have been getting progressively worse;

Whereas, Some residents have expressed an interest in having increased and direct representation on the Housing Commission, which is a logical step in any move

towards tenant management;

Whereas, Similar moves toward tenant management have proven successful in other cities; and

Whereas, The City Attorney has informed us in her opinion, dated January 25, 1993, that "As long as [the] resolution does not mandate that the Mayor or the Council accept and appoint the recommended candidates, I see no legal impediment to such a resolution";

RESOLVED, That the Mayor and City Council support the appointment of a resident of senior housing to the Housing Commission upon the soonest expiration of the term of any current Housing Commissioner. The Council supports the concept that this resident shall be elected by his/her peers and shall serve as a non-binding recommendation to the Mayor and City Council for appointment to the Housing Commission;

RESOLVED, That the Mayor and City Council support the appointment of a resident of family housing to the Housing Commission upon the next soonest expiration of the term of any current Housing Commissioner. The Council supports the concept that this resident shall be elected by his/her peers and shall serve as a non-binding recommendation to the Mayor and City Council for appointment to the Housing Commission;

RESOLVED, That the Mayor and City Council request that such elections be held thirty days prior to the appointment date of any seat on the Housing Commission to allow for a smooth transition; and

RESOLVED, That the Mayor and City Council support efforts by staff members of the Housing Commission to organize such elections for the tenants.

Councilmember Nicolas moved that the resolution be approved.

Councilmember Hunter moved that action on the resolution be postponed until conclusion of the mediation process.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Grady, Meade, Peterson, Mayor Brater, 6
Nays, Councilmembers Fink, Zimmer, Nicolas, 3

The Chair declared the motion carried and resolution postponed.

R-57-2-93 APPROVED

RESOLUTION TO APPROVE SUPPLEMENTAL APPROPRIATION
AND TO AWARD A PROFESSIONAL SERVICES CONTRACT
FOR SANITARY SEWER SYSTEM AUDIT (\$106,000)

Whereas, A number of studies of parts of the Ann Arbor Sanitary Sewer System have previously been completed in the 1980's;

Whereas, In order to continue to properly decide improvements, modifications and extensions of the Sanitary Sewer System, updated reports and studies regarding the Sanitary Sewer System's capacities and estimated flows are necessary;

Whereas, McNamee, Porter and Seeley, Inc. has submitted a proposal to perform a Sanitary Sewer Audit update at a total cost of \$96,000;

Whereas, McNamee, Porter & Seeley, Inc. has performed all of the previous studies of the Ann Arbor Sanitary Sewer System, and this past experience and knowledge of the Ann Arbor Sanitary Sewer System will allow McNamee, Porter & Seeley, Inc. to perform an updated audit in a timely and efficient manner; and

Whereas, On January 26, 1993 the Human Resources Department approved McNamee, Porter & Seeley, Inc. to provide engineering services to provide such updates;

RESOLVED, That Council accepts the proposal of and awards a contract to McNamee, Porter & Seeley, Inc. to provide professional services to perform a Sanitary Sewer System Audit for \$96,000;

RESOLVED, That Council approves a supplemental appropriation of \$106,000 from the Sewage Disposal Fund to finance this project, and approves a project budget of \$96,000 for consultant services and a contingency of \$10,000 to finance change orders to be approved by the City Administrator, for a total project budget of \$106,000 for the life of the project to be extended without regard to fiscal year; and

RESOLVED, That Council authorizes and directs the Mayor and Clerk to sign the Professional Services Agreement with McNamee, Porter & Seeley, Inc. to perform said services for \$96,000, and which is approved as to form by the City Attorney, and approved as to substance by the City Administrator.

Funding Source: Supplemental appropriation from the Sewage Disposal System Fund.

Councilmember Hunter moved that the resolution be approved.

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

R-58-2-93 APPROVED

RESOLUTION TO JOIN BOYCOTT OF STATE OF COLORADO

Whereas, We the People of Ann Arbor are dedicated to the proposition that government must be for all the people;

Whereas, We are committed to upholding the principle of equal protection of the law; and

Whereas, We affirm our support in particular for persons who suffer discrimination and harassment on the basis of actual or presumed characteristics that are irrelevant to any measure of human worth and dignity;

RESOLVED, That the City of Ann Arbor engage in a boycott of any and all economic support of the State of Colorado, its constituent counties, cities, agencies, and businesses, and their known vendors, suppliers, consultants and subcontractors, until such time as the State of Colorado or the courts rescind the November, 1992 Amendment Two to the Colorado Constitution; and

RESOLVED, That the Mayor and City Council direct the City Clerk to forward copies of this resolution to the Governor of Colorado, "Boycott Colorado," "Equality Colorado," the Michigan Organization for Human Rights, the Triangle Foundation, the University of Michigan Task Force on Sexual Orientation, the University of Michigan Lesbian-Gay Male Programs Office, and the Regents of the University of Michigan.

Councilmember Hunter moved that the resolution be approved.

