

1. Council Meeting Agenda

Documents:

[08-14-18 REVISED FINAL AGENDA.PDF](#)

2. Council Meeting Packet

Documents:

[AUGUST 14TH CITY COUNCIL MEETING PACKET.PDF](#)



**CITY OF YPSILANTI
CITY COUNCIL REGULAR MEETING
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, AUGUST 14, 2018
6:30 p.m.**

I. CALL TO ORDER –

II. ROLL CALL –

Council Member Bashert	P A	Council Member Robb	P A
Mayor Pro-Tem Brown	P A	Council Member Vogt	P A
Council Member Murdock	P A	Mayor Edmonds	P A
Council Member Richardson	P A		

III. INVOCATION –

IV. PLEDGE OF ALLEGIANCE –

"I pledge allegiance to the flag, of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

V. AGENDA APPROVAL –

VI. CLOSED SESSION – 6:30-7:00 p.m.

Closed Session to discuss pending litigation Yapp v. City of Ypsilanti. OMA 15.268. Section 8(e).

VII. INTRODUCTIONS

VIII. PRESENTATIONS –

Resolution No. 2018-186, recognizing the exemplary work done of K-9 Buky and Officer Schembri.

IX. AUDIENCE PARTICIPATION –

X. REMARKS BY THE MAYOR –

XI. ORDINANCES - FIRST READING –

Ordinance No. 1313

1. An ordinance to prohibit the removal of artifacts, digging-up of public lands or possession or use of metal detectors in public parks or public lands, (***postponed 7/17/18***)

- A. Resolution No. 2018-139, determination

Ordinance No. 1320

2. An ordinance to amend Chapter 58, Article IV, Division 1 of the Ypsilanti City Code of Ordinances to require that landlords share certain information with their tenants upon occupancy.

A. Resolution No. 2018-187, determination
B. Public Hearing
C. Resolution No. 2018-188, close public hearing

Ordinance No. 1321

3. An ordinance to amend Chapter 58, Article III, Division 1, Section 58-62 of the Ypsilanti City Code of Ordinances to provide further clarification of the definitions of the terms 'income' and 'disability' for the purposes of discrimination."

A. Resolution No. 2018-204, determination
B. Public Hearing
C. Resolution No. 2018-205, close public hearing

XII. CONSENT AGENDA –

Resolution No. 2018-189

1. Resolution No. 2018-190, approving minutes of July 17, 2018.
2. Resolution No. 2018-191, approving appointments to boards and commissions.
3. Resolution No. 2018-192, approving Ordinance No. 1317, to amend Chapter 46, Article II, Sections 46-31 and 46-32 of the Ypsilanti City Code of Ordinances to allow employees of governmental units other than the City of Ypsilanti to serve on the Board of Ethics, and to allow members to serve multiple terms. ***(Second Reading)***
4. Resolution No. 2018-193, approving the recommendation from the Ypsilanti Senior Center Board of Directors to increase the rental rate for the Ypsilanti Senior Center.
5. Resolution No. 2018-194, approving Ordinance No. 1319, to amend Chapter 7, "Medical Marijuana" of the Code of Ordinances of the City of Ypsilanti to provide for State Licensing deadlines as determined by the Administrative Rules set by the State of Michigan. ***(Second Reading)***
6. Resolution No. 2018-195, accepting City Manager performance review.
7. Resolution No. 2018-196, declaring the month of September as, "Turn the Town Teal" in the City of Ypsilanti and approving teal ribbons be placed in observance of the campaign to create awareness of ovarian cancer.
8. Resolution No. 2018-197, approving Fireworks Display Permit Application from Andrew Espenshade of ACE Pyro, LLC on behalf of Eastern Michigan University to allow fireworks at Rynerson Stadium.

XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2018-198, approving non-resident appointment to the YDDA.
2. Resolution No. 2018-199, approving the Clean and Green Pilot Program.
3. Resolution No. 2018-200, approving the Sub-Award Agreement with Washtenaw County for use of CDBG funding to purchase a playscape for Riverside Park.
4. Resolution No. 2018-201, approving bid for purchase of an A770 T4 Bobcat All-Wheel Steer Loader with 84" Snow Blower and Scraper Attachments and awarding contract to Diuble Equipment, Inc.
5. Resolution No. 2018-202, approving bid for South Huron Municipal Parking Lot Project and awarding contract to Best Asphalt, Inc.
6. Resolution No. 2018-203, approving 2% wage increase for City Manager Darwin McClary and City Clerk Frances McMullan effective this fiscal year (7/1/2018).
7. Resolution No. 2018-206, appointing delegate and alternate to the Michigan Municipal League Annual Convention to be held September 20-22, 2018 in Grand Rapids, Michigan.
8. Discussion regarding the Heritage Festival Policing Cost.

XIV. LIAISON REPORTS –

- A. SEMCOG Update
- B. Washtenaw Area Transportation Study
- C. Urban County
- D. Ypsilanti Downtown Development Authority
- E. Eastern Washtenaw Safety Alliance
- F. Friends of Rutherford Pool
- G. Housing Equity Leadership Team

XV. COUNCIL PROPOSED BUSINESS –

XVI. COMMUNICATIONS FROM THE MAYOR –

Nominations:

Planning Commission

Jessica Donnelly (replacing Chris Madigan)
757 Mildred
Ypsilanti, MI 48197

Ypsilanti Downtown Development Authority

Andrew French, **non-resident** (one-year term)
6138 Vineyard Ave.
Ann Arbor, MI 48108

Janette Rook (one-year term)
200 W. Michigan Ave.
Ypsilanti, MI 48197

Police Advisory Commission

Herman Humes, Jr. (filling vacancy)
1104 Grant S.
Ypsilanti, MI 48197

XVII. COMMUNICATIONS FROM THE CITY MANAGER –

XVIII. COMMUNICATIONS –

- Memo from City Attorney John Barr regarding the Community Benefits Ordinance (CBO) scheduled for a Special Meeting on August 29, 2018.
- June 19th Traffic Review Committee Minutes
- July 26th Traffic Review Committee Draft Minutes
- Amended HRC Annual Report

XX. AUDIENCE PARTICIPATION –

XXI. REMARKS FROM THE MAYOR –

XXII. ADJOURNMENT –

Resolution No. 2018-207, adjourning the City Council meeting



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XXII. ADJOURNMENT –

Resolution No. 2018-207, adjourning the City Council meeting



REQUEST FOR LEGISLATION
August 14, 2018

FROM: Police Chief Tony DeGiusti

DATE: August 10, 2018

SUBJECT: Retirement of Police K-9

Summary and Background:

K-9 Buky started at the Police Department in September of 2007. In May of 2018 his age and physical condition was reviewed and it was decided that it was time for him to retire. The bond between handler and K-9 is very strong, especially in cases where the team has been together as long as Buky and Officer Schembri have (11 years). It is common and tradition that upon retirement the K-9 is kept with the handler for the remainder of their natural life.

Action Requested:

Pass a resolution recognizing the exemplary work done by K-9 Buky and Officer Schembri, K-9 Buky's retirement from service and donating the K-9 to Officer Schembri.

City Manager Approval: _____ Council Agenda Date: _____

City Manager Comments:

Finance Director Approval: _____



Resolution No. 2018-186
August 14, 2018

A RESOLUTION AUTHORIZING RETIREMENT OF A PATROL SERVICE DOG
"BUKY" FROM K-9 UNIT AND DONATION TO POLICE OFFICER ANTHONY SCHEMBRI

RESOLVED BY THE CITY COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti, Ypsilanti Police Department (YPD) has previously established a K-9 Unit; and

WHEREAS, the YPD K-9 Unit consists of certain Officers of the Ypsilanti Police Department and patrol service dogs; and

WHEREAS, the YPD K-9 Unit purchased a patrol service dog named "Buky" in 2007; and

WHEREAS, "Buky" has developed health issues due to his age preventing him from fully performing his duties with the YPD; and

WHEREAS, "Buky" should be retired from police work due to the aforesaid health issues; and

WHEREAS, "Buky" has rendered faithful performance and conducted himself in a mostly exemplary manner while serving as a member of the YPD K-9 Unit; and

WHEREAS, "Buky's" handler is YPD Officer Anthony Schembri who has agreed to accept the donation of "Buky" and provide him with care and necessary upkeep, and release the City of Ypsilanti of all liability; and

WHEREAS, the Ypsilanti City Council is of the considered opinion that donation of "Buky" to his handler YPD Officer Schembri is in the best interests of all parties concerned;

NOW THEREFORE BE IT RESOLVED that the Ypsilanti City Council hereby commend the contributions made by K9 Buky, recognize his retirement from service and donate him to his handler, YPD Officer Schembri.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:



