

REGULAR SESSION - NOVEMBER 2, 1992

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

Council stood for one moment of silence.

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

ROLL CALL OF COUNCIL

PRESENT: Councilmembers Larry Hunter, Tobi Hanna-Davies, Kirk D. Dodge (entered at 8:30 p.m.), Peter Fink, Robert C. Grady, Nelson K. Meade, Kurt Zimmer, Peter Nicolas, Thais Anne Peterson, Robert Eckstein, Mayor Elizabeth S. Brater, 11.

ABSENT : 0.

INTRODUCTIONS

ELECTION DAY

Mayor Brater reminded the citizens of Ann Arbor that tomorrow is election day and that it is extremely important for everyone to exercise their right to vote.

RESOLUTION RECOGNIZING THE COMMUNITY DENTAL CENTER OF ANN ARBOR

Community Development Director Eileen Ryan announced that the City of Ann Arbor and University of Michigan are recipients, on behalf of the Community Dental Center, of a resolution sponsored by Senator Lana Pollack which recognizes the Community Dental Center on the occasion of its tenth anniversary. University Public Affairs Director Lisa Baker introduced Senator Pollack who presented the State of Michigan Senate Concurrent Resolution No. 740 to Dental Clinic Director Dr. Bagramian and his staff.

PUBLIC COMMENTARY - RESERVED TIME**LARRY FOX - HOUSING**

Larry Fox, 530 S. State St., spoke in opposition to the alcohol ban in West Park which he believes was designed to push homeless people out of the park. Mr. Fox expressed support for the Park Advisory Commission's recommendation to ban alcohol in all City parks to end this discrimination against the homeless.

MICHAEL KLINE - WEST PARK

Michael Kline, 822 S. Main St., spoke in opposition to the alcohol ban in West Park because it discriminates against homeless people. Mr. Kline pointed out the inequities of such a ban by demonstrating, through the testimony of several people, that consumption of liquor is acceptable in most social environments but not in certain City parks by homeless people.

MATTHEW BEATA - WEST PARK

Matthew Beata, 220 Packard St., spoke in opposition to the alcohol ban in the parks around the downtown area which he believes is aimed at homeless people who have no where else to go. Mr. Beata requested that Council take a leadership role in a commitment to build low-income housing to alleviate the problem of homelessness.

TOM WIEDER - CITY ELECTIONS

Tom Wieder, 1200 Linwood Ave., spoke in opposition to the resolution placing a proposition on the April ballot for nonpartisan City elections. Mr. Wieder stated that the resolution was put on the agenda as an eleventh-hour distraction by those opposed to the "Voters Initiative for November Elections" proposal. Mr. Wieder further stated that the proposal for nonpartisan elections should come from a citizen initiative rather than from City Council.

JAMES HUDLER - OZONATION

James Hudler, 400 W. Washington St., stated that the City should be more open about the quality of its water and not delay with implementing the new federal regulations for ozonation of the water supply to lower THM's, a harmful byproduct of chlorination.

WILLIAM KREBAUM - NONPARTISAN ELECTIONS

William Krebaum, 2003 S. Huron Parkway, spoke in favor of the resolution placing a ballot proposition on the April ballot for nonpartisan City Elections. Mr. Krebaum stated that nonpartisan elections would help focus attention on the candidate rather than on party labels.

DAVID RAAFLAUB - LIBERTARIAN FOR U.S. PRESIDENT

David Raaflaub, 1402 Edgewood Ave., stated that because of his belief in a pure democracy, where everyone votes often on all policy, he cannot support the proposal to move City elections to November which would create fewer elections. Mr. Raaflaub spoke in support of the Libertarian candidate for president, Andre Marrou, who stands for less taxes and government and more freedom and liberty.

PETER ROSEWIG - MATERIALS RECOVERY FACILITY

Peter Rosewig, representing Mister Rubbish, stated that a new materials recovery facility is not needed in Ann Arbor since there is enough capacity in two other nearby facilities. Mr. Rosewig stated that building this oversized facility is an unreasonable expenditure of taxpayers' money and urged Council to put out a bid for the processing of recyclables.

The Chair declared a recess at 8:12 p.m.

The Chair again called the meeting to order at 8:14 p.m.

PUBLIC HEARINGS

ARGIERO'S RESTAURANT SITE PLAN

A public hearing was conducted on the proposed Argiero's Restaurant Site Plan, 0.09 acre, 300 Detroit Street. Notice of public hearing was published October 26, 1992.

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

FOXFIRE PHASE I REVISED SITE DEVELOPMENT AGREEMENT

A public hearing was conducted on the proposed Foxfire Phase I Revised Site Development Agreement, Dhu Varren west of Nixon Road. Notice of public hearing was published October 26, 1992.

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

PARKE-DAVIS TOXICOLOGY BUILDING ADDITION SITE PLAN

A public hearing was conducted on the proposed Parke-Davis Toxicology Building Addition Site Plan, 50.9 acres, 2800 Plymouth Road. Notice of public hearing was published October 26, 1992.