Councilmember Meade moved that the resolution be amended as follows:

Resolved, that the City of Ann Arbor engage in a boycott of any and all economic support of the State of Colorado, its constituent counties, cities **WITH THE EXCEPTION OF ASPEN, BOULDER AND DENVER**, agencies, and businesses, and their known vendors, suppliers, consultants, and subcontractors, until such time as State decree and legislation restore equal protection of the law to all Colorado citizens and inhabitants, permanent or temporary, regardless of their sexual orientation,

On roll call on the amendment, the vote was as follows: Yeas, Councilmembers Fink, Grady, Meade, Nicolas, 4

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

The Chair declared the motion defeated.

The question on the floor is approval of the resolution as presented, on roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Grady, Zimmer, Peterson, Mayor Brater, 6
Nays, Councilmembers Fink, Meade, Nicolas, 3

The Chair declared the motion carried.

R-59-2-93 APPROVED

RESOLUTION HONORING SUPREME COURT JUSTICE THURGOOD MARSHALL

Whereas, The Ann Arbor Human Rights Commission and City Council acknowledge, with appreciation, the many contributions made in the areas of civil and human rights by various citizens; and

Whereas, Being the great grandson of a former slave, and the son of a waiter, Thurgood Marshall struggled throughout his lifetime for the freedom of a "captive" people and demonstrated a strong commitment to equality and justice of the disenfranchised; and

Whereas, Having been a native of the state of Maryland, was denied entrance into its law school because of his race; however, continued steadfastly against many obstacles and adversities to overcome this barrier and brought about improvements in the area of law for the rights of all individuals; and

Whereas, Thurgood Marshall, in spite of constant and incessant challenges to his convictions, continued his unwavering commitment to human rights and became the first African-American to serve for more than two decades as an Associate Justice on the United States Supreme Court;

Resolved, That the Ann Arbor Human Rights Commission and City Council do hereby express their admiration and appreciation for the accomplishments Justice Thurgood Marshall has made in the field of human rights, and hereby mourn the loss of a great humanitarian.

Councilmember Hunter moved that the resolution be approved.

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

R-60-2-93 APPROVED

RESOLUTION APPROVING MODIFICATIONS TO CABLE TELEVISION
FRANCHISE AGREEMENT AND ASSOCIATED DOCUMENTS

Whereas, The City of Ann Arbor ("City") has set forth in Chapter 32 of Title II of the City Code ("Chapter 32"), and in associated documents including a Franchise Agreement dated February 7, 1980, a Clarification of Franchise Agreement and Approval of Assignment dated October 1, 1985, a Public Access Agreement Dated February 7, 1980, and Consent Agreement dated June 1, 1992, the terms and conditions for receiving and maintaining a franchise to operate a cable television system with the City;

Whereas, The City and Cable Television Franchise Grantee Columbia Associates, L.P. ("Columbia"), have conducted extensive negotiations to resolve certain obligations of the Grantee under Chapter 32 and its associated documents;

Whereas, The City and Columbia have reached agreement on modifications to the Franchise Agreement dated February 7, 1980, the Clarification of Franchise Agreement and Approval of Assignment dated October 1, 1985, and Public Access Agreement dated February 7, 1980, which will resolve certain outstanding obligations of Columbia; and

Whereas, The actual modifications are delineated in the attached documents identified as: Modifications to the Franchise Agreement, Modifications to the Clarification of Franchise Agreement and Approval of Assignment, and a revised Public Access Agreement;

RESOLVED, That the City Council of the City of Ann Arbor, Michigan, hereby approves and adopts the modifications to the Franchise Agreement, Clarification of Franchise Agreement and Approval of Assignment, and revised Public Access Agreement with the execution of a Consent Agreement Between the City of Ann Arbor and Columbia Associates, L.P.: "Amendments to Chapter 32 and Associated Documents."

Councilmember Hunter moved that the resolution be approved.

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

R-61-2-93 APPROVED

RESOLUTION CONCERNING HUMAN RELATIONS IN THE
WORK PLACE

Whereas, Every workplace in Ann Arbor's city government requires an environment of toleration and mutual accommodation to enable staff best to serve the citizens of Ann Arbor;

Whereas, Workplaces, which become more diverse with respect to employees' backgrounds, life experiences, values, and the like, often experience tensions and conflicts among employees;

Whereas, Explicit conflicts, rooted in overt attitudes, and subtle tensions, based on perceptions and subconscious attitudes, cannot be resolved simply by letting time and experience to be a cure, be require self-conscious action on the part of all members of the workplace;

Whereas, In 1988, the Ann Arbor Fire Department began a process of self-education, and workplace reform to deal with race and gender aspects of the aforementioned problems;

Whereas, That process began with the assistance of a professional human relations consultant, who evaluated the department's workplace environment, made a series of recommendations, and engaged in specific training activities with various elements of the department; and

Whereas, Several of the consultant's recommendations were not continued, and subsequently there have occurred widely publicized incidents of precisely the sort to be worked on and alleviated through on-going self-education efforts;

RESOLVED, That the city administrator and the fire chief, in conjunction with officers and line staff from the firefighters, forthwith renew commitments to enact the recommendations made in 1989 by the human relations consultant;

RESOLVED, That the city administrator and fire chief commit sufficient funds or apply for a grant to secure the services of the same or a different consultant, at the agreement of both department administration and staff, whose role will be to reevaluate the department's progress since 1989 and to provide appropriate recommendations; and

RESOLVED, That these resolves will be carried out in a manner that minimizes a sense of intimidation or insecurity among staff members or between administrator, officers, and staff.