**Barr,
Anhut &
Associates, P.C.**
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John M. Barr
Karl A. Barr
~~~~~

Jesse O'Jack ~ Of Counsel  
William F. Anhut ~ Of Counsel – Retired  
Jane A. Slider ~ Legal Assistant

**REQUEST FOR LEGISLATION**

DATE: June 11, 2018

FROM: John M. Barr

SUBJECT: Ordinance to prohibit treasure hunting without permission

**SUMMARY/BACKGROUND**

The City of Ypsilanti does not have an ordinance prohibiting treasure hunting without permission. Such an ordinance would help preserve artifacts in the city. City Manager McClary has requested we prepare such an ordinance and one is attached.

ATTACHMENTS: Proposed Ordinance

RECOMMENDED ACTION: Adoption of the ordinance

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DATE RECEIVED: \_\_\_\_\_ AGENDA ITEM NO. 2018-139

CITY MANAGER COMMENTS: \_\_\_\_\_





**Barr,  
Anhut &  
Associates, P.C.**  
ATTORNEYS AT LAW

June 15, 2018  
Page 2

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FOR AGENDA OF: \_\_\_\_\_ FINANCE DIR. APPROVAL: \_\_\_\_\_



Resolution 2018-139  
June 19, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

That the proposed ordinance entitled "An ordinance to prohibit the removal of artifacts, digging-up of public lands (treasure hunting) or possession or use of metal detectors in public parks or public lands without permission be approved on First Reading.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:

NO:

ABSENT:

VOTE:



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Jennifer A. Healy ~ Legal Assistant

## **MEMORANDUM**

**To: Hon. Mayor and City Council, City of Ypsilanti**  
**From: John M. Barr, Ypsilanti City Attorney**  
**Date: August 10, 2018**  
**Re: Treasure hunting in the city; City Attorney Memo**

From time to time the city receives inquiries about the legality of treasure hunting with a metal detector in city parks. The City Manager requested that we prepare a draft ordinance.

We prepared a draft ordinance prohibiting treasure hunting in the city without permission and presented it to City Council. The ordinance was not acted on and Council asked for more information. Accordingly, I did additional investigation of the matter.

### **Definition of Treasure Hunting**

Webster defines treasure hunting as "an act of hunting for treasure." In this memo I will define treasure hunting as an act of hunting for treasure including the use of metal detector to locate items buried in the ground and digging up found items.

### **Question**

The question is whether or not treasure hunting should be allowed in the City of Ypsilanti, and if so, should it be regulated?

### **Other Communities**

My informal survey of Michigan cities indicates that very few have a treasure hunting ordinance. Battle Creek has a park ordinance:



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Battle Creek: 1060.01 INJURY TO PARK PROPERTY.

(b) No person shall dig up or remove any soil, rock, stones, or any other property of any kind and nature not his or her own, or make any excavation by any tool, equipment or other means or agency, in any public park or playground unless prior written permission to do so is obtained from the City Manager or his or her designee.

The Marquette city code, section 34-4, prohibits metal detectors in city parks.

The State of Michigan

The State of Michigan web site information on treasure hunting reveals that the state oversees all archaeology performed on state land:

The Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 761, requires that a permit be obtained prior to undertaking any archaeological investigation on state land. Applications for permits are available through the Department of Natural Resources (DNR). Go to the [DNR website](#) for information.

The use of metal detectors on state land is regulated by the DNR. Please consult the DNR web site for information on [metal detector use](#). The use of metal detectors is harmful to archaeological sites because it results in the removal of individual artifacts from their association with other artifacts, and from their association with the soil layer they were in. This results in the loss of important historical information.

DNR rules apply to treasure hunting in state parks.

Metal detecting is allowed in designated parks when it is conducted in ways that do not damage the resources or violate state laws. Any items found must be reviewed by park staff and may be retained for further investigation.



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Treasure hunting in state parks must be with a permit, and in specified locations. Five state parks are open to treasure hunting, around fifty state parks have some areas in the park open and around 40 state parks are closed to treasure hunting.

### Ypsilanti History, Location and Artifacts

The 1931 publication, *Wilbert Hindsdale's Archaeological Atlas of Michigan*, indicates that there are at least two Native American sites of archaeological interest in Ypsilanti. The City of Ypsilanti is unique in that it is located on the banks of the Huron River, is on the Potawatomi Trail, an ancient native American trail, and is, according to Hindsdale, at the convergence of five native American trails. Many early European people, hunters, trappers, traders and travelers, passed through Ypsilanti and many settled in the area, around the banks of the Huron River. These early people brought metal items with them and traded with the native Americans.

The *City-Wide Historical and Architectural Survey* prepared by the Resource Design Group of Ann Arbor in 1983, funded in part by a grant from the US Department of the Interior, National Park Service mentions the likely presence of historical valuable artifacts in the City of Ypsilanti.

### City Policy of Historic Preservation

The Ypsilanti Historic District Commission Ordinance declares Historic preservation a public purpose and at section 54-31, defines historic preservation and historic resource as:

Historic preservation means the identification, evaluation, designation and protection of resources significant in history, architecture, archeology, engineering or culture.

Historic resource means a publicly or privately-owned building, structure, site, object, feature or open space that is significant in the



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history, architecture, archeology, engineering or culture of this state  
or a community within the state or of the United States.

**Present State of the Law**

There currently is no law prohibiting treasure hunting in the City of Ypsilanti. City Code section 62-32 requires finders of lost property to turn it over to the Ypsilanti Police Chief. There is no law requiring treasure hunters to register with the City.

**Recommendation**

Ypsilanti is an old city, with significant history of native American cultures and early European inhabitants. Studies, exploration and past artifact findings all point to the fact of artifacts existing in the city soil. City policy favors preservation of historic sites, objects and archeology. The state DNR policy proclaims that use of metal detectors to find artifacts is harmful to archeological exploration.

Therefore, it is my recommendation that City Council re-visit the proposed ordinance to prohibit treasure hunting on public lands in the city without permission

## Ordinance No. 2018- 1313

An ordinance to prohibit the removal of artifacts, digging-up of public lands or possession or use of metal detectors in public parks or public lands

1. THE CITY OF YPSILANTI ORDAINS That a new subsection (4) be added to Code Section 78-91, and new subsections (6), (7), (8), and (9) be added to Code Section 78-96, as follows:

Sec. 78-91. Function of park system and open areas.

The function of the park system, city owned property and open areas is to:

- (1) Provide the citizens of the city with the opportunity to peacefully enjoy natural and scenic areas;
- (2) Provide recreational opportunities; and
- (3) Preserve natural habitats for wildlife and to permit athletic competition in designated areas.
- (4) **Preserve all artifacts and property in City parks, city owned property and open spaces for the city and public, and to prohibit unauthorized persons removing artifacts or other personal property from City parks, city owned property and open spaces within the City.**

Sec. 78-96. Damaging park and city property.

While in a city park, city owned property or open area, no person, **unless duly authorized by the City,** shall:

- (1) Damage, deface, disfigure, injure, tamper with, displace, remove or attach to, any building, bridges, deck, dock, tables, benches, fencing, fountains, paving or paving material, water lines, or other public utilities, or parts of appurtenances thereof, any signs, notices, placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities, either real or personal.
- (2) Attach any rope, wire or any other object to any light post, tree or planter or to use any tree, light post or planter as an anchor.
- (3) Climb any tree, or walk, stand or sit upon monuments, fountains, railings, fences or upon other property not designated or customarily used for such purposes.
- (4) Build, light, kindle or maintain any open or outdoor fire, except in areas or facilities specifically built and designated for that purpose, or by special permission and permit granted by the city manager or his designee.

- (5) Meddle either directly or indirectly with any fountain, fixtures or appurtenance belonging to the city or with pipes or appurtenances to turn water off or on in fountains.
- (6) **Possess a metal detector in any public park, city owned property or open space.**
- (7) **Use a metal detector or other device to search for items on or under the soil surface in any public park, city owned property, or open space.**
- (8) **Dig into or disturb the soil in any public park, city owned property, or open space.**
- (9) **Remove any artifacts or personal property in any public park, city owned property or open space. Nothing in this paragraph shall be construed to prohibit anyone from removing personal property that was lawfully in his or her possession upon entering said public park, city owned property, or open space.**

**2. Severability.** If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

**3. Repeal.** All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

**4. Savings Clause.** The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

**5. Copies to be available.** Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

**6. Publication and Effective Date.** The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.



MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 2018.

\_\_\_\_\_  
Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. \_\_\_\_\_ was published according to  
Section 11.13 of the City Charter on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular  
meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Frances McMullan, City Clerk

Notice Published: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_



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**REQUEST FOR LEGISLATION**

**DATE: August 9, 2018**

**FROM: Daniel J. DuChene, Assistant Ypsilanti City Attorney**

**SUBJECT: An ordinance to amend Chapter 58, Article IV, Division 1 of the Ypsilanti City Code of Ordinances to require that landlords share certain information with their tenants upon occupancy**

**SUMMARY/BACKGROUND**

City Council expressed an interest in requiring that landlords provide certain information to their tenants upon occupancy and directed this office to review similar requirements of the cities of Ann Arbor and East Lansing. After conducting this review, the attached ordinance is presented for consideration. The ordinance requires that certain information be prepared and approved by City Council, then made available to landlords at no cost for distribution to their tenants. Likewise, this information would also be made available to tenants at no cost, if they want to pick it up directly from the City. Drafts of this information have been circulated for review. Consideration of the specific material will be presented to City Council by resolution at a later meeting if the ordinance presented is adopted.

---

**DATE RECEIVED:** \_\_\_\_\_ **AGENDA ITEM NO.** Res. No. 2018-187

**CITY MANAGER COMMENTS:** \_\_\_\_\_

**FOR AGENDA OF:** 8/14/18 **FINANCE DIR. APPROVAL:** \_\_\_\_\_

**COUNCIL ACTION TAKEN:** \_\_\_\_\_



Resolution No. 2018-187  
August 14, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

That an ordinance entitled "An ordinance to amend Chapter 58, Article IV, Division 1 of the Ypsilanti City Code of Ordinances to require that landlords share certain information with their tenants upon occupancy" be approved on First Reading.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:



**CITY OF YPSILANTI  
NOTICE OF ADOPTED ORDINANCE  
Ordinance No. 1320**

An ordinance to amend Chapter 58, Article IV, Division 1 of the Ypsilanti City Code of Ordinances to require that landlords share certain information with their tenants upon occupancy

- 1. THE CITY OF YPSILANTI HEREBY ORDAINS** that Chapter 58, Article IV, Division 1 of its Code of Ordinances be amended to add a new Section 58-123, to read as follows:

Sec. 58-123. – Information to be provided at occupancy.

At the time occupancy is given to a tenant of a residential premises, the landlord shall provide each tenant with specific information regarding voting and elections, discrimination, and tenants' rights and responsibilities in the City of Ypsilanti. Such specific information shall be approved by resolution of City Council. The City Clerk shall make the information approved by City Council available to local landlords and their agents to pick-up without charge for distribution by landlords to tenants. The City shall make available to landlords sufficient copies of the information to permit landlords to comply with this section. A landlord shall be deemed to have furnished a tenant a copy of the information if the landlord mails it to the tenant or gives a copy of the information to the tenant in person. Tenants and prospective tenants may also pick up a copy of the information at the City Clerk's office without charge.

The failure of a landlord to comply with this section shall not be construed to affect the validity of the lease or the enforcement of any provisions of a lease. A violation of this section shall be deemed a misdemeanor. The words, terms, and phrases used in this section shall have the meanings ascribed to them in Division 2, Section 58-136 of this Article, except where the context clearly indicates a different meaning.

Secs. 58-124~~3~~ – 58-135. – Reserved.

- 2. Severability.** If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance

thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

**3. Repeal.** All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

**4. Savings Clause.** The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

**5. Copies to be available.** Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

**6. Publication and Effective Date.** The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

\_\_\_\_\_  
Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. \_\_\_\_\_ was published according to Section 11.13 of the City Charter on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Frances McMullan, City Clerk

Notice Published: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_



Resolution No. 2018-188  
August 14, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

That the public hearing on an ordinance to amend Chapter 58, Article IV, Division 1 of the Ypsilanti City Code of Ordinances to require that landlords share certain information with their tenants upon occupancy" be officially closed.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:



**Barr,  
Anhut &  
Associates, P.C.**  
ATTORNEYS AT LAW

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John M. Barr  
Karl A. Barr  
Daniel J. DuChene

Jesse O'Jack ~ Of Counsel  
William F. Anhut ~ Of Counsel – Retired  
Jennifer A. Healy ~ Legal Assistant

REQUEST FOR LEGISLATION

DATE: August 9, 2018

FROM: Daniel J. DuChene, Assistant Ypsilanti City Attorney

SUBJECT: An ordinance to amend Chapter 58, Article III, Division 1, Section 58-62 of the Ypsilanti City Code of Ordinances to provide further clarification of the definitions of the terms "income" and "disability" for the purposes of discrimination.

SUMMARY/BACKGROUND

After input from the City of Ypsilanti Human Relations Commission and the Fair Housing Center for Southeast and Mid-Michigan, Council expressed an interest in amending two terms defined in the Code of Ordinances relative to discrimination. The proposed ordinance amends the term "disability" to reflect the federal definition under the Americans with Disabilities Act. It also amends the term "income" to clarify that government-issued housing assistance vouchers are included.

---

DATE RECEIVED: 8/9/18 AGENDA ITEM NO.: Res. No. 2018-204

CITY MANAGER COMMENTS: \_\_\_\_\_

FOR AGENDA OF: 8/14/18 FINANCE DIR. APPROVAL: \_\_\_\_\_

COUNCIL ACTION TAKEN: \_\_\_\_\_





Resolution No. 2018-204  
August 14, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

That an ordinance entitled "An ordinance to amend Chapter 58, Article III, Division 1, Section 58-62 of the Ypsilanti City Code of Ordinances to provide further clarification of the definitions of the terms 'income' and 'disability' for the purposes of discrimination." be approved on First Reading.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:



**CITY OF YPSILANTI  
NOTICE OF ADOPTED ORDINANCE  
Ordinance No. 1321**

An ordinance to amend Chapter 58, Article III, Division 1, Section 58-62 of the Ypsilanti City Code of Ordinances to provide further clarification of the definitions of the terms "income" and "disability" for the purposes of discrimination.

**1. THE CITY OF YPSILANTI HEREBY ORDAINS** that Chapter 58, Article III, Division 1, Section 58-62 of the Ypsilanti City Code of Ordinances be amended to read as follows:

Sec. 58-62. - Definitions.

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Age* means chronological age.

*Contractor* means a person who by contract furnishes services, materials or supplies. The term "contractor" does not include persons who are merely creditors or debtors of the city, such as those holding the city's notes or bonds or persons whose notes, bonds or stock is held by the city.

*Disability* means, with respect to an individual: a physical or mental impairment that substantially limits one or more major life activities of such individual, a record of such impairment, or being regarded as having such an impairment. ~~A disability under the Americans with Disabilities Act, 42 U.S.C §12102, shall qualify as a disability under this article a functional limitation that interferes with a person's ability to see, walk, lift, hear or learn. It may refer to a physical, sensory or mental condition unrelated to one's ability to safely perform the work involved in jobs or positions available to such person for hire or promotion or a limitation of physical capabilities unrelated to one's ability to acquire, rent and maintain property. Impairment refers to loss or abnormality of an organ or body mechanism, which may result in disability.~~

*Discriminate* means to subject anyone to different or separate treatment, based in whole or in part, on the person's actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, age, marital status, disability status, gender expression, familial status, educational association, height, or weight. Discrimination based on sex includes sexual harassment, which

means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:

- (1) Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodations or housing.
- (2) Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment, public accommodations or housing.
- (3) Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, or housing environment.
- (4) Prohibited conduct constitutes sexual harassment whether it occurs between people of the same or opposite sex.

*Educational* association means the fact of being enrolled or not enrolled at any educational institution.

*Employer* means a person employing five or more persons.

*Familial status* means the state of being related by blood or affinity to the fourth degree.

*Housing facility* means any dwelling unit or facility used for a person to regularly sleep and keep personal belongings including, but not limited to, a house, apartment, roominghouse, housing cooperative, hotel, motel, tourist home, retirement home or nursing home.

*Income* means, without limitation, any of the following:

- (1) Commissions, earnings, salaries, wages, and other income due or to be due in the future to an individual from his employer and successor employers.
- (2) A payment due or to be due in the future to an individual from a profit-sharing plan, a pension plan, an insurance contract, an annuity, social security, unemployment compensation, supplemental unemployment benefits, or worker's compensation.
- (3) An amount of money that is due to an individual as a debt of another individual, partnership, association, or private or public corporation, the United States or a federal agency, the state or a political subdivision of the state, another state, or another legal entity that is indebted to the individual.
- (4) Housing vouchers issued to an individual by the government of the United States, a federal agency, the State of Michigan, or any political subdivision thereof. This shall include, without limitation, vouchers issued by the United States Department of Housing and Urban Development pursuant to 42 USC §1437f.

(5) Student loans, grants, or scholarships provided to an individual by any legal entity.

*Marital status* means the state of being married, unmarried, divorced, separated or widowed.

*Place of public accommodation* means an educational, governmental, health, day care, entertainment, cultural, recreational, refreshment, transportation, financial institution, accommodation, business or other facility of any kind, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold or otherwise made available to the public, or which receives financial support through the solicitation of the general public or through governmental subsidy of any kind.

*Sexual orientation* shall mean, emotional, romantic, and/or sexual attractions, or the absence thereof, to people. Sexual orientation also refers to a person's sense of identity based on those attractions, related behaviors, and membership in a community of others who share those attractions.

*Gender identity* shall mean, shall be defined as, an individual's internal sense of their own sex and a defining component of sex.

*Gender expression* shall be defined as, a gender-based appearance, expression, or behavior of an individual, regardless of the individual's assigned sex at birth.

**2. Severability.** If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

**3. Repeal.** All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

**4. Savings Clause.** The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

**5. Copies to be available.** Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

**6. Publication and Effective Date.** The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

\_\_\_\_\_  
Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. \_\_\_\_\_ was published according to Section 11.13 of the City Charter on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Frances McMullan, City Clerk

Notice Published: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_



Resolution No. 2018-205  
August 14, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

That the public hearing on an ordinance entitled "An ordinance to amend Chapter 58, Article III, Division 1, Section 58-62 of the Ypsilanti City Code of Ordinances to provide further clarification of the definitions of the terms 'income' and 'disability' for the purposes of discrimination." be officially closed.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:



Resolution No. 2018-189  
August 14, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

That the following items be approved:

1. Resolution No. 2018-190, approving minutes of July 17, 2018.
2. Resolution No. 2018-191, approving appointments to boards and commissions.
3. Resolution No. 2018-192, approving Ordinance No. 1317, to amend Chapter 46, Article II, Sections 46-31 and 46-32 of the Ypsilanti City Code of Ordinances to allow employees of governmental units other than the City of Ypsilanti to serve on the Board of Ethics, and to allow members to serve multiple terms. ***(Second Reading)***
4. Resolution No. 2018-194, approving Ordinance No. 1319, to amend Chapter 7, "Medical Marijuana" of the Code of Ordinances of the City of Ypsilanti to provide for State Licensing deadlines as determined by the Administrative Rules set by the State of Michigan. ***(Second Reading)***
5. Resolution No. 2018-195, accepting City Manager performance review.
6. Resolution No. 2018-196, declaring the month of September as, "Turn the Town Teal" in the City of Ypsilanti and approving teal ribbons be placed in observance of the campaign to create awareness of ovarian cancer.
7. Resolution No. 2018-197, approving Fireworks Display Permit Application from Andrew Espenshade of ACE Pyro, LLC on behalf of Eastern Michigan University to allow fireworks at Rynerson Stadium on November 2 and November 21, 2018.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:



Resolution No. 2018 - 190  
August 14, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

THAT the minutes of July 17, 2018 be approved.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:

NO:

ABSENT:

VOTE:





**CITY OF YPSILANTI  
CITY COUNCIL REGULAR MEETING  
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.  
YPSILANTI, MI 48197  
TUESDAY, JULY 17, 2018  
6:30 p.m.**

**I. CALL TO ORDER –**

The meeting was called to order at 6:30 p.m.

**II. ROLL CALL –**

|                              |         |                     |         |
|------------------------------|---------|---------------------|---------|
| Council Member Bashert(6:30) | Present | Council Member Robb | Present |
| Mayor Pro-Tem Brown          | Present | Council Member Vogt | Present |
| Council Member Murdock       | Present | Mayor Edmonds       | Present |
| Council Member Richardson    | Present |                     |         |

**III. INVOCATION –**

Mayor Edmonds asked all to stand for a moment of silence.

**IV. PLEDGE OF ALLEGIANCE –**

"I pledge allegiance to the flag, of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

**V. AGENDA APPROVAL –**

**Council Member Vogt moved, seconded by Mayor Pro-Tem Brown to approve the agenda.**

**City Attorney John Barr requested Resolutions No. 2018-162 and 2018-163, approving Ordinance 1318 on First Reading be approved.**

**Council Member Vogt requested Resolution No. 2018-180, be moved to the beginning of Section XIII.**

On a voice vote, the motion carried, and the agenda was approved as amended.

**VI. CLOSED SESSION – 6:30-7:00 p.m.**

Closed Session to discuss pending litigation Green v. City of Ypsilanti. OMA 15.268. Section 8(e).

OFFERED BY: Council Member Vogt

SECONDED BY: Mayor Pro-Tem Brown

On a roll call, the vote to adjourn to Closed Session was as follows:

|                           |     |                     |     |
|---------------------------|-----|---------------------|-----|
| Mayor Pro-Tem Brown       | Yes | Council Member Robb | Yes |
| Council Member Murdock    | Yes | Mayor Edmonds       | Yes |
| Council Member Richardson | Yes | Council Member Vogt | Yes |
| Council Member Bashert    | Yes |                     |     |

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Bashert) VOTE: Carried

**The meeting adjourned to Closed Session at 6:33 p.m.**

**The meeting reconvened to Open Session at 7:08 p.m.**

**VII. INTRODUCTIONS**

Mayor Edmonds introduced the following individuals; City Manager Darwin McClary, City Clerk Frances McMullan, City Attorney John Barr, Assistant City Attorney Dan DuChene, Interim Economic Development Director Joe Meyers, Fire Chief Max Anthouard, Accounting Supervisor Rheagan Basabica, City Planner Bonnie Wessler, Police Department Administrative Services Manager, Department of Public Services Director Stan Kirton, Ypsilanti Housing Commission Director Zac Fosler, County Commissioner Ricky Jefferson, State Representative Ronnie Peterson, OHM Engineer Kent Early, and members of various City Boards and Commissions.

**VIII. PRESENTATIONS –**

**IX. AUDIENCE PARTICIPATION –**

1. Brett Snyder, 1216 S. Congress, invited Council and the public to attend the Rutherford Pool Kid's Triathlon on August 11, 2018 at 8:30 a.m.
2. Kyle Hunter, 430 S. Adams, acknowledged City Manager Darwin McClary, Council Member Brian Robb, Council Member Dan Vogt, Mayor Pro-Tem Nicole Brown, Council Member Beth Bashert, Council Member Peter Murdock, and Council Member Lois Richardson. He asked what led to City Attorney John Barr's April 26, 2018 opinion stating Anne Brown could not file as a non-partisan candidate for Mayor for the November General Election. Anne Brown filed on August 24<sup>th</sup>, however did not meet the signature requirement to be on the ballot, which was a failure on their part. The City Attorney's memo was addressed to the City Clerk Frances McMullan, who made the inquiry. He asked if any members of Council or staff also involved in the inquiry, or if any members of Council or staff asked the City Clerk to make this inquiry. John Conyers III also submitted petitions that failed to meet the signature requirement, however, is allowed to submit Qualifying Petitions to appear on the November Ballot. If John Conyers is allowed to be on the ballot will the City Attorney accept the case as precedent and allow Anne Brown to appear on the November Ballot if she submits Qualifying Petitions by the July 19<sup>th</sup> deadline, and if not why not.
3. Reza Rejabi, 110 N. Summit, stated a year ago he attended a Council meeting and became angry and yelled during audience participation regarding a water bond assessed to his property. The result was the Interim City Manager did not allow him in City Hall for a few months. He claimed his First Amendment rights were violated by barring him from City Hall, which Council should only have the authority to do. He informed City Manager McClary that one of the clerks at City Hall rolls her eyes every time he comes to City Hall. He said it should be a given that tax payers are given respect. He said he went to see Mr. McClary and was informed by the City Manager he only had a few moments to speak with him, which was the second time he was not provided the

opportunity to speak with the City Manager. He then wrote a letter to the City Manager to save time and provided it to the Executive Secretary, and Mr. McClary informed him he did not have time to read the letter prior to the meeting. He said a question that should be asked when interviewing potential City Manager candidates should be how to deal with an irate citizen.

4. Bryan Foley, 425 Ainsworth, stated Ordinance No. 1319 regarding Medical Marihuana, and soon Council will be brought a resolution to expand 539 Huron, 'The Patient Station', which is not wanted or welcome in the community. The November Ballot will include a proposal to make recreational marihuana legal in the State of Michigan. Marihuana has not be tested by the FDA for safety purposes, the basis for claiming marihuana is safe is based on an old model in which THC levels were at 3% or lower. Marihuana now has THC levels from 7% to 15%, sometimes as high as 30%. THC is not the medical component of marihuana, CBD is, while THC levels increase CBD levels decrease. The marihuana needs to be tested and approved by the FDA and Council should take that into consideration when the expansion of 539 Huron comes before Council.
5. Les Heddle, Co-coordinator of the Ypsilanti Heritage Festival, stated during the last meeting Council held debate regarding the festival's policy of individuals under the age of eighteen needing an adult with them to attend. He said he spoke with Chief DeGiusti, who is not in favor of removing that policy, for many reasons. He hopes Council will still consider sponsorship if the policy is not removed.
6. Cheryl Farmer, 214 N. Huron St., thanked Mr. Foley for his comments, as a medical doctor she is aware the human brain is not fully mature until approximately age twenty-four and THC does affect brain development.
7. Amber Fellows, Ward 3, asked for an update on the report sent to the State Police regarding city official's trip to China.

#### **X. REMARKS BY THE MAYOR –**

- Mayor Edmonds asked the City Attorney for clarity regarding Mr. Rajabi's comments regarding his being banned from the building.

Mr. Barr responded he does not believe anyone has ever been banned from City Hall. However, the private areas are closed to the public and require permission to enter. He is not familiar with Mr. Rajabi's specific case, but in the past those denied access may still do business on the first floor. City Clerk McMullan added she was Interim City Manager at the time and several employees on the fourth floor had experienced unpleasant interactions with Mr. Rajabi and requested he not be permitted upstairs, he was not barred.

- Mayor Edmonds asked Mr. McClary for an update regarding the circumstances of Anne Brown's filing of petitions.

Mr. McClary replied the City Attorney would be better suited to provide information. Mr. Barr stated he would provide Council with that information.

#### **XI. ORDINANCES - FIRST READING –**

##### ***Ordinance No. 1317***

1. An ordinance to amend Chapter 46, Article II, Sections 46-31 and 46-32 of the Ypsilanti City Code of Ordinances to allow employees of governmental units other than the City of Ypsilanti to serve on the Board of Ethics, and to allow members to serve multiple terms.

A. Resolution No. 2018-160, determination

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**That an ordinance entitled "An ordinance to amend Chapter 46, Article II, Sections 46-31 and 46-32 of the Ypsilanti City Code of Ordinances to allow employees of governmental units other than the City of Ypsilanti to serve on the Board of Ethics, and to allow members to serve multiple terms" be approved on First Reading.**

OFFERED BY: Council Member Vogt

SECONDED BY: Mayor Pro-Tem Brown

Mayor Edmonds stated as she has been working to fill seats on the Board of Ethics it was found the ordinance does not allow an employee of a governmental body be appointed to the board. She asked the City Attorney for an opinion of what a governmental unit is, and the opinion was any employee of a public body. This would conflict with most currently sitting on that board, and any other appointee from previous administrations. She spoke with a member of the Charter Commission to understand the intent and was informed the intent was not to prevent those working for a public body for serving on that board. This ordinance amendment would change any conflicting issues found in the code.

Council Member Richardson stated her understanding is Cherisa Allen works at Parkridge Community Center, but works for Washtenaw Community College. She asked how she would be ineligible to serve on the Board of Ethics under this amendment to the code. Mayor Edmonds responded that is something the Attorney's Office can clarify.

**B. Public Hearing**

1. Cheryl Farmer, 214 N. Huron St., stated she was on the 1993 Charter Commission Cleary Kettles was the chair of that commission. Ms. Kettles asked that a letter be read regarding this proposed change to the ordinance. The letter clarified the intent behind the creation of the Board of Ethics, the city had been experiencing ethical issues among its elected officials. Council Members were using city credit cards for personal purchases, a former mayor tried to use his position to create a department of recycling and expected to be given the job as director of the department, and sued the city when that appointment was not made. The creation of this ordinance was to make it clear the expectations of the community for elected officials. The purpose of the Board of Ethics was to provide a forum that elected officials could be taken to task even if their actions were not illegal. The board was to be bipartisan and that employees of the city would not be eligible to protect them from potential conflicts of interest, in the event an accused elected official would threaten their job. The intent was not to keep employees that work for public institutions outside of the city from serving on this board.

**C. Resolution No. 2018-161, close public hearing**

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**That a public hearing on an ordinance to amend Chapter 46, Article II, Sections 46-31 and 46-32 of the Ypsilanti City Code of Ordinances to allow employees of governmental units other than the City of Ypsilanti to serve on the Board of Ethics, and to allow members to serve multiple terms" be officially closed.**

OFFERED BY: Council Member Vogt

SECONDED BY: Mayor Pro-Tem Brown

On a voice vote, the motion carried, and the public hearing was closed.

**Council Member Robb moved, seconded by Council Member Murdock to maintain Subsection B, of Section 46-32 regarding members of the Board to only be allowed a single term, and anything else regarding term limits.**

Mayor Edmonds stated while she does not necessarily oppose maintaining the current term limit. However, the Board never met during many member's terms. Her intent was to allow Board Members to serve another term if the body did not meeting the five years of their term. Council Member Murdock stated the purpose of the term limits were to ensure individuals did not continuously serve on the Ethics Board. The Board did not meet because no ethics complaints were filed. Mayor Edmonds asked if there would be support for an amendment allowing a board member to serve an additional term if the Ethics Board had not met during their term. Council Member Bashert replied she will offer an amendment, which might assist in solving that problem. She explained it is a mistake for the Board of Ethics to only meet if a complaint is filed, the board should meet at least once a year. Mr. Murdock stated he would support that amendment, but it has nothing to do with the five year term.

On a roll call, the vote to amend Resolution No. 2018-160 was as follows:

|                           |     |                     |     |
|---------------------------|-----|---------------------|-----|
| Mayor Pro-Tem Brown       | Yes | Council Member Robb | Yes |
| Council Member Murdock    | Yes | Mayor Edmonds       | Yes |
| Council Member Richardson | Yes | Council Member Vogt | Yes |
| Council Member Bashert    | Yes |                     |     |

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

**Council Member Bashert moved, seconded by Council Member Richardson to require the Board of Ethics meet at least once a year to review processes, any needs, and to file a report with City Council by the end of the Fiscal Year, June 30th.**

Mayor Edmonds stated she would support that amendment.

City Manager Darwin McClary asked when the report would be due to submit to Council. Council Member Bashert responded June 30<sup>th</sup>.

Council Member Robb stated the Charter already states the Board must file a report with Council. Mayor Pro-Tem Brown stated if the Board never met it would be impossible to create a report.

On a roll call, the vote to approve Resolution No. 2018-160 was as follows:

|                           |     |                     |     |
|---------------------------|-----|---------------------|-----|
| Mayor Pro-Tem Brown       | Yes | Council Member Robb | No  |
| Council Member Murdock    | Yes | Mayor Edmonds       | Yes |
| Council Member Richardson | Yes | Council Member Vogt | Yes |
| Council Member Bashert    | Yes |                     |     |