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

APPROVAL OF AGENDAAGENDA APPROVED WITH CHANGES

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

CONSENT AGENDA

Move to Resolution to Approve Foxfire Phase I Revised Site Development
Motions & Agreement, Dhu Varren west of Nixon Road (Planning
Resolutions: Commission recommendation: Approval - 9 yeas, 0 nays) **(See Resolution No. R-554-11-92)**

MOTIONS AND RESOLUTIONS

Add: Resolution to Approve Foxfire Phase I Revised Site Development Agreement, Dhu Varren west of Nixon Road (Planning Commission recommendation: Approval 9 yeas, 0 nays) **(Was Consent Agenda Item)**

Delete: Resolution to Authorize the Installation of Traffic Signals at Ashley and Miller and at Glazier Way and Huron Parkway (\$125,000.00) (Tabled October 21, 1992) **(Replaced by the following two resolutions)**

Add: Resolution to Authorize the Installation of a Traffic Signal at Ashley and Miller (\$50,000.00)

Add: Resolution to Authorize the Installation of a Traffic Signal at Glazier Way and Huron Parkway (\$75,000.00)

Add Resolution Ordering Election and Determining Ballot Question for
Sponsor: Charter Amendment Proposed by City Council Regarding Nonpartisan Elections (Councilmembers Zimmer **AND DODGE**)

Add: Resolution to Investigate Options on District Court Space Needs (Mayor Brater)

Delete: Resolution Regarding Procurement Process for a Materials Recovery Facility (MRF) for the City of Ann Arbor (Mayor Brater and Councilmembers Peterson, Meade, Hunter)

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Add: Ozonation System and Water Treatment Plant Improvements

On a voice vote the Chair declared the motion carried.

APPROVAL OF COUNCIL MINUTES

None.

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

Councilmember Hunter moved that the following Consent Agenda items be approved as presented:

R-546-11-92 APPROVED

RESOLUTION TO APPROVE ARGIERO'S RESTAURANT SITE PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Argiero's Restaurant Site Plan, 0.09 acre, 300 Detroit Street.

Whereas, Sam Argiero has requested site plan approval in order to construct a one-story, 1,256 square foot addition to the existing restaurant structure; and

Whereas, The Ann Arbor City Planning Commission, on October 20, 1992, recommended approval of said request;

RESOLVED, By the Mayor and City Council that the Argiero's Restaurant Site Plan be hereby approved.

R-547-11-92 APPROVED

RESOLUTION TO APPROVE A MUNICIPAL LEASE
AND/OR PURCHASE CONTRACT FOR ONE FRONT END
WHEEL LOADER - BID NO. 2312

Whereas, The existing front end wheel loader used by the Utilities Department, Field Services Division, was fully-depreciated and the economically usable life expended;

Whereas, The Purchasing Department, as requested by the Utilities Department, secured competitive bids, No. 2312, and Case Power and Equipment Company, is the lowest responsible bidder, meeting specifications for the front end wheeler loader in the total amount of \$66,468.04 for a 48-month lease/purchase; and

Whereas, The Personnel/Human Rights Department has approved Case Power and Equipment Company on September 30, 1992, as meeting the City's Human Rights requirements;

RESOLVED, That the Council accept and award the bid of Case Power and Equipment Company in the amount of \$66,468.04 as the lowest responsible bidder, meeting specifications of Bid No. 2312 for the lease/purchase of a front end wheel loader; and

RESOLVED, That the Mayor and City Clerk be authorized and directed to sign a lease/purchase contract approved as to form by the City Attorney and approved as to substance by the City Administrator. Funding Source: Stormwater System FY 1992/93 and future approved budgets.

R-548-11-92 APPROVED

RESOLUTION TO APPROVE PURCHASE ORDER FOR
OFFICE SUPPLIES - BID NO. 2225

Whereas, The Administrative Services-Purchasing Division purchases office supplies for all City departments;

Whereas, Silver's Inc. is the lowest responsible bidder for all City of Ann Arbor office supply contract items and special orders;

Whereas, Administrative Services-Purchasing Division estimates that \$60,000.00 will be spent in Fiscal Year 1992-93 for office supplies; and

Whereas, Silver's Inc. received Human Rights approval on September 30, 1992;

RESOLVED, That the Mayor and City Council approve Bid No. 2225 for contract items and special orders in the approximate amount of \$60,000.00 to Silver's Inc.;

RESOLVED, That the City Administrator be directed to issue a standing purchase order to Silver's Inc. for the sum of \$60,000.00 for contract items and special orders; and

RESOLVED, That the City Administrator may extend this agreement for two one-year periods in accordance with Bid No. 2225.

R-549-11-92 APPROVED

RESOLUTION TO APPROVE PURCHASE OF
ONE SUBURBAN 1/2 TON TRUCK FOR FIRE
DEPARTMENT - BID NO. 2346

Whereas, The existing 1987 Dodge used by the Fire Department is fully-depreciated and its economically usable service life has been expended;

Whereas, The Purchasing Department, as requested by the Fire Department, secured competitive bids, No. 2346, which were received October 8, 1992, and in counsel has determined that Wink Chevrolet is the lowest responsible bidder meeting specifications for the Suburban in the amount of \$21,674.64;

Whereas, The Personnel/Human Rights Department has approved Wink Chevrolet on September 21, 1992 as meeting the City's Human Rights requirements; and

Whereas, The one Suburban truck will be purchased with the fiscal year 1992-93 operating budget appropriation in fund 010-032-0140-5130;

RESOLVED, That Council accept the bid of Wink Chevrolet in the amount of \$21,675.64 as the lowest responsible bidder for the Suburban truck; and

RESOLVED, That the City Administrator be directed to issue a purchase order in the amount of \$21,674.64 to Wink Chevrolet to supply one Suburban truck as specified in Bid No. 2346.