Councilmember Grady moved that the resolution be approved.

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

R-62-2-93 APPROVED

RESOLUTION REAFFIRMING ANN ARBOR CITY COUNCIL'S
OPPOSITION TO THE PROPOSED HAZARDOUS WASTE
LANDFILL AND INCINERATOR IN AUGUSTA TOWNSHIP
WASHTENAW COUNTY, MICHIGAN

Whereas, On January 21, 1992, Ann Arbor City Council passed resolution R-45-1-92, "Resolution Opposing the Siting of a Toxic Waste Storage and Processing Facility in Augusta Township," and

Whereas, Since passage of the January 21 resolution, there have been the following developments:

- ⊘ The Michigan Department of Natural Resources has approved a Remedial Action Plan with Envotech, Inc. for the Arkona Road landfill, an Act 307 site, and Envotech has applied for Act 64 review to permit the storage and processing facility;
- ⊘ The United States Supreme Court has affirmed state and local jurisdictions may not regulate the interstate transfer of hazardous wastes, thereby indicating the Augusta Township facility will be a recipient of such wastes from other states;
- ⊘ The Southeast Michigan Council of Governments (SEMCOG), after learning that the state cannot regulate the interstate transfer of hazardous wastes to the site, is studying the proposed facility to determine "the potential regional impacts and benefits of the project," for which study it is appropriate that SEMCOG member jurisdictions provide guidance;
- ⊘ News reports indicate that the U.S. Environmental Protection Agency (EPA) plans to evaluate whether to end permitting for hazardous waste incinerators, for which evaluation it is appropriate that local jurisdictions affected by proposed incinerators provide guidance, and that the Congress may legislate such limitations;
- ⊘ The Michigan legislature will consider placing a moratorium of five years or more on construction or operating permits for hazardous waste incinerators under bills introduced by Senator Pollack (SB 161, "Toxic Use Reduction") and Representative Profit (bill to be named) and their respective co-sponsors, and the legislature therefore needs comment from local jurisdictions and others;

RESOLVED, That the Ann Arbor City Council hereby reaffirms its resolution R-45-1-92, "Resolution Opposing the Siting of a Toxic Waste Storage and Processing Facility in Augusta Township," of January 21, 1992;

RESOLVED, That, to assist SEMCOG, the EPA and the congress, and the Michigan legislature to reach appropriate conclusions in their deliberations, copies of this resolution and of resolution R-45-1-92 be forwarded to the, as well as to the original recipients of R-45-1-92 (or their current replacements); and

RESOLVED, That the City's Assistant Administrator for Environmental Services contact Augusta Township officials and the Michigan Citizens Against Toxic Substances organization to obtain information which can assist Ann Arbor citizens and policy makers in promoting successful opposition to the Augusta Township facility.

Councilmember Grady moved that the resolution be approved.

Councilmember Fink moved that the resolution be amended as follows:

Be It Finally Resolved, That the City's Assistant Administrator for Environmental Services contact Augusta Township officials and the Michigan Citizens Against Toxic Substances organization to obtain information which can assist Ann Arbor citizens and policy makers in promoting ~~successful~~ **successful resolution of problems including moratoriums on new construction until these issues are resolved.**

On roll call, the vote was as follows: Yeas, Councilmember Fink, 1
Nays, Councilmembers Hunter, Hanna-Davies, Grady, Meade, Zimmer, Nicolas, Peterson, Mayor Brater, 8

The Chair declared the motion defeated.

The question on the floor is approval of the resolution as presented, on roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Eckstein, 9
Nays, 0

The Chair declared the motion carried.

R-63-2-93 APPROVED

RESOLUTION ENCOURAGING THE CITY ADMINISTRATOR

TO DEVELOP A FAMILY AND MEDICAL LEAVE PROGRAM
FOR CITY OF ANN ARBOR EMPLOYEES IN CONCURRENCE
WITH THE FEDERAL FAMILY AND MEDICAL LEAVE ACT

Whereas, A Federal Family and Medical Leave Bill was recently signed into law;
and

Whereas, This law will cover employees of companies with 50 or more employees,
including Federal, State and Local government employees;

RESOLVED, That the Ann Arbor City Council encourage the City Administrator,
following receipt of promulgated rules and regulations by the U.S. Department of Labor, to
develop a Family and Medical Leave Program for City of Ann Arbor employees reflecting
the provisions of the Federal Family and Medical Leave Act;

RESOLVED, That the City Administrator inform the Council of the implications of
including the following provisions of the Federal Act:

- a) allow a City employee to take up to 12 weeks of unpaid leave in any 12-month period for the birth of a child or an adoption, to care for a child, spouse or parent with a serious health condition or for the employee's own serious health condition that makes it impossible to perform a job;
- b) provide that a City employee must be returned to his/her old job or an equivalent position upon returning to work;
- c) require the City to provide health care benefits throughout the duration of the leave, as though the employee were still employed, but not require the City to pay the employee while on leave;
- d) prohibit the employee on leave from collecting unemployment or other government compensation;
- e) cover only employees who have been employed on a permanent status for at least one year and who have worked at least 1,250 hours in the most recent 12 months;
- f) Require the City to obtain medical opinions and certifications on the need for leave;
- g) Require the City to require the employee to repay the health-care premiums paid by the City during the leave if the employee does not return to work after the leave;

RESOLVED, That the program in Ann Arbor shall differ from the Federal Act in that it will allow executive employees within the highest paid 10% of the City workforce to participate in the program;

RESOLVED, That the City Administrator estimate the cost of this program and include an appropriation in the FY 1993-94 recommended budget to pay for this new program; and

RESOLVED, That the City program become effective concurrent with the implementation of the Federal Act.