VOTE:

YES: 6 NO: 1 (Robb) ABSENT: 0 VOTE: Carried

Mayor Edmonds asked when the ordinance will take effect. Mr. Barr responded thirty days after it is published.

On a roll call, the vote to approve Resolution No. 2018-160 as amended was as follows:

|                           |     |                     |     |
|---------------------------|-----|---------------------|-----|
| Mayor Pro-Tem Brown       | Yes | Council Member Robb | Yes |
| Council Member Murdock    | Yes | Mayor Edmonds       | Yes |
| Council Member Richardson | Yes | Council Member Vogt | Yes |
| Council Member Bashert    | Yes |                     |     |

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

***Ordinance No. 1318***

- ~~2. An ordinance to amend Chapter 58, Article IV, Division 2 of the Ypsilanti City Code of Ordinances to provide for a right of tenants to post signs on leased residential premises.~~  
~~— A. Resolution No. 2018-162, determination~~  
~~— B. Public Hearing~~  
~~— C. Resolution No. 2018-163, close public hearing (Removed)~~

***Ordinance No. 1319***

3. An ordinance to amend Chapter 7, "Medical Marijuana" of the Code of Ordinances of the City of Ypsilanti to provide for State Licensing deadlines as determined by the Administrative Rules set by the State of Michigan.

A. Resolution No. 2018-164, determination

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**That an ordinance entitled "An ordinance to amend Chapter 7 "Medical Marijuana" of the Code of Ordinances of the City of Ypsilanti to provide for state licensing deadlines as determined by the administrative rules set by the State of Michigan" be approved on First Reading.**

OFFERED BY: Council Member Bashert

SECONDED BY: Mayor Pro-Tem Brown

Assistant City Attorney Dan DuChene provided a synopsis to why this has been submitted for approval.

Mayor Edmonds stated this does not change the amount of facilities allowed in the city, nor any substantive changes other than the deadline to be awarded a state license. Mr. DuChene responded in the affirmative.

Council Member Murdock stated Council received a communication from the City's lobbyist stating the Medical Marijuana Licensing Board has a September 15<sup>th</sup> deadline, but will be unlikely to meet it and will not change the deadline. Mr. DuChene replied if the state does not change its deadline any unlicensed facility would need to cease operations to be in compliance with state law. However, that is beyond the city's control.

**B. Public Hearing**

- Bryan Foley, 425 Ainsworth, stated he is not against the medicinal value of marijuana. However, the FDA has never tested marijuana as it exists today. The increase in THC levels of today is similar to what occurred with the poppy plant and morphine. The brain does not fully develop until a person reaches their mid-twenties. There is an increase in violence among users of marijuana in its current state. He encouraged the city to be cautious moving forward.

- Eric Foster, 4969 Campus Hill Drive, Okemos, MI, stated the emergency rules that exist for testing created by the state to screen out any cannabis as it moves through the supply chain. Additionally, the THC level dynamic includes quality standards and other certification standards that ensure medicine is as close to FDA approved as possible. The FDA has not completed testing because it is still a schedule one narcotic, however, public hearings have been held to allow the VA doctors to prescribe to veterans. The cannabis industry in Michigan helps thousands of patients in a regulated environment.

Mayor Edmonds asked if chemical testing standards required by law is a new that would have gone into effect last December. Mr. Foster responded in the affirmative. Ms. Edmonds asked if the standards are mandatory under the law. Mr. Foster responded in the affirmative. Ms. Edmonds asked when the emergency rules went into effect. Mr. Foster responded in December of 2017.

- Reza Rejabi, 110 N. Summit, stated he has lost tenants because of the smell of marihuana in his building. He was bothered more when he asked the police to do something and was told recreational marijuana would be legalized soon. He said it will be legal but it is not yet legal, and something should have been done.

C. Resolution No. 2018-165, close public hearing

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**That a public hearing on an ordinance to amend Chapter 7 “Medical Marijuana” of the Code of Ordinances of the City of Ypsilanti to provide for state licensing deadlines as determined by the administrative rules set by the State of Michigan” be officially closed.**

OFFERED BY: Council Member Bashert

SECONDED BY: Mayor Pro-Tem Brown

On a voice vote, the motion carried, and the public hearing was closed.

Council Member Richardson asked how the state is going to test marihuana being provided at provisioning centers. She recommends Council, and public to search out reports from Colorado and what legalization has done in that state. The MML has had a people from Colorado come and provide presentations about the effect of legalization. She is concerned what legalization will do to this community. She said she will vote yes on this ordinance, but prior to voting about legalizing marihuana for recreation in the state. Mayor Edmonds stated the MML presentation was fascinating, and asked if possible Council Member Richardson would be able to provide a copy of the presentation to Council. Ms. Richardson stated she believes the presentation is online.

On a roll call, the vote to approve Resolution No. 2018-164 was as follows:

|                           |     |                     |     |
|---------------------------|-----|---------------------|-----|
| Mayor Pro-Tem Brown       | Yes | Council Member Robb | Yes |
| Council Member Murdock    | Yes | Mayor Edmonds       | Yes |
| Council Member Richardson | Yes | Council Member Vogt | Yes |
| Council Member Bashert    | Yes |                     |     |

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

1. Resolution No. 2018-167, approving minutes of June 13 and June 19, 2018.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:****THAT the minutes of June 13 and June 19, 2018 be approved.**

2. Resolution No. 2018-168, approving appointments to boards and commissions.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:****THAT, the following individuals be appointed to the City of Ypsilanti Boards and Commissions as indicated below:**

| <b><u>NAME</u></b>                                                                             | <b><u>BOARD</u></b> | <b><u>EXPIRATION</u></b> |
|------------------------------------------------------------------------------------------------|---------------------|--------------------------|
| Jelani McGadney<br>(replacing Liz Dahl MacGregor)<br>221 N. Normal, #A1<br>Ypsilanti, MI 48197 | Planning Commission | 5/1/2020                 |

3. Resolution No. 2018-169, approving Ordinance No. 1314 to amend Chapter 50 of the Ypsilanti City Code to adopt the 2018 Edition of the NFPA (Sections 50-32); to update the conflict provisions (Section 50-33) ; and to make additions, insertions and changes (NFPA 1: 2018 Edition, Section 50-34) to provide for penalties. *(Second Reading)*

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:****That Ordinance No. 1314, "An ordinance to amend Chapter 50 of the Ypsilanti City Code to adopt the 2018 Edition of the NFPA (Sections 50-32); to update the conflict provisions (Section 50-33) ; and to make additions, insertions and changes (NFPA 1: 2018 Edition, Section 50-34) to provide for penalties" be approved on Second and Final Reading.**

4. Resolution No. 2018-174, approving contract with Saladino Construction Co. for Sidewalk Ramp Replacement Program.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:****Whereas, bids were duly advertised for The Sidewalk Ramp Replacement Program; and****Whereas, two (2) bid was publicly opened on Thursday, June 28, 2018 at 2:00 p.m. and reviewed for compliance with bidding qualifications and project specifications; and****WHEREAS, the bid submitted by Saladino Construction Co., Inc., 3303 N. Territorial Road, Ann Arbor, MI 48106, best meets the project specifications and qualifications and is in the best interests of the City; and****WHEREAS, 2017 Community Development Block Grant Funds have been allocated for the Sidewalk Ramp Replacement Program;****Now Therefore Be It Resolved That the City awards the bid to Saladino Construction Co., Inc. in the amount of \$85,000.00 for the construction of ADA sidewalk ramps throughout the City during the 2018 construction season; and**



**THAT the Mayor and City Clerk are authorized to sign the necessary contract documents, subject to approval by the City Attorney, to facilitate the completion of this work.**

**FURTHER, that the City Manager is authorized to sign change orders for additional ramp repairs subject to the approval by the City Attorney.**

5. Resolution No. 2018-175, accepting the bid from Severance Electric Co., Inc. for traffic signal improvements for the Prospect/Maus Intersection.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**WHEREAS, Funds have been programmed in the 2018-2019 FY-Budget for Improvements to the Prospect/Maus Intersection; and**

**WHEREAS, bids were solicited by direct mail for the traffic signal improvements identified for this project; and**

**WHEREAS, three sealed bids were received and ranged between \$39,351 to \$28,580 and**

**WHEREAS, Staff recommends accepting the bid submitted by Severance Electric Co., Inc., Kalamazoo, MI for the amount of \$28,580; and**

**WHEREAS, the construction services will be expended from account number 202-7-9064-975-04; and**

**NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the bid submitted by Severance Electric Co., Inc.; and**

**FURTHER THAT the City Manager is authorized to approve the bid and to sign any change orders that may be needed to maintain the project's schedule.**

6. Resolution No. 2018-183, awarding bid to Morawski's Roofing & Restoration for the replacement of the City Hall roof. *(Added)*

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**WHEREAS, the 2017-2018 FY-Budget was amended to add funds to remove and replace the City Hall Roof; and**

**WHEREAS, bids were solicited for the roof replacement; and**

**WHEREAS, three bids were received and ranged between \$30,300 to \$43,000; and**

**WHEREAS, Staff recommends accepting the bid submitted by Morawski's Roofing & Restoration, Milan, MI for the amount of \$30,300; and**

**WHEREAS, the construction services will be expended from account number**

**101-7-2650-818-00; and**

**NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the bid submitted by Morawski's Roofing & Restoration.; and**

**FURTHER THAT the City Manager is authorized to approve the bid and to sign any change orders that may be needed to maintain the project's schedule.**

7. Resolution No. 2018-184, approving of Stormwater, Asset Management, and Wastewater (SAW) Grant Scope of Work proposed by Orchard, Hiltz & McCliment, Inc. (OHM). *(Added)*

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**WHEREAS, The Michigan Department of Environmental Quality (MDEQ) has awarded the City of Ypsilanti a Stormwater, Asset Management, and Wastewater (SAW) Grant; and**

**WHEREAS, Orchard, Hiltz and McCliment has submitted a proposal to provide the services outlined in the SAW Grant award; and**

**WHEREAS, Orchard, Hiltz and McCliment has provided similar services to several municipalities and possesses a depth of experience with these projects; and**

**NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the proposal submitted by Orchard, Hiltz & McCliment, Inc., 34000 Plymouth Road, Livonia, MI to provide the services outlined in the grant at a not to exceed cost of \$418,098; and**

**FURTHER THAT, the costs for these services will be expended from account numbers 202-7-9069-757-00, 202-7-9069-818, 202-7-9069-975-00; and**

**THAT the City Manager and City Clerk are authorized to sign this proposal.**

OFFERED BY: Council Member Robb

SECONDED BY: Council Member Vogt

On a voice vote, the motion carried, and the Consent Agenda was approved.

**XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS –**

1. Resolution No. 2018-180, accepting Armstrong Drive Right-of-Way and Warranty Deed.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**Whereas, the construction of Armstrong Road has been completed; and**

**Whereas, the construction of those items within the right of way under the City's jurisdiction have been accepted as complete; and**

**Whereas, the current owner has submitted a Maintenance and Guarantee surety for an amount of 50% of the cost to construct, good for a duration of two years;**

**Now therefore be it resolved that the portion of Armstrong Drive and the associated right-of-way as described in the attached warranty deed is accepted by the City of Ypsilanti.**

OFFERED BY: Mayor Pro-Tem Brown

SECONDED BY: Council Member Vogt

Council Member Murdock stated the building across from the Parkridge Center needs siding repairs. Housing Commission Director Zac Fosler responded he would certainly look into the issue.

Council Member Richardson asked if the city would be responsible for 50% of the construction cost. City Planner Bonnie Wessler responded no, the maintenance bond would be used to replace the road if needed. Ms. Richardson asked for clarification regarding the 50%. Ms. Wessler responded it would be used as a drawdown if there were issues.

Mr. Fosler stated Ben Etheridge Senior Vice President of the Chesapeake Advisors and involved greatly in many Housing Commission projects passed away about a week ago. Council Member Richardson stated he worked a number of years in Ypsilanti prior to working for public housing.

On a roll call, the vote to approve Resolution No. 2018-180 was as follows:

|                           |     |                     |     |
|---------------------------|-----|---------------------|-----|
| Mayor Pro-Tem Brown       | Yes | Council Member Robb | Yes |
| Council Member Murdock    | Yes | Mayor Edmonds       | Yes |
| Council Member Richardson | Yes | Council Member Vogt | Yes |
| Council Member Bashert    | Yes |                     |     |

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

2. Resolution No. 2018-170, approving Ordinance No. 1315 to amend the Zoning Ordinance to add "apartments located below the ground floor of permitted non-residential uses" as a permitted use to Neighborhood Corridor (NC), General Corridor (GC) and Historic Corridor (HC). ***(Second Reading)***

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**Whereas, an application has been made to amend Section 122-451 of the Zoning Ordinance to add "apartments located below the ground floor of permitted nonresidential uses" as a permitted use to Neighborhood Corridor ; and**

**Whereas, Planning Commission has unanimously recommended that this use also be added as a permitted use in General Corridor and Historic Corridor; and**

**Whereas, the proposed amendment is consistent with the guiding values of the Master Plan;**

**Now Therefore be It Resolved that the Ypsilanti City Council adopt the ordinance entitled "CORRIDOR LOWER LEVEL APARTMENTS" on Second and Final Reading.**

OFFERED BY: Council Member Richardson

SECONDED BY: Council Member Bashert

On a roll call, the vote to approve Resolution No. 2018-170 was as follows:

|                           |     |                     |     |
|---------------------------|-----|---------------------|-----|
| Mayor Pro-Tem Brown       | Yes | Council Member Robb | No  |
| Council Member Murdock    | Yes | Mayor Edmonds       | Yes |
| Council Member Richardson | Yes | Council Member Vogt | Yes |
| Council Member Bashert    | Yes |                     |     |

VOTE:

YES: NO: 1 (Robb) ABSENT: 0 VOTE: Carried

2. Resolution No. 2018-171, approving Ordinance No. 1316 to amend the Zoning Ordinance to add "Automobile repair, less than 5,000 square feet" as a permitted use to Neighborhood Corridor (NC), General Corridor (GC), and Historic Corridor (HC) with the specific regulations that all repair and storage be within a fully enclosed building and that business hours be limited to 7:00 a.m. to 10:00 p.m. ***(Second Reading)***

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**Whereas, Planning Commission has unanimously recommended that "Automobile repair, less than 5,000 square feet" be added as a permitted use in Neighborhood Corridor and General Corridor, with conditions restricting storage and hours of operation; and**

**Whereas, the proposed amendment is consistent with the guiding values of the Master Plan;**

**Now therefore be it resolved that the Ypsilanti City Council adopt the ordinance entitled "CORRIDOR SMALL AND SPECIALTY AUTO REPAIR" on Second and Final Reading.**

OFFERED BY: Mayor Pro-Tem Brown  
SECONDED BY: Council Member Bashert

Mayor Edmonds stated she was touched by the individual who spoke during First Reading regarding this amendment to the code.

Council Member Robb asked if a carriage house could be used for small and specialty auto repair. Ms. Wessler responded in the affirmative. Council Member Murdock asked if Council Member Robb is suggesting removing the Historic Corridor from the ordinance. Mr. Robb responded he made that suggestion during First Reading. He added heavy engine repair is not currently allowed in the Historic Corridor, and a business moved from a location in the Historic Corridor because that was not allowed. This change would allow for heavy engine repair, and is cautious of the unintended consequences that could result from allowing that activity in the Historic District. Council Member Bashert asked if there is a shop in the Historic Corridor. Ms. Wessler responded in the affirmative. Ms. Bashert stated automobile repair would not include large engines. Mr. Robb replied large engines compared to lawn mower or motorcycle. The impetus behind this expansion is for Café Racer opposed to allowing larger engine repair in the Historic Corridor.

Council Member Richardson asked what the difference is between Historic Corridor and Historic District. Ms. Wessler responded a Historic Corridor is a zoning classification and use, while a Historic District is where exterior modification to structures must first be approved by the Historic District Commission. Ms. Richardson asked if the Historic Corridor is located in the Historic District. Ms. Wessler responded most if the Historic Corridor is located in the Historic District but not all. Council Member Robb replied there are approximately two blocks west of Hamilton.

**Council Member Murdock moved, seconded by Council Member Robb to remove Historic Corridor from the Ordinance amendment.**

Mayor Edmonds stated removing the Historic Corridor would remove Café Racer. Ms. Wessler replied Café Racer is in the Center District, this change would only apply to the NC and GC Districts. Council Member Richardson asked if the change would affect River St. Ms. Wessler responded if HC remains in the ordinance change more of River St. would be included, such as River and Lincoln. Council Member Robb disagreed, the proposed change is to for the NC to allow this, and Lincoln is NC. Ms. Wessler replied there are two parcels on Lincoln that connects to River. Mr. Robb explained the only HC on River is a one lot depth of the eastside. Ms. Edmonds understands not wanting to include the HC, but not having a map in front of her makes it difficult to make a determination. Mr. Robb replied the City Clerk could bring up a map for Council to review. Ms. Edmonds responded she will not request that of the City Clerk, and will not be supporting the amendment.

Council Member Richardson asked if removing the HC will affect the agreement the city made with Café Racer. Ms. Wessler responded no.

Mayor Pro-Tem Brown asked if any parcels are currently in the HC that will be affected, and if not why was it included in this amendment. Ms. Wessler responded the business most affected would be 'My Car Guy' at Huron and Cross. Ms. Brown asked if HC is removed from the amendment that business would not have the ability to move their operation completely indoors. Council Member Bashert stated without the HC stipulation in the change the business would stay non-compliant, and no changes would be required until the business moves. Ms. Wessler responded in the affirmative. Ms. Bashert stated the amendment is defeating its own purpose. Council Member Robb disagree, this amendment is to assist Café Racer, which will still happen with this amendment. Ms. Wessler stated this amendment was brought forward by staff and not Café Racer, after the non-conforming issues were noticed in GC, NC, and HC. Mayor Edmonds stated there are multiple businesses that this will apply to. Mr. Robb stated he does not want to include engine repair in the HC.

On a roll call, the vote to amend Resolution No. 2018-171 was as follows:

|                           |     |                     |     |
|---------------------------|-----|---------------------|-----|
| Mayor Pro-Tem Brown       | Yes | Council Member Robb | Yes |
| Council Member Murdock    | Yes | Mayor Edmonds       | No  |
| Council Member Richardson | Yes | Council Member Vogt | Yes |
| Council Member Bashert    | No  |                     |     |

VOTE:

YES: 5 NO: 2 (Bashert, Edmonds) ABSENT: 0 VOTE: Carried

On a roll call, the vote to approve Resolution No. 2018-171 as amended was as follows:

|                           |     |                     |     |
|---------------------------|-----|---------------------|-----|
| Mayor Pro-Tem Brown       | Yes | Council Member Robb | Yes |
| Council Member Murdock    | Yes | Mayor Edmonds       | Yes |
| Council Member Richardson | Yes | Council Member Vogt | Yes |
| Council Member Bashert    | Yes |                     |     |

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

3. Resolution No. 2018-172, to support hanging the 'Black Lives Matter' flag in Council Chambers.

**WHEREAS, Ypsilanti has a proud heritage of Diversity, considers this a key strength of our community, and includes this as one of our core values in our city motto;**

**WHEREAS, The City of Ypsilanti has a history of passing ordinances and resolutions to support diversity in all aspects of living, working and recreating in our community;**

**WHEREAS, 30% of our community is Black and many neighborhoods in our city are historically Black and proudly so;**

**WHEREAS, the Black Lives Matter movement has gained powerful traction in conjunction with many tragic events involving, in particular, police brutality and systemic racism that target the Black community;**

**WHEREAS, Tanisha Anderson, Reikia Boyd, Michael Brown, Miriam Carey, Michelle Cusseaux, Shelly Frey, Eric Garner, Freddie Gray, Trayvon Martin, Renisha McBride, Kayla Moore, Tamir Rice, Aura Rosser, Aiyana Stanley-Jones, and David Ware are just a few names of people who were recently killed by the racism that exists in the United States today;**

**WHEREAS, people of all ages and races are killed by law enforcement, yet Black people ages 20-24 are seven times more likely to be killed by law enforcement;**

**WHEREAS, the school-to-prison pipeline is an urgent concern because 40% of students expelled from U.S. public schools are Black and one out of three Black men is incarcerated during his lifetime;**

**WHEREAS, mass incarceration fueled in part by for-profit prisons and racially-biased police practices drive the disproportionate imprisonment of Black and brown Americans;**

**WHEREAS, we must continue to support the Black Lives Matter movement and Black-led racial justice organizations;**

**THEREFORE, BE IT RESOLVED That the City of Ypsilanti recognizes the importance of the Black Lives Matter Movement in the United States, Michigan and our own Black communities; and**

**BE IT FURTHER RESOLVED; that the City of Ypsilanti will hang a Black Lives Matter flag in our council chambers in honor of the Black Lives Matter movement, the community they represent, and that values we all must work for.**

OFFERED BY: Council Member Bashert

SECONDED BY: Mayor Pro-Tem Brown

Mayor Edmonds thanked Council Member Bashert for drafting this resolution.

**Mayor Pro-Tem Brown offered a friendly amendment to capitalize all the 'b' in Black that indicate race.**

**Council Member Bashert accepted the friendly amendment.**

Council Member Robb asked what is meant by 'hang', does it mean to hang the flag on the wall, or from a pole. He is not opposing the resolution, but questions how many flags will the city hang on chamber walls and what policy will be for length of time flags are displayed. Mayor Edmonds appreciated the comment and asked for staff to come back with a policy. Mr. Robb replied Council is making the political statement and it should be that body that decides the duration a flag is displayed. Council Member Richardson agreed, and when she requested a Black Lives Matter flag she was not envisioning one that large. She believes the flags should be on flag poles. Mayor Edmonds stated she will think about how to best display the flags and return to Council with a proposal.

Council Member Vogt stated the language "WHEREAS, mass incarceration fueled by for-profit prisons and racially-biased police practices drive the disproportionate imprisonment of Black and brown Americans;" is inflammatory language and leaves him ill at ease. Not all police practices are racially biased, or that mass incarceration is solely driven by racial bias. He suggested language be modified slightly, for example adding the word 'occasionally' at the beginning of the sentence. The statement would be more factually accurate and it would remove the inflammatory nature. Also, in the previous paragraph there are a number of people listed that have been killed by racism, and many of the names are unfamiliar. He has concerns in included names he is unfamiliar with because he does not know the specifics. He asked to remove those paragraphs out for both simplicity and clarity. The resolution should be geared to getting rid of racist practices. Council Member Richardson asked if the Council Member Vogt would like to remove the names and instead include the three-hundred plus Blacks that are killed weekly by the police. Mr. Vogt responded no. Ms. Richardson added the included names are those that have been in the news, but there are so many more that have not been mentioned by the press. The listed names represent those that have not been mentioned, and she does not have a problem with stating racially biased police practices exist. It does not mean all police practices are biased, but mass incarceration of the Black population in this country is created by racially biased police practices. Mr. Vogt replied his intent is for the resolution to

be more factually accurate. Also, the names he does know he agrees that racism led to their unfortunate killings, but he is reluctant to use inflammatory language for those names he does not know, and is not aware if it is factually accurate.

Mayor Pro-Tem Brown respectfully asked if Council Member Vogt does not know these he should do some research. These are a minimal amount of names that have been impacted by racial injustice. Mr. Vogt replied he knows of other names he could add to this list, and he was fought against racial injustice as an attorney. Ms. Brown responded if he would like to add more names to the list to feel free, but she takes offense to wanting to remove names. She appreciates Council Member Bashert for incorporating some names into this resolution, and if every name was listed the pages of the resolution would go on indefinitely. She strongly opposes any names from this resolution because her friends and family are impacted every single day by this, and takes strong offense. Mr. Vogt replied Mayor Pro-Tem should not take offense, and stated he is only trying to understand and would have done more research but did not have time to do so. However, the implication that all police practice is racially biased. Ms. Brown responded it does not imply that. Mr. Vogt said it is susceptible to multiple interpretations, and does not want to offend the city's own police officers. Ms. Brown responded they know this does not apply to them.

Council Member Bashert stated the research she did in drafting the resolution was frankly intimidating, and she would never be able to get the grammar correct. Institutional racism exists in this country and Ypsilanti is impacted by that, and this is about the Black Lives Matter Movement and the people that are impacted. The resolution is a statement of the values of this city.

Mayor Edmonds stated she will support the resolution as presented, other than the capitalization of the 'b' in Black. She suggested adding the words "in part" after "...mass incarceration fueled by..."

**Council Member Richardson moved a friendly amendment, seconded by Council Member Vogt to add the words "in part" after "...mass incarceration fueled by..."**

**Council Member Bashert accepted the friendly amendment.**

**Mayor Pro-Tem Brown accepted a friendly amendment.**

Council Member Murdock stated city policy and operations really tell if Council is truly invested in these issues and causes. Perhaps Council should spend as much time on those issues as it did on this resolution.

On a roll call, the vote to approve Resolution No. 2018-172 was as follows:

|                           |     |                     |     |
|---------------------------|-----|---------------------|-----|
| Mayor Pro-Tem Brown       | Yes | Council Member Robb | Yes |
| Council Member Murdock    | Yes | Mayor Edmonds       | Yes |
| Council Member Richardson | Yes | Council Member Vogt | Yes |
| Council Member Bashert    | Yes |                     |     |

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

4. Resolution No. 2018-173, approving the 2018-2019 Administrative Contract for the Fire and Police Pension.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**WHEREAS, the Finance Department of the City of Ypsilanti serves as an independent contractor of the Ypsilanti Fire and Police Pension Board who performs administrative services on behalf of the board; and**



**WHEREAS, the services shall be performed at 1 South Huron, Ypsilanti, Michigan or as otherwise determined by mutual agreement of the parties; and**

**WHEREAS, the Contract is effective for a term commencing on July 1, 2018, and shall continue until terminated as provided herein; and**

**WHEREAS, the Board agrees to pay the City \$31,632.79 for services to be performed for the period beginning July 1, 2018 to June 30, 2019.**

**NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council approve the contract for the Fire and Police Pension Administrative Contract 2018-2019.**

OFFERED BY: Mayor Pro-Tem Brown  
SECONDED BY: Council Member Richardson

Council Member Murdock asked if the city has received an answer on why there was such a low return on investment. Accounting Supervisor Rheagan Basabica responded no, but he will follow-up with the investment officers. Mr. Murdock stated Council asked several months ago if the fund had any investment in for profit prisons or gun manufacturers, and were informed there was not. He wondered if Council should approve a resolution requesting investment not be made in for profit prisons or gun manufacturers. Mayor Edmonds supported the drafting that resolution. Council Members Richardson and Bashert also voiced their support. Council Member Robb asked if it would make more sense for Council to prohibit the Pension Board for investing in those businesses. Mr. Murdock responded Council does not have the authority to do that.

On a roll call, the vote to approve Resolution No. 2018-173 was as follows:

|                           |     |                     |     |
|---------------------------|-----|---------------------|-----|
| Mayor Pro-Tem Brown       | Yes | Council Member Robb | Yes |
| Council Member Murdock    | Yes | Mayor Edmonds       | Yes |
| Council Member Richardson | Yes | Council Member Vogt | Yes |
| Council Member Bashert    | Yes |                     |     |

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

5. Resolution No. 2018-154, approving the Sponsorship Request for the 2018 Heritage Festival.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**WHEREAS, the City of Ypsilanti adopted a Special Events Policy, and pursuant to the policy, the City may co-sponsor an event if it is of general interest to the public and advances the City's public image; and**

**WHEREAS, this year the Heritage Festival will take place August 24-26 in Riverside Park; and**

**WHEREAS, the Heritage Festival is requesting that the City be a co-sponsor of the 2018 Festival; and**

**WHEREAS, City Council agrees that becoming a co-sponsor of the 2018 Ypsilanti Heritage Festival would be in the general interest of the public and advance the City's public image.**

**NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council approves the request to be a sponsor of the 2018 Heritage Festival in the amount of \$5,000 in fees.**



OFFERED BY: Council Member Richardson  
SECONDED BY: Council Member Bashert

Administrative Services Manager Wendy Estey provided an overview to why this is being submitted for approval.

**Council Member Murdock moved, seconded by Council Member Robb to added \$3,000 to be deducted from city fees.**

Council Member Richardson preferred to discuss and decide if Council is going to be a sponsor and then make the amendment.

**Council Member Murdock withdrew his motion.**

Mayor Edmonds explained she takes issue with the policy that does not allow unaccompanied minors in the festival. She supports the festival, and all those who organize the festival, but she will not support this resolution with that policy in place.

Council Member Bashert asked the City Manager what he recommends. City Manager Darwin McClary responded staff will follow the direction of Council. Ms. Bashert asked if Council requested minors be allowed in the festival without an adult, would that be allowed by the administration. Les Heddle, Heritage Festival Organizer, responded the Heritage Festival is the city's festival with an ordinance obligating the city to put on the festival. The Festival Board wants the city to be happy with the festival. He supports the policy and feels it has been effective, and while minors still get into the festival without an adult they tend to behave themselves because they are breaking the rule. The behavior is moderated simply because of the policy. Mayor Edmonds replied it is an open community festival and this policy feels discriminatory. Mr. Heddle replied the festival will do what Council determines as appropriate.

Council Member Murdock stated he is disappointed the Chief is not here to field questions. All Council has heard is this is the recommendation of the Chief.

Council Member Bashert stated she feels the motivation for the policy to be disingenuous, if there were a drunken brawl would alcohol be banned from the festival. This city has too little available for teenagers and the biggest festival does not allow them without an adult.

**Council Member Bashert moved, seconded by Mayor Pro-Tem Brown that Council approval is contingent on all ages being allowed free access without accompaniment to the Heritage Festival.**

Ms. Estey informed Council the police bill to the festival from 2014 when all ages were allowed without an adult and there is a \$5,000 difference in cost. She does not think a \$3,000 waiver would assist the festival because of that additional cost. Council Member Bashert responded there were more changes to that in those two years. Council Member Richardson asked that by allowing unaccompanied minors makes a difference in police costs. Ms. Estey responded allowing unaccompanied minors makes the need for greater police presence. Mayor Pro-Tem Brown interjected that is only one year of charges. Ms. Estey responded it is a comparison in cost.

Council Member Murdock stated he is going to oppose this amendment. Council needs to hear from the Police Chief before making this determination. Council Member Bashert responded the next meeting is very close to the festival. Council Member Robb interjected all this resolution would do is take money of the backend, the city will not bill the festival until September. Ms. Bashert responded the festival would need to make major plan changes based on this determination. Council Member Richardson stated this resolution only makes the determination if the city is going to cosponsor the festival. Mr. Heddle stated one of the issues of the festival is it is done on a very tight budget. City Departments have been very kind in terms of fees the city charges, and it is appreciated. The festival needs as many sponsors it can get, and reduction of fees by the city is a huge deal to the Board. If the festival has to pay that out in

additional policing fees then the festival is worse situation. He asked if the festival agrees to make that policy change will the city forgive the additional fees resulting from additional police coverage.

Council Member Murdock stated Council does not need to pass this resolution at all until it sees what the festival is going to do about this policy. Mayor Edmonds responded she would like this to be voted on now to allow time to plan accordingly.

On a roll call, the vote to amend Resolution No. 2018-154 was as follows:

|                           |     |                     |     |
|---------------------------|-----|---------------------|-----|
| Mayor Pro-Tem Brown       | Yes | Council Member Robb | No  |
| Council Member Murdock    | No  | Mayor Edmonds       | Yes |
| Council Member Richardson | Yes | Council Member Vogt | Yes |
| Council Member Bashert    | Yes |                     |     |

VOTE:

YES: 5 NO: 2 (Robb, Murdock) ABSENT: 0 VOTE: Carried

**Council Member Murdock moved to postpone this resolution until the August 14, 2018 meeting.**

**Without support the motion fails.**

**Council Member Murdock moved, seconded by to sponsor the 2018 Heritage Festival in the amount of \$5,000 in kind fees.**

Council Member Richardson stated she would not support that amendment, and suggested setting the amount at \$3,000 as requested.

On a roll call, the vote to amend Resolution No. 2018-154 was as follows:

|                           |     |                     |     |
|---------------------------|-----|---------------------|-----|
| Mayor Pro-Tem Brown       | No  | Council Member Robb | Yes |
| Council Member Murdock    | Yes | Mayor Edmonds       | Yes |
| Council Member Richardson | No  | Council Member Vogt | Yes |
| Council Member Bashert    | Yes |                     |     |

VOTE:

YES: 5 NO: 2 (Brown, Richardson) ABSENT: 0 VOTE: Carried

Council Member Richardson stated if the city receives another request is the city prepared to make the same contribution. Council Member Vogt responded in the affirmative. Mayor Edmonds added if it is appropriate for the festival's scale in terms of services covered. Council Member Robb interjected the policy is the festivals are to petition Council for reduced fees or sponsorship.

DPS Director asked what account will the \$5,000 in kind services be deducted. Mayor Edmonds asked what the City Manager's recommendation is. Mr. McClary responded either the General Fund reserves or the funds can be reallocated from another department's account. Ms. Edmonds stated she would prefer this came from the General Fund. Council Member Bashert interjected that is the City Manager's discretion, and Council should not have fielded the question.

Council Member Murdock asked if closing Cross St. is still an issue. Mr. Heddle replied the festival has been working with Depot Town merchants and the street will only be closed to Rice Street for one event.

Council Member Richardson stated even though this is being voted on tonight she would still like to hear from the Police Chief.