R-550-11-92 APPROVED

RESOLUTION TO APPROVE REHABILITATION AGREEMENT WITH JUDITH CAWHORN FOR 406 HISCOCK STREET

Whereas, An application was received from Judith Cawhorn for rehabilitation assistance for her home located at 406 Hiscock Street, Ann Arbor;

Whereas, The homeowner meets the City's criteria for participation in the Housing Rehabilitation Program, and the Waiver Review Board at its October 26, 1992 meeting approved the recommendation of a combination deferred payment loan/low interest loan as stated in the agreement; and

Whereas, Four bids were received on October 22, 1992 and Ms. Cawhorn will be executing an agreement with the lowest acceptable bidder to complete the rehabilitation work;

RESOLVED, That the City Council approve the rehabilitation agreement with Judith Cawhorn in the amount of \$19,954.00 and authorize the Mayor and City Clerk to execute the necessary documents substantially in the form on file in the Office of the City Clerk.

R-551-11-92 APPROVED

RESOLUTION TO APPROVE REHABILITATION AGREEMENT WITH ROSE P. BANTLE FOR 2818 DEXTER AVENUE

Whereas, An application was received from Rose P. Bantle for rehabilitation assistance for her home located at 2818 Dexter Avenue, Ann Arbor;

Whereas, The homeowner meets the City's criteria for participation in the Housing Rehabilitation Program; and

Whereas, Two bids were received on October 8, 1992 and Ms. Bantle will be executing an agreement with the lowest acceptable bidder to complete the rehabilitation work;

RESOLVED, That the City Council approve the rehabilitation agreement with Rose P. Bantle in the amount of \$19,267.00 and authorize the Mayor and City Clerk to execute the necessary documents substantially in the form on file in the Office of the City Clerk.

R-552-11-92 APPROVED

RESOLUTION TO APPROVE REHABILITATION AGREEMENT
WITH LUCINDIA SHELTON FOR 1532 PONTIAC TRAIL

Whereas, An application was received from Lucindia Shelton for rehabilitation assistance for her home located at 1532 Pontiac Trail Ann Arbor;

Whereas, The homeowner meets the City's criteria for participation in the Housing Rehabilitation Program; and

Whereas, Two bids were received on September 17, 1992 and Ms. Shelton will be executing an agreement with the lowest acceptable bidder to complete the rehabilitation work;

RESOLVED, That the City Council approve the rehabilitation agreement with Lucindia Shelton in the amount of \$13,096.00 and authorize the Mayor and City Clerk to execute the necessary documents substantially in the form on file in the Office of the City Clerk.

The question being the foregoing Consent Agenda items as presented, on a voice vote the Chair declared the motion carried.

ORDINANCES - SECOND READING

75-92 APPROVED

STREET OCCUPANCY PERMITS

**An Ordinance to Amend Section 4:14 of Chapter 47
of Title IV of the Code of the City of Ann Arbor**

This ordinance would require that a street occupancy permit include the name of the person to whom it is issued. The permit would be valid only for the period specified and for occupancy by the person to whom it is issued.

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

On roll call the vote was as follows:

Yeas, Councilmembers Hunter, Hanna-Davies, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Eckstein, Mayor Brater, 10;

Nays, 0.

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

ORDINANCES - FIRST READING

76-92 APPROVED

DUFEK ZONING

**An Ordinance to Amend the Zoning Map Being a Part of
Chapter 55 of Title V of the Code of the City of Ann Arbor**

This ordinance would change the zoning of 0.16 acre, located at 570 South Maple Road, from R1C (Single-Family Dwelling District) to C3 (Fringe Commercial District).

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

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

77-92 APPROVED AS AMENDED

SIDEWALK SNOW AND ICE REMOVAL

An Ordinance to Amend Sections 4:60, 4:61,
4:62 and 4:63 of Chapter 49 of Title IV of
of the Code of the City of Ann Arbor

This ordinance would require the owner or occupant of residentially zoned property to remove snow, which has an accumulation of greater than 1 inch, from the adjoining public sidewalk within 12 hours. The ordinance would also clarify the procedures by which the City clears a walk that is not cleared by the owner.

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

At the suggestion of Councilmember Grady, Councilmember Eckstein moved that the time period be changed from 24 hours to **12** hours in Sections 4:60 and 4:61.

On a voice vote the Chair declared the motion carried.

The question being the ordinance as amended, on a voice vote the Chair declared the motion carried and the ordinance approved at first reading.

MOTIONS AND RESOLUTIONS

R-553-11-92 APPROVED

**RESOLUTION TO APPROVE PARKE-DAVIS TOXICOLOGY
BUILDING ADDITION SITE PLAN**

A communication was received from the City Planning Commission transmitting its recommendation of technical denial (5 yeas, 0 nays) of the proposed Parke-Davis Toxicology Building Addition Site Plan, 50.9 acres, 2800 Plymouth Road.

Whereas, Parke-Davis has requested site plan approval in order to construct a two-story, 54,319 square foot laboratory and office addition to the existing toxicology facility; and

Whereas, The Ann Arbor City Planning Commission, on October 20, 1992, reviewed said request;

RESOLVED, By the Mayor and City Council that the Parke-Davis Toxicology Building Addition Site Plan be hereby approved.

Councilmember Hunter moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-554-11-92 APPROVED

RESOLUTION TO APPROVE FOXFIRE PHASE I
REVISED SITE DEVELOPMENT AGREEMENT

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Foxfire Phase I Revised Site Development Agreement, Dhu Varren Road west of Nixon Road.