Councilmember Nicolas moved that the resolution be approved.

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

R-64-2-93 APPROVED

RESOLUTION HONORING HELEN AND DONALD HILL

Whereas, The purpose of this resolution is to recognize and commend Helen and Donald Hill for their outstanding leadership and for their contributions to the establishment and growth of Trailblazers of Washtenaw County;

Whereas, Recently they have established John Maynard House as a clubhouse for people recovering from a mental illness. They have combined ideas from successful programs elsewhere with their own creativity, and have forged a group effort that is itself becoming a national model;

Whereas, As in all Trailblazers' programs, its goals are to assist members in finding ways to live comfortably and productively within society, in a reciprocal relationship with the community. The Hills have kept these ambitious goals in mind throughout their courageous and tireless efforts to launch Trailblazers. They have offered Ann Arbor an extraordinary resource, as well as an admirable model. This is a volunteer's ideal: to see a creative solution arising from public spirited efforts to address a community issue; and

Whereas, Helen and Donald Hill, through their commitment and caring, have created an important and supportive second home for recovering mentally ill persons in the community. They have set an example of what citizens can do to make the community a caring and compassionate place;

RESOLVED, That the Mayor and City Council of the City of Ann Arbor, join together

to thank and recognize Helen and Donald Hill for their dedication and willingness to make Trailblazers a valuable part of the community.

RESOLVED, That the City Administrator will make every effort to work with Trailblazers to provide a City position in conjunction with the Trailblazers Psychosocial Rehabilitation Program.

Councilmember Meade moved that the resolution be approved.

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

R-65-2-93 APPROVED

RESOLUTION TO AWARD CONTRACTS TO DESIGN,
CONSTRUCT AND OPERATE A MATERIALS RECOVERY
FACILITY/WASTE TRANSFER STATION (\$5,100,000)

Whereas, A February 21, 1991 Council resolution requested the Administrator to develop and review proposals to procure a privately-operated Materials Recovery Facility (MRF) for the City of Ann Arbor;

Whereas, Bonds totaling \$5.4 million have been issued for the design and construction of a MRF/Waste Transfer Station under Series A and B of the Environmental Bond;

Whereas, Resource Recovery Systems (RRS), of Essex, Connecticut is a qualified vendor and submitted the lowest cost proposal in response to Request for Proposal #294;

Whereas, RRS proposes to design and construct a MRF/Waste Transfer Station for a capital cost not to exceed \$5.1 million at a site adjacent to the Ann Arbor landfill;

Whereas, The University of Michigan is negotiating a ten-year service agreement with RRS and has agreed to pay the City for its share of facility development costs;

Whereas, Resource Recovery Systems received Human Rights approval on January 15, 1993;

Whereas, Resource Recovery Systems is committed to giving first priority in hiring to Recycle Ann Arbor employees who will be displaced by the use of a new processing facility;

RESOLVED, That Construction Contract Documents and Operating and Management Contracts substantially in the form on file in the City Clerk's Office be approved with Resource Recovery Systems;

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

RESOLVED, That \$5.1 million be appropriated from Series A and B of the Environmental Bond for the life of the project, to be available until expended without regard to fiscal year;

RESOLVED, That signature of the contracts by the City Administrator be contingent upon the signature of a service agreement between the University of Michigan and Resource Recovery Systems; and

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

Councilmember Grady moved that the resolution be approved.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Grady, Meade, Nicolas, Peterson, Mayor Brater, 7
Nays, Councilmembers Fink, Zimmer, 2

The Chair declared the motion carried.

R-66-2-93 APPROVED

RESOLUTION TO APPROVE AGREEMENT WITH THE
MICHIGAN DEPARTMENT OF TRANSPORTATION FOR THE
STADIUM BOULEVARD RECONSTRUCTION, PHASE III
PROJECT (\$502,000)

Whereas, The Federal Highway Administration has allocated funds for the reconstruction of Stadium Boulevard from Packard to S. Industrial;

Whereas, This project has been included in the City Capital Improvements Plan and Transportation Improvement Plan;

Whereas, The estimated cost of the project is \$1,121,200 distributed as follows:

Estimated Cost Distribution

<u>Item</u>	<u>Federal</u>	<u>City</u>	<u>Total</u>	
Road Construction	\$619,200	\$154,800	\$ 774,000	
Traffic Signal Construction	0	85,400		85,400
Sidewalk Gap Construction	0	5,800	5,800	
Contingency	0	30,000	30,000	
Engineering	<u>0</u>	<u>226,000</u>	<u>226,000</u>	
	\$619,200	\$502,000	\$1,121,200	

RESOLVED, That the Mayor and City Clerk are authorized and directed to execute contract number 93-0074 with the Michigan Department of Transportation for the Stadium Boulevard Reconstruction Project, Phase III (Packard to S. Industrial); and

RESOLVED, That \$502,000 be appropriated from the 1991 Street Millage (Fund 062) for the City's share of project costs (\$246,000 for construction, \$226,000 for construction engineering and testing, and \$30,000 for change orders to be approved by the Administrator);

RESOLVED, That sidewalk costs (\$5,800) will be recovered by specially assessing the benefitting property owners;

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

RESOLVED, That any unobligated balance of the above appropriated funds be re-appropriated for succeeding fiscal years until the project is officially closed.