On a roll call, the vote to approve Resolution No. 2018-154 as amended was as follows:

|                           |     |                     |     |
|---------------------------|-----|---------------------|-----|
| Mayor Pro-Tem Brown       | Yes | Council Member Robb | Yes |
| Council Member Murdock    | Yes | Mayor Edmonds       | Yes |
| Council Member Richardson | Yes | Council Member Vogt | Yes |
| Council Member Bashert    | Yes |                     |     |

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

6. Resolution No. 2018-176, amending the 2018-2019 fee schedule.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**WHEREAS, City Council approved the publication of a Request for Proposal (RFP) to solicit bids for a third-party parking ticket processing service; and**

**WHEREAS, on April 17, 2018, City Council approved an agreement with CDI, which was executed by the parties on April 23, 2018; and**

**WHEREAS, under this agreement, CDI is compensated at an amount of \$1.71 per ticket issued; and**

**WHEREAS, the City of Ypsilanti Parking Violations Bureau is also responsible for the data costs to connect the handheld devices used by enforcement officers, which is estimated to be \$1,080 per year; and**

**WHEREAS, the estimated per-ticket amount to recoup the costs of this contract is \$2.58, based on tickets paid from the past year; and**

**WHEREAS, increasing fines for parking violations in the City by this amount will achieve the desired result of contract costs with CDI being cost-neutral for the City; and**

**WHEREAS, Chapter 102, Article III, Division 2, Section 102-82 of the Code of Ordinances for the City of Ypsilanti provides that the schedule of fines and fees for parking violation notices and citations is set by resolution of City Council;**

OFFERED BY: Council Member Robb  
SECONDED BY: Council Member Murdock

Council Member Robb stated he doesn't want people to lose sight that this is a separate fee from the citation. Assistant City Attorney Dan DuChene suggested a notation be added to the fee schedule explaining the \$2.58 administration fee. Mr. Robb asked if the ticket can be written to reflect the administrative fee. Mr. DuChene advised against that because it would not mirror what is in the fee schedule. Mr. Robb asked if a line item can be added to the fee schedule for the administrative fee instead of adding it to the ticket. Mr. DuChene replied it can but his concern is that there are fines in the fee schedule that are not related to tickets. Mr. Robb replied the key would be parking violation, to assess the administration fee.

On a roll call, the vote to approve Resolution No. 2018-176 was as follows:

|                           |        |                     |     |
|---------------------------|--------|---------------------|-----|
| Mayor Pro-Tem Brown       | Yes    | Council Member Robb | Yes |
| Council Member Murdock    | Yes    | Mayor Edmonds       | Yes |
| Council Member Richardson | Absent | Council Member Vogt | Yes |
| Council Member Bashert    | Yes    |                     |     |

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Richardson) VOTE: Carried

7. Resolution No. 2018-177, approving Property and Liability Insurance Renewal with Michigan Municipal League (MML) Liability and Property Pool.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**THAT, the premium for the Property and Liability insurance renewal for the City of Ypsilanti effective August 1, 2018-2019 with the Michigan Municipal League (MML) Liability and Property Pool be approved in the amount of \$299,762.00 be approved.**

**BE IT FURTHER RESOLVED THAT the City Manager is authorized to sign and approve payment of the invoice.**

OFFERED BY: Council Member Vogt

SECONDED BY: Council Member Murdock

Council Member Bashert asked if the city is still covering older vehicles at full coverage. City Clerk Frances McMullan responded they are all under replacement value.

Council Member Murdock stated the dam failure liability is not included in the policy. Ms. McMullan replied she believes the dam and storage tanks are under another policy and do not require Council approval. Mr. Murdock asked that a cost breakdown be sent to Council.

On a roll call, the vote to approve Resolution No. 2018-177 was as follows:

|                           |     |                     |     |
|---------------------------|-----|---------------------|-----|
| Mayor Pro-Tem Brown       | Yes | Council Member Robb | Yes |
| Council Member Murdock    | Yes | Mayor Edmonds       | Yes |
| Council Member Richardson | Yes | Council Member Vogt | Yes |
| Council Member Bashert    | Yes |                     |     |

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

8. Resolution No. 2018- 178, approving Automatic Mutual Aid Agreement Revision between the City of Ypsilanti, Ypsilanti Township and Superior Township Fire Departments.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**WHEREAS, on January 1<sup>st</sup>, 2015 the City of Ypsilanti, Ypsilanti Township and Superior Township Fire Departments entered into an Automatic Mutual Aid agreement for structure fire response; and**

**WHEREAS, upon demand of Ypsilanti Township and Superior Township a revision to upgrade the response areas where both Ypsilanti Township and Superior Township will respond; and**

**WHEREAS, the new areas of response will be as follow:**

- **Superior will respond to the entire City of Ypsilanti and to the entire Ypsilanti Township jurisdictions.**
- **Ypsilanti Township will respond to the entire City of Ypsilanti and the entire Superior Township jurisdiction.**
- **The City will respond to Superior Township sections 13 to 36 between Clark and Ford Roads and to Ypsilanti Township sections 1 to 24 between Clark and Textile Roads.**

**NOW, THEREFORE BE IT RESOLVED that the City of Ypsilanti does hereby approve the Automatic Mutual Aid Agreement Revision between the City of Ypsilanti, Ypsilanti Township and Superior Township Fire Departments.**

OFFERED BY: Council Member Murdock  
SECONDED BY: Council Member Bashert

Fire Chief Max Anthouard provided a summary to why this is being submitted for approval.

On a roll call, the vote to approve Resolution No. 2018-178 was as follows:

|                           |     |                     |     |
|---------------------------|-----|---------------------|-----|
| Mayor Pro-Tem Brown       | Yes | Council Member Robb | Yes |
| Council Member Murdock    | Yes | Mayor Edmonds       | Yes |
| Council Member Richardson | Yes | Council Member Vogt | Yes |
| Council Member Bashert    | Yes |                     |     |

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

9. Resolution No. 2018-179, approving the Huron/Hamilton Road Diet proposal.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**WHEREAS, The Michigan Department of Transportation is programming road repairs to Huron and Hamilton for 2020; and**

**WHEREAS, The City of Ypsilanti has interest in the future design and possible changes to the design of the roadways of Huron Street, Hamilton Street, Washtenaw Avenue, and Michigan Avenue; and**

**WHEREAS, In order to make recommendations for future changes to the rights of way, the City is responsible for the submission of traffic engineering analysis;**

**WHEREAS, The City Council authorized an RFP be released a RFP for Traffic Engineering Study**

**on February 20, 2018 meeting, and**

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**WHEREAS, Four proposals were submitted, reviewed and scored by a review team consisting of representatives of City, MDOT, Washtenaw County Road Commission and WATS, and**

**WHEREAS, The review team is recommending awarding the proposal to HRC from Bloomfield Hills for a cost of \$55,000 to \$65,000, and**

**NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council accepts the proposal from HRC for Traffic Engineering Services for Road Diet capacity analysis along Huron St., Hamilton St., Washtenaw Ave., and Michigan Ave., in Downtown Ypsilanti.**

OFFERED BY: Mayor Pro-Tem Brown  
SECONDED BY: Council Member Bashert

Interim Economic Development Director provided an overview to why this is being submitted for approval.

Council Member Murdock stated the resolution states the MDOT schedule for road repairs on Huron and Hamilton as 2020, however, he believes it is scheduled for 2022. Mr. Meyers responded in the affirmative and made the correction. Mr. Murdock asked what would be the end result for this, will it include traffic counts and scope, or more into the design. Mr. Meyers responded putting together the documentation in order to implement a road diet, if a road diet is warranted. Ms. Wessler responded existing conditions will be examined, projected traffic volumes for the year, go through MDOTs road diet check list, hold some public meetings to ensure there is public by in, but the bulk of the time will be spent on the feasibility of the lane reduction. The integration of the non-motorized crossing at I-94 into the road diet will also be examined. Mr. Murdock asked if this will include any of Cross St, other than the intersection at Huron. Ms. Wessler responded no. Mr. Murdock asked if other traffic calming options are to be examined on Cross, and other intersections along Huron. Ms. Wessler replied in the affirmative. Mr. Murdock asked what the projected timeline is. Ms. Wessler responded six months.

Mayor Edmonds asked if the Request for Proposals (RFP) adhered to the Procurement policy. Ms. Wessler responded the RFP requested percentage of work completed in Washtenaw County, location of office in Michigan, and percentage of work completed in Michigan. The lowest bid only completed less than 20% of its work in Michigan, there weren't any firms located in Washtenaw County that responded to this bid. Ms. Edmonds replied if an RFP does not request what is in the Procurement Policy there is no way for that company to respond. Every bid packet needs to include a template requesting what is in the Procurement Policy. City Attorney John Barr replied the Attorney's Office is currently working on a template.

Mr. Meyers stated this project is not currently budgeted and an amendment would need to be required if approved. Council Member Murdock asked if this is an Act 51 eligible project. Staff responded that possibility would need to be reviewed. Mr. Murdock asked if County funds could be used for this project. DPS Director Kirton responded he is not certain. Ms. Edmonds recommend moving forward, but not provide a funding source.

Council Member Bashert suggested this to be postponed until the next meeting so a funding mechanism could be identified. She asked if a postponement would affect the project. Ms. Wessler responded it would delay the project by a month. Council Member Robb stated if the city allocates \$65,000 it would create a deficit, and asked if budgetary cuts would be suggested to cover the cost. If this project would be funded by the General Fund there is no reason to postpone the project.

Council Member Murdock stated this project began in 2012 and it could be postponed another month. He believes Act 51 funds can be used for this project, and if it can't the funds would be allocated from the General Fund.

**Council Member Murdock moved, seconded by Council Member Vogt to allocated Act 51 funds, County Road funds, or General Fund monies in that order of priority.**

On a roll call, the vote to amend Resolution No. 2018-179 was as follows:

|                           |     |                     |     |
|---------------------------|-----|---------------------|-----|
| Mayor Pro-Tem Brown       | Yes | Council Member Robb | Yes |
| Council Member Murdock    | Yes | Mayor Edmonds       | Yes |
| Council Member Richardson | Yes | Council Member Vogt | Yes |
| Council Member Bashert    | Yes |                     |     |

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

On a roll call, the vote to approve Resolution No. 2018-179 as amended was as follows:

|                           |     |                     |     |
|---------------------------|-----|---------------------|-----|
| Mayor Pro-Tem Brown       | Yes | Council Member Robb | Yes |
| Council Member Murdock    | Yes | Mayor Edmonds       | Yes |
| Council Member Richardson | Yes | Council Member Vogt | Yes |
| Council Member Bashert    | Yes |                     |     |

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

~~10. Resolution No. 2018-180, accepting Armstrong Drive Right of Way and Warranty Deed. (moved)~~

11. Resolution No. 2018-185, approving a second lease-buy agreement with Chart House Energy for solar array equipment at the Ypsilanti Fire Department to install additional kilowatts of solar generating power to the existing 50 kilowatts system. **(moved)**

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**WHEREAS, the City of Ypsilanti has a goal of maximizing the use of alternate sources of energy; and**

**WHEREAS, the City of Ypsilanti Fire Department would like to partner with SolarYpsi to install an additional 15 kilowatts of solar generating power to the existing 50 kilowatts system; and**

**WHEREAS, the overall system will save over 90% of our electrical energy consumption, and**

**WHEREAS; the total cost of the project is \$33,000, and will be reduced to \$24,750 by taking advantage of a governmental intensive and by having fire department personnel and volunteers installing the non-technical part of the system; and**

**FURTHER, allocate \$6,750 in addition to the \$18,000 budgeted for this project.**

**NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council authorizes an additional \$6,750 to the \$18,000 previously budgeted for this project then authorize the Fire Department to enter into a second lease-buy agreement with Chart House Energy for the purchase of the necessary equipment and electrical contractor work for a total cost of \$24,750; and**

**THAT, the City Manager is authorized to sign the purchase proposal with Chart House Energy.**

OFFERED BY: Council Member Richardson  
SECONDED BY: Mayor Pro-Tem Brown

Fire Chief Max Anthouard provided a summary to why this has been submitted for approval.

Mayor Edmonds stated she is strongly in support of this project and encouraged Council to join for the installation.

Council Member Robb asked from what account the additional funding would be allocated. Council Member Bashert stated the city has additional funding coming from the state for fire coverage, part of that could be used to fund this project. Council Member Murdock stated the Energy Efficiency Revolving Fund should be the source. Mayor Edmonds agreed.

On a roll call, the vote to approve Resolution No. 2018-185 was as follows:

|                           |     |                     |     |
|---------------------------|-----|---------------------|-----|
| Mayor Pro-Tem Brown       | Yes | Council Member Robb | Yes |
| Council Member Murdock    | Yes | Mayor Edmonds       | Yes |
| Council Member Richardson | Yes | Council Member Vogt | Yes |
| Council Member Bashert    | Yes |                     |     |

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

**Mayor Pro-Tem Brown Moved, seconded by Council Member Bashert to extend the meeting until 11:00 p.m.**

On a voice vote, the motion carried, and the meeting was extended

12. Resolution No. 2018-181, authorizing the Acceptance of the Scope of Services Proposal from OHM for the completion of the Feasibility Study and Environmental Categorical Exclusion Submittal phases of the Train Station Amtrak Rail Platform Project.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**WHEREAS, the City of Ypsilanti desires to establish a commuter train station platform in Depot Town to provide alternative transportation options for city residents and the commuting public and to provide a vital transportation link between the city, region, state, and interstate; and**

**WHEREAS, the city has been undertaking efforts over the past few years to help make a train station rail platform in Depot Town a reality; and**

**WHEREAS, the city has identified as the next steps in this project planning process to be (1) the completion of the feasibility study for the project; and (2) the application for finding of Environmental Categorical Exclusion for the project as outlined in OHM Advisors' July 10, 2018, Scope of Services proposal; and**

**WHEREAS, the City of Ypsilanti desires to move forward with these next steps in the project planning process;**

**NOW THEREFORE BE IT RESOLVED BY THE CITY OF YPSILANTI that the Ypsilanti City Council does hereby authorize the acceptance of the Scope of Services proposal from OHM Advisors of Livonia, Michigan, dated July 10, 2018, for the completion of the**



**Feasibility Study and Environmental Categorical Exclusion Submittal phases of the Train Station Amtrak Rail Platform Project in the amount of \$108,000; and**

**BE IT FURTHER RESOLVED that the city council does hereby authorize the City Manager to execute the acceptance of the Scope of Services Proposal on behalf of the city after approval by the City Attorney as to form.**

OFFERED BY: Council Member Vogt  
SECONDED BY: Mayor Pro-Tem Brown

Mr. McClary provided a synopsis to why this is being submitted for approval.

OHM Director of Municipal Engineering Kent Early provided a presentation regarding the project.

Mayor Edmonds asked for clarification on what would cause the city to be eligible for the categorical exclusion. Mr. Early responded a lot of it has to do with specific location and identifying contamination through soil testing, environmental testing, and historical data. He does not have the exact limits at this time, but will forward those to Council. Ms. Edmonds asked if the subcontractor has an educated guess on Ypsilanti's potential for categorical exclusion. Mr. Early replied the subcontractor think this will be a good candidate for categorical exclusion.

On a roll call, the vote to approve Resolution No. 2018-181 was as follows:

|                           |     |                     |     |
|---------------------------|-----|---------------------|-----|
| Mayor Pro-Tem Brown       | Yes | Council Member Robb | Yes |
| Council Member Murdock    | Yes | Mayor Edmonds       | Yes |
| Council Member Richardson | Yes | Council Member Vogt | Yes |
| Council Member Bashert    | Yes |                     |     |

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

~~13. Resolution No. 2018-185, approving a second lease buy agreement with Chart House Energy for solar array equipment at the Ypsilanti Fire Department to install additional kilowatts of solar generating power to the existing 50 kilowatts system. (moved)~~

**XIV. LIAISON REPORTS –**

- A. SEMCOG Update – Council Member Murdock stated the General Assembly met at the end of June held at Little Casers Arena. Officers were elected during that meeting and will meet next at the beginning of August.
- B. Washtenaw Area Transportation Study - None
- C. Urban County – Mayor Edmonds stated the County is proposing a vote on the racial equity ordinance, if approved it would affect all county decisions. She encouraged Council to provide feedback to County Board Members any input they might have. There will be a public forum held at Parkridge this Thursday. Summer meat up and eat up are active and serving eligible kids lunch during summer.
- D. Ypsilanti Downtown Development Authority – None
- E. Eastern Washtenaw Safety Alliance - None
- F. Friends of Rutherford Pool – None
- G. Housing Equity Leadership Team - None

## **XV. COUNCIL PROPOSED BUSINESS –**

### Bashert

- She has had some complaints of Gypsy Moth infestations in the College Heights. She isn't sure that is something the city should keep its eye on, but they can become a problem.

Mayor Edmonds suggested reporting it to the Department of Natural Resources. Council Member Murdock interjected the University of Michigan and Ann Arbor have been treating the trees.

- She stated the Boards and Commission web application needs to be updated to include the youth positions for the Police Advisory Commission.
- A person cannot physically reach the swings in Recreation Park because of the height of the weeds.

### Murdock

- 19 S. Normal on See. Click. Fix is listed to be vacant without running water, the porch is in poor condition, and squatters are living there. He asked for staff to look into that issue.
- He asked for a status of the labor negotiations.

Mr. McClary replied negotiations have been scheduled, but progress is slow with the two remaining bargaining units, and he is not that optimistic about an accepted contract soon. The city has begun contract negotiations with POAM, whose contract expires at the end of this year. AFSCME voted against a tentative agreement, the administration will be back at the negotiation table to formulate another agreement. Council Member Murdock suggested a Closed Session to get more in depth information. Mr. McClary replied he believes the labor attorney will be scheduling a closed session very soon to bring Council up to date.

- Asked the status of 220 N. Park.

Mr. Meyers responded there are no updates at this time. Council Member Murdock stated the city needs to know if they are going to proceed or not, so the city can move on to something else.

- He asked if issues have come up in the Thompson Block development project.

Mr. Meyers responded there has been some debate between the architect and engineer for the development which has slowed progress, but they are actively working toward completion.

- There seems to be an uptick in breaking and entering and larceny from vehicles. A strategy needs to be developed in order to address that issue.

### Richardson

- Agreed with Council Member Murdock about the increase in crime, and increasing the size of the police force. The city missed an opportunity for more police protection when it did not allocate some of the safety millage to the police department.

- Council should be receiving an email from Vicky Reams regarding developing a greater relationship between Council and EMU's administration. A town hall is proposed to be scheduled to discuss building a stronger relationship between the city and the university.
  - During the Heritage Park Neighborhood Association meeting Saturday, July 14, 2018 residents raised concern about city trees pushing up sidewalks, and the residents having to pay to replace the sidewalk. Many residents do not like trees in front of their homes because of the additional cost. Residents feel the trees belong to the city and the city should have to pay to repair the sidewalk. The association has requested the City Manager to speak with them regarding that issue, and will extend an invitation to him. The association is also concerned with speeding on Monroe, they have requested more stop signs and speed bumps. She requested speed bumps be installed, and understands a speed study needs.
  - She asked what is being done for the road repair at Harriet and Hamilton.
- Mr. McClary stated MDOT has requested the city retain cost estimates for those repairs.
- The Carrie Mattingly Park needs some attention; grass cutting and updating the equipment.

#### **XVI. COMMUNICATIONS FROM THE MAYOR –**

- An informal group title the Ypsi Youth Safety Alliance, which was formed because of some unrest occurring this past year. The Police Chief, Ozone House, AAATA, and other partners now meet monthly to discuss issues specifically regarding teens. AAATA is now providing its own security rather than contracting services. There has been a decrease in activity since the group's formation.

Community Benefits Ordinance (CBO) Work Session - August 29, 2018

Nominations:

##### **Ypsilanti Downtown Development Association**

Kayia Robinson (vacancy – exp. 7/1/2022)  
36 N. Washington St.  
Ypsilanti, MI 48197

Danielle Milner Brehmer (vacancy – exp. 7/1/2022)  
731 W. Cross  
Ypsilanti, MI 48197

Yolanda Portis (replacing Diana Wong – exp. 7/1/2019)  
8763 Trillium Drive  
Ypsilanti, MI 48197

##### **Sustainability Commission**

Ashanti Proffit – (youth appointment – exp. 5/1/2019)  
444 Second  
Ypsilanti, MI 48197

##### **Police Advisory Commission**

Bill Riccobono (vacancy)  
503 Roosevelt

Ypsilanti, MI 48197

**Parks and Recreation Commission**

Lisa Voelker (vacancy)  
117 Pearl St  
Ypsilanti, MI 48197

Delois Wilson (reappointment)  
418 Ainsworth  
Ypsilanti, MI 48197

Cherisa Allen  
450 Burton Ct.  
Ypsilanti, MI 48197

**XVII. COMMUNICATIONS FROM THE CITY MANAGER –**

- He will be on executive leave starting tomorrow, July 18, 2018 and will be in Boston. City Clerk McMullan will be serving as City Manager.
- He provided an update on the Ypsilanti Township Recycling Drop-Off Center. The Township Supervisor does not foresee an issue with the agreement.
- The city is reviewing draft recommendations for city parks bathrooms. Cost estimates will be supplied once the city decides on a recommendation.

Mayor Edmonds stated Council give direction to install port-a-johns in the parks until the restroom facilities are operational. Mr. McClary responded those have already in place.

- He provided an update on the South Huron parking lot repairs and restriping. The work will not be completed until the construction of the MAP building is complete.

Council Member Bashert asked for an update of the MAP building. Mr. Meyers responded the final inspection is this Friday.

- The stone barrier between the Border to Border Trail between the trail and the river will be installed shortly.
- He provided Council an update of the legislative management software and improvements made to Council Chambers.
- He is planning on making changes to the Economic Development Department and retitle it the Community Services Department and setup several functional divisions in that department. There will be a new Community Services Director, and this department will be more community centered and will include the Assessing Department. There are some conflicts of interest with housing the Assessing Department in the Finance Department.

Mayor Edmonds asked if the Community Services Director will still play a role in Economic Development. Mr. McClary responded in the affirmative, the Community Development Manager will focus on the Downtown Development Authority and provide some assistance to economic development.

- He is planning on consolidating the Finance and Treasury Departments. Treasury functions will continue to operate on the first floor. The Finance Director and Treasurer positions will be combined

and a Deputy Finance Director/Deputy Treasurer position will be created. The Deputy Finance Director will be primarily working on the first floor to assist with Treasury functions.

- He is awaiting a draft plan for IT migration, hopefully by the end of his week. He met with County IT who indicated they will like to engage with the city about possibility continuing to be serviced by the county.

Mayor Edmonds asked if there is a short term solution to allow Council's emails to migrate so that Council could have functional emails. Mr. McClary replied the county is planning on moving away from the current email system, which will allow greater storage capacity. Ms. Edmonds asked the county to be reminded that the email is not functional for non-PC users.

- He provided some background on his lunch meeting with Vickie Reaum.

**Mayor Pro-Tem Brown moved, seconded by Council Member Vogt to extend the meeting until 12:00 p.m.**

On a voice vote, the motion carried, and the meeting was extended.

**XVIII. COMMUNICATIONS –**

- June 19, 2018 Traffic Review Committee minutes
- Human Relations Commission Annual Report

**XX. AUDIENCE PARTICIPATION –**

1. Lee Tooson, 107 Middle, thanked Council Members Vogt and Robb for their services to the city since they have been on Council. In the past City Managers have shown great interest in the city that they were over. When things would happen in the city those guys would come and address it, they would talk to the community. The current City Manager does not do that, and he cannot understand why he is still employed. If the former Economic Development Director did right or wrong, it was under this City Manager's watch and he should receive the same punishment. He was disappointed the United States flag, of which he served under for two years, was desecrated by homosexuals in the parade. He asked if this is a homosexual city, and said that is not what this city needs. People get mad when the flag is burned, but when homosexuals desecrate it by putting their colors on the flag nobody says anything. He asked if we are going to yield to a homosexual city, he said homosexuals get mad when they are confronted and they are discriminated against. He said if they do not want to be discriminated against they should keep it in the "bushes".

Council Member Bashert asked that these comments be stopped. Mr. Tooson replied "I wish you would stop me, if you want to act like a man go in the bushes". Council Member Vogt asked Mr. Tooson to leave. Mr. Tooson replied "I'm not going to go just because you asked me to go". Mr. Vogt responded your statements are extremely offensive to everyone here. Mayor Edmonds interjected that Mr. Tooson's comments were disrespectful.

**XXI. REMARKS FROM THE MAYOR –**

**XXII. CLOSED SESSION –**

Closed Session to discuss City Manager evaluation. OMA 15.268. Section 8(a)

OFFERED BY: Council Member Bashert  
SECONDED BY: Council Member Vogt

City Council Meeting Minutes  
July 17, 2018

On a roll call, the vote to adjourn to Closed Session was as follows:

|                           |     |                     |     |
|---------------------------|-----|---------------------|-----|
| Mayor Pro-Tem Brown       | Yes | Council Member Robb | Yes |
| Council Member Murdock    | Yes | Mayor Edmonds       | Yes |
| Council Member Richardson | Yes | Council Member Vogt | Yes |
| Council Member Bashert    | Yes |                     |     |

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

**XXIII. ADJOURNMENT –**

Resolution No. 2018-182, adjourning the City Council meeting

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**That the City Council Meeting be adjourned, on call, by the Mayor or two (2) members of Council.**

OFFERED BY: Council Member Bashert

SECONDED BY: Council Member Vogt

On a voice vote, the motion carried, and the meeting adjourned at 12:20 p.m.



Resolution No. 2018 – 191  
August 14, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

THAT, the following individuals be appointed to the City of Ypsilanti Boards and Commissions as indicated below:

| <b><u>NAME</u></b>                                                    | <b><u>BOARD</u></b>                              | <b><u>EXPIRATION</u></b> |
|-----------------------------------------------------------------------|--------------------------------------------------|--------------------------|
| Kayia Robinson<br>36 N. Washington St.<br>Ypsilanti, MI 48197         | YDDA                                             | 7/1/2022                 |
| Danielle Milner Brehmer<br>731 W. Cross<br>Ypsilanti, MI 48197        | YDDA                                             | 7/1/2022                 |
| Yolanda Portis<br>8763 Trillium Drive<br>Ypsilanti, MI 48197          | YDDA<br>(replacing Diana Wong)                   | 7/1/2019                 |
| Ashanti Proffit<br>444 Second<br>Ypsilanti, MI 48197                  | Sustainability Commission<br>(youth appointment) | 5/1/2019                 |
| Bill Riccobono (vacancy)<br>503 Roosevelt<br>Ypsilanti, MI 48197      | Police Advisory Commission                       | 2/1/2021                 |
| Lisa Voelker (vacancy)<br>117 Pearl St<br>Ypsilanti, MI 48197         | Parks and Recreation                             | 7/1/2021                 |
| Delois Wilson (reappointment)<br>418 Ainsworth<br>Ypsilanti, MI 48197 | Parks and Recreation                             | 7/1/2021                 |
| Cherisa Allen<br>450 Burton Ct.<br>Ypsilanti, MI 48197                | Parks and Recreation                             | 7/1/2021                 |

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:

NO:

ABSENT:

VOTE:



Resolution No. 2018-192  
August 14, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

That an ordinance entitled "An ordinance to amend Chapter 46, Article II, Sections 46-31 and 46-32 of the Ypsilanti City Code of Ordinances to allow employees of governmental units other than the City of Ypsilanti to serve on the Board of Ethics, and to allow members to serve multiple terms" be approved on Second and Final Reading.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:





**CITY OF YPSILANTI  
NOTICE OF ADOPTED ORDINANCE  
Ordinance No. 1317**

An ordinance to amend Chapter 46, Article II, Sections 46-31 and 46-32 of the Ypsilanti City Code of Ordinances to allow employees of governmental units other than the City of Ypsilanti to serve on the Board of Ethics, and to require annual meetings

**1. THE CITY OF YPSILANTI HEREBY ORDAINS** that Chapter 46, Article II, Sections 46-31 and 46-32 of its Code of Ordinances be amended to read as follows:

Sec. 46-31. - Creation; members.

- (a) In order to provide an orderly procedure for consideration and review of the issues which may arise concerning questions of standards of conduct for public officers and employees, there is hereby created a board of ethics for the city. The board of ethics shall consist of five members appointed by the mayor with the approval of the city council.
- (b) No official, whether elected or appointed, or employee of the city council member, officer or employee and no officer or employee of any other governmental unit shall be a member of the board ethics. An employee of a governmental unit other than the city may be a member of the board of ethics, so long as he or she does not hold an elected or appointed office with a governmental unit.
- (c) No more than three members of the board of ethics shall be members of the same political party. Each member of the board of ethics shall file an affidavit of party affiliation prior to taking office. The board member need not be a member of any political party and may serve as an independent with no political party affiliation.

Sec. 46-32. - Appointment; term; officers; rules of procedure.

- (a) Members of the board of ethics shall be city residents. The mayor shall, with the majority consent of the city council, appoint members of the board of ethics. The first five persons shall be appointed to the board of ethics for terms of one year, two years, three years, four years and five years so that one member's term shall expire each year. Thereafter all terms shall be five years.
- (b) No person shall serve more than one full five-year term, provided that a person serving an initial term of two years or less, and a person appointed to fill a vacancy

of a remaining term of two years or less shall be eligible for appointment to one additional five-year term.

- (c) One initial board member shall be selected by the mayor to serve as board chair until a new chair is elected by a majority of the board of ethics. The term of board chair shall be one year.
- (d) If any issue before the board of ethics involves any member of the board of ethics, the mayor with majority consent of the city council shall appoint an additional member or members to sit for the purpose of that determination in place of the member or members involved.
- (e) The board of ethics shall adopt its own rules of procedure not inconsistent with this article, other city ordinances, and other laws of the state and federal government.
- (f) Members of the board of ethics shall not be elected or appointed officers or employees of the city nor be nominees or candidates for any elective city office for two years prior to their appointment or two years after their term.
- (g) The board of ethics shall meet no less than once a year to consider and discuss its processes and needs as well as to issue its annual report as required by Section 9.01(c) of the City Charter.

**2. Severability.** If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

**3. Repeal.** All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

**4. Savings Clause.** The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

**5. Copies to be available.** Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

**6. Publication and Effective Date.** The City Clerk shall cause this Ordinance, or

a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

\_\_\_\_\_  
Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. \_\_\_\_\_ was published according to Section 11.13 of the City Charter on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Frances McMullan, City Clerk

Notice Published: June 20, 2018

First Reading: July 17, 2018

Second Reading: August 14, 2018

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_



## REQUEST FOR LEGISLATION

August 14, 2018

**To:** Honorable Mayor and Ypsilanti City Council  
**From:** Darwin D. P. McClary, City Manager  
**Subject:** **SENIOR CENTER FACILITY RENTAL FEES**

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### **SUMMARY & BACKGROUND:**

The Ypsilanti Senior Center Board of Directors is requested that the city council approve an increase in the senior center facility rental fee from \$50.00 per hour to \$60.00 per hour for the current year and to increase the fee by \$2.00 on January 1 of each year thereafter.

Attached is a copy of the letter of request from the board of directors dated July 13, 2018.

### **PREVIOUS COUNCIL ACTION:**

None

### **FINANCIAL IMPACT:**

If approved, the senior center rental fee will increase by \$10.00 per hour in the first year and \$2.00 per hour in each subsequent year.

### **RECOMMENDED ACTION:**

Approve the request from the Ypsilanti Senior Center Board of Directors to increase the senior center rental fee from \$50.00 per hour to \$60.00 per hour effective until December 31, 2018, and to increase the fee by \$2.00 per hour on January 1 of each subsequent calendar year.

### **ATTACHMENTS:**

Letter of Request from Ypsilanti Senior Center Board of Directors dated July 13, 2018

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**CITY MANAGER APPROVAL:** DDPM

**COUNCIL AGENDA DATE:** 08/14/18

**CITY MANAGER COMMENTS:** Approve the request as presented.

**FISCAL SERVICES DIRECTOR APPROVAL:** \_\_\_\_\_



Resolution No. 2018 - 193  
August 14, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

WHEREAS, the Ypsilanti Senior Center Board of Directors has re-evaluated the facility rental fees for the senior center, including conducting extensive research and comparison between the fees levied by the city and those of other comparable facilities across Washtenaw County and some in Wayne County; and

WHEREAS, as a result of the review of fees, the Board of Directors is recommending to the City Council that the hourly rental rate for the Ypsilanti Senior Center be increased;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF YPSILANTI that the city council does hereby accept and approve the recommendation from the Ypsilanti Senior Center Board of Directors to increase the hourly rental rate for the Ypsilanti Senior Center from \$50.00 per hour to \$60.00 per hour effective August 15, 2018, through December 31, 2018, and to increase the hourly fee by \$2.00 on January 1 of each year thereafter.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:

NO:

ABSENT:

VOTE:



Ypsilanti Senior Center  
1015 N. Congress St  
Ypsilanti, MI 48197  
734-483-5014  
734-480-0380 (fax)  
ypsiseniors@sbcglobal.net  
www.ypsiseniorcenter.org

**Staff:**

*Monica Prince  
Shonda Gibbs*

**Board of Directors:**

*Anne Brown  
Andrea Linn  
Carolyn Maguire  
Adrienne Meyer  
Monica Prince  
Carl Schier  
Susan Scott  
Evan Sweet  
Dana Thomas  
DeLois Wilson*

July 13, 2018

Dear Darwin McClary & City of Ypsilanti Council Members,

The Ypsilanti Senior Center has re-evaluated their facility rental fees. After extensive research and comparisons between the Ypsilanti Senior Center and comparable facilities across Washtenaw County, and some in Wayne County, the Ypsilanti Senior Center is proposing a facility rental increase.