Whereas, At the request of Guenther Building Company and the City Parks and Recreation Department, revisions were proposed to the site development agreement for Foxfire Phase I; and

Whereas, The Ann Arbor City Planning Commission, on October 13, 1992, recommended approval of said request;

RESOLVED, By the Mayor and City Council that the Foxfire Phase I Site Development Agreement be hereby approved.

Councilmember Eckstein moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

DEFEATED

RESOLUTION TO AUTHORIZE THE INSTALLATION OF
A TRAFFIC SIGNAL AT ASHLEY AND MILLER

Whereas, The intersection of Ashley and Miller warrants a traffic signal in

accordance with the Michigan Manual of Uniform Traffic Control Devices; and

Whereas, Funding for the signalization of this intersection was provided for in the Public Service Department's FY 1992/93 budget;

RESOLVED, That the City Council authorize the City Administrator to issue the necessary traffic control order to install said traffic signal; and

RESOLVED, That the City Council authorize issuance of the necessary purchase orders for materials, supplies, and contracted services for the traffic signal, conditioned on approval by the Personnel/Human Rights Department and compliance with City bidding procedures.

Councilmember Hunter moved that the resolution be adopted.

On roll call the vote as follows:

Yeas, Councilmembers Meade, Zimmer, 2;

Nays, Councilmembers Hunter, Hanna-Davies, Fink, Grady, Nicolas, Peterson, Eckstein, Mayor Brater, 8.

The Chair declared the motion defeated.

TABLED

RESOLUTION TO AUTHORIZE THE INSTALLATION OF A TRAFFIC SIGNAL AT GLAZIER WAY AND HURON PARKWAY

Whereas, The intersection of Glazier Way and Huron Parkway warrants a traffic signal in accordance with the Michigan Manual of Uniform Traffic Control Devices; and

Whereas, Funding for the signalization of this intersection was provided for in the Public Service Department's FY 1992/93 budget;

RESOLVED, That the City Council authorize the City Administrator to issue the necessary traffic control order to install said traffic signal; and

RESOLVED, That the City Council authorize issuance of the necessary purchase

orders for materials, supplies, and contracted services for the traffic signal, conditioned on approval by the Personnel/Human Rights Department and compliance with City bidding procedures.

Councilmember Nicolas moved that the resolution be adopted.

Councilmember Dodge entered at approximately 8:30 p.m.

Councilmember Eckstein moved that the resolution be tabled to the November 16, 1992 regular session of Council for further study.

On roll call the vote was as follows:

Yeas, Councilmembers Hunter, Hanna-Davies, Dodge, Zimmer, Peterson, Eckstein, Mayor Brater, 7;

Nays, Councilmembers Fink, Grady, Meade, Nicolas, 4.

The Chair declared the motion carried and the resolution tabled.

TABLED

RESOLUTION TO AUTHORIZE INSTALLATION OF THE TRAFFIC SIGNAL AT HURON PARKWAY AND HURON RIVER DRIVE

Whereas, The intersection of Huron Parkway and Huron River Drive warrants a traffic signal in accordance with the Michigan Manual of Uniform Traffic Control Devices;

RESOLVED, That the City Council authorize the City Administrator to issue the necessary traffic control order to install said traffic signal;

RESOLVED, That the City Council authorize the transfer of \$80,000.00 from the Parks Department Recreational Facilities Fund Unreserved Retained Earnings to the Public Services Department Major Street Fund, and establishment of a special expenditure account for this project; and

RESOLVED, That the City Council authorize issuance of the necessary purchase orders for materials, supplies, and contracted services for the traffic signal, conditioned on approval by the Personnel/Human Rights Department and compliance with City bidding

procedures.

Councilmember Meade moved that the resolution be adopted.

Councilmember Nicolas moved that the resolution be tabled to the December 21, 1992 regular session of Council to investigate whether the proposed traffic signal could be coordinated with the signal on Geddes Avenue.

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

R-555-11-92 APPROVED

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR
TO AMEND ALL NON-UNION PAY SCHEDULES TO ALLOW
FOR A FY 1992-93 SALARY ADJUSTMENT

Whereas, The City Administrator traditionally recommends, on or about July 1, to City Council a yearly adjustment to the non-union pay schedules to allow for a non-union pay increase;

Whereas, The amount of this increase historically follows a pattern set by the result of union labor contracts and is solely dependent upon the economic health of the City; and

Whereas, On-going contract negotiations forced a delay of this recommendation until this date;

RESOLVED, That the City Administrator be authorized to take all administrative action to amend all non-union pay schedules to allow for a 2% non-union pay increase in FY 1992-93; and

RESOLVED, That the effects of these increases be retroactive to July 1, 1992.

Councilmember Hunter moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-556-11-92 APPROVED

RESOLUTION HONORING CLONLARA SCHOOL AND PAT AND JIM MONTGOMERY

Whereas, Clonlara School celebrates its 25th anniversary, October, 1992;

Whereas, Pat and Jim Montgomery, the founders of Clonlara, continue to devote their time, resources, hearts and souls to the growth of this innovative institution;

Whereas, Thousands of young people have been personally enriched and challenged by the individualized program unique to Clonlara;

Whereas, Individuals from the age of 3 and up have been given the rights and freedom to act as autonomous human beings making choices and decisions that prepare them to function as responsible citizens; and

Whereas, Clonlara remains committed to the philosophy of living as learning and to the continued development of a quality, individualized curriculum and rich environment for children and adults;

RESOLVED, That the Mayor and Council of the City of Ann Arbor recognize and appreciate Clonlara School and its founders, Pat and Jim Montgomery, for the contributions made in enhancing and preserving the freedom of education for all citizens, regardless age.