Councilmember Hunter moved that the resolution be approved.

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

R-67-2-93 APPROVED

RESOLUTION TO APPROVE CHANGE ORDER WITH SINACOLA
MIDWEST, INC. FOR THE HISCOCK STREET WATER
MAIN PROJECT (\$17,896.10)

Whereas, On September 21, 1992 Council awarded a contract to Sinacola Midwest,

Inc. in the amount of \$42,000 for the construction of the Hiscock Street Water Main Project;

Whereas, It has been found necessary to perform additional work to complete this project; and

Whereas, The cost of the additional work is determined to be \$17,896.10;

RESOLVED, That Council approve Changer Order #1 with Sinacola Midwest, Inc. in the amount of \$17,896.10 for the Hiscock Street Water Main Project; and

RESOLVED, That Council appropriate \$17,896.10 from the 1992 Water Revenue Bond Series "R" to pay for said Change Order.

Councilmember Hunter moved that the resolution be approved.

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

R-68-2-93 APPROVED

RESOLUTION AUTHORIZING PARTICIPATION IN MICHIGAN DEPARTMENT OF TRANSPORTATION MILLING AND RESURFACING PROJECT (\$5,000)

Whereas, The Michigan Department of Transportation (MDOT) is proposing the milling and resurfacing along I-94BL (Washtenaw Ave.) from approximately Huron Street to approximately Observatory Street during this summer's construction season;

Whereas, This project lies within the corporate limits of the City of Ann Arbor;

Whereas, Act 51 the of Public Acts of 1951 as amended provides for the participation of municipalities in MDOT projects of this nature, limited to twelve and one half percent of the State cost of such projects;

Whereas, The current estimate for the local share of this project is \$5,000; and

Whereas, Sufficient funds are proposed in the 1993/94 City budget to account for this expenditure;

RESOLVED, That the agreement between the City of Ann Arbor and the Michigan Department of Transportation for the milling and resurfacing of Interstate 94 Business Loop (Washtenaw Ave.) from approximately Huron Street to approximately Observatory Street be approved, a sum equal to \$5,000 be appropriated for the City's participation in this project from the 1993/94 Major Street Fund, and the Mayor and City Clerk be authorized to execute the agreement on behalf of the City for submission to MDOT.

Councilmember Meade moved that the resolution be approved.

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

R-69-2-93 APPROVED

RESOLUTION RESCINDING TWO-HOUR PARKING ALONG ONONDAGA STREET

Whereas, On May 14, 1990, City Council directed the City Administrator (Resolution R-252-5-90) to assign two-hour parking limits on the west side of Onondaga Street between Hill Street and Geddes Avenue;

Whereas, That directive was in response to a neighborhood petition specifically

addressing the problems created by all-day parking on Onondga Street;

Whereas, Residents of the area have re-evaluated the parking situation and petitioned the City to remove this restriction; and

Whereas, Staff surveyed residents in response to the petition and survey results indicated the majority of the residents were in favor of removing the two-hour time limit;

RESOLVED, That City Council rescinds Resolution R-252-5-90 and directs the City Administrator to rescind Traffic Control Order #1958.

Councilmember Meade moved that the resolution be approved.

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

R-70-2-93 APPROVED

RESOLUTION TO INITIATE DRAIN PROJECT-COUNTY FARM PARK DRAIN

Whereas, The City Administrator has presented to this City Council a general description of a proposed storm drain project for the properties in the vicinity of County Farm Park within the City;

Whereas, The City Council intends to file with the Drain Commissioner for Washtenaw County a petition to locate, establish and construct a storm sewer pursuant to Section 463 of Chapter 20 of the Drain Code of 1956;

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

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

RESOLVED,

1. The City Council hereby determines to proceed with the proposed drain project for the County Farm Park Drainage District as more fully described in the following petition:

PETITION

TO THE DRAIN COMMISSIONER OF

WASHTENAW COUNTY, MICHIGAN

The undersigned public corporation hereby petitions for the location, establishment and construction of an intra-county storm drain to serve the area described in Attachment 1, which storm drain is necessary for the public health and is located within the limits of the City of Ann Arbor, the petitioner herein.

This petition is filed by the City pursuant to the provisions of Section 463 of Chapter 20 of Act No. 40 of the Public Acts of 1956, as amended.

It is understood that none of the proposed drain project attributable to the part of the project in the City will be paid for by a special assessment levied against persons in the City.

A certified copy of the resolution of the governing body of the City of Ann Arbor authorizing execution of this petition is attached hereto

CITY OF ANN ARBOR

By:

By:

Dated: _____, 1993

2. The Mayor and Clerk be and they are hereby authorized and directed to execute such petition for and on behalf of the City and to file the same with the Drain Commissioner of the County of Washtenaw;

3. The City Council hereby consents to the location of the proposed storm drain within the limits of the City and the assessment of a portion of the cost of such storm sewer, so located, against the City.