Currently the Ypsilanti Senior Center rental rate is \$50.00 per hour. The recommendation approved by the Ypsilanti Senior Center Board of Directors is to raise the rental fee to \$60.00 per hour, with an automatic increase of \$2.00 annually each January.

Thank you for your consideration,

Ypsilanti Senior Center Board of Directors



Resolution No. 2018-194  
August 14, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

That an ordinance entitled "An ordinance to amend Chapter 7 "Medical Marijuana" of the Code of Ordinances of the City of Ypsilanti to provide for state licensing deadlines as determined by the administrative rules set by the State of Michigan" be approved on Second and Final Reading.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:

**CITY OF YPSILANTI  
NOTICE OF ADOPTED ORDINANCE  
Ordinance No. 1319**

An ordinance to amend Chapter 7 "Medical Marijuana" of the Code of Ordinances of the City of Ypsilanti to provide for state licensing deadlines as determined by the administrative rules set by the State of Michigan

**1. THE CITY OF YPSILANTI HEREBY ORDAINS** that Chapter 7 "Medical Marijuana" of its Code of Ordinances be amended to read as follows:

Sec. 7-3. - Adoption of state rules and regulations.

All activities related to medical marijuana shall be in compliance with the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein.

Pursuant to the MMFLA, the City of Ypsilanti authorizes the operation in the city of the following marijuana facilities, provided they possess a state operating license issued under the MMFLA and they comply with the additional requirements of this chapter, chapter 122 of this Code, and all other applicable laws and ordinances:

- (1) Grower, including Class A, Class B, and Class C grower.
- (2) Processor.
- (3) Provisioning center.

No later than February 15, 2018, all previous medical marijuana dispensaries and medical marijuana growing/manufacturing facilities licensed by the City of Ypsilanti previous to the adoption of the MMFLA are required to apply for a state operating license to operate in the city. Such a state operating license must be issued on or before June 15, 2018 the deadline for state operating licensure established by the administrative rules or regulations of the State of Michigan adopted under the MMFLA regarding "temporary operation," as defined therein. Likewise, all licenses issued by the city for medical marijuana dispensaries and medical marijuana growing/manufacturing facilities current and valid as of December 31, 2017, shall be continued under the same rules and regulations as issued until June 15, 2018, the issuance of a permit under this chapter, or the denial of an application under this chapter, whichever occurs first.

Sec. 7-4. - Permit required.

- (a) No person shall own, operate, or maintain a marihuana facility in the city without first applying for and receiving a permit from the city clerk's office.



(b) Any medical marijuana dispensary or medical marijuana growing/manufacturing facility licensed by the City of Ypsilanti and opened prior to the adoption of the MMFLA must file for a permit under this chapter no later than February 1, 2018. No other applications will be accepted by the city until March 1, 2018. Within 30 days after a pre-existing application is denied, the pre-existing dispensary or growing/manufacturing facility shall discontinue all operation unless the building or other code official determines it must be closed sooner for safety reasons.

(c) For the purposes of the permit required by this chapter, a processor and grower are treated as one permit. More than one state operating license(s) required for the operation of such may be combined at the same location under one permit.

(d) The number of permits issued and renewed in any year shall be capped at seven for provisioning centers and three for growers/processors.

(e) Effective upon the issuance of a state operating license ~~June 15, 2018~~, any permit shall automatically terminate and become void if the use permitted by this chapter stops for 90 days or more.

(f) A permit shall be issued or renewed upon payment of the required fee and submission of a completed application in compliance with the provisions of this chapter, and compliance with all provisions and requirements of this chapter, the MMFLA, and the MTA. Application to renew a permit under this chapter shall be filed at least 30 days prior to the date of expiration. Such renewal shall be annual and shall be accompanied by the annual fee.

(g) Every applicant shall pay a fee at the time of the application for an initial or renewal permit, which fee shall be set by council resolution. Said fee is non-refundable if the application is reviewed.

(h) The permit requirements set forth in this chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law.

(i) The issuance of any permit pursuant to this chapter does not create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marijuana, possession of drug paraphernalia, or presence in places where drugs are being used, stored, or kept.

(j) All marihuana facilities shall have a sign measuring at least 11 × 17 inches installed and maintained in a conspicuous location visible to all persons entering the premises located inside the building that reads as follows:

THE MICHIGAN MEDICAL MARIHUANA ACT ACKNOWLEDGES THAT "FEDERAL LAW CURRENTLY PROHIBITS ANY USE OF MARIHUANA EXCEPT UNDER VERY LIMITED

CIRCUMSTANCES." SEE MCL 333.26422(c). IF YOU HAVE ANY QUESTIONS OR CONCERNS PLEASE CONSULT WITH YOUR ATTORNEY.

**2. Severability.** If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

**3. Repeal.** All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

**4. Savings Clause.** The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

**5. Copies to be available.** Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

**6. Publication and Effective Date.** The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

\_\_\_\_\_  
Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. \_\_\_\_\_ was published according to Section 11.13 of the City Charter on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_

Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Frances McMullan, City Clerk

Notice Published: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_



Resolution No. 2018-195  
August 14, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

THAT, the performance review of City Manager Darwin D.P. McClary conducted on July 17, 2018 be accepted.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:

NO:

ABSENT:

VOTE:



Resolution No. 2018-196  
August 14, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**WHEREAS**, *Turn the Town Teal* is a national campaign to create awareness of ovarian cancer and its symptoms;

**WHEREAS**, ovarian cancer is the deadliest of gynecologic cancers and a leading cause of cancer-related death in women. There is no early detection test for ovarian cancer; It is referred to as "The Silent Disease"; and

**WHEREAS**, each year the Michigan Ovarian Cancer Alliance (MIOCA), a nonprofit and partner member of the Ovarian Cancer National Alliance, sponsors ***"Turn the Towns Teal"***, a national campaign to create awareness of ovarian cancer; and

**WHEREAS**, this event is held in conjunction with National Ovarian Cancer Awareness Month, from September 1 to September 30; and

**WHEREAS**, the Michigan Ovarian Cancer Alliance would like to tie teal ribbons throughout the city, post awareness posters at establishments, and distribute information cards; and

**WHEREAS**, the Michigan Ovarian Cancer Alliance (MIOCA), will cover all expenses incurred by this campaign and there will be no cost to the city.

**THEREFORE BE IT RESOLVED THAT** the Mayor and City Council supports this national campaign and approves of teal ribbons being tied throughout the city September 1<sup>st</sup> - September 30, 2018, along with lawn signs, awareness posters and information cards being provided for establishments that are interested.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:                      NO:                      ABSENT:                      VOTE:



Dear Administrator:

*Tie Michigan Teal* is a state wide campaign, designed to promote awareness of ovarian cancer and its symptoms. Teal is the color representing ovarian cancer. Ovarian cancer is the deadliest of the gynecologic cancers and one of the five leading cancer related deaths among women in the United States.

Each year approximately 22,000 women are diagnosed with the disease and 15,000 women die. Women diagnosed with ovarian cancer have on average a five year survival rate of 45%. Unlike other cancers, there is no early detection test for ovarian cancer, and because the symptoms are often subtle and mimic other diseases, awareness of the symptoms is the key to early diagnosis.

The *Tie Michigan Teal* campaign is sponsored by the Michigan Ovarian Cancer Alliance and consists of volunteers tying teal ribbons on lamp posts in the downtown areas and distributing awareness information to local businesses. The event will be held during the month of September, which has been declared National Ovarian Cancer Awareness Month. There is no cost to the city and the ribbons will be taken down at the end of the month.

I am asking you to grant permission for our volunteers to tie ribbons throughout your town/city this September, 2018. Please sign on the bottom of this letter and return the signed letter to the volunteer whose name and contact information is below. Thank you for your support of our efforts to save women's lives. If you have any questions or concerns, please contact us at: [info@mioca.org](mailto:info@mioca.org).

Sincerely,

Marcia Gurche, *Tie Michigan Teal* Coordinator  
[mgurche@gmail.com](mailto:mgurche@gmail.com)

---

MAYOR/TOWN OFFICIAL

TOWN/STATE

*Please return the signed letter to the volunteer listed below. She/he is responsible for the Tie the Michigan Teal Campaign in your city/town.*

*VOLUNTEER NAME*

*CONTACT INFORMATION*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



REQUEST FOR LEGISLATION  
August 14, 2018

To: Mayor and Council

From: Frances McMullan, City Clerk

Subject: Fireworks Display Permit Application from Eastern Michigan University

---

On August 6, 2018, a request for a Fireworks Display Permit was received from Andrew Espenshade of ACE Pyro, LLC, on behalf of the Eastern Michigan University Athletic Department. The University would like to have a fireworks display at Rynerson Stadium 799 North Hewitt Rd. on the following dates at approximately 7:00 pm:

August 31, 2018  
September 29, 2018  
October 13, 2018  
October 27, 2018  
November 3, 2018  
November 10, 2018

Attached is proof of public liability insurance for the proposed display with coverage set at \$10, 000,000 and with the City being added as an additional insured.

The City Clerk's office recommends approval of the application subject to inspection and approval of the Ypsilanti Fire Department.

RECOMMENDED ACTION: Approval

ATTACHMENTS: fireworks packet

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CITY MANAGER APPROVAL: \_\_\_\_\_ COUNCIL AGENDA DATE: 8/14/18

CITY MANAGER COMMENTS: \_\_\_\_\_

FISCAL SERVICES DIRECTOR APPROVAL: \_\_\_\_\_



Resolution No. 2018 - 197  
August 14, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

WHEREAS, Andrew Espenshade of ACE Pyro, LLC, on behalf of the Eastern Michigan University Athletic Department has applied for a fireworks permit to allow a firework display at Eastern Michigan University Rynerson Stadium located at 799 North Hewitt Rd. on the following dates at approximately 7:00 pm: August 31, 2018, September 29, 2018, October 13, 2018, October 27, 2018, November 3, 2018 and November 10, 2018; and

WHEREAS, ACE Pyro, LLC will operate the display and has obtained public liability insurance in the amount of \$10,000,000 and has added the City of Ypsilanti as an additional insured.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council approves the Fireworks Display Permit to allow the requested display of fireworks on August 31, 2018, September 29, 2018, October 13, 2018, October 27, 2018, November 3, 2018 and November 10, 2018, subject to the inspection and approval of the Ypsilanti Fire Department.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:                      NO:                      ABSENT:                      VOTE:





## EMU August 31, 2018 Football Proximate Pyrotechnics Display

### Display Date & Time:

- August 31, 2018, approximately 6:30pm

### Display Location:

- Rynearson Stadium, 799 North Hewitt Road, Ypsilanti, MI 48197
- Pyrotechnics will be fired from 4 rooftop positions at south end of stadium-see attached diagram

### Display Description:

- Pyrotechnics will be employed for EMU team intro and touchdowns
- Duration will be 10 seconds for EMU team intro and 1 instantaneous group of effects for each touchdown

### Type of Fireworks:

- Display will consist entirely of products certified UN0431, 1.4G Articles Pyrotechnic
- Pyrotechnics are designed for use on buildings, stages, and other proximate environments
- Pyrotechnics specifically designed to produce no fallout debris and low smoke

### Display Operator Qualifications:

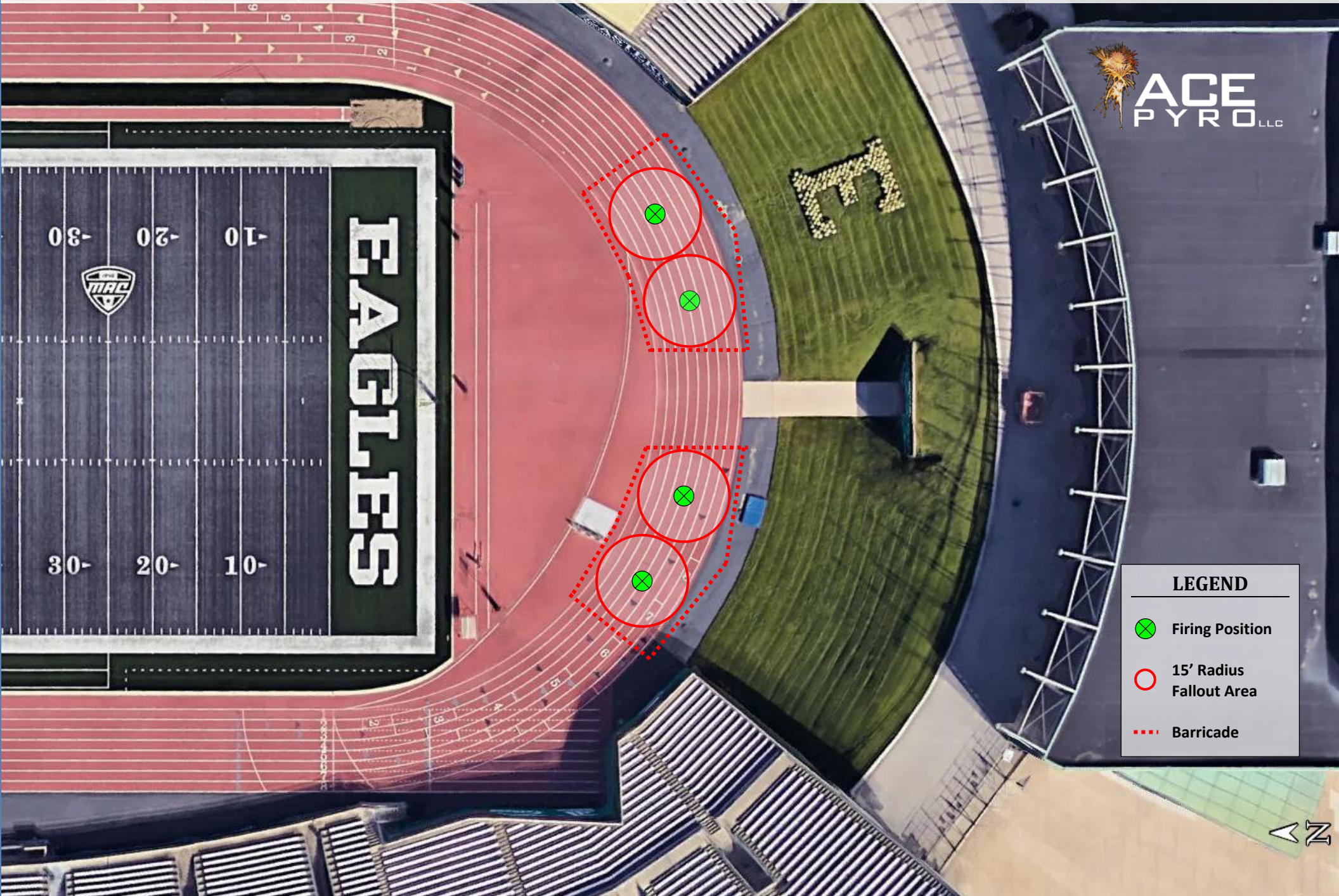
- Display Sales & Production Manager ACE Pyro, LLC
- Certified by the Pyrotechnics Guild International 'Display Operator Certification Course'
- Pyrotechnic Operator License – City of Detroit, Michigan
- Display choreographer
- System developer and industrial engineer – StarFire digital firing system
- 10+ years of experience on 100+ professional fireworks displays

### Safety Precautions:

- Compliance with NFPA 1126: Standard for the Use of Pyrotechnics Before a Proximate Audience
- Firing positions will be barricaded to prevent unauthorized access
- Pyrotechnic materials will be attended at all times once on site
- Pyrotechnics will be fired using a computer controller digital firing system
- ABC and water firing extinguishers will be pre-positioned on display site



# 2018 EMU Football Fireworks Site Map



## LEGEND

-  Firing Position
-  15' Radius  
Fallout Area
-  Barricade

|                                                                           |
|---------------------------------------------------------------------------|
| FOR USE BY LEGISLATIVE BODY<br>OF CITY, VILLAGE OR TOWNSHIP<br>BOARD ONLY |
| DATE PERMIT(S) EXPIRE:                                                    |

BFS-417 (Rev 01/18)



## 2018 Permit for Fireworks Other than Consumer or Low Impact

|                        |                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Authority: 2011 PA 256 | The <b>LEGISLATIVE BODY OF CITY, VILLAGE OR TOWNSHIP BOARD</b> will not discriminate against any individual or group because of race, sex, religion, age, color, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this Legislative Body of City, Village or Township Board. |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

*This permit is not transferable. Possession of this permit authorizes the herein named person to possess, transport and display fireworks in the amounts, for the purpose of and at the place listed below only through permit expiration date.*

|                                                                                                                                                                                                                                                                                                                                                                                                                              |  |                                                                                                                                            |                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| TYPE OF PERMIT(S) (Select all applicable boxes)<br><input type="checkbox"/> Agricultural or Wildlife Fireworks <input checked="" type="checkbox"/> Articles Pyrotechnic <input type="checkbox"/> Display Fireworks<br><input checked="" type="checkbox"/> Public Display <input type="checkbox"/> Private Display<br><input type="checkbox"/> Special Effects Manufactured for Outdoor Pest Control or Agricultural Purposes |  | <b>FOR USE BY LEGISLATIVE BODY OF CITY, VILLAGE OR TOWNSHIP BOARD ONLY.</b><br><br>PERMIT(S) EXPIRATION DATE<br>(ENTER DATE OF EXPIRATION) |                               |
| NAME OF PERSON PERMIT ISSUED TO<br><b>Drew Espenshade</b>                                                                                                                                                                                                                                                                                                                                                                    |  | AGE (18 YEARS OR OLDER)<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                                             |                               |
| ADDRESS OF PERSON PERMIT ISSUED TO<br><b>9700 Burmeister Rd, Saline, MI 48176</b>                                                                                                                                                                                                                                                                                                                                            |  |                                                                                                                                            |                               |
| NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION<br><b>ACE Pyro, LLC</b>                                                                                                                                                                                                                                                                                                                                                     |  |                                                                                                                                            |                               |
| ADDRESS<br><b>9700 Burmeister Rd, Saline, MI 48176</b>                                                                                                                                                                                                                                                                                                                                                                       |  |                                                                                                                                            |                               |
| NUMBER AND TYPES OF FIREWORKS (Please attach additional pages if necessary)<br><br><b>Approximately 50 - Close Proximity Articles Pyrotechnic Effects</b>                                                                                                                                                                                                                                                                    |  |                                                                                                                                            |                               |
| EXACT LOCATION OF DISPLAY OR USE<br><b>Rynearson Stadium 799 North Hewitt Road, Ypsilanti, MI 48197</b>                                                                                                                                                                                                                                                                                                                      |  |                                                                                                                                            |                               |
| CITY, VILLAGE, TOWNSHIP<br><b>Ypsilanti</b>                                                                                                                                                                                                                                                                                                                                                                                  |  | DATE<br><b>8/31/2018</b>                                                                                                                   | TIME<br><b>6:30 PM</b>        |
| BOND OR INSURANCE FILED<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                                                                                                                                                                                                                                                                                                                               |  |                                                                                                                                            | AMOUNT<br><b>\$10,000,000</b> |

|                                                                                                                                                                                          |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Issued by action of the Legislative Body of a<br><br><input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township of _____ on the _____ day of _____ |  |
| (Signature and Title of Legislative Body Representative)                                                                                                                                 |  |

**\*THIS FORM IS VALID UNTIL THE DATE OF EXPIRATION OF PERMIT\***



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/6/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

|                                                                                               |  |                                                                                                                      |  |                                    |
|-----------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------|--|------------------------------------|
| <b>PRODUCER</b><br>The Partners Group Ltd<br>11225 SE 6th St., Suite 110<br>Bellevue WA 98004 |  | <b>CONTACT NAME:</b> Janet Nau<br><b>PHONE (A/C, No, Ext):</b> 425-455-5640<br><b>E-MAIL ADDRESS:</b> Jnau@tpgrp.com |  | <b>FAX (A/C, No):</b> 425-455-6727 |
|                                                                                               |  | <b>INSURER(S) AFFORDING COVERAGE</b>                                                                                 |  | <b>NAIC #</b>                      |
|                                                                                               |  | INSURER A : T.H.E. Insurance Company                                                                                 |  | 12866                              |
| <b>INSURED</b><br>Ace Pyro, LLC<br>13001 E. Austin Rd<br>Manchester MI 48158                  |  | 14372                                                                                                                |  |                                    |
|                                                                                               |  | <b>INSURER B :</b>                                                                                                   |  |                                    |
|                                                                                               |  | <b>INSURER C :</b>                                                                                                   |  |                                    |
|                                                                                               |  | <b>INSURER D :</b>                                                                                                   |  |                                    |
|                                                                                               |  | <b>INSURER E :</b>                                                                                                   |  |                                    |
|                                                                                               |  | <b>INSURER F :</b>                                                                                                   |  |                                    |

**COVERAGES****CERTIFICATE NUMBER:** 1572495774**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE                                                                                                                                                                                                                                                                                                                     | ADDL INSR | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS                                                                                 |              |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------|---------------|-------------------------|-------------------------|----------------------------------------------------------------------------------------|--------------|
| A        | <b>GENERAL LIABILITY</b><br><input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY<br><input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR<br><br>GEN'L AGGREGATE LIMIT APPLIES PER:<br><input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC | Y         |          | CPP010442903  | 11/1/2017               | 11/1/2018               | EACH OCCURRENCE                                                                        | \$ 1,000,000 |
|          |                                                                                                                                                                                                                                                                                                                                       |           |          |               |                         |                         | DAMAGE TO RENTED PREMISES (Ea occurrence)                                              | \$ 100,000   |
|          |                                                                                                                                                                                                                                                                                                                                       |           |          |               |                         |                         | MED EXP (Any one person)                                                               | \$ Excluded  |
|          |                                                                                                                                                                                                                                                                                                                                       |           |          |               |                         |                         | PERSONAL & ADV INJURY                                                                  | \$ 1,000,000 |
|          |                                                                                                                                                                                                                                                                                                                                       |           |          |               |                         |                         | GENERAL AGGREGATE                                                                      | \$ N/A       |
|          |                                                                                                                                                                                                                                                                                                                                       |           |          |               |                         |                         | PRODUCTS - COMP/OP AGG                                                                 | \$ 2,000,000 |
|          |                                                                                                                                                                                                                                                                                                                                       |           |          |               |                         |                         |                                                                                        | \$           |
| A        | <b>AUTOMOBILE LIABILITY</b><br><input type="checkbox"/> ANY AUTO<br><input type="checkbox"/> ALL OWNED AUTOS<br><input checked="" type="checkbox"/> HIRED AUTOS<br><input checked="" type="checkbox"/> SCHEDULED AUTOS<br><input checked="" type="checkbox"/> NON-OWNED AUTOS                                                         |           |          | CPP010772903  | 11/1/2017               | 11/1/2018               | COMBINED SINGLE LIMIT (Ea accident)                                                    | \$ 1,000,000 |
|          |                                                                                                                                                                                                                                                                                                                                       |           |          |               |                         |                         | BODILY INJURY (Per person)                                                             | \$           |
|          |                                                                                                                                                                                                                                                                                                                                       |           |          |               |                         |                         | BODILY INJURY (Per accident)                                                           | \$           |
|          |                                                                                                                                                                                                                                                                                                                                       |           |          |               |                         |                         | PROPERTY DAMAGE (Per accident)                                                         | \$           |
|          |                                                                                                                                                                                                                                                                                                                                       |           |          |               |                         |                         |                                                                                        | \$           |
| A        | <b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR<br><input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE<br><br>DED <input type="checkbox"/> RETENTION \$                                                                                                                               |           |          | ELP001174703  | 11/1/2017               | 11/1/2018               | EACH OCCURRENCE                                                                        | \$ 9,000,000 |
|          |                                                                                                                                                                                                                                                                                                                                       |           |          |               |                         |                         | AGGREGATE                                                                              | \$ 9,000,000 |
|          |                                                                                                                                                                                                                                                                                                                                       |           |          |               |                         |                         |                                                                                        | \$           |
| A        | <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b><br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)<br>If yes, describe under DESCRIPTION OF OPERATIONS below<br>Y / N <input type="checkbox"/> N / A                                                                                                 |           |          | WCP0005331002 | 11/1/2017               | 11/1/2018               | <input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER |              |
|          |                                                                                                                                                                                                                                                                                                                                       |           |          |               |                         |                         | E.L. EACH ACCIDENT                                                                     | \$ 1,000,000 |
|          |                                                                                                                                                                                                                                                                                                                                       |           |          |               |                         |                         | E.L. DISEASE - EA EMPLOYEE                                                             | \$ 1,000,000 |
|          |                                                                                                                                                                                                                                                                                                                                       |           |          |               |                         |                         | E.L. DISEASE - POLICY LIMIT                                                            | \$ 1,000,000 |

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)**

The following are Additional Insured on General Liability as their interest may appear as respects operations performed by or on behalf of the Named Insured, as required by written contract:

Additional Insured: City of Ypsilanti and Eastern Michigan University  
Event Location: Rynearson Stadium, 799 North Hewitt Road, Ypsilanti, MI 48197  
Event Date(s): 8/31/2018, 9/29/2018, 10/13/2018, 10/27/2018, 11/3/2018, 11/10/2018

**CERTIFICATE HOLDER****CANCELLATION**

City of Ypsilanti  
1 S Huron Street  
Ypsilanti MI 48197

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Federal Explosives License/Permit  
(18 U.S.C. Chapter 40)

U.S. GOVERNMENT PRINTING OFFICE: 2011 O 540014

In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.53.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF  
Correspondence To  
ATF - Chief, FELC  
244 Needy Road  
Martinsburg, WV 25405-9431

License/Permit  
Number  
**4-MI-161-20-0D-12625**

Chief  
[Redacted]  
Expiration  
Date  
**April 1, 2020**

Name  
**ACE PYRO LLC**

Premises Address (Changes? Notify the FELC at least 10 days before the move.)

**13001 E AUSTIN RD  
MANCHESTER, MI 48158-**

Type of License or Permit

**20-MANUFACTURER OF EXPLOSIVES**

Purchasing Certification Statement

The licensee or permittee named above shall use a copy of this license or permit to assist a transferor of explosives to verify the identity and the licensed status of the licensee or permittee as provided by 27 CFR Part 555. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license or permit with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true copy of a license or permit issued to the licensee or permittee named above to engage in the business or operations specified above under "Type of License or Permit."

Mailing Address (Changes? Notify the FELC of any changes.)

**ACE PYRO LLC  
13001 E AUSTIN RD  
MANCHESTER, MI 48158-**

Printed Name

Date

Previous Edition is Obsolete

ACE PYRO LLC:13001 E AUSTIN RD:48158-4 MI:161-20-0D-12625:April 1, 2020:20 MANUFACTURER OF EXPLOSIVES

ATF Form 5400.14/5400.15 Part I  
Revised October 2011

Federal Explosives License (FEL) Customer Service Information

Federal Explosives Licensing Center (FELC)  
244 Needy Road  
Martinsburg, WV 25405-9431

Toll-free Telephone Number: (877) 283-3352  
Fax Number: (304) 616-4401  
E-mail: FELC@atf.gov

ATF Homepage: www.atf.gov

**Change of Address (27 CFR 555.54(a)(1)).** Licensees or permittees may during the term of their current license or permit remove their business or operations to a new location at which they intend regularly to carry on such business or operations. The licensee or permittee is required to give notification of the new location of the business or operations not less than 10 days prior to such removal with the Chief, Federal Explosives Licensing Center. The license or permit will be valid for the remainder of the term of the original license or permit. **(The Chief, FELC, shall, if the licensee or permittee is not qualified, refer the request for amended license or permit to the Director of Industry Operations for denial in accordance with § 555.54.)**

**Right of Succession (27 CFR 555.59).** (a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same address shown on, and for the remainder of the term of, a current license or permit. Such persons are: (1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business or operations shall furnish the license or permit for that business or operations for endorsement of such succession to the Chief, FELC, within 30 days from the date on which the successor begins to carry on the business or operations.

(Continued on reverse side)

Cut Here ✂

Federal Explosives License/Permit (FEL) Information Card

License/Permit Name: **ACE PYRO LLC**

Business Name:

License/Permit Number: **4-MI-161-20-0D-12625**

License/Permit Type: **20-MANUFACTURER OF EXPLOSIVES**

Expiration: **April 1, 2020**

Please Note: Not Valid for the Sale or Other Disposition of Explosives.



Resolution No. 2018 - 198  
August 14, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

THAT, the following non-resident be appointed to the City of Ypsilanti Boards and Commissions as indicated below:

| <b><u>NAME</u></b>                                                                  | <b><u>BOARD</u></b> | <b><u>EXPIRATION</u></b> |
|-------------------------------------------------------------------------------------|---------------------|--------------------------|
| Yolanda Portis (replacing Diana Wong)<br>8763 Trillium Drive<br>Ypsilanti, MI 48197 | YDDA                | 7/1/2019                 |