Councilmember Hunter moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

Mayor Brater presented the resolution to Pat and Jim Montgomery, founders of Clonlara School.

R-557-11-92 APPROVED

RESOLUTION RECOGNIZING YOUTH APPRECIATION WEEK, NOVEMBER 8-14, 1992

Whereas, The vast majority of youth are concerned, knowledgeable and responsible citizens;

Whereas, The accomplishments and achievements of these young citizens deserve

the recognition and praise of their elders;

Whereas, Optimist International has since 1954, developed and promoted a program entitled Youth Appreciation Week; and

Whereas, The citizens of Ann Arbor have indicated a desire to join the Optimists in expressing appreciation and approval of the contributions of youth;

RESOLVED, That the Mayor and City Council of Ann Arbor, Michigan, do hereby recognize November 8-14, 1992 as Youth Appreciation Week in Ann Arbor and by this action let it be known that we have faith in the abilities of today's youth, as they assume responsible roles in society.

Councilmember Peterson moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

DEFEATED

RESOLUTION ORDERING A BALLOT QUESTION FOR
A CHARTER AMENDMENT REGARDING NONPARTISAN ELECTIONS TO
BE PLACED ON THE NEXT SCHEDULED CITY GENERAL ELECTION

RESOLVED, That the City Council of the City of Ann Arbor propose that the City Charter be amended by changing Sections 13.1, 13.4, 13.8, and 13.11 so those sections would be amended as follows:

Officers to be Elected

SECTION 13.1

- (a) At the regular city elections held in April, 1958, and at each regular city election thereafter, one member of the Council shall be nominated and elected from each ward.
- (b) At the regular city election held in April, 1957, and at the regular city election

held in each odd numbered year thereafter, a Mayor shall be nominated and elected from the City at large.

(C) THE ELECTION OF CITY OFFICERS SHALL BE ON A NONPARTISAN BASIS.

Primary Elections

SECTION 13.4

- (a) A city primary election shall be held on the date prescribed by law for the holding of general ~~<spring>~~primary elections. If, upon the expiration of the time for filing nomination petitions for any elective office, it appears that ~~<petitions have been filed for no more than one candidate for the office from each political party nominating candidates therefor>~~ **THE NUMBER OF PERSONS SUBMITTING VALID PETITIONS DOES NOT EXCEED TWICE THE NUMBER OF POSITIONS TO BE FILLED IN THE OFFICE**, no primary election shall be held with respect to the office. The **TWO** candidates receiving the highest number of votes ~~<of their respective parties>~~ **FOR A GIVEN OFFICE** at any city primary election shall be declared the nominees for election to the respective offices for which they are candidates. As to any office with respect to which no primary is necessary, persons named in petitions as candidates for election to the office shall be certified by the Clerk to the Election Commission to be placed upon the ballot for the next subsequent regular election ~~<under the party heading set forth in the nomination petitions for the candidates>~~.

Nomination Petitions

SECTION 13.8

- (a) A person desiring to qualify as a candidate for an elective city office shall file with the Clerk a **NONPARTISAN** nomination petition consisting of one or more official petition forms. Each petition filed by or on behalf of a person seeking nomination to the offices of Mayor shall be signed by not less than 250 nor more than 350 registered electors including at least 50 signatures of residents in each ward. Each petition filed by or on behalf of a person seeking nomination to the office of Council Member shall be signed by not less than 100 nor more than 200 registered electors of the ward from which the persons seeks to be elected.
- (b) Official petition forms, substantially similar to those required by law for state

and county officers, **EXCEPT THAT NO PLACE FOR PARTY DESIGNATION SHALL APPEAR**, shall be prepared and furnished by the Clerk. Before the Clerk furnishes petition forms to any person, the Clerk shall enter thereon, in ink or by typewriter, the name of the person in whose behalf the petition is to be circulated and the name of the office for which the person is a candidate. No petition form which has been altered with respect to such entries shall be received by the Clerk for filing. Nomination petitions for the purpose of filling a vacancy shall so state. Petitions shall be filed with the Clerk not later than 5:00 p.m., on the seventh Monday prior to the date of the regular city primary election. The Clerk shall publish notice of the last day, time, and place for filing nomination petitions at least one week but not more than three weeks before that date.

Form of Ballots

SECTION 13.11. The names of all persons nominated for election to each office shall be placed upon the ballot. The form of the ballot used in any city primary or election and the printing and numbering thereof shall conform, as nearly as may be, with the requirements of the general election laws of the State, **EXCEPT THAT NO PARTY DESIGNATION OR EMBLEM SHALL APPEAR IN REGARD TO CITY OFFICES.**

RESOLVED, That these charter amendments appear on the next scheduled city general election;

RESOLVED, That the Clerk transmit a copy of the proposed amendments to the Attorney General and the Governor of Michigan and perform all other acts required by law for holding the election;

RESOLVED, That the proposed Charter amendment appear on the ballot in the following form, together with the following statement of purpose:

PROPOSED ANN ARBOR CITY CHARTER AMENDMENT
CREATING NONPARTISAN CITY ELECTIONS

Shall the Ann Arbor City Charter be amended to create nonpartisan City elections?

___ YES ___ NO

Purpose of Amendments

These amendments would eliminate partisan primary and

partisan general City elections.