Councilmember Peterson moved that the resolution be approved.

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

R-71-2-93 APPROVED

RESOLUTION TO GRANT 3 NEW CLASS C LIQUOR LICENSES

Golden Chef Restaurant, 175 N. Maple Road
Levy's Art Cafe, Inc., 211 E. Washington St.
Amadeus Cafe, 122 E. Washington St.

Whereas, The City of Ann Arbor was notified by the State of Michigan Liquor Control Commission that the City was granted an additional 3 Liquor Licenses to be awarded to eligible Ann Arbor businesses;

Whereas, New Liquor Licenses are available because of the population increase in the City of Ann Arbor as a result of the 1993 U.S. Census;

Whereas, The Special Liquor Committee has:

1. Mailed out questionnaires to all applicants who requested to be considered for the granting of a new license;
2. Interviewed all prospective applicant finalist;
3. Carefully reviewed all information provided by applicants;

RESOLVED, That the Mayor and the Ann Arbor City Council approves the Special Liquor Committee's recommendation to grant a new Class C liquor license to:

Golden Chef Restaurant, 175 N. Maple Road, 48103

Levy's Art Cafe, Inc., 211 W. Washington St. 48104

Amadeus Cafe, 122 E. Washington St., 48104

RESOLVED, That the above licenses are granted with the understanding that they shall not be sold or transferred without the approval of the Ann Arbor City Council; and

RESOLVED, That the City Clerk shall forward a copy of this resolution to the businesses listed above and the State Liquor Control Commission.

Councilmember Hunter moved that the resolution be approved.

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

R-72-2-93 APPROVED

RESOLUTION TO GRANT 1 NEW CLASS C LIQUOR LICENSE

Pastabilities, 212 E. Kingsley

Whereas, A new Class C liquor license is available because of the previously unused license granted to "Tally Hall";

Whereas, The Special Liquor Committee:

- 1. Mailed out questionnaires to all applicants who requested to be considered for the granting of a new license;
- 2. Interviewed all prospective applicant finalists
- 3. Carefully reviewed all information provided by applicants;

RESOLVED, That the Mayor and the Ann Arbor City Council approves the Special Liquor Committee's recommendation to grant a new Class C liquor license to:

Pastabilities, 212 E. Kingsley, 48104

RESOLVED, That this license is granted because of the unused license at "Tally Hall"

RESOLVED, That the above license is granted with the understanding that it shall not be sold or transferred without the approval of the Ann Arbor City Council; and

RESOLVED, That the City Clerk shall forward a copy of this resolution to the businesses listed above and the State Liquor Control Commission.

Councilmember Hunter moved that the resolution be approved.

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

DEFEATED

RESOLUTION REGARDING CITY CAR

Whereas, the Mayor assigned a City vehicle to her office in late 1991; and

Whereas, This vehicle has become a source of embarrassment to the City Council, due to recent instances of abuse on the part of elected city officials; and

Whereas, A compelling need to have such a car assigned to the Mayor's office has not been demonstrated;

NOW, THEREFORE BE IT RESOLVED, That the Ann Arbor City Council orders that the vehicle assigned to the Mayor's office be returned to the City vehicle pool; and

BE IT FURTHER RESOLVED, That the Mayor or any Councilmember wishing to use a City vehicle shall follow the same procedure as that required for any City employee.

Councilmember Nicolas moved that the resolution be approved.

On roll call the vote was as follows: yeas, Councilmembers Fink, Meade, Zimmer, Nicolas, Mayor Brater, 5

Nays, Councilmember Hunter, Hanna-Davies, Grady, Peterson, 4

The Chair declared the motion defeated.

DEFEATED

RESOLUTION REGARDING RESIDENCY

Whereas, the issue of ward and city residency has come up in the last week and has resulted in the resignation of one Councilmember; and

Whereas, Questions have recently been raised as to the legal residence of other current Councilmembers as well as former Councilmember Ann Marie Coleman;

NOW, THEREFORE BE IT RESOLVED, That the Mayor and all members of the Ann Arbor City Council are hereby required to prove current residency by filing in the City Clerk's Office either (a) a copy of their most recent property tax statement and title to their current home; or (b) copies of rent checks for the last six months and a copy of their current lease; and

BE IT FURTHER RESOLVED, That the Mayor and City Council hereby direct the City Attorney to conduct an investigation of former Councilmember Ann Marie Coleman to determine whether she was a legal resident of her ward as well as the City when making votes in the final meetings that she attended, and to determine whether any of her votes are invalid and whether or not she is required to pay back salary to the City.

Councilmember Nicolas moved that the resolution be approved.

Councilmember Zimmer moved that the resolution be divided to vote on each Resolved clause separately.

On a voice vote on the motion to divide the question, the Chair declared the motion carried.

The question on the floor is approval of the following:

NOW THEREFORE BE IT RESOLVED, That the Mayor and all members of the Ann Arbor City Council are hereby required to prove current residency by filing in the City Clerk's Office either (a) a copy of their most recent property tax statement and title to their current home; or (b) copies of rent checks for the last six months and a copy of their current lease;....