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:

NO:

ABSENT:

VOTE:



REQUEST FOR LEGISLATION  
August 14, 2018

To: Mayor and City Council

From: Joe Meyers, Interim Director of Community and Economic Development

Subject: Clean & Green Pilot Program

**SUMMARY & BACKGROUND:**

Over the past year, staff has worked with Washtenaw County OCED to identify projects that could happen in some of our qualified census tracts to spend CDBG leftover funding (Tot Lot and ADA Ramp Programs). Through these discussions, City and County staff identified targeting these funds to the SOMA area to help fund some cleanup activity would be a great pilot program. The county also identified some program income they had to match the program. Throughout these discussions, the Clean and Green Pilot Program was born. The Clean & Green Pilot Program will offer grants of up to \$3,000 per project for income-eligible homeowners in Ypsilanti's NEZ for services including: fence removal, partial fence repair, tree and brush trimming/removal/replacement. Income limits are based on the same HUD income guidelines that apply to the County's Homeowner Rehabilitation Program.

Washtenaw County is fully administering this program so minimal staff time is needed for this program. We've received 47 completed applications so far. Most checked off more than one type of service. Below is the tally by service type.

| Type of Service | # of Requests |
|-----------------|---------------|
| Tree Trimming   | 33            |
| Tree Removal    | 31            |
| Stump Grinding  | 9             |
| Fence Repair    | 19            |
| Other           | 13            |

After going through the applications, 19 applications were deemed complete and 17 applicants were eligible. We think this is a creative program for the City and County to partner on as it helps us achieve our goals and helps us spend monies not spent on a project.

**RECOMMENDED ACTION:** Staff is recommending approval of the Clean and Green Pilot Program and authorization for the Mayor to sign the agreement with Washtenaw County.

**ATTACHMENTS:** Program Agreement with Washtenaw County and Clean.

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CITY MANAGER APPROVAL: \_\_\_\_\_ COUNCIL AGENDA DATE: 8/14/18

CITY MANAGER COMMENTS: \_\_\_\_\_

FISCAL SERVICES DIRECTOR APPROVAL: \_\_\_\_\_





Resolution No. 2018 – 199  
August 14, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

WHEREAS, the City of Ypsilanti has been working to find creative solutions to improve our neighborhoods; and

WHEREAS, staff has been working with Washtenaw County to create programs that benefit our residents in the SOMA area; and

WHEREAS, Left over CDBG Funding from the city's 2014/15 Tot Lot and the 2016/17 ADA Ramp and County's program income was available; and

WHEREAS, 47 residents applied for the program and 17 residents income qualify.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council authorizes the Mayor to sign an Agreement with Washtenaw County for the Clean & Green Program.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:                      NO:                      ABSENT:                      VOTE:



April 1, 2018

Dear Mayor Amanda Edmonds,

This letter is to outline the agreement for Washtenaw County's Office of Community & Economic Development (OCED) to administer a new pilot program ("Clean & Green Pilot Program") within the City of Ypsilanti's Neighborhood Enterprise Zone (NEZ) on behalf of the City, utilizing Community Development Block Grant funds as described below. The Washtenaw Urban County approved, and HUD provided funding, for 2014-15 and 2016-17 allocations to fund community infrastructure activities, from which the fund balances have been re-programmed for the purpose of implementing an exterior beautification pilot program ("Clean & Green Pilot Program") to benefit qualified low-income homeowners in Ypsilanti's NEZ (Heritage Park, Ainsworth Circle, and Worden Garden neighborhoods).

Funding for the **Clean & Green Pilot Program** is as follows:

| CDBG Source                | Amount       |                                                                                     |
|----------------------------|--------------|-------------------------------------------------------------------------------------|
| 2014-15                    | \$ 21,184.00 | <i>Re-programmed from Tot Lots</i>                                                  |
| 2016-17                    | \$ 4,149.00  | <i>Re-programmed from ADA ramps</i>                                                 |
| Program Income match (max) | \$ 25,333.00 | <i>Match up to \$25,333, to be applied only for qualifying homes in the R/ECAP*</i> |

\*R/ECAP = *Racially or Ethnically Concentrated Area of Poverty*, a HUD term, that refers to specific census tracts that overlap but do not share exact boundaries with those of the City's Neighborhood Enterprise Zone.

The **Clean & Green Pilot Program** will offer grants of up to \$3,000 per project for income-eligible homeowners in Ypsilanti's NEZ for services including: fence removal, partial fence repair, tree and brush trimming/removal/replacement. Income limits are based on the same HUD income guidelines that apply to the County's Homeowner Rehabilitation Program.

The City of Ypsilanti requested that Washtenaw County's Office of Community and Economic Development administer the project on the City's behalf.

This letter is provided to define roles and responsibilities in regard to this project, to provide a draft timeline, and to note the previously approved funding amounts available for this project are not to exceed \$50,666. Please note that \$25,333 of the project funding was re-programmed from the City's previously approved CDBG allocations, and that the County is providing up to a maximum of \$25,333 in matching funds from CDBG program income. Program income will only be utilized if expenditures exceed the \$25,333 CDBG allocation and if projects fall within the R/ECAP\* census tract boundaries.

## Roles

**City of Ypsilanti** will participate in planning, provide input on program design as needed, and provide mailing addresses for all homeowners in the NEZ for marketing and outreach purposes.

**Washtenaw County Office of Community and Economic Development (OCED)** will be responsible for designing marketing materials, conducting outreach, reviewing and processing applications from interested homeowners, identifying and securing contractors to carry out eligible projects, conducting all HUD-mandated environmental reviews, and overseeing construction and payments to contractors.

#### **Tentative Timeline**

- Direct mailing/outreach to NEZ households – May 2018
- Process applications/Collect supporting documents/Determine eligibility – May – July 2018
- Identify and secure contractors – June – August 2018
- Project Completion for all eligible pilot applicants: August – October 2018

Thank you for allowing OCED to administer this project on your behalf. Please sign below noting the acceptance of roles and tentative timeline above for the Clean & Green Pilot Program.

Sincerely,

\_\_\_\_\_  
Teresa Gillotti  
Interim Director

\_\_\_\_\_  
Date

ATTESTED TO:

WASHTENAW COUNTY

By: \_\_\_\_\_  
Lawrence Kestenbaum (DATE)  
County Clerk/Register

By: \_\_\_\_\_  
Gregory Dill (DATE)  
County Administrator

CITY OF YPSILANTI

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Curtis N. Hedger (DATE)  
Office of Corporation Counsel

By: \_\_\_\_\_  
Amanda Edmonds (DATE)  
Mayor



REQUEST FOR LEGISLATION  
August 14, 2018

To: Mayor and City Council

From: Joe Meyers, Interim Director of Community and Economic Development

Subject: Accept RFP for Riverside Park Playground, Sub-Award Agreement and Authorize Staff to Enter Into Contract for Construction of Playground

SUMMARY & BACKGROUND:

At the June 19, 2018 council authorized staff send out an RFP an accessible playground at Riverside Park. We have received funding from Washtenaw County OCED and Washtenaw County Parks. Requests for Proposal were posted at [www.bidnetdirect.com/mitn](http://www.bidnetdirect.com/mitn). Three proposals were received on July 30, 2018, with the following results:

| Play Scape Bids                                                        | Playworld<br>Midstates | Sinclair<br>Recreation | Playpower LT<br>Farmington |
|------------------------------------------------------------------------|------------------------|------------------------|----------------------------|
| Playset similar or equal to the GameTime Campaigner (Product PS17212). | \$117,716.50           | \$96,554.00            | \$95,265.00                |
| Playground Mulch                                                       | \$8,986.25             | \$9,500.00             | \$8,551.40                 |
| Installation of all play structures.                                   | \$50,625.00            | \$32,905.00            | \$40,150.00                |
| Grading and excavation of up to 12 inches                              | \$6,875.00             | \$5,936.00             | \$8,500.00                 |
| Installation of a concrete mow strip around perimeter                  | \$6,460.00             | \$10,601.00            | \$4,800.00                 |
| Installation of Geo-Textile material in excavated area.                | \$1,500.00             | \$1,392.00             | \$1,200.00                 |
| Installation of a 5 Foot Wide Paves Path from the Walking path         | \$1,500.00             | \$860.00               | \$4,000.00                 |
| Design and supervision by Certified Playground Safety Inspector        | \$3,437.50             | \$0.00                 | \$0.00                     |
| Total                                                                  | \$197,100.25           | \$157,748.00           | \$162,466.40               |

In examining the bids, each they were comparable in price and quality although the Playworld Midstates did have one additional event.

If approved we will work with our legal counsel to get a contract signed ASAP to get the construction completed this fall. There is a roughly four week order time.

In order to receive the funds from Washtenaw OCED, we need to have an Agreement for Sub-Award of Federal Financial Assistance. Attached is the agreement which has been approved by our Legal Counsel.

RECOMMENDED ACTION: Staff is seeking Council approval Accept the Riverside Play Scape RFP, authorize the City Manager and Legal Counsel to draft a contract and agreement with Sinclair Recreation for the amount of \$157,748 to be signed by the Mayor and City Clerk and approve the Sub-award agreement with Washtenaw County for use of CDBG funding.

ATTACHMENTS: Sinclair Recreation's Proposal, Draft Renderings of Playground, and Agreement for Sub-award of Federal Financial Assistance

---

CITY MANAGER APPROVAL: \_\_\_\_\_ COUNCIL AGENDA DATE: 8/14/18

CITY MANAGER COMMENTS: \_\_\_\_\_

FISCAL SERVICES DIRECTOR APPROVAL: \_\_\_\_\_



Resolution No. 2018 – 200  
August 14, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

WHEREAS, the City of Ypsilanti has been working for over three years to study and promote the idea of a play scape at Riverside Park; and

WHEREAS, City Council directed staff to release an RFP for a play scape on June 19, 2018; and

WHEREAS, an RFP was released on July 9, 2018 and due on July 30, 2018 and three responses were received; and

WHEREAS, the city has obtained funding of 163,776 from Washtenaw County Urban County; and

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council accepts the RFP from Sinclair Recreation in the amount of \$157,748 and directs the City Manager and Legal Counsel to draft a contract and agreement.

NOW THEREFORE BE IT FURTHER RESOLVED THAT the Ypsilanti City Council approve the Sub-award agreement with Washtenaw County for use of CDBG funding.

OFFERED BY: \_\_\_\_\_

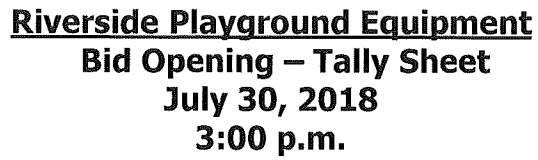
SUPPORTED BY: \_\_\_\_\_

YES:

NO:

ABSENT:

VOTE:

[illegible]





Rendered in Papaya Palette

Intellectual property of GameTime, a PlayCore Company. The site shown in rendering is an interpretation and may not reflect exact site conditions.



[www.gametime.com](http://www.gametime.com)

City of Ypsilanti  
Riverside Park - Revised Colors  
Ypsilanti, Michigan



[www.sinclair-rec.com](http://www.sinclair-rec.com)





Rendered in Papaya Palette

Intellectual property of GameTime, a PlayCore Company. The site shown in rendering is an interpretation and may not reflect exact site conditions.



[www.gametime.com](http://www.gametime.com)

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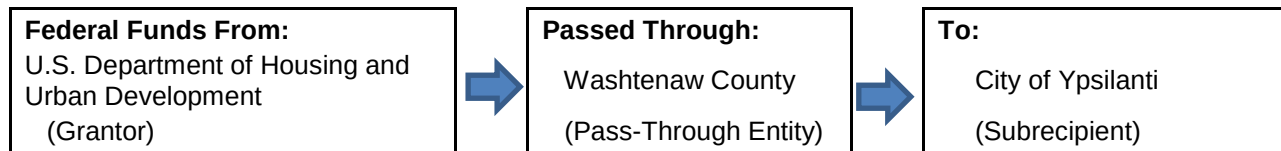


**COUNTY OF WASHTENAW, MICHIGAN****Agreement for Subaward of Federal Financial Assistance**

The COUNTY OF WASHTENAW is a recipient of federal financial assistance grant dollars. These funds are received directly from the federal government and indirectly from the State of Michigan and several local entities. The County sometimes passes through a portion of this federal financial assistance to other organizations located within (or in the vicinity of) the geographical boundaries of the County to assist them in carrying out the objectives of the applicable federal grant or program.

AGREEMENT is made this **1<sup>st</sup> day of July, 2018**, by the COUNTY OF WASHTENAW, a municipal corporation, with offices located in the County Administration Building, 220 North Main Street, Ann Arbor, Michigan, as the pass-through entity (hereinafter referred to as the County) and, ***the City of Ypsilanti***, located at ***One South Huron Street, Ypsilanti, MI 48197*** (hereinafter often referred to as the Subrecipient).

This agreement is a subaward of federal financial assistance by the County to the Subrecipient intended to assist, stimulate, or support the Subrecipient in carrying out its allowable activities under the **U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG) Program** as requested by the Subrecipient in its application to the County for federal financial assistance.

Flow of Federal Financial Assistance in this Subaward AgreementARTICLE I – REQUIRED DATA ELEMENTS

(As detailed in Section 200.331 of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Chapter I, and Chapter II, Parts 200, 215, 220, 225, 230) issued December 26, 2013 by the Executive Office of the President, Office of Management and Budget, hereinafter referred to as the Uniform Guidance.)

|                                                                                                                          |                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| Subrecipient Name (must match registered name in DUNS)                                                                   | City of Ypsilanti                                                                  |
| Subrecipient DUNS Number                                                                                                 | 131336260                                                                          |
| Federal Award Identification Number (FAIN)                                                                               | \$7,646 - B-15-UC-26-006<br>\$130,289 - B-16-UC-26-006<br>\$25,841- B-17-UC-26-006 |
| Federal Award Date (the date when the federal award is signed by the authorized official of the federal awarding agency) | 2015 – September 16, 2015<br>2016 – September 1, 2016<br>2017 – October 19, 2017   |
| Subaward Period of Performance (start and end date)                                                                      | 7/1/2018-6/30/2019                                                                 |
| Amount of Federal Funds Obligated by this Agreement                                                                      | \$163,776.00                                                                       |
| Total Amount of Federal Funds Obligated to the Subrecipient                                                              | \$163,776.00                                                                       |

|                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Total Amount of the Federal Award                                                                                                                                                                                                                                                                                                                                                                                          | 2015 – \$1,846,994.00<br>2016 – \$1,858,189.00<br>2017 - \$1,846,706.00                                                                                                       |
| Federal Award <b>Project Description</b> (as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA) described in Title 2 Code of Federal Regulations Part 170)                                                                                                                                                                                                                       | This contract includes support of eligible costs of constructing an accessible playground with opportunities for sensory play within Riverside Park in the City of Ypsilanti. |
| Name of Federal Awarding Agency                                                                                                                                                                                                                                                                                                                                                                                            | Department of Housing and Urban Development (HUD)                                                                                                                             |
| Name of County (Pass-Through Entity)                                                                                                                                                                                                                                                                                                                                                                                       | Washtenaw County                                                                                                                                                              |
| Name and Contact Information for Awarding Official                                                                                                                                                                                                                                                                                                                                                                         | Gregory Dill<br>220 N Main<br>PO Box 8645<br>Ann Arbor, MI 48107<br>Phone: 734-222-6850                                                                                       |
| CFDA Number and Name                                                                                                                                                                                                                                                                                                                                                                                                       | 14 218 – Community Development Block Grant                                                                                                                                    |
| Is this Subaward for Research and Development? (answer Yes or No)                                                                                                                                                                                                                                                                                                                                                          | No                                                                                                                                                                            |
| Indirect Cost Rate for the Federal Award (either an approved federally recognized indirect cost rate negotiated between the Subrecipient and the federal government or, if no such rate exists, either a rate negotiated between the County and Subrecipient or a de minimus indirect cost rate of 10% of modified total direct costs may be used). Subrecipient may choose to charge only direct costs to this agreement. | Not applicable                                                                                                                                                                |

In consideration of the promises below, the parties mutually agree as follows:

## ARTICLE II - SCOPE OF SERVICES

The Subrecipient will agree to use Washtenaw Urban County CDBG funds for the eligible costs of constructing a new accessible playground with opportunities for sensory play in the area within Riverside Park as mapped in Attachment A. Playground construction will include installation of play equipment as shown in Attachment A, all required safety fall surfaces, bench seating, grounds restoration as needed, and inspection by a certified playground safety inspector. The contract will be paid for with 2015 - 2017 Urban County CDBG funding, ***specifically \$7,646 in 2015 CDBG funds, \$5,289 in 2016 CDBG funds, \$125,000 in 2016 CDBG Priority project funds, and \$25,841 in 2017 CDBG funds***, in accordance with the budget in Attachment B.

## ARTICLE III - PAYMENT AND CASH MANAGEMENT

If the County is paid in advance by the federal awarding agency under the above named federal assistance award, the Subrecipient may also be paid in advance if it meets the requirements in Section 1 below.

Section 1 - Cash Advances. The Subrecipient may request an advance of funds under this agreement if it maintains or demonstrates the willingness to maintain both:

1. written procedures that minimize the time elapsing between the transfer of funds from the County and the subsequent disbursement of the funds by the Subrecipient,
2. financial management systems that meet the standards for fund control and accountability as defined in Section 200.305 of the Uniform Guidance.

Requests for advance of funds must be limited to the minimum amount needed and must be timed to be in accordance with the actual, immediate cash requirements of the Subrecipient in carrying out the terms of this agreement. The timing and amount of the advance must be as close as is "administratively feasible" to the actual disbursement to be made by the Subrecipient.

Section 2 - Reimbursement. If the Subrecipient does not meet the requirements in Section 1 above, it shall submit periodic reimbursement requests to the County. This may be done on a monthly or quarterly basis. The reimbursement request shall be accompanied by the agreed upon financial and programmatic reports. The County shall pay the Subrecipient within 30 calendar days after the receipt of the reimbursement request and the agreed upon financial/programmatic reports, unless the County reasonably believes the reimbursement request to be improper.

#### ARTICLE IV - REPORTING OF SUBRECIPIENT

Section 1 - The Subrecipient is to report to Tara Cohen, CDBG Management Analyst, and will cooperate and confer with him/her as necessary to insure satisfactory work progress.

Section 2 - The Subrecipient shall submit financial reports **as requested to Deb Truhn**. The Subrecipient shall submit programmatic reports **as requested to Tara Cohen**.

Section 3 - All reports, estimates, memoranda and documents submitted by the Subrecipient must be dated and bear the Subrecipient's name. Financial reports shall be submitted in a timely manner to the County and shall be in agreement with the amounts shown in the Subrecipient's financial system and shall be supported by appropriate documentation (payroll records, invoices, etc.). Final financial and programmatic reports shall be submitted by the Subrecipient within 30 days of the end of this agreement unless an extension of time is granted in writing by the County.

Section 4 - The Subrecipient agrees to only incur costs under this agreement which are eligible under the Cost Principles detailed in Section 200.400-475 of the Uniform Guidance.

Section 5 - The Subrecipient shall retain all reports, records and supporting documentation pertaining to this agreement for a period of three years from the date of submission of the final expenditure report and shall make them available to the County and the federal awarding agency upon request.

Section 6 - All reports made in connection with these services are subject to review and final approval by the County Administrator.

Section 7 - The County may review and inspect the Subrecipient's activities during the term of this agreement.

Section 8 - When applicable, the Subrecipient will submit a final, written report to the County Administrator.

Section 9 - After reasonable notice to the Subrecipient, the County may review any of the Subrecipient's internal records, reports, or insurance policies.

Section 10 - The Subrecipient and/or subcontractors shall disclose in writing to the County any potential conflict of interest it has related to the County or this agreement subject to the provisions 2 CFR 200.318.

Section 11 - The Subrecipient shall disclose in writing to the County in a timely manner all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting this agreement.

Section 12 - The Subrecipient shall report to the County in a timely manner if any adverse or problematic situations arise between reporting deadlines describing the nature of the problem and what is being done to address it.

#### ARTICLE V - TERM

This agreement begins on **July 1, 2018** and ends on **June 30, 2019, with an option to extend an additional 6 months**. No costs eligible under this agreement shall be incurred by the Subrecipient before or after these dates, except with prior written approval of the County.

#### ARTICLE VI- RESPONSIBILITIES OF THE SUBRECIPIENT

Section 1 - The Subrecipient agrees to comply with all applicable federal, State, and local regulations including the Uniform Guidance. The Subrecipient agrees to comply with the management systems standards (financial management (Sections 200.302-304), procurement (Sections 200.317-326), and property management (Sections 200.310-316)) of the Uniform Guidance.

Section 2 - The Subrecipient agrees to have performed a Single Audit of its federal expenditures if it reaches the Single Audit dollar threshold in federal expenditures during its fiscal year as detailed in Section 200.501 of the Uniform Guidance. The County reserves the right to perform or cause to be performed additional audits if it deems such to be necessary to insure compliance with the terms of this agreement or to determine the eligibility of the reported expenditures for reimbursement.

Section 3 - The Subrecipient agrees to comply with the provisions of the Byrd Amendment (Public Law 101-121, Section 319 - 31 U.S. Code Section 1352) which prohibits the use of federal funds by the recipient or subrecipient of a Federal contract, grant, loan, or cooperative agreement to pay any person to influence or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the federal funds awarded under this agreement.

Section 4 – The Subrecipient agrees to comply with the provisions of the Stevens Amendment (Section 8136 of the Department of Defense Appropriations Act – Public Law 100-463) which stipulates that when issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with federal money, all grantees receiving federal funds, including but not limited to state and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with federal money, (2) the dollar amount of federal funds for the project or program, and (3) the percentage and dollar amount of the total costs of the project or program that will be funded by non-governmental sources.



Section 5 - In addition to this agreement, the Subrecipient shall complete, sign, and submit to the County the following documents which are attached as part of this agreement:

1. Standard Assurances
2. Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements
3. Audit Certification

#### ARTICLE VII – SUSPENSION OF FUNDING

The County may suspend funding to the Subrecipient, in whole or in part, or other measures may be imposed for any of the following reasons:

1. Failure to expend funds in a timely manner consistent with the agreement milestones, guidance, and assurances.
2. Failure to comply with the requirements or statutory objectives of federal or state law.
3. Failure to follow agreement requirements or special conditions.
4. Proposal or implementation of substantial plan changes to the extent that, if originally submitted, the application would not have been approved for funding.
5. Failure to submit required reports.
6. Filing of a false certification on the application or other report or document.
7. Failure to adequately manage, monitor or direct the activities of its subrecipients that are funded under this agreement.

Before taking action, the County will provide the Subrecipient reasonable notice of intent to impose corrective measures and will make every effort to resolve the problem informally.

The County reserves the right to recommend to the federal government that the Subrecipient be suspended or debarred in the case of sustained significant noncompliance by the Subrecipient with the award provisions.

#### ARTICLE VIII- PERSONNEL

Section 1 - The Subrecipient will provide the required services and will not subaward or assign the services without the County's written approval.

Section 2 - The Subrecipient will not hire any County employee for any of the required services without the County's written approval.

Section 3- The parties agree that all work done under this agreement shall be completed in the United States and that none of the work will be partially or fully completed by either an offshore entity or offshore business interest either owned or affiliated with the Subrecipient. For purposes of this agreement, the term, "offshore" refers to any area outside the contiguous United States, Alaska or Hawaii.

#### ARTICLE IX-INDEPENDENT CONTRACTOR

Contractor and the County shall, at all times, be deemed to be independent contractors and nothing herein shall be construed to create or imply that there exists between the parties a partnership, joint venture or other business organization. Contractor shall hold no authority, express or implied, to commit, obligate or make representations on behalf of the County and shall make no representation to others to the contrary.

Nothing herein is intended nor shall be construed for any purpose as creating the relationship of employer and employee or agent and principal between the parties. Except as otherwise specified in this contract, Contractor retains the sole right and obligation to direct, control or supervise the details and means by which the services under this contract are provided.

Contractor shall not be eligible for, or participate in, any insurance, pension, workers' compensation insurance, profit sharing or other plans established for the benefit of the County's employees. Contractor shall be solely responsible for payment of all taxes arising out of the Contractor's activities in connection with this Agreement, including, without limitation, federal and state income taxes, social security taxes, unemployment insurance taxes and any other tax or business license fees as required. The County shall not be responsible for withholding any income or employment taxes whatsoever on behalf of the Contractor.

#### ARTICLE X - INDEMNIFICATION AGREEMENT

To the extent allowed by law, the Subrecipient will protect, defend and indemnify the County, its officers, agents, servants, volunteers and employees from any and all liabilities, claims, liens, fines, demands and costs, including legal fees, of whatsoever kind and nature which may result in injury or death to any persons, including the Subrecipient's own employees, and for loss or damage to any property, including property owned or in the care, custody or control of the County in connection with or in any way incident to or arising out of the occupancy, use, service, operations, performance or non-performance of work in connection with this agreement resulting in whole or in part from negligent acts or omissions of Subrecipient, any subcontractor of the Subrecipient, or any employee, agent or representative of the Subrecipient or any subcontractor of the Subrecipient.

#### ARTICLE XI- INSURANCE REQUIREMENTS

The Subrecipient will maintain at its own expense during the term of this Agreement, the following insurance:

1. Workers' Compensation Insurance with Michigan statutory limits and Employers Liability Insurance with a minimum limit of \$100,000 each accident for any employee.
2. Commercial General Liability Insurance with a combined single limit of \$1,000,000 each occurrence for bodily injury and property damage. The County shall be added as "additional insured" on general liability policy with respect to the services provided under this agreement.
3. Automobile Liability Insurance covering all owned, hired and non-owned vehicles with Personal Protection Insurance and Property Protection Insurance to comply with the provisions of the Michigan No Fault Insurance Law, including residual liability insurance with a minimum combined single limit of \$1,000,000 each accident for bodily injury and property damage. For transportation services contracts, the County shall be added as additional insured on automobile liability policy with respect to the services provided under this contract.

Insurance companies, named insureds and policy forms may be subject to the approval of the County Administrator, if requested by the County Administrator. Such approval shall not be unreasonably withheld. Insurance policies shall not contain endorsements or policy conditions

which reduce coverage provided to The County. Subrecipient shall be responsible to the County or insurance companies insuring the County for all costs resulting from both financially unsound insurance companies selected by Subrecipient and their inadequate insurance coverage. Subrecipient shall furnish the County Administrator with satisfactory certificates of insurance or a certified copy of the policy, if requested by the County Administrator.

No payments will be made to the Subrecipient until the current certificates of insurance have been received and approved by the Administrator. If the insurance as evidenced by the certificates furnished by the Subrecipient expires or is canceled during the term of the agreement, services and related payments will be suspended. Subrecipient shall furnish certification of insurance evidencing such coverage and endorsements at least ten (10) working days prior to commencement of services under this agreement. Certificates shall be addressed to the County c/o: **Office of Community and Economic Development, 415 West Michigan Ave, Suite 2200, Ypsilanti, MI 48197, Contract # \_\_\_\_\_**, and shall provide for written notice to the Certificate holder of cancellation of coverage.

#### ARTICLE XII - COMPLIANCE WITH LAWS AND REGULATIONS

The Subrecipient will comply with all federal, state and local regulations, including but not limited to all applicable OSHA/MIOSHA requirements and the Americans with Disabilities Act.

The Subrecipient agrees to maintain the proper organizational status (such as 501 (c)(3) if needed) to be eligible to receive federal financial assistance under this grant, including proper licensure, registration, etc. Subrecipient agrees to keep itself in the same legal position/mode of organization as when it entered into this agreement.

#### ARTICLE XIII - INTEREST OF SUBRECIPIENT AND COUNTY

The Subrecipient promises that it has no interest which would conflict with the performance of services required by this agreement. The Subrecipient also promises that, in the performance of this agreement, no officer, agent, employee of the County, or member of its governing bodies, may participate in any decision relating to this agreement which affects his/her personal interest or the interest of any corporation, partnership or association in which he/she is directly or indirectly interested or has any personal or pecuniary interest. However, this paragraph does not apply if there has been compliance with the provisions of Section 3 of Act No. 317 of the Public Acts of 1968 and/or Section 30 of Act No. 156 of Public Acts of 1851, as amended by Act No. 51 of the Public Acts of 1978, whichever is applicable.

#### ARTICLE XIV - CONTINGENT FEES

The Subrecipient promises that it has not employed or retained any company or person, other than bona fide employees working solely for the Subrecipient, to solicit or secure this agreement, and that it has not paid or agreed to pay any company or person, other than bona fide employees working solely for the Subrecipient, any fee, commission, percentage, brokerage fee, gifts or any other consideration contingent upon or resulting from the award or making of this agreement. For breach of this promise, the County may cancel this agreement without liability or, at its discretion, deduct the full amount of the fee, commission, percentage, brokerage fee, gift or contingent fee from the compensation due the Subrecipient.

#### ARTICLE XV - EQUAL EMPLOYMENT OPPORTUNITY

The Subrecipient will not discriminate against any employee or applicant for employment because of race, creed, color, sex, sexual orientation, national origin, physical handicap, age, height, weight, marital status, veteran status, religion and political belief (except as it relates to a bona fide occupational qualification reasonably necessary to the normal operation of the business).

The Subrecipient will take affirmative action to eliminate discrimination based on sex, race, or a handicap in the hiring of applicant and the treatment of employees. Affirmative action will include, but not be limited to: Employment; upgrading, demotion or transfer; recruitment advertisement; layoff or termination; rates of pay or other forms of compensation; selection for training, including apprenticeship.

The Subrecipient agrees to post notices containing this policy against discrimination in conspicuous places available to applicants for employment and employees. All solicitations or advertisements for employees, placed by or on the behalf of the Subrecipient, will state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, sexual orientation, national origin, physical handicap, age, height, weight, marital status, veteran status, religion and political belief.

#### ARTICLE XVI - LIVING WAGE

The parties understand that the County has enacted a Living Wage Ordinance that requires covered vendors who execute a service or professional service agreement with the County to pay their employees under that agreement, a minimum of either \$13.22 per hour with benefits or \$14.75 per hour without benefits. Agreementor agrees to comply with this Ordinance in paying its employees. The Subrecipient understands and agrees that an adjustment of the living wage amounts, based upon the Health and Human Services poverty guidelines, will be made on or before April 30, 2019 and annually thereafter which amount shall be automatically incorporated into this agreement. County agrees to give the Subrecipient thirty (30) days written notice of such change. The Subrecipient agrees to post a notice containing the County's Living Wage requirements at a location at its place of business accessed by its employees.

#### ARTICLE XVII - ASSIGNS AND SUCCESSORS

This agreement is binding on the County and the Subrecipient, their successors and assigns. Neither the County nor the Subrecipient will assign or transfer its interest in this agreement without the written consent of the other.