RESOLVED, That the proposed Charter amendments and proposed ballot question, along with the statement of purpose, be published in full not fewer than two times in the Ann Arbor News.

Councilmember Zimmer moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Dodge, Zimmer, Nicolas, 3;

Nays, Councilmembers Hunter, Hanna-Davies, Fink, Grady, Meade, Peterson, Eckstein, Mayor Elizabeth, 8.

The Chair declared the motion defeated.

R-558-11-92 APPROVED

RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT FOR DESIGN OF OZONATION FACILITIES AND OTHER IMPROVEMENTS AT WATER TREATMENT PLANT - RFP NO. 299

Whereas, It is necessary to design the ozonation facilities for compliance with the Surface Water Treatment Rule, and to design other improvements at the Water Treatment Plant;

Whereas, The Utilities Department, through RFP No. 299, solicited and reviewed proposals for this project; and CH2M Hill Michigan, Inc., was selected as the most qualified and capable firm to provide these services;

Whereas, CH2M Hill Michigan, Inc. has submitted a proposal in the amount of \$1,039,867.00 to perform conceptual and detailed designs for the above project; and

Whereas, On October 9, 1992 the Human Resources Department approved CH2M Hill Michigan, Inc. to perform said contract;

RESOLVED, That the Council accept the proposal and award a contract to CH2M

Hill Michigan, Inc., in the amount of \$1,039,867.00 for conceptual and detailed designs of ozonation facilities and other improvements at the Water Treatment Plant;

RESOLVED, That a budget of \$1,139,867.00 be adopted for the project: \$1,039,867.00 for consultant services and \$100,000.00 as a contingency for change orders to be approved by the City Administrator;

RESOLVED, That Council approve the interim advance of \$1,139,867.00 from the Water Supply System Fund to be repaid from the sale of future Water Revenue Bonds; and that this interim advance be approved for the life of the project, to be available until expended without regard to the fiscal year; and

RESOLVED, That the Mayor and City Clerk be authorized and directed to sign the professional service agreement, approved as to form by the City Attorney and approved as to substance by the City Administrator.

Councilmember Hunter moved that the resolution be adopted.

Councilmember Zimmer moved that the resolution be tabled to the November 16, 1992 regular session of Council for further review.

On roll call the vote was as follows:

Yeas, Councilmembers Zimmer, Eckstein, 2;

Nays, Councilmembers Hunter, Hanna-Davies, Dodge, Fink, Grady, Meade, Nicolas, Peterson, Mayor Brater, 9.

The Chair declared the tabling motion defeated.

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

Yeas, Councilmembers Hunter, Hanna-Davies, Fink, Grady, Meade, Nicolas, Peterson, Eckstein, Mayor Brater, 9;

Nays, Councilmembers Dodge, Zimmer, 2.

The Chair declared the motion carried.

RESOLUTION TO AUTHORIZE PURCHASE OF BITUMINOUS PAVING MATERIALS - BID NO. 2268

Whereas, Competitive bids for the supply of bituminous materials used in the maintenance of roads have been received by the City;

Whereas, Two bids were received from qualified supply firms;

Whereas, The operating budget of the Public Services Department, Transportation Division, contains funds allocated for the purchase of bituminous materials; and

Whereas, The Barrett Paving Materials, Inc. received Human Rights approval on April 29, 1992;

RESOLVED, That a purchase order for the supply of bituminous paving materials be issued to Barrett Paving Materials, Inc. in the amount of \$147,000.00 (Bid No. 2268)

Councilmember Nicolas moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-560-11-92 APPROVED

RESOLUTION TO APPROVE AMENDMENT TO HOUSING AFFORDABILITY AGREEMENT WITH SHELTER ASSOCIATION OF ANN ARBOR/AVALON FOR 618 NORTH MAIN STREET

Whereas, City Council at its meeting on June 1, 1992 approved the Housing Affordability Agreement with the Shelter Association/Avalon for the acquisition/rehabilitation of the building at 618 North Main Street;

Whereas, The agreement approved \$32,569.00 of HOME funds as a deferred payment loan to be used for rehabilitation of the structure;

Whereas, Because of the extremely poor condition of the building, additional funds

must be allocated to cover all rehabilitation expenditures; and

Whereas, The Housing Policy Board at its meeting on October 21, 1992 recommended the approval of the amendment to City Council;

RESOLVED, That City Council approve the amendment to the Housing Affordability Agreement with the Shelter Association of Ann Arbor/Avalon to award \$10,000.00 of HOME funds as a deferred payment loan to be used for additional rehabilitation costs; and

RESOLVED, That City Council authorize the Mayor and City Clerk to execute the amendment substantially in the form on file in the Office of the City Clerk.

Councilmember Eckstein moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Hanna-Davies, Dodge, Fink, Grady, Meade, Zimmer, Nicolas, Peterson, Eckstein, Mayor Brater, 10;

Nays, 0;

Absent during vote, Councilmember Hunter, 1.

The Chair declared the motion carried.