On roll call the vote was as follows: Yeas, Councilmembers Fink, Zimmer, Nicolas, 3
Nays, Councilmembers Hunter, Hanna-Davies, Grady, Meade, Peterson, Mayor Brater, 6

The Chair declared the motion defeated.

The question on the floor is approval of the following:

BE IT FURTHER RESOLVED, That the Mayor and City Council hereby direct the City Attorney to conduct an investigation of former Councilmember Ann Marie Coleman to determine whether she was a legal resident of her ward as well as the City when making votes in the final meetings that she attended, and to determine whether any of her votes are invalid and whether or not she is required to pay back salary to the City.

On roll call the vote was as follows: Yeas, Councilmembers Nicolas, 1
Nays, Councilmembers Hunter, Hanna-Davies, Fink, Grady, Meade, Zimmer, Peterson, Mayor Brater, 8

The Chair declared the motion and the resolution defeated.

DEFEATED

RESOLUTION TO REQUEST COUNCILMEMBER HUNTER'S EXPLANATION OF HIS USE OF THE MAYOR AND COUNCIL CAR

Whereas, The Mayor gave herself and Council a city car to use for official city business;

Whereas, Councilmember Larry Hunter drove this car to Washington, D. C. to attend inauguration ceremonies and to attend to some "official city business" with individuals yet unnamed;

Whereas, When asked to investigate Councilmember Hunter's use of the car the City Attorney, wisely and appropriately, said her "investigation" would be "short and sweet and simple," and it was. It was not intended to, nor did it, address the appropriateness of the use of the car; and

Whereas, The citizens and elected officials of Ann Arbor have a right to know Councilmember Hunter's side of the story;

THEREFORE, BE IT RESOLVED, That the City Council of the City of Ann Arbor requests that Councilmember Larry Hunter give a full account of the "official city business" performed during the period of time he took the car to D.C. This should include, but not be limited to: who he met with, what was discussed, how long the discussions lasted, who gave him permission to take the car, and any other information Councilmember Hunter deems significant to defend his use of the car for "city business." This should be presented to Council, in writing, at the next regularly scheduled Council meeting.

Councilmember Nicolas moved that the resolution be approved.

On roll call the vote was as follows: Yeas, Councilmembers Zimmer, Nicolas, 2
Nays, Councilmembers Hunter, Hanna-Davies, Fink, Grady, Meade, Peterson, Mayor Brater, 7

The Chair declared the motion defeated.

R-73-2-93 APPROVED

RESOLUTION TO FILL VACANCY FOR SECOND WARD CITY COUNCIL SEAT

Whereas, A Second Ward City Council seat has been vacated;

Whereas, The term of the vacant seat commenced April 8, 1991, and concludes with the commencement of a new City Council term on April 12, 1993;

Whereas, The City Charter requires that, within thirty days after a City Council vacancy occurs, Council shall fill the seat for the remainder of the unexpired term (12.14.(a).);

RESOLVED, That the Mayor and City Council of Ann Arbor hereby accept the resignation of former Councilmember Dodge; and

RESOLVED, That the Mayor and City Council of Ann Arbor hereby appoint Barbara Bach to fill the vacant Second Ward Council seat until the expiration of its term.

Councilmember Grady moved that the resolution be approved.

On roll call the vote was as follows: Yeas, Councilmembers Hunter, Hanna-Davies, Grady, Meade, Nicolas, Peterson, Mayor Brater, 7
Nays, Councilmembers Fink, Zimmer, 2

The Chair declared the motion carried.

R-74-2-93 APPROVED

RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF
ORDINANCE NO. 1-93 - CHAPTER 32 OF THE CITY CODE
COMMUNITY ANTENNA TELEVISION SYSTEM

Whereas, The City Charter, Section 7.4 authorizes the publication by summary of ordinances over 500 words in length;

RESOLVED, That the publication of ordinance 1-93 shall be by the following summary:

The revisions modify Chapter 32 to reflect current Federal law concerning the regulation of cable television systems by a local franchising authority, including the ability to regulate rates, technical standards, and customer service standards.

The revisions also provide for: annual capital funding for community access functions in an amount equivalent to 1.1 percent of Grantee's gross revenue for the duration of the franchise term; a reduction in the density under which Grantee is obligated to extend service; reservation of an additional (12 MHz) of system capacity to be used by the City for future voice, video, or data applications; the Security Fund will be revised automatically on February 1, 1995 to \$10,000 cash deposit with the City and a \$100,000 unconditional letter of credit.

The complete text of this ordinance is available at the office of the City Clerk.

Councilmember Hunter moved that the resolution be approved.

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

REPORTS FROM COUNCIL COMMITTEES

HOUSING POLICY BOARD - AVALON HOUSING INCORPORATED

Councilmember Hanna-Davies, Housing Policy Board co-chair, said the City is currently working on its fourth housing project, the Avalon Housing Project for affordable housing for low-income persons, to be presented to Council on March 1, 1993.

HUMAN SERVICES FUNDING TASK FORCE

Councilmember Hunter announced that Human Services Funding will be considered in the near future. The meetings will be open to the public.

SPECIAL LIQUOR COMMITTEE

Councilmember Hunter said that letters will be mailed to all of the new liquor license applicants who were not issued a license this year informing them of the outcome of the license procedure recently completed by the SLC. The Special Liquor Committee will be looking into liquor license transfer procedures with an eye toward deterring instances of rowdiness, etc.