#### ARTICLE XVIII - TERMINATION OF AGREEMENT

Termination without cause. Either party may terminate the agreement by giving thirty (30) days written notice to the other party. Upon any such termination, the Subrecipient agrees to return to the County any funds not authorized for use, and the County shall have no further obligation to reimburse the Subrecipient. Upon termination of the agreement, the Subrecipient shall submit documentation, in a format specified by the County, to formally end its participation in the agreement.



#### ARTICLE XIX - EQUAL ACCESS

The Subrecipient shall provide the services set forth in the Scope of Service section of this agreement without discrimination on the basis of race, color, religion, national origin, sex, sexual orientation, marital status, physical handicap, or age.

#### ARTICLE XX - OWNERSHIP OF DOCUMENTS AND PUBLICATION

All documents developed as a result of this agreement will be freely available to the public. None may be copyrighted by the Subrecipient. During the performance of the services, the Subrecipient will be responsible for any loss of or damage to the documents while they are in its possession and must restore the loss or damage at its expense. Any use of the information and results of this agreement by the Subrecipient must reference the project sponsorship by the County. Any publication of the information or results must be co-authored by the County.

#### ARTICLE XXI - PAYROLL TAXES

The Subrecipient is responsible for all applicable state and federal social security benefits and unemployment taxes for its employees and agrees to indemnify and protect the County against such liability.

#### ARTICLE XXII - PRACTICE AND ETHICS

The parties will conform to the code of ethics of their respective charter and codes

#### ARTICLE XXIII - CHANGES IN SCOPE OR SCHEDULE OR SERVICES

Changes mutually agreed upon by the County and the Subrecipient, will be incorporated into this agreement by written amendments signed by both parties.

Unilateral modification of the agreement may take place by the County if the underlying programmatic legislation or regulations are changed by the federal government. If this unilateral modification is objectionable to the Subrecipient, it may withdraw from receiving further federal financial assistance under this agreement by giving (thirty) 30 days written notice to the County.

The Subrecipient agrees to inform the County in writing concerning any proposed changes of dates, budget, or services indicated in this agreement, as well as changes of address or personnel affecting this agreement. Changes in dates, budget, or services are subject to prior written approval of the County.

#### ARTICLE XXIV - CHOICE OF LAW AND FORUM

This agreement is to be interpreted by the laws of the State of Michigan. The parties agree that the proper forum for any disputes or litigation arising out of this agreement is in Washtenaw County, Michigan.

The County and the Subrecipient agree that each must seek its own legal representative and bear its own costs, including judgments, in any litigation that may arise from performance of this contract. It is specifically understood and agreed that neither party will indemnify the other party in such litigation. This is not to be construed as a waiver of governmental immunity for either party.

#### ARTICLE XXV - EXTENT OF AGREEMENT

This written agreement, including any attachments thereto, represents the entire agreement between the parties and supersedes all prior representations, negotiations or agreements whether written or oral.

ARTICLE XXVI – PRIVACY / THIRD PARTIES

This agreement is solely between the County and Subrecipient. No other parties are part of this agreement. This agreement is not intended to make any person or entity, not a party to this agreement, a third party beneficiary hereof or to confer on a third party any rights or obligations enforceable in their favor.

ARTICLE XXVII - SEVERABILITY

The invalidity or unenforceability of any provisions of this agreement shall not affect the validity or enforceability of any other provision of this agreement, which shall remain in full force and effect

ARTICLE XXVIII - NOTICES

Communication notices for this agreement may be delivered via electronic mail, U.S. mail, hand delivery, or fax, with a copy to the party's attorney.

The individual or officer signing this agreement certifies by his or her signature that he or she is authorized to sign this agreement on behalf of the organization he or she represents. By signing this agreement, the County and the Subrecipient agree to comply with all of the requirements specified in this agreement.

ATTESTED TO:

WASHTENAW COUNTY (Pass-Through Entity)

By: \_\_\_\_\_  
Lawrence Kestenbaum (DATE)  
County Clerk/Register

By: \_\_\_\_\_  
Gregory Dill (DATE)  
County Administrator

APPROVED AS TO CONTENT:

City of Ypsilanti (Subrecipient)

By: \_\_\_\_\_  
Teresa Gillotti (DATE)  
Interim Director

BY: \_\_\_\_\_  
Amanda Edmonds (DATE)  
Mayor

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Curtis N. Hedger (DATE)  
Office of Corporation Counsel

**STANDARD ASSURANCES - CONSTRUCTION PROGRAMS**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

\_\_\_\_\_  
Signature of Subrecipient's Authorized Representative

\_\_\_\_\_  
Title of Subrecipient's Authorized Representative

\_\_\_\_\_  
Name of Subrecipient Organization

\_\_\_\_\_  
Date Submitted

## CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when Washtenaw County determines to award the covered transaction, grant, or cooperative agreement.

### 1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

### 2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

### 3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 –

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;



(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction; (e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Washtenaw County Administrator's Office, 220 N. Main, P.O. Box 8645, Ann Arbor, MI 48107-8645. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

**DRUG-FREE WORKPLACE  
(GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610-

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Washtenaw County Administrator's Office, 220 N. Main, P.O. Box 8645, Ann Arbor, MI 48107-8645. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

\_\_\_\_\_  
Name of Subrecipient Organization

\_\_\_\_\_  
Printed Name and Title of Subrecipient's Authorized Representative

\_\_\_\_\_  
Signature of Subrecipient's Authorized Representative

\_\_\_\_\_  
Date

## Subrecipient Audit Certification

### Federal Audit Requirements - Fiscal Years Beginning After December 26, 2014

Non-federal organizations which expend \$750,000 or more in federal funds during their fiscal year are required to have a Single Audit performed in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Chapter I, and Chapter II, Parts 200, 215, 220, 225, 230) issued December 26, 2013 by the Executive Office of the President, Office of Management and Budget. Subrecipients must submit their audit report to the Federal Audit Clearinghouse within the earlier of 30 days after receipt of the auditor's report, or within 9 months after the end of the audit period for each year the Subrecipient meets the \$750,000 federal expenditure threshold.

Program: \_\_\_\_\_ CFDA Number: \_\_\_\_\_

#### Subrecipient Information:

Organization Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Independent Audit Firm: \_\_\_\_\_

Certification for Fiscal Year Ending (mm/dd/yyyy): \_\_\_\_\_

#### (Check appropriate box):

☐ I certify that the Subrecipient shown above **does not expect** to expend \$750,000 or more in federal funds during at least one fiscal year that funds are received for the above listed program and thus it will not be required to have a Single Audit performed under the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Chapter I, and Chapter II, Parts 200, 215, 220, 225, 230) issued December 26, 2013 by the Executive Office of the President, Office of Management and Budget, for the above listed program.

☐ I certify that the Subrecipient shown above **expects it will** expend \$750,000 or more in federal funds during at least one fiscal year that funds are received for the above listed program and thus it will be required to have a Single Audit performed under the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Chapter I, and Chapter II, Parts 200, 215, 220, 225, 230) issued December 26, 2013 by the Executive Office of the President, Office of Management and Budget.

\_\_\_\_\_  
Signature of Subrecipient's Authorized Representative\_\_\_\_\_  
Date

For Washtenaw County Use Only

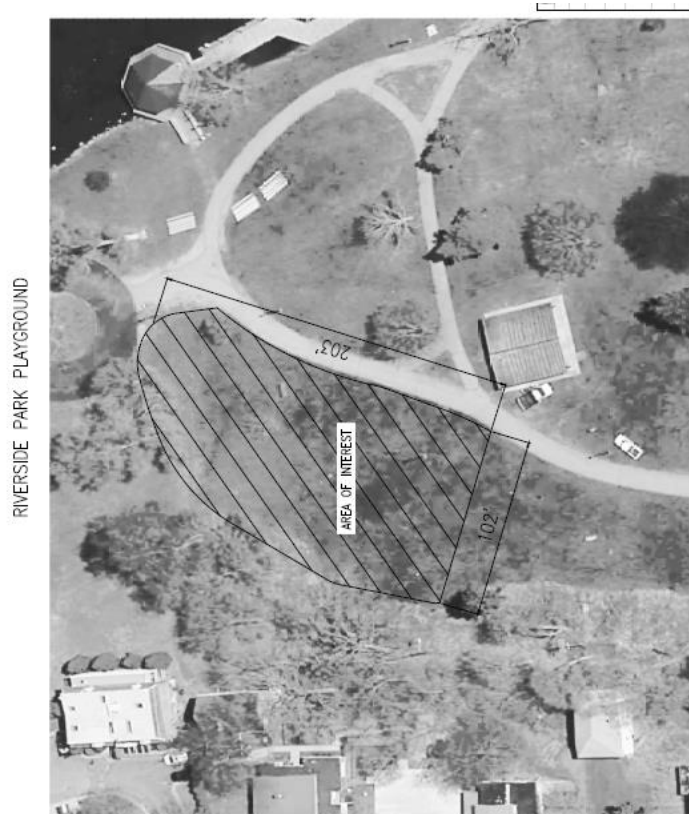
Reviewed By: \_\_\_\_\_

Date: \_\_\_\_\_

## ATTACHMENT A- SCOPE AND LOCATION OF SERVICES & PROJECT TIMELINE

### **NARRATIVE DESCRIPTION/ SCOPE OF WORK:**

WASHTENAW COUNTY will contract with the **CITY** for the eligible costs of constructing **an accessible playground with opportunities for sensory play in Riverside Park** (see images below for project location within the Park). The improvement project will be paid for with 2015, 2016, and 2017 CDBG funding in accordance with the budget in Attachment B.



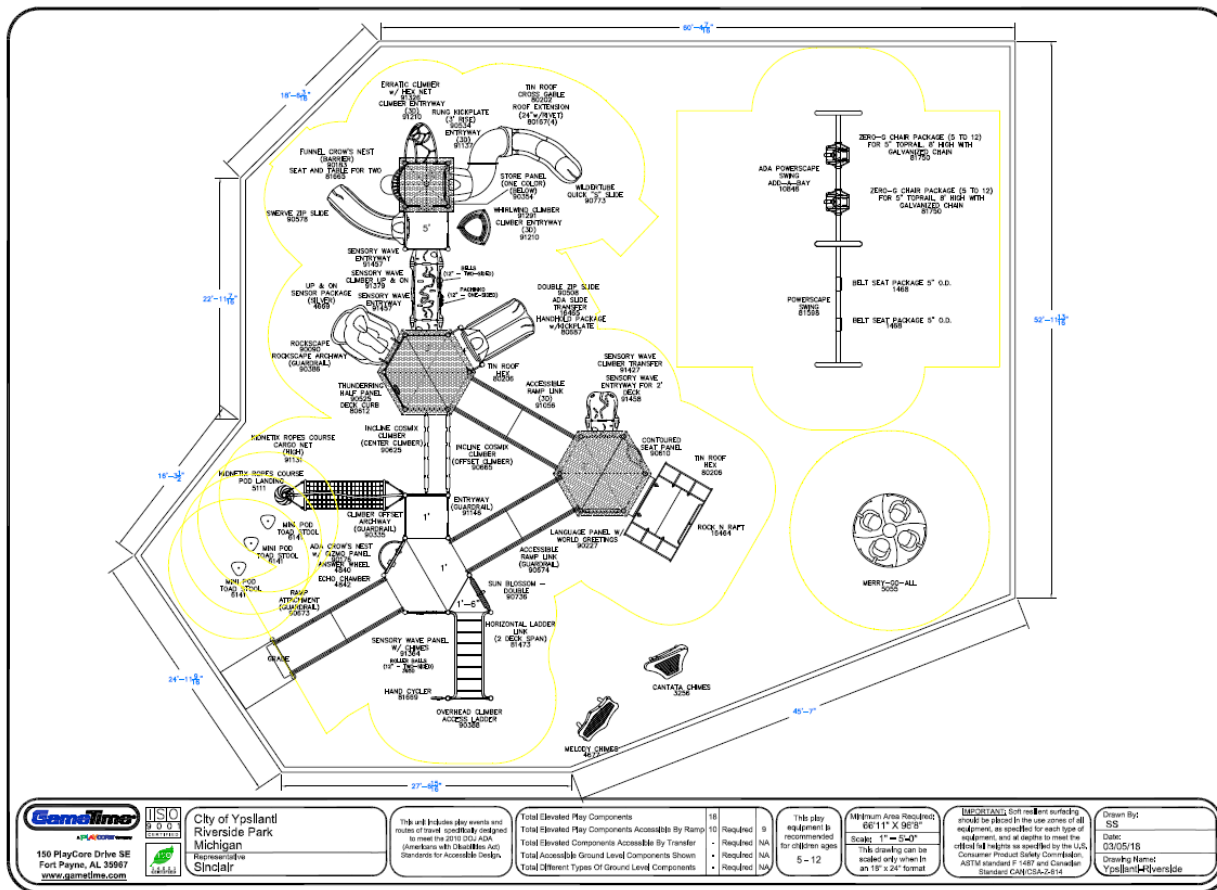
**LOCATION MAP**  
NOT TO SCALE

Playground equipment to be installed will be equivalent to the following GameTime products, with a similar or identical configuration as shown on the following page:

| Quantity | Part # | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Quantity | Stock ID                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Description |
|----------|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| 1        | RDU    | Game Time - PS17212 Structure<br>(1) 3950 -- Roller Balls 12" 2S<br>(1) 4669 -- Up & On Silver Sensor Package<br>(1) 4840 -- Answer Wheel Ass'Y<br>(1) 4842 -- Echo Chamber Ass'Y<br>(1) 5111 -- Kidnetix - Pod Landing<br>(3) 6141 -- Mini Pod Toad Stool<br>(1) 16464 -- Rock N Raft<br>(1) 16465 -- Slide Transfer (Ada)<br>(1) 16700 -- Ada49"Sq Punch Steel Deck<br>(2) 80000 -- 49" Sq Punched Steel Deck<br>(1) 80001 -- 49"Tri Punched Steel Deck<br>(4) 80167 -- Roof Ext 24" W/Rivet<br>(1) 80202 -- Tin Roof Cross Gable<br>(2) 80206 -- Tin Roof Hex<br>(1) 80612 -- Deck Curb<br>(1) 80687 -- Handhold/Kick Plate Pkg<br>(1) 81473 -- Horiz Ladder Link 98"<br>(1) 81665 -- Seat And Table For Two<br>(1) 81669 -- Hand Cycler<br>(3) 90005 -- Two Piece Hex Deck, Ada Ramp Access<br>(1) 90090 -- 3' Rockscape Climber<br>(1) 90176 -- Ada Crow'S Nest W/ Gizmo<br>(1) 90183 -- Funnel Crow'S Nest W/ Barrier<br>(1) 90227 -- Lang Panel World Greeting Above Dk<br>(2) 90264 -- 6' Upright, Alum<br>(3) 90265 -- 7' Upright, Alum<br>(4) 90266 -- 8' Upright, Alum<br>(8) 90269 -- 11' Upright, Alum<br>(4) 90272 -- 14' Upright, Alum<br>(4) 90273 -- 15' Upright, Alum |          | (1) 90335 -- Climber Offset Archway W/ Guardrail<br>(1) 90354 -- Store Panel One Color<br>(1) 90386 -- Rockscape Archway W/ Guardrail<br>(1) 90388 -- 1'-6" Overhead Climber Access Ladder<br>(1) 90508 -- 4' Double Zip Slide, Std Dk<br>(1) 90525 -- Half Panel W/Thunderring<br>(1) 90534 -- 3' Rung Kickplate<br>(1) 90578 -- Swerve Slide<br>(1) 90610 -- Contoured Panel (Above)<br>(1) 90625 -- Inclined Cosmix Climber (Center)<br>(1) 90665 -- Inclined Cosmix Climber (Offset)<br>(1) 90673 -- Ramp (Guardrail)<br>(1) 90674 -- Std Access Ramp Link 3 Dk Gr<br>(1) 90736 -- Sun Blossom 2 Color Gadg Pnl Above Dk<br>(1) 90773 -- 8' Wildertube Quick 'S'<br>(1) 91056 -- Ramp Link (3D) 2'-6" & 3'-0"<br>(1) 91131 -- Kidnetix - Cargo Net (Old Lg Hammock)<br>(1) 91137 -- Entryway - 3D<br>(1) 91146 -- Entryway - Guardrail<br>(2) 91210 -- Climber Entryway - 3D<br>(1) 91291 -- 4'-6" - 5'-0" Whirlwind<br>(1) 91326 -- Erratic Climber W/Hex Net 7'-8"<br>(1) 91364 -- Sensory Wave Panel w/ chimes<br>(1) 91379 -- PS S Wave Up & On LNK (5'-5')<br>(1) 91427 -- PS Sensory Wave Transfer (2')<br>(2) 91457 -- Sensory Wave Entryway<br>(1) 91458 -- Sensory Wave Entryway for 2' Deck<br>(2) G90262 -- 4' Upright, Galv<br>(1) G90265 -- 7' Upright, Galv<br>(1) G90266 -- 8' Upright, Galv<br>(1) G90267 -- 9' Upright, Galv<br>(2) G90271 -- 13' Upright, Galv<br>(2) G90272 -- 14' Upright, Galv |             |

S

| Quantity | Part #  | Description                                                                                                                                                                                                                                    |
|----------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1        | RDU     | Game Time - 2 Bay Powerscape Swings with Seat Packages<br>(2) 1468 -- 2958 Belt Seat Pkg 5" Od<br>(1) 10848 -- Ada Two-Place Swing Add-A-Bay, 5" Od<br>(1) 81598 -- Powerscape Swing 5" X 8'<br>(2) 81750 -- 5" Zero-G Chair (5-12)-Galv Chain |
| 1        | 5055    | Game Time - Merry-Go-All                                                                                                                                                                                                                       |
| 1        | 3256    | Game Time - Cantata Chimes                                                                                                                                                                                                                     |
| 1        | 4677    | Game Time - Melody Chimes                                                                                                                                                                                                                      |
| 4695     | GTIMPX  | GT-Impax - SF 12" Engineered Wood Fiber                                                                                                                                                                                                        |
| 3        | 161290  | Game Time - Geo-Textile 2250 Sqft Roll                                                                                                                                                                                                         |
| 1        | INSTALL | GT-Impax - Installation of Structure, Swings, Merry Go All, EWF and Chimes Panel                                                                                                                                                               |
| 1        | INSTALL | GT-Impax - Installation of 270 LF Of Concrete Mow Strip around the Play Area - Includes small concrete path into play area                                                                                                                     |
| 1        | INSTALL | GT-Impax - Excavation of 12" with Removal of Spoils                                                                                                                                                                                            |





**PROJECT TIMELINE:**

| <b>Activity</b>                                                                                                                                                       | <b>Deadline</b>          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| CITY will award contract to most responsible and responsive bidder.                                                                                                   | August 14, 2018          |
| Contractor will begin construction to install playground.                                                                                                             | September 15, 2018       |
| Office of Community Development will perform Davis-Bacon Interviews.                                                                                                  | Sept. 15-30, 2018        |
| Contractor will achieve substantial completion of playground project.                                                                                                 | October 15, 2018         |
| Contractor will complete construction and playground safety inspection, and OCED and/or CITY will perform a final inspection.                                         | October 30, 2018         |
| CITY will submit request for reimbursement, along with accompanying sworn statements and required, original Davis-Bacon payroll forms and Section 3 compliance forms. | November 30, 2018        |
| <b>Project Completion Date:</b>                                                                                                                                       | <b>December 10, 2018</b> |

**ATTACHMENT B- PROJECT BUDGET****SUMMARY OF TERMS:**

The COUNTY agrees to pay to or on behalf of the CITY the sum of **One Hundred Sixty Three Thousand Seven Hundred Seventy-Six Dollars and Zero Cents (\$163,776.00)** in 2015-2017 CDBG Funds according to the budget below:

**PROJECT BUDGET:**

| <b>2018 Riverside Park Accessible Playground Budget</b> |                  |
|---------------------------------------------------------|------------------|
| <b>REVENUE SOURCE(S):</b>                               | <b>TOTAL</b>     |
| Grant Amounts                                           |                  |
| CDBG (2015) - allocation                                | \$7,646          |
| CDBG (2016) - allocation                                | \$5,289          |
| CDBG (2016) – priority project                          | \$125,000        |
| CDBG (2017) - allocation                                | \$25,841         |
| Other Support (In-Kind)                                 |                  |
| Status of Funds                                         |                  |
| <b>Total Revenues</b>                                   | <b>\$163,776</b> |
|                                                         |                  |
| <b>PROGRAM EXPENSES</b>                                 | <b>TOTAL</b>     |
| Personnel, Taxes & Fringe Benefits                      |                  |
| Consultant & Contractual Fees                           |                  |
| Space & Related Costs                                   |                  |
| Printing / Supplies                                     |                  |
| Specific Assistance - scholarships                      |                  |
| Audit                                                   |                  |
| Program Evaluation                                      |                  |
| Marketing                                               |                  |
| Other – postage, communications                         |                  |
| Other – travel, insurance                               |                  |
| Other – staff development                               |                  |
| Other – construction                                    | <b>\$163,776</b> |
| <b>Total Expenditures</b>                               | <b>\$163,776</b> |
|                                                         |                  |
|                                                         |                  |



REQUEST FOR LEGISLATION  
August 14, 2018

From: Stan Kirton, Public Services Director

Subject: Bid Approval for the Purchase of an A770 T4 Bobcat All-Wheel Steer Loader with 84" Snow Blower and Scraper Attachments

---

SUMMARY & BACKGROUND:

The 2018-2019 fiscal year budget includes funds of \$69,000 to purchase an A770 T4 Bobcat All-Wheel Steer Loader with scraper attachment and 84" snow blower with truck loading chute attachment. This equipment will be used by the Forestry and Street Divisions for multiple functions.

As a member of the MI Deal State Coop, the City of Ypsilanti has received a Michigan State Purchase proposal from Diuble Equipment, Inc., Ann Arbor, MI in the amount of \$68,800.84. This purchase will be expended from account #641-7-9320-987-10.

RECOMMENDED ACTION: Approval

Attachments: Resolution, Purchase Proposal

Date Received: August 8, 2018 Agenda Item No.: Res. No. 2018-201

City Manager Comments: \_\_\_\_\_

For Agenda of August 14, 2018 Finance Director Approval \_\_\_\_\_

Council Action Taken: \_\_\_\_\_



Resolution No.2018 - 201  
August 14, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

WHEREAS, Funds have been programmed in the 2018-2019 FY-Budget to purchase a A770 T4 Bobcat All-Wheel Steer Loader; and

WHEREAS, the City of Ypsilanti is a member of the MI Deal State Coop and eligible to receive State Purchase Pricing; and

WHEREAS, Diuble Equipment, Inc. holds the State Contract for this equipment; and

WHEREAS, Diuble Equipment, Inc. has submitted a purchase proposal the amount of \$68,800.84; and

WHEREAS, this purchase will be expended from account number 641-7-9320-987-10.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the purchase proposal submitted by Diuble Equipment, Inc.

FURTHER THAT the City Manager is authorized to sign the purchase proposal.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:

NO:

ABSENT:

VOTE:





**\*Prices off Michigan State Contract# 071B7700088. Contract Period: 01/13/17 THROUGH 01/12/21**

**\*MUST Be a Member of the MI Deal State Coop**

**\*Terms Net 30 Days. Credit cards accepted.**

**\*FOB: Destination within the 48 Contiguous States.**

**\*Delivery: 60 to 90 days from ARO.**

**\*State Sales Taxes apply. IF Tax Exempt, please include Tax Exempt Certificate with order.**

**\*TID# 38-0425350**

**\*Orders Must be Placed With: Clark Equipment Company dba Bobcat Company, Govt Sales, 250 E Beaton Drive, PO Box 6000, West Fargo, ND 58078.**

Prices & Specifications are subject to change. Please call before placing an order. Applies to factory ordered units only.

**ORDER ACCEPTED BY:**

\_\_\_\_\_  
**SIGNATURE**

\_\_\_\_\_  
**DATED**

\_\_\_\_\_  
**PRINT NAME AND TITLE**

\_\_\_\_\_  
**PURCHASE ORDER #**

**SHIP TO ADDRESS:**\_\_\_\_\_

**BILL TO ADDRESS (if different than Ship To):**\_\_\_\_\_





REQUEST FOR LEGISLATION  
August 14, 2018

From: Stan Kirton, Public Services Director

Subject: Bid Approval for South Huron Municipal Parking Lot Project

---

SUMMARY & BACKGROUND:

Bids were solicited on BidNet, formerly MITN for improvements to the pavement in the South Huron Parking Lot. The scope of work includes pavement patching, pavement sealing and parking lot restriping of the existing 5,000 square yard parking lot. Two (2) bids were submitted. Gibraltar Construction Co., Trenton, MI, submitted a base bid in the amount of \$94,664; and Best Asphalt, Inc., Romulus, MI submitted a base bid in the amount of \$47,553.

Costs for this project will be expended from account #101-7-4442-818-00. Staff recommends council accept the base bid submitted by, Best Asphalt, Inc. for the amount of \$47,553.

RECOMMENDED ACTION: Approval

Attachments: Resolution, Bid Tabulation

Date Received: August 7, 2018 Agenda Item No.: Res. No. 2018-201

City Manager Comments: \_\_\_\_\_

For Agenda of August 14, 2018 Finance Director Approval \_\_\_\_\_

Council Action Taken: \_\_\_\_\_



Resolution No. 2018 - 202  
August 14, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

WHEREAS, Funds have been programmed in the 2018-2019 FY-Budget for Improvements to the South Huron Parking Lot; and

WHEREAS, bids were solicited on BidNet for the pavement improvements identified for this project; and

WHEREAS, two sealed bids were received and reviewed; and

WHEREAS, Staff recommends accepting the bid submitted by Best Asphalt, Inc., Romulus, MI for the amount of \$47,553; and

WHEREAS, the construction and engineering services will be expended from account number 101-7-4442-818-00; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the bid submitted by Best Asphalt, Inc.

FURTHER THAT the City Manager is authorized to approve the bid and to sign any change orders that may be needed to maintain the project's schedule.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:                      NO:                      ABSENT:                      VOTE:



August 6, 2018

Mr. Stan Kirton  
Director of Public Services  
City of Ypsilanti  
One S. Huron Street  
Ypsilanti, MI 48197

RE: Recommendation of Award  
S. Huron Municipal Parking Lot

Dear Mr. Kirton:

Sealed bids for the S. Huron Municipal Parking Lot construction project were received and publicly read aloud at 2:00 p.m. on Friday August 3, 2018 at the City of Ypsilanti City Hall. The bid documents were posted on MITN. Proposals were received from two (2) bidders with as-checked results for the base bid ranging from \$47,533.00 to \$94,664.00. The engineer's estimate for the base bid project was \$51,250.00. There was an alternate bid received from both firms for additional work. The alternate bids ranged from \$85,053.00 to \$146,164.00.

We have evaluated both firms based on their bids, all required information, including bond surety, statement of qualifications, and subcontractors listing. The lowest bid was received from Best Asphalt, Inc., located at 6334 N. Beverly Plaza, Romulus, MI 48174, in the amount of \$47,533.00.

It is felt that Best Asphalt, Inc. and their subcontractors are capable of performing the work based on past experiences, referenced projects, and information provided with the statement of qualifications in the bid package. After verifying references, conversations were held with Phil Nichols, President of Best Asphalt, Inc. and they have a window to complete this project from August 16-18. If the City wishes to proceed with awarding Best Asphalt, Inc., the City may want to consider this start date, it is earlier than original schedule called for in the bid documents. **Based on the submitted information, it is recommended that the S. Huron Municipal Parking Lot work be awarded to Best Asphalt, Inc. of Romulus, MI in the amount of \$47,533.00.**

Should there be any questions, please contact me at (734) 466-4570.

Sincerely,  
OHM Advisors,

[Redacted signature block]

Encl: Bid Tab  
cc: Darwin McClary, City Manager  
Frances McMullan, City Clerk  
Aaron Berkholz, OHM Advisors  
Jess Howard, OHM Advisors

Tabulation for Bids Received on August 3, 2018  
 South Huron Municipal Parking Lot  
 City of Ypsilanti, Washtenaw County, State of Michigan  
 OHM Job No.: 0094-18-0071

Best Asphalt, Inc.  
 6334 N. Beverly Plaza  
 Romulus, MI 48174

Gibraltar Construction Company  
 2650 Van Horn Road  
 Trenton, MI 48183

Phone: 734-729-9440

Phone: 734-234-8005

| Item No.                                 | Description                                     | Estimated Quantity |      | Unit Price | Amount             | Unit Price  | Amount                           |
|------------------------------------------|-------------------------------------------------|--------------------|------|------------|--------------------|-------------|----------------------------------|
| 1)                                       | Mobilization                                    | 1                  | LSUM | \$1,500.00 | \$1,500.00         | \$15,000.00 | \$15,000.00                      |
| 2)                                       | Pavt, Rem                                       | 556                | Syd  | \$10.50    | \$5,838.00         | \$48.00     | \$26,688.00                      |
| 3)                                       | Dr Structure Cover, Adj, Case 1                 | 4                  | Ea   | \$500.00   | \$2,000.00         | \$1,060.00  | \$4,240.00                       |
| 4)                                       | HMA, 3C                                         | 77                 | Ton  | \$125.00   | \$9,625.00         | \$195.00    | \$15,015.00                      |
| 5)                                       | HMA, 13A                                        | 46                 | Ton  | \$160.00   | \$7,360.00         | \$205.00    | \$9,430.00                       |
| 6)                                       | Post, Steel, 3 lb                               | 56                 | Ft   | \$20.00    | \$1,120.00         | \$20.00     | \$1,120.00                       |
| 7)                                       | Sign, Type III, Rem                             | 3                  | Ea   | \$50.00    | \$150.00           | \$200.00    | \$600.00                         |
| 8)                                       | Sign, Type IIIA                                 | 13                 | Sft  | \$30.00    | \$390.00           | \$45.00     | \$585.00                         |
| 9)                                       | Pavt Mrkg, Ovly Cold Plastic, 6 inch, Yellow    | 3650               | Ft   | \$2.50     | \$9,125.00         | \$3.00      | \$10,950.00                      |
| 10)                                      | Pavt Mrkg, Ovly Cold Plastic, 6 inch, Blue      | 700                | Ft   | \$1.80     | \$1,260.00         | \$3.00      | \$2,100.00                       |
| 11)                                      | Pavt Mrkg, Ovly Cold Plastic, Lt Turn Arrow Sym | 3                  | Ea   | \$215.00   | \$645.00           | \$144.00    | \$432.00                         |
| 12)                                      | Pavt Mrkg, Ovly Cold Plastic, Thru Arrow Sym    | 11                 | Ea   | \$200.00   | \$2,200.00         | \$84.00     | \$924.00                         |
| 13)                                      | Pavt Mrkg, Ovly Cold Plastic, Handicap Sym      | 4                  | Ea   | \$385.00   | \$1,540.00         | \$120.00    | \$480.00                         |
| 14)                                      | Pavt Mrkg, Longit, 6 inch or Less Width, Rem    | 1                  | LSUM | \$4,300.00 | \$4,300.00         | \$3,600.00  | \$3,600.00                       |
| 15)                                      | Traffic Maintenance and Control                 | 1                  | LSUM | \$500.00   | \$500.00           | \$3,500.00  | \$3,500.00                       |
| TOTAL BID AMOUNT (Items 1-15)            |                                                 |                    |      |            | <u>\$47,553.00</u> |             | <u>\$94,664.00</u>               |
| 16)                                      | Chip Seal                                       | 5000               | Syd  | \$4.00     | \$20,000.00        | \$4.50      | \$22,500.00                      |
| 17)                                      | Seal, Fog, Mod                                  | 10000              | Syd  | \$1.75     | \$17,500.00        | \$2.90      | \$29,000.00                      |
| Alternate Bid Amount (Items 1-15, 16-17) |                                                 |                    |      |            | <u>\$85,053.00</u> |             | <u>\$146,164.00</u> <sup>1</sup> |

#### ADDITIONAL BIDDERS

#### CORRECTIONS

<sup>1</sup> Bidder's summation error was corrected.

2

3

4





Resolution No. 2018-203  
August 14, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

WHEREAS, the City Clerk and City Manager reports directly to the City Council and is supervised by the governing body; and

WHEREAS, the City Council has approved the fiscal year budget effective July 1<sup>st</sup> 2018 that all employees receive a 2% increase to their base salaries.

NOW THEREFORE, BE IT RESOLVED that the City Manager, Darwin McClary and Clerk, Frances McMullan receive each their 2% wage increase effective this fiscal year (7/1/2018).

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:

NO:

ABSENT:

VOTE:



Resolution No. 2018 - 206  
August 14, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

THAT \_\_\_\_\_ be appointed as Delegate  
and \_\_\_\_\_ be appointed as Alternate  
for the Annual Convention of the Michigan Municipal League to be held in Grand Rapids,  
Michigan, September 20-22, 2018.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:

NO:

ABSENT:

VOTE:

July 18, 2018

Michigan Municipal League Annual Meeting Notice

(Please present at the next Council, Commission or Board Meeting)

Dear Official:

The Michigan Municipal League Annual Convention will be held in Grand Rapids, September 20-22, 2018. The League's "Annual Meeting" is scheduled for 3:45 pm on Friday, September 21 in Ambassador Ballroom West at the Amway Grand Plaza Hotel. The meeting will be held for the following purposes:

1. Election of Trustees. To elect six members of the Board of Trustees for terms of three years each (see #1 on page 2).
2. Policy. A) To vote on the Core Legislative Principles document.

In regard to the proposed League Core Legislative Principles, the document is available on the League website at <http://www.mml.org/delegate>. If you would like to receive a copy of the proposed principles by fax, please call Monica Druks at the League at 800-653-2483.

B) If the League Board of Trustees has presented any resolutions to the membership, they also will be voted on. (See #2 on page 2.)

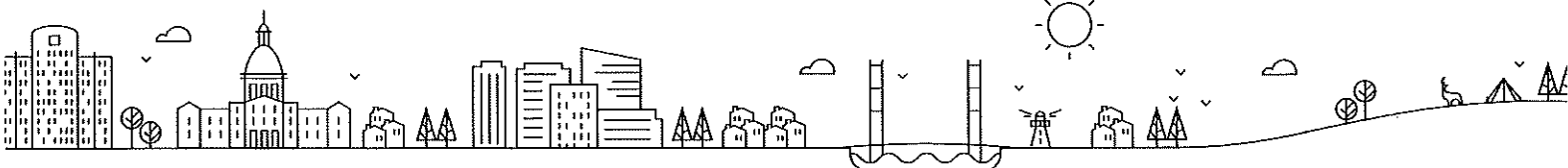
In regard to resolutions, member municipalities planning on submitting resolutions for consideration by the League Trustees are reminded that under the Bylaws, they must be submitted to the Trustees for their review by August 21, 2018.

3. Other Business. To transact such other business as may properly come before the meeting.

Designation of Voting Delegates

Pursuant to the provisions of the League Bylaws, you are requested to designate by action of your governing body one of your officials who will be in attendance at the Convention as your official representative to cast the vote of the municipality at the Annual Meeting, and, if possible, to designate one other official to serve as alternate. Please submit this information through the League website by visiting <http://www.mml.org/delegate> no later than August 21, 2018.

We love where you live.



Regarding the designation of an official representative of the member to the annual meeting, please note the following section of the League Bylaws:

“Section 4.4 - Votes of Members. Each member shall be equally privileged with all other members in its voice and vote in the election of officers and upon any proposition presented for discussion or decision at any meeting of the members. Honorary members shall be entitled to participate in the discussion of any question, but such members shall not be entitled to vote. The vote of each member shall be cast by its official representative attending the meeting at which an election of officers or a decision on any proposition shall take place. Each member shall, by action of its governing body prior to the annual meeting or any special meeting, appoint one official of such member as its principal official representative to cast the vote of the member at such meeting, and may appoint one official as its alternate official representative to serve in the absence or inability to act of the principal representative.”

#### 1. Election of Trustees

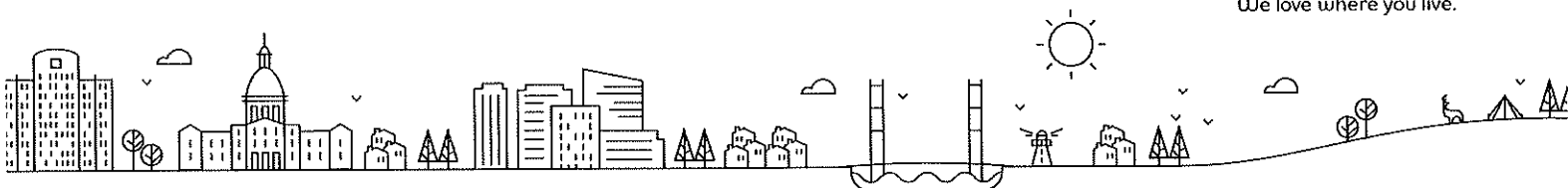
Regarding election of Trustees, under Section 5.3 of the League Bylaws, six members of the Board of Trustees will be elected at the annual meeting for a term of three years. The regulations of the Board of Trustees require the Nominations Committee to complete its recommendations and post the names of the nominees for the Board of Trustees on a board at the registration desk at least four hours before the hour of the business meeting.

#### 2. Statements of Policy and Resolutions

Regarding consideration of resolutions and statements of policy, under Section 4.5 of the League Bylaws, the Board of Trustees acts as the Resolutions Committee, and “no resolution or motion, except procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is either (1) submitted to the meeting by the Board of Trustees, or (2) submitted in writing to the Board of Trustees by resolution of the governing body of a member at least thirty (30) days preceding the date of the annual meeting.” Thus the deadline this year for the League to receive resolutions is **August 21, 2018**. Please submit resolutions to the attention of Daniel P. Gilmartin, Executive Director/CEO at 1675 Green Rd., Ann Arbor, MI 48105. Any resolution submitted by a member municipality will go to the League Board of Trustees, serving as the resolutions committee under the Bylaws, which may present it to the membership at the Annual Meeting or refer it to the appropriate policy committee for additional action.

Further, “Every proposed resolution submitted by a member shall be stated in clear and concise language and shall be accompanied by a statement setting forth the reasons for recommending the proposed resolution. The Board shall consider the proposal at a Board meeting prior to the next annual meeting and, after consideration, shall make a recommendation as to the advisability of adopting each such resolution or modification thereof.”

We love where you live.



### 3. Posting of Proposed Resolutions and Core Legislative Principles

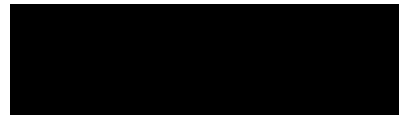
The proposed Michigan Municipal League Core Legislative Principles and any new proposed Resolutions recommended by the Board of Trustees for adoption by the membership will be available on the League website, or at the League registration desk to permit governing bodies of member communities to have an opportunity to review such proposals and delegate to their voting representative the responsibility for expressing the official point of view of the member at the Annual Meeting.

The Board of Trustees will meet on Thursday, September 20 at Amway Grand Plaza Hotel for the purpose of considering such other matters as may be requested by the membership, in addition to other agenda items.

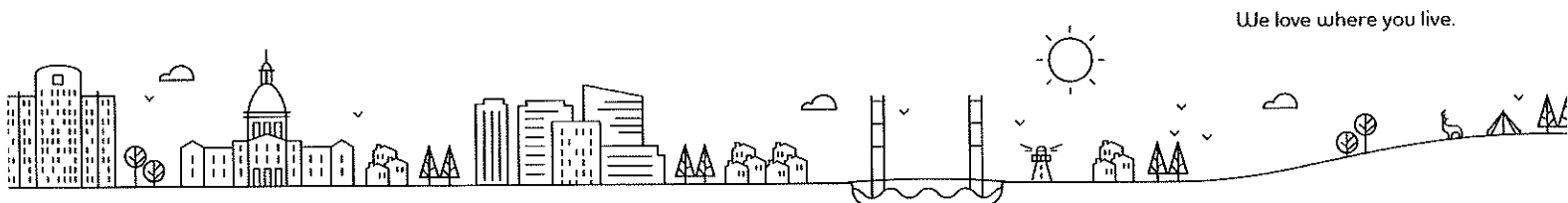
Sincerely,



Catherin Bostick-Tullius  
President  
Commissioner, City of Lapeer



Daniel P. Gilmartin  
Executive Director & CEO



We love where you live.



**Print****Citizen Advisory Boards and Commissions Participation Resume - Submission #359****Date Submitted: 3/27/2018**

The people of Ypsilanti are involved in their City government and are an important part of the community's achievements. Individuals interested in receiving more information in regards to serving on an advisory board or commission are invited to contact the City Clerk's Office at 734-483-1100. Alternatively, citizens who would like to participate can submit their information in the form below.

**Name\***

Jessica Donnelly

**Email Address\*****Address****City**

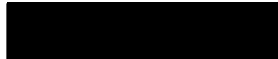
Ypsilanti

**State**

MI

**Zip Code**

48198

**Phone Number\*****Fax Number****Number of Years in the Community**

5

**Ward You Live In**

1

**Education**

BS in Urban and Regional Planning at Eastern Michigan University. Anticipated graduation spring 2019

**Occupation**

Student

**Employer****Are you applying for youth membership?**

Three Commission Allow Youth Membership (Sustainability, Parks and Recreation, & Human Relations)

☐ Yes

☒ No

**I would like to be considered and could devote sufficient time to serve on the following board or commission:**

- |                                                                                              |                                                                             |                                                           |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|-----------------------------------------------------------|
| <input type="checkbox"/> Review and Tax Assessment Board                                     | <input type="checkbox"/> Historic District Commission                       | <input type="checkbox"/> Parks and Recreation Commission  |
| <input type="checkbox"/> Board of Ethics                                                     | <input type="checkbox"/> Ypsilanti Housing Commission                       | <input type="checkbox"/> Ann Arbor Area Transit Authority |
| <input type="checkbox"/> Fire Civil Service Commission                                       | <input type="checkbox"/> Human Relations Commission                         | <input type="checkbox"/> Police and Fire Pension Board    |
| <input type="checkbox"/> YCUA                                                                | <input checked="" type="checkbox"/> Planning Commission                     | <input type="checkbox"/> Huron River Watershed Council    |