R-561-11-92 APPROVED

RESOLUTION TO APPROVE EMERGENCY MANAGEMENT GRANT AGREEMENT THAT ALLOWS FOR FEDERAL EMERGENCY MANAGEMENT ASSISTANCE TO LOCAL UNITS OF GOVERNMENT FOR DEVELOPMENT AND MAINTENANCE OF AN EMERGENCY MANAGEMENT PROGRAM

Whereas, The City of Ann Arbor under Public Act 390 of 1976, as amended, is an emergency management service district, and Chapter 15 of the City of Ann Arbor Code establishes an Office of Disaster Preparedness to provide services identified in Public Act 390 of 1976, as amended;

Whereas, In order to obtain reimbursement of funds expended for the Office of Disaster Preparedness, the City of Ann Arbor has elected to be part of a federal grant to the State of Michigan as a subgrantee to receive emergency management allocated funds;

RESOLVED, That the City of Ann Arbor agree to enter into the grant contract with the State of Michigan and the Federal Emergency Management Agency by authorizing the Mayor and City Clerk to sign an agreement that substantially corresponds to the agreement that is on file in the City Clerk's Office; and

RESOLVED, That the City Administrator be directed to accept these reimbursement grant funds and deposit them into the Police Department budget revenue source 010-031-2111 to meet the currently approved appropriated amount.

Councilmember Eckstein moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-562-11-92 APPROVED

RESOLUTION AUTHORIZING AMENDMENTS TO EXECUTIVE PAY PLAN

Whereas, The Ann Arbor City Council adopted, on January 21, 1992, Phases One and Two of the City's Executive Pay Plan;

Whereas, The intent of the original plan was to expand the Executive Pay Plan over time;

Whereas, These proposed amendments, "Phase Three," serve to form the Amended Executive/Professional Pay Plan;

Whereas, The City Administrator's Office, with the assistance of the Finance and Human Resources Departments, used the guidelines set by the Federal Fair Labor Standards Act, and examined salary data from other jurisdictions, in creating the Amended Executive/Professional Pay Plan;

Whereas, The Federal Fair Labor Standards Act (FLSA) allows employers to create a group of "Exempt" positions which are not eligible to receive Overtime or Compensatory time for excess hours worked;

Whereas, The Amended Executive/Professional Pay Plan creates a group of exempt positions with the knowledge that it is in the best interest of the City to expand this group of exempt positions where ever possible;

Whereas, The Amended Executive/Professional Pay Plan is beneficial to affected employees by broadening pay ranges, allowing for more flexible salary administration, and creating a merit-based pay system; and

Whereas, The Amended Executive/Professional Pay Plan benefits the City by eliminating compensatory time accrual and overtime payments to affected employees, saving thousands of dollars per year;

RESOLVED, That the Amended Executive/Professional Pay Plan be adopted by City Council;

RESOLVED, That the City Administrator be authorized to implement the Amended Executive/Professional Pay Plan as described in the supporting documentation on file in the City Clerk's Office;

RESOLVED, That positions newly incorporated into the Amended Executive/Professional Pay Plan in Phase Three receive a cash buy-out of up to 120 hours of accrued compensatory time;

RESOLVED, That positions newly incorporated into the Amended Executive/Professional Pay Plan in Phase Three receive a one-time, cash payment in lieu of future compensatory time accrual in the amount of 3% of base salary at the time of implementation;

RESOLVED, That the City Administrator be authorized to make minor changes to the Amended Executive/Professional Pay Plan as necessary to administer the plan in the future, such minor changes may include the addition and elimination of positions from the plan or eligibility list, the movement of positions between pay ranges, etc.; and

RESOLVED, That City Council reserve the final authority to increase or decrease the pay ranges in both the Executive and Professional schedules.

Councilmember Fink moved that the resolution be adopted.

On a voice vote the Chair declared the motion carried.

R-563-11-92 APPROVED AS AMENDED

RESOLUTION TO INVESTIGATE OPTIONS ON

DISTRICT COURT SPACE NEEDS

A resolution to investigate options on District Court space needs was considered.

Councilmember Hunter moved that the resolution be adopted.

Council unanimously agreed that the fifth paragraph of the resolution be amended as follows:

RESOLVED, That the City Council request the City Administrator to contact Washtenaw County officials to ascertain the availability and cost of shared court facilities ~~<at>~~ **WITH** the County ~~<Courthouse>~~;

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

The resolution as adopted reads as follows:

R-563-11-92

RESOLUTION TO INVESTIGATE OPTIONS ON DISTRICT COURT SPACE NEEDS

Whereas, The City Council wishes to address the space needs and security concerns of the Fifteenth District Court;

Whereas, The City Council has asked the City Administrator for a report on progress with this issue;

Whereas, It may be useful to have more than one alternative to address the District Court's needs; and

Whereas, The District Court has expressed an interest in working with other Washtenaw County judges to pilot a Unified Trial Court approach, which may have implications for the space needs issue and which may have advantages and disadvantages for the citizens of Ann Arbor;

RESOLVED, That the City Council request the City Administrator to contact Washtenaw County officials to ascertain the availability and cost of shared court facilities with the County;

RESOLVED, That the City Administrator prepare a contingency plan for court space

needs, including the use of the studio, office and conference room area of the second floor of the Firehall; and

RESOLVED, That the City Administrator develop recommendations to address the security concerns of the court on a short-term basis, while negotiations for additional space are conducted.

REPORTS FROM COUNCIL COMMITTEES

LIQUOR COMMITTEE

Councilmember Hunter reported that the Liquor Committee will meet within the next week to finalize criteria for screening applicants for new liquor licenses and that recommendations will soon be presented to Council. Mr. Hunter stated that the committee's next task will be to address Council concerns regarding procedures for renewing liquor licenses and that a recommendation on this issue will be presented to Council within 60 days.