COUNCIL PROPOSED BUSINESS

For March 1, 1993:

Resolution Regarding City Car (Councilmember Nicolas)

COMMUNICATIONS FROM THE MAYOR

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

TRANSPORTATION TASK FORCE

Matthew Ferguson (high school student)
1310 Minerva Road

HISTORIC DISTRICT COMMISSION

Ilene Tyler (to fulfill membership requirements)
464 Eberwhite
Term: 02-22-93 to 02-22-96

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

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

Mayor Brater asked for and received the unanimous consent of Council to waive the rules in order to vote on the following appointment this date:

CABLE COMMUNICATIONS COMMISSION

Cassandra St. Clair (reappointment)
P.O. Box 7698
Term: 02-22-93 to 02-22-98

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

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

ANNOUNCEMENTS:

Mayor Brater announced her appointment as co-chair of a technical review group for the U.S. Environmental Protection Agency to help give local government input on solid waste management practices, specifically in developing a research and development plan for the EPA. This is an excellent opportunity for the City of Ann Arbor to share its pioneering

expertise in this area, and it could benefit the City's recycling programs.

COUNCIL CALL-IN

Council Call-in - Councilmember Peterson, 6:30 to 8:00 p.m. on March 24, 1993.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

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

1. Distinguished Budget Presentation Award
2. Monthly Statement of Revenues, Expenditures and Changes in the Fund Balance through January 1993, for Series A/B of the Environmental Bond.
3. Second Quarter Financial Report
4. McNamee, Porter and Seeley Performance on Waste Water Treatment Plant Project

City Administrator Alfred Gatta called attention to Item No. 2, the second quarter financial report. Although the current year expenditure will be revised because revenues are down, it will not have significant impact on the level of services.

The City Administrator received requests for information on other items from members of Council.

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

PUBLIC LAND ZONINGS

Councilmember Grady noted that 2 zoning ordinances approved at first reading this date, 1 adding the tax exempt PL (Public Land) designation and 1 deleting the tax exempt (PL)

Public Land designation, offset each other with regard to City tax revenue loss or gain, with the loss being slightly higher than the gain.

AUGUSTA TOWNSHIP INCINERATOR RESOLUTION

Councilmember Grady announced 2 public sessions to be held by M-Cats regarding hazardous waste incineration on February 25 and March 17, from 7:30 p.m. until 9:00 p.m. at Slauson School.

HUD MEETING - PUBLIC HOUSING SITES

Councilmember Grady announced a meeting scheduled at the HUD office in Detroit on March 3 at 1:00 p.m., to discuss managerial and fiscal requirements, alternative programs, and HUD requirements for tenant/resident management. Councilmember Grady offered to convey the concerns of Councilmembers unable to attend the meeting in person to HUD officials.

APPROPRIATION RESOLUTIONS

Councilmember Fink said that he thought Council inconsistent in its approval of fund appropriating resolutions.

CITY-ASSIGNED VEHICLE AND SECOND WARD COUNCIL SEAT

Councilmember Zimmer complimented the Mayor for returning the City-assigned vehicle to the Central car pool, and for the appointment procedure used to fill the vacated Second Ward Seat.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were received:

1. Helen Kruger, Supervisor's Office of the Great Seal, acknowledging receipt of City's Charter Amendments: Chapter 12, Section 12.4 - Terms of Office, and Chapter 13, Section 13.1 - Officers to be Elected, 13.2 - Regular City Elections, and 13.4 - Primary Elections - File.
2. City Board of Canvassers Report for the February 15, Fifth Ward Primary Election - File

3. Valerie H. Twanmoh, C.O.P.E.- O'Brien Board of Directors Citizen-at-Large - expressing strong support for Council approval of the Human Services Funding request submitted by the C.O.P.E. Program - referred to the Community Development Department and Filed
4. Pauline Skinner, Manager and Senior Loan Officer NBD Mortgage Company - urging support for the C.O.P.E. program - referred to the Community Development Department and Filed
5. Joan Smith - opposed to the Envotech toxic waste incinerator and hazardous waste landfill being located in southeast Michigan - File.

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

1. Building Board of Appeals - November 24, 1992
2. Building Board of Appeals - December 15, 1992
3. Housing Policy Board - January 20, 1993
4. Ann Arbor Energy Commission - January 15, 1992
5. Human Rights Commission - October 22, 1992
6. Sign Board of Appeals - October 13, 1992
7. Sign Board of Appeals - November 10, 1993

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

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

PUBLIC COMMENTARY - GENERAL

LEE PACE - CONDUCT OF COUNCIL

Lee Pace, 3435 Fernwood, expressed the opinion that if First Ward Councilmember Hunter made inappropriate use of a City vehicle he should receive the same disciplinary action as would other City employees.

ROSEMARION BLAKE - CONDUCT OF COUNCIL

Rosemarion Blake, 840 Wickfield Ct., objected to interference in First Ward business, and continued emphasis on the Mayor's use of a City car by Fourth Ward Councilmembers Nicolas and Zimmer.

ADJOURNMENT

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

On a voice vote, the Chair declared the motion carried and the meeting was adjourned at 12:55 a.m.

Winifred W. Northcross
Clerk of the Council

Linda J. Wise
Recording Secretary