ZONING BOARD OF APPEALS

Councilmember Nicolas reported that the Zoning Board of Appeals will begin informally to look at problems in the appeal process due to vagueness in the zoning ordinance and frequently occurring cases requiring variances. Mr. Nicolas encourage input from Councilmembers and citizens.

COUNCIL PROPOSED BUSINESS

NOVEMBER 16 REGULAR SESSION:

Resolution Challenging Federal Regulations Regarding Drinking Water Quality
(Councilmember Hunter)

COMMUNICATIONS FROM THE MAYOR

APPOINTMENT APPROVED

Mayor Brater recommended the following appointment at the October 21, 1992 continued regular session of Council:

ANN ARBOR TRANSPORTATION AUTHORITY BOARD

James H. Saalberg (replacing Myrtle Cox)
2711 Provincetown Ct.
Term: 11/2/92 to 11/2/97

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

On a voice vote the Chair declared the motion carried.

NOMINATIONS PLACED ON TABLED

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

HOUSING COMMISSION

Constance Jones (replacing George C. Stewart at term expiration)
869 Wickfield Ct.
Term: 11/16/92 to 11/16/97

CAPITAL IMPROVEMENTS REVIEW COMMITTEE

Nelson Meade, City Councilmember
Peter Fink, City Councilmember

HIV/AIDS TASK FORCE

Patrick Yankee
800 W. Huron St., #4

Cecilia M. Sheehan
2729 Packard St.

Claudia Dwass
1142 S. Forest Ave.

Linda Drach
2729 Packard St.

David G. Ostrow
712 Hutchins Ave.

Anthony P. Welsh
1432 Broadway St.

Toby Citrin
2206 Rivenoak Ct.

Jim Toy
619 E. University Ave., #C4

Ann E. Eyler
2919 Whittier Ct.

George L. Ridenour
2215 Fuller Rd.

Yong Kim
533 S. Fourth Ave.

Councilmember Robert Eckstein
100 N. Fifth Ave.

DOWNTOWN DEVELOPMENT AUTHORITY

Ruth Schekter (replacing James Hart at term expiration)
1038 Baldwin Ave.
Term: 11/16/92 to 7/31/96

David Fritz (replacing Robert Anderson at term expiration)
200 S. Main St., Rm. 200
Term: 11/16/92 to 7/31/96

Lorri D. Sipes (reappointment)
208 W. Liberty St.
Term: 11/16/92 to 7/31/96

SIGN BOARD OF APPEALS

James Szumko (reappointment)

3671 Middleton Dr.
Term: 11/16/92 to 11/16/95

UPCOMING ELECTION

Mayor Brater extended appreciation to the City Clerk and her staff for their efforts in preparing for tomorrow's presidential election. The Mayor announced that the polls will be open tomorrow from 7:00 a.m. to 8:00 p.m.

COUNCIL CALL-IN

Mayor Brater announced that the next Council Call-In is scheduled for November, 4, from 6:30 - 8:00 p.m. and that Councilmember Nicolas will be on duty. Ms. Brater stated that, due to the Veteran's Day holiday, no Council-Call In will be conducted on the following Wednesday, November 11.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

City Administrator Gatta submitted the following reports for information of Council:

1. "Diversity '92" Study
2. Glassphalt for Street Repairs
3. Residential Parking in the North Central Area
4. Removal of the Street Plates on Fuller Road and Oakway

(Reports on file in the City Clerk's Office)

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER GRADY

Councilmember Grady reported that the State Street Area Association plans to donate money to the Shelter Association of Ann Arbor, rather than purchase a newspaper ad publicly thanking the Mayor and Council for the decisive action regarding the upcoming Jacobson's vacancy.

COUNCILMEMBER PETERSON

Councilmember Peterson announced that a public hearing on the Park Advisory Commission's proposal concerning alcohol use in City parks is scheduled for 7:30 p.m., November 4, in the Council Chamber.

COUNCILMEMBER HUNTER

Councilmember Hunter stated that he will be proposing a resolution which would request the Parks and Recreation Department to develop a sampling mechanism for obtaining public opinion on park issues.

COUNCILMEMBER ZIMMER

Councilmember Zimmer announced that there will be a petition drive to place the issue regarding nonpartisan City elections on the ballot for the next City election.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from Governor John Engler regarding the new "social contract" between welfare clients and local communities - Community Development.

The following minutes were received for file:

1. Community Development Block Grant Executive Committee - September 21, 1992
2. Planning Commission - September 1 and September 15, 1992
3. Historic District Commission - September 10, 1992
4. Housing Policy Board - October 21, 1992

5. Human Rights Commission - September 10, 1992
6. Downtown Development Authority - July 9 and September 10, 1992
7. Ann Arbor Transportation Authority Board - September 23, 1992

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

On a voice vote the Chair declared the motion carried.

PUBLIC COMMENTARY - GENERAL

TOM WIEDER - PARTISAN ELECTIONS

Tom Wieder, 1200 Linwood Ave., responded to Councilmember Nicolas' statement that Mr. Wieder threatened to destroy Mr. Nicolas if he voted for the resolution to place the issue of nonpartisan City elections on the ballot. Mr. Wieder clarified that what he actually stated was that he promised to work for Mr. Nicolas' political defeat. Mr. Wieder spoke in favor of partisan elections which he believes fosters accountability in government.

ADJOURNMENT

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

On a voice vote the Chair declared the motion carried and the meeting adjourned at 11:05 p.m.

W. Northcross
Clerk of the Council

Janet L. Chapin
Recording Secretary