| <input type="checkbox"/> Ypsilanti Downtown Development Authority                            | <input type="checkbox"/> Non-motorized Advisory Committee                   | <input type="checkbox"/> Sustainability Commission        |
| <input type="checkbox"/> Economic Development Corporation/Brownfield Redevelopment Authority | <input type="checkbox"/> Property Maintenance Construction Board of Appeals | <input type="checkbox"/> Police Advisory Commission       |

**Party Affiliation**

If you are applying to serve on the Ethics Board please provide your political affiliation

**Why are you interested in serving on these boards/commissions?\***

I am interested in serving on the planning commission to further engage with the community and have an active role in local government. I also look at this opportunity as a learning experience that I can utilize in my future career.

**Work/volunteer experience related to the board or commission:**

**I understand that appointment to a City of Ypsilanti board or commission requires regular attendance at board meetings.**

☒ Yes

**I hereby certify that all of the information above is true.**

☒ Yes

## Citizen Advisory Boards and Commissions Participation Resume

*The people of Ypsilanti are involved in their City government and are an important part of the community's achievements. Individuals interested in receiving more information in regards to serving on an advisory board or commission are invited to contact the City Clerk's Office at 734-483-1100. Alternatively, citizens who would like to participate can submit their information in the form below.*

|                                                                                                               |                                           |
|---------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| Name                                                                                                          | Andrew French                             |
| Email Address                                                                                                 |                                           |
| Address                                                                                                       |                                           |
| City                                                                                                          | Ann Arbor                                 |
| State                                                                                                         | MI                                        |
| Zip Code                                                                                                      | 48108                                     |
| Phone Number                                                                                                  |                                           |
| Fax Number                                                                                                    | Field not completed.                      |
| Number of Years in the Community                                                                              | 44                                        |
| Ward You Live In                                                                                              | Field not completed.                      |
| Education                                                                                                     | BS Finance from Michigan State University |
| Occupation                                                                                                    | Restaurateur                              |
| Employer                                                                                                      | Aubree's Flagstar                         |
| Are you applying for youth membership?                                                                        | No                                        |
| I would like to be considered and could devote sufficient time to serve on the following board or commission: | Ypsilanti Downtown Development Authority  |
| Party Affiliation                                                                                             | Field not completed.                      |

*Field not completed.*

|                                                                                                                         |                                                                                                                                                                                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Why are you interested in serving on these boards/commissions?                                                          | I operate a business in Depot Town and believe I could be a valuable board member to the DDA.                                                                                                                                                                                                                          |
| Work/volunteer experience related to the board or commission:                                                           | Michigan Restaurant Association - Executive Board Member, Treasurer (2012-current) Hope Clinic Ypsilanti - Board Member and volunteer (2011-2018) Ypsilanti Area Community Foundation - Advisory Board Member (2014-2018) Ypsilanti Area Chamber of Commerce - Board Member (2005-2007) I could be off on these dates. |
| I understand that appointment to a City of Ypsilanti board or commission requires regular attendance at board meetings. | Yes                                                                                                                                                                                                                                                                                                                    |
| I hereby certify that all of the information above is true.                                                             | Yes                                                                                                                                                                                                                                                                                                                    |

Email not displaying correctly? [View it in your browser.](#)



## Citizen Advisory Boards and Commissions Participation Resume

*The people of Ypsilanti are involved in their City government and are an important part of the community's achievements. Individuals interested in receiving more information in regards to serving on an advisory board or commission are invited to contact the City Clerk's Office at 734-483-1100. Alternatively, citizens who would like to participate can submit their information in the form below.*

|                                                                                                               |                                          |
|---------------------------------------------------------------------------------------------------------------|------------------------------------------|
| Name                                                                                                          | Janette Rook                             |
| Email Address                                                                                                 |                                          |
| Address                                                                                                       |                                          |
| City                                                                                                          | Ypsilanti                                |
| State                                                                                                         | MI                                       |
| Zip Code                                                                                                      | 48197                                    |
| Phone Number                                                                                                  |                                          |
| Fax Number                                                                                                    | Field not completed.                     |
| Number of Years in the Community                                                                              | 5 years                                  |
| Ward You Live In                                                                                              | 3                                        |
| Education                                                                                                     | BA Spanish & Sociology                   |
| Occupation                                                                                                    | Entrepreneur                             |
| Employer                                                                                                      | Self - The Eyrie                         |
| Are you applying for youth membership?                                                                        | No                                       |
| I would like to be considered and could devote sufficient time to serve on the following board or commission: | Ypsilanti Downtown Development Authority |
| Party Affiliation                                                                                             | Field not completed.                     |

*Field not completed.*

---

|                                                                                                                         |                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Why are you interested in serving on these boards/commissions?                                                          | I live & operate a business in the DDA. I'm passionate about strengthening our town's foundation & would be honored to serve our community.                                                                                                                                       |
| Work/volunteer experience related to the board or commission:                                                           | National President of Northwest Airlines AFA-CWA (flight attendant union) Detroit Executive Director - AFTRA (performer union) Michigan Director of Broadcast - SAG-AFTRA (performer union) Forest Creek Condo Association Board Member Depot Town Merchant Association Secretary |
| I understand that appointment to a City of Ypsilanti board or commission requires regular attendance at board meetings. | Yes                                                                                                                                                                                                                                                                               |
| I hereby certify that all of the information above is true.                                                             | Yes                                                                                                                                                                                                                                                                               |

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**CITY OF YPSILANTI  
BOARDS AND COMMISSIONS  
CITIZEN PARTICIPATION RESUME**

**\*\*Note:** You must be a registered voter and a city resident to be eligible to serve on a City of Ypsilanti Board or Commission.

NAME: Herman L. Humes Jr.

ADDRESS: [REDACTED]

Ypsilanti, MI 48197

Number of years in the community: 50

HOME PHONE: [REDACTED] Call: A.M. or P.M. (please circle)

CELL PHONE: (same) WORK PHONE: (same)

EMAIL ADDRESS: [REDACTED]

EDUCATION: B.S. in Education, M.A. in Reading

CURRENT OCCUPATION: Retired Educator

CURRENT EMPLOYER: \_\_\_\_\_

I would like to be considered and could devote sufficient time to serve on the following Board(s) or Commission(s) in order of preference:

1. Police Advisory Board 2. \_\_\_\_\_

Please indicate experience and/or qualifications that would help make you an effective member of each board for which you have applied.

WORK/VOLUNTEER EXPERIENCE: Boys & Girls Club Bd., YMCA Fund

Raising, Church Food Bank

I understand that appointment to a City of Ypsilanti Board or Commission requires regular attendance at board meetings.

SIGNATURE: [REDACTED] DATE: 2/19/18

(Return completed form to: City Clerk's Office, 1 S. Huron Street, Ypsilanti, MI 48197)



**Barr,  
Anhut &  
Associates, P.C.**  
ATTORNEYS AT LAW

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Ypsilanti, MI 48197  
(734) 481-1234  
Fax (734) 483-3871  
[www.barrlawfirm.com](http://www.barrlawfirm.com)  
email: [dduchene@barrlawfirm.com](mailto:dduchene@barrlawfirm.com)

John M. Barr  
Karl A. Barr  
Daniel J. DuChene

Jesse O'Jack ~ Of Counsel  
William F. Anhut ~ Of Counsel – Retired  
Jennifer A. Healy ~ Legal Assistant

**MEMORANDUM**

**TO:** Mayor Edmonds and Members of City Council

**FROM:** Daniel J. DuChene, Assistant Ypsilanti City Attorney

**DATE:** August 7, 2018

**SUBJECT:** Community Benefits Ordinance – Council Consideration on Special Meeting for August 29, 2018

Councilmember Murdock, with the support of councilmembers Robb and Richardson, have requested a special meeting for 7 p.m. on August 29, 2018, for the consideration of a Community Benefits Ordinances. In requesting this meeting, a draft ordinance with revisions to the most recent draft of the CBO was forwarded for review.

I have reviewed these revisions and incorporated them into the attached proposed ordinance. Per the request and discussions with Councilmember Murdock, I have made some slight revisions to this newly proposed language. Notably, I have corrected numbering and internal references, edited for inconsistent or redundant language and sections, and formatted for form. I have not made any substantive changes.

With that said, I would like to offer an opinion and advice as to some of the changes to the proposed ordinance provided. The main point for City Council to consider is that its authority to require a community benefits agreement would be provided under its discretionary authority, not its police powers. With that in mind, the proposed changes to the definitions contained in Section 30-501 that require a community benefits agreement when any publicly owned land is sold or leased, whether owned by the City or not, is outside of the authority of the City of Ypsilanti. Unless the land is owned by the City of Ypsilanti, it cannot require that the parties of the sale or lease enter into a CBA. Therefore, I would strongly advise that this language not be included in any adopted ordinance.

Along these same lines, the current proposed ordinance removes the word "voluntary" from the definition of a community benefits agreement. If memory serves, this word was used in the definition provided as a model to this office. It is my understanding that the agreement is voluntary in the same meaning as a PUD agreement, in that the request

cc: City Manager



from the developer is voluntary in and of itself. Otherwise, an agreement or contract is unenforceable if it is involuntary. However, this being the case (that the agreement would be voluntary regardless of the definition), I do not have a strong opinion whether the word be included or not. But, I would advise that it is.

My final point is in regard to the proposed phrasing concerning the selection of members from the community to the ad-hoc committee under Section 30-527 (as currently numbered). For brevity, there is proposed an initial "kick-off" informational meeting before the ad-hoc committee is selected. The proposed language changes that "recommendations" to the Mayor are made at this meeting to "nominations." Upon further consideration I think "suggestions" might be a better term. Particularly, my concern here is that this initial meeting is not a meeting where any formal action should take place because there is no delegated body to make such determinations. Regardless, the term nomination may indicate the formality and procedure that are generally applicable in such an instance ("Nominations are open. – I nominate so and so. – Do you accept? – Is there a second? -All those in favor, etc.") This would be outside the scope of authority for such a meeting. Again, I don't have a strong opinion on the matter. But, I would advise that the ordinance adopted is as clear and unambiguous as possible.

The remaining changes to the proposed ordinance are policy considerations that are up to the determination of City Council. Please let me know if you have any questions, comments, or concerns.





**CITY OF YPSILANTI  
NOTICE OF ADOPTED ORDINANCE  
Ordinance No.**

An ordinance to amend Chapter 30 "Community Development" of the Ypsilanti City Code to add a new Article VII, entitled "Community Benefits."

**1. THE CITY OF YPSILANTI HEREBY ORDAINS** that Chapter 30 "Community Development" of its Code of Ordinances be amended to add a new Article VII to read as follows:

ARTICLE VII – COMMUNITY BENEFITS

DIVISION 1. – GENERALLY

Sec. 30-500. – Purpose

- (a) It shall be the policy of the City of Ypsilanti to require, wherever feasible, proportional community benefits as a condition of significant public support for development in the form of subsidies, tax abatements, below-market priced land, or other enhanced public resources.
- (b) This Article shall be known as the "City of Ypsilanti Community Benefits Ordinance."

Sec. 30-501. – Definitions

The following words, terms, and phrases when used in this Article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Community Benefits* mean the amenities, benefits, commitments, or promises to the City of Ypsilanti by a Developer, as discussed further in Section 30-515 of this Article.

*Community Benefits Agreement* means a contract negotiated and agreed to by the City of Ypsilanti and a Developer to provide Community Benefits in return for the receipt of a Public Support.

*Department* means the City of Ypsilanti Economic and Community Development Department, or its successor department.

*Developer* means any person, firm, partnership, limited liability company, corporation, joint venture, proprietorship, or other entity that is the purchaser or lessee in the Sale or Lease of City or Other Publicly Owned Land, the recipient of a Financial Incentive, or any combination thereof, including sub-contractors.

Financial Incentive means cash or near-cash assistance provided on the discretionary basis of the City of Ypsilanti to attract or retain a Project. These benefits principally encompass tax and economic incentives provided by federal, state, or local governmental bodies, as discussed further in Section 30-514 of this Article.

Interested Councilmember means a member of the Ypsilanti City Council representing the ward in which a Project is proposed to be located.

Project means either a Tier 1 Project or Tier 2 Project.

Public Support means a Financial Incentive of \$50,000 or more or the Sale or Lease of City or Publicly Owned Land for a price of at least \$10,000 below market value, as determined by the City Assessor.

Quadruple Bottom Line Philosophy means the effect a Project may have on the well-being of the community in terms of cultural vitality, social equity, economic prosperity, and environmental sustainability. This includes the Public Support and Community Benefits agreed to as part of the Project.

Registered Group means any group or organization with at least one member that is a resident of the City of Ypsilanti that files their contact information with the Department to receive notification under this Article. The Department shall keep this information on file. The Registered Group shall be responsible for the accuracy of the information submitted to the Department.

Sale or Lease of City or Other Publicly Owned Land means the conveyance of title of real property from the City or other public entity to a purchaser or a lease of City or other public property to a lessee. The conveyance of City rights-of-way, conveyances under the Property Disposition Policy, and the conveyance or lease of properties less than one-quarter (1/4) of an acre in size are not included in this definition.

Tier 1 Project means any project, development, or redevelopment in which the Developer is requesting Public Support in the form of a Financial Incentive in an amount of \$50,000 or more and less than \$250,000.

Tier 2 Project means any project, development, or redevelopment in which the Developer is requesting Public Support in the form of a Financial Incentive in an amount greater than \$250,000 or in the form of the Sale or Lease of City or Other Publicly Owned Land.

Secs. 30-502 – 30-510. - Reserved.

## DIVISION 2. – Community Benefits Agreement Required

Sec. 30-511. A Community Benefits Agreement is required between the City of Ypsilanti and a Developer prior to Ypsilanti City Council's final approval of Public Support. City Council may grant preliminary approval of Public Support subject to the execution of a Community Benefits Agreement.

Sec. 30-512. The following minimum standards shall be required of any Community Benefits Agreement:

- (a) Legally enforceable and the result of the procedure specified under Division 3 of this Article.
- (b) The Community Benefits provided reflect the scale of and be in proportion to the Public Support approved.
- (c) Identify specific methods with regard to monitoring and compliance with the provisions of the Community Benefits Agreement.
- (d) Provide for enforcement terms and specific remedies upon the breach or non-compliance of a party. Such remedies may include, without limitation, specific performance, liquidated damages, claw backs, or revocation or withdrawal of Public Support.
- (e) Where possible, provide a means to measure, value, and assess the factors discussed in Section 30-513 of this Division.
- (f) Inclusion of local small businesses, minority-owned business enterprises, women-owned business enterprises, and other relevant business organizations in pre-bid meetings and conferences with advance notice.
- (g) Compliance of Developer with the living wage or prevailing wage requirements, as applicable, provided for in Chapter 2, Article VI of this Code of Ordinances.
- (h) No outstanding back taxes, fines, or liens are owed to the City.
- (i) Compliance of Developer with the provisions contained in Chapter 58, Article III, Division 1 of this Code of Ordinances, regarding employment discrimination.

Sec. 30-513. Guided by a Quadruple Bottom Line Philosophy, the following factors should be considered in the consideration, deliberation, and approval of a Community Benefits Agreement:

- (a) The potential value a Project may bring to the community.
- (b) The potential impact a Project will have on the community.
- (c) The profitability of a Project.
- (d) Identification of potential sites of cultural, historical, or archeological significance, as well as the protection and preservation of such sites.

Sec. 30-514. The following is a non-exhaustive list of potential programs in which Financial Incentives may derive:

Brownfield Redevelopment Financing Act 381 of 1996 (MCL 125.2651 et seq)

Commercial Redevelopment Act 255 of 1978 (MCL 207.651)

Commercial Rehabilitation Act 210 of 2005 (MCL 207.841 et seq)

Corridor Improvement Authority Act 280 of 1995 (MCL 125.2871 et seq)

Historical Neighborhood Tax Increment Finance Authority Act 530 of 2004 (MCL 125.2841 et seq)

Local Development Financing Act 281 of 1986 (MCL 125.2151 et seq)

Obsolete Property Rehabilitation Act 146 of 2000 (MCL 125.2781 et seq)

Plant Rehabilitation and Industrial Development Districts Act 198 of 1974 (MCL 207.551 et seq)

Principal Shopping Districts and Business Improvement Districts Act 120 of 1961 (MCL 125.981 et seq)

Sec. 30-515. The following is a non-exhaustive list of potential Community Benefits that could be included in a Community Benefits Agreement:

A. Tier 1

1. Providing, either on-site or off-site, additional recreational activities, parks, open space, public service enhancements, or public infrastructure improvements for the City of Ypsilanti and its residents. This includes public transportation services and infrastructure.
2. Incorporation of green or sustainable energy elements into the Project or the promotion of such investments throughout the City of Ypsilanti.
3. Unbundling of construction work into bid sizes that will allow local small businesses level competition, without restricting the project timelines. Assistance with access to bonding, lending, insurance, access to capital, procurement, and other types of capacity-related assistance where necessary and when available.
4. Provide for the cleanup of contamination on site as required by the Michigan Department of Environmental Quality.

B. Tier 2

1. Work with Michigan Works, the SBDC, and other similarly situated organizations to help provide training, development, and preparation for potential contractual and hiring opportunities for local small businesses, minority-owned business enterprises, women-owned business enterprises, and other relevant business organizations and chambers.

2. Providing or supporting educational and/or mentoring activities that provide or enhance employment opportunities for local residents and youth through the Ypsilanti Community Schools, Washtenaw Community College, or other educational programs.
3. Creation or financial support of, either on-site or off-site, mixed or low-income housing units.

Sec. 30-516. Classification of a businesses as local, small, minority-owned business enterprise, or women-owned business enterprise, shall be guided by the provisions of Chapter 2, Article VI, Division 2, Section 2-303 of this Code of Ordinances with regard to local businesses and the U.S. Small Business Administration eligibility criteria for small businesses, minority-owned business enterprises, and women-owned business enterprises. Businesses discussed in this Section may file their contact information with the Department. The Department shall keep this information on file to be shared with Developers for the purposes of engagement as discussed in this Division. Such businesses shall be responsible for the accuracy of the information submitted to the Department. The Department shall also provide Developers with information regarding other organizations and agencies that the Department knows to track and keep information similar to that discussed in this Section.

Sec. 30-517. Community Benefits Agreements for Tier 1 Projects must meet the minimum standards discussed in Section 30-512 of this Article and provide for at least two Community Benefits contained in Section 30-515(A) of this Division or one Community Benefit contained in Section 30-515(B) of this Division. Community Benefits Agreements for Tier 2 Projects must comply with all of the requirements of Tier 1 Projects and provide for at least two Community Benefits contained in Section 30-515(C) of this Division. Projects may provide for direct funding, to the City of Ypsilanti or other relevant stakeholders, for the purposes of meeting Community Benefits requirements.

Sec. 30-518. City Council has the discretion to approve a Community Benefits Agreement that provides for one or more Community Benefit not described in Section 30-515 of this Division in substitution for one or more Community Benefit that is so described. If exercising its discretion under this Section, City Council shall determine under which tier in Section 30-515 the alternative Community Benefit would qualify.

Secs. 30-519 – 30-525. - Reserved.

### DIVISION 3. – Procedure

Sec. 30-526. Upon a Developer's request for Public Support, Developer shall meet with the Department to review the request and determine the information needed and the procedure required for compliance with this Article. This may include the review or request of any plans, investigations, studies, or inspections. Particularly, plans, sketches, drawings, etc.; pro forma or financial statements; environmental,



geotechnical, or property surveys or reports; studies, assessments, or reports regarding impacts on public services and infrastructure, traffic and land use, and potential sites of cultural, historical, or archeological significance; or any other information deemed relevant by the Department may be reviewed if such exists or may be requested if the Department deems it appropriate.

Sec. 30-527. The following procedure is required for the development of Community Benefits Agreements for all Projects.

A. The Department shall coordinate with the Developer and Interested Councilmembers to call and hold a community participation meeting, which shall be chaired by an Interested Councilmember. The purpose of this meeting shall be to inform the community about the Project and to allow the community to discuss potential Community Benefits. Particularly, the scope of the request for Public Support, the information discussed in Section 30-526 of this Division, and the provisions and procedures of this Article shall be shared with the Community. There shall be time at this meeting for those present to ask questions, discuss and identify among themselves potential Community Benefits, and nominate resident members for the ad-hoc committee discussed in Section 30-527(B) of this Division. Applications for appointment shall be made available for resident members of the ad-hoc committee discussed in Section 30-527(B) of this Division. The Developer shall be present at this meeting to present information and answer questions. Notice of this meeting shall be provided as required by this Division no less than 30 days in advance. This meeting shall be subject to the Open Meetings Act and its records subject to the Freedom of Information Act. If this meeting is held on a weekday, it shall not begin prior to 6 p.m.

B. Within 15 days of the community participation meeting discussed in Section 30-527(A) of this Division, City Council shall establish an ad-hoc committee consisting of one Interested Councilmember; a representative of the Sustainability Commission; a representative of the Planning Commission; a representative of the Human Relations Commission and five residents of the City of Ypsilanti. City Council shall select the Interested Councilmember among themselves to serve on the committee. Likewise, each board or commission shall select a member among the respective body to serve on the committee. The mayor, subject to the approval of City Council, shall appoint the remaining five members of the committee with at least three members being selected from those nominated at the community participation meeting identified above. In making such appointments, the Mayor and City Council should be guided by the relevant community interests with regard to the specific aspects of the Project. Such interests could include, but are not limited to, the geographic location of the Project as well as relevant demographic and socio-economic factors. Residents who have competing affiliations or interests that may result in the perception or the reality of an increased risk of bias or poor judgment in upholding the committee member responsibility to prioritize the interests of community residents should be restricted from serving on the committee. This may include current or past employment affiliated with

the developer. This committee is subject to the Open Meetings Act and its records subject to the Freedom of Information Act.

C. Once established, the City Manager shall designate a staff liaison to the committee described in Section 30-527(B) of this Division. Additionally, the City Attorney's office should be available to advise and assist the committee. The staff liaison will provide ad hoc committee members with all documentation necessary for compliance with this Article, as identified in Section 30-526 of this Division, within 48 hours of their selection. All other documents requested by the ad hoc committee during the process should be provided within 48 hours of such requests.

D. After the committee described in Section 30-527(B) of this Division is established, it shall meet at least twice within 60 days. The purpose of these meetings is to identify Community Benefits mutually agreed upon with the Developer and make a recommendation to City Council. Within these 60 days, the committee shall provide a recommended Community Benefits Agreement for consideration by City Council. The Developer may produce and deliver a response for consideration by City Council within 15 days of the issuance of the recommendation. Upon the request of the committee or the Developer, respectively, City Council may grant an extension to the deadlines described herein. The City Manager, in his or her sole discretion, may direct employees and departments of the City to review and report to the committee concerning specific aspects of a proposed Community Benefits Agreement. Likewise, the City Manager, in his or her sole discretion, may direct employees and departments of the City to review a recommended Community Benefits Agreement issued by the committee and report to City Council. Notice for meetings of the committee shall be provided as required by this Division no less than seven days in advance.

Sec. 30-528. After the procedures discussed in this Division, City Council shall hold a public hearing regarding the proposed Community Benefits Agreement no less than 15 days prior to its consideration by City Council.

Sec. 30-529. Notice of all meetings discussed in this Division shall be published according to Section 11.13 of the City Charter. In addition, such notice shall be sent by mail or personal delivery to all Registered Groups; the Developer; to all persons to whom real property is assessed within 300 feet of the property boundary of where the Project is located; and to the occupants of all structures within 300 feet of where the Project is located. If the name of an occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or special area shall receive notice. Such notice shall include the following:

- (a) Description of the nature of the meeting. This description shall include a brief summary of the Project and the Public Support requested, the relevant

requirements and procedures of this Article, and the purpose for which the particular meeting is being held.

(b) A legal description or address of the property which the Project is located.

(c) Statement of when and where the meeting will be held.

(d) Statement of when and where comments will be received.

Sec. 30-530. The procedure provided for in this Division shall comply with the City of Ypsilanti Public Participation Policy when applicable.

Secs. 30-531 – 30-545. - Reserved.

#### DIVISION 4. – Miscellaneous Provisions

Sec. 30-546. Upon the request of a Developer, City Council may adopt a resolution exempting the Developer from the requirement of entering into a Community Benefits Agreement by demonstrating that the Project and execution of a Community Benefits Agreement is infeasible or impractical. To request such an exemption, the Developer shall:

(a) Provide City Council, in writing, the basis of its request.

(b) State, with particularity, the good-faith efforts the Developer has made to engage in the process of developing and executing a Community Benefits Agreement.

(c) Document how the Developer will otherwise seek to implement the purpose of this Article.

Sec. 30-547. If a Community Benefits Agreement provides for direct funding, either to the City of Ypsilanti or another relevant stakeholder, the Community Benefits Agreement recommended or approved shall provide for the limitations of spending such funding and the methods for monitoring, reporting, and approving its use. If a Community Benefits Agreement provides for direct funding to an entity other than the City of Ypsilanti, the Community Benefits Agreement recommended or approved shall particularly identify such entity. Additionally, such an entity should be engaged in the process of developing a recommended or approved Community Benefits Agreement and possibly execute the Community Benefits Agreement as a third-party beneficiary.

Sec. 30-548. The provisions of this Article are prescriptive in nature and are set forth as required conditions for the requesting, provisioning, and receiving of Public Support for a Project. Material failure to comply with the provisions of this Article may result in denial, suspension, termination, revocation, or withdrawal of Public Support, but shall not be subject to the penalties, sanctions, or remedies set forth in Section 1-15 of this Code of Ordinances. Except when obtained through substantial and material misrepresentation or fraud, the resolution of City Council approving the Public Support

for a Project shall be evidence of compliance with the provisions of this Article.  
Thereafter, remedies shall be limited to enforcement of the Community Benefits Agreement.

Secs. 30-549 – 30-575. - Reserved.

**2. Severability.** If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

**3. Repeal.** All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

**4. Savings Clause.** The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

**5. Copies to be available.** Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

**6. Publication and Effective Date.** The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

\_\_\_\_\_  
Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. \_\_\_\_\_ was published according to Section 11.13 of the City Charter on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Frances McMullan, City Clerk

Notice Published: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_

RESOLUTION NO. 18-\_\_\_\_\_

, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "An ordinance to amend Chapter 30 'Community Development' of the Ypsilanti City Code to add a new Article VII, entitled 'Community Benefits.'" be approved on first reading.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:



**TRAFFIC REVIEW COMMISSION  
MEETING MINUTES  
June 19, 2018  
4<sup>th</sup> floor Conference Room – 3:00 p.m.**

**I. CALL TO ORDER**

The meeting was called to order at 3:10 pm

**II. ROLL CALL**

**Present:** Chief DeGiusti, Interim Dir. Meyers, City Planner Wessler,

**Staff:** Exec. Secretary Nan Schuette

**III. APPROVAL OF MINUTES**

City Planner Wessler moved to approve the minutes of May 4, 2018 (Support: J. Meyers) and the motion carried unanimously.

**IV. OLD BUSINESS**

**1. Alley, North Thompson Building**

Council Member Murdock had concerns regarding the decision that was made on this item at the Traffic Review committee meeting in April. It was his opinion that the complaint went beyond tree trimming – it also impedes snow removal and unlike the other two buildings, the building under discussion has a fenced in yard with no on-site parking available and has made the section under discussion his permanent private parking spot. Police Department has stated they cannot ticket because there is no signage.

After further discussion by committee members, Chief DeGiusti agreed to meet with the parties of the three houses involved to determine if they can come up with a reasonable solution, prior to taking further action.

At the meeting held on June 19, 2018, Chief DeGiusti stated that Greg Swafford, Parking Enforcement Officer, spoke with the party involved. The tenant was not aware of ordinance requirements but after being informed, he agreed that he would no longer park in the alley with the understanding that if he did, it would warrant issue of a parking ticket.

## **2. Parkridge Center - Update**

At a recent visit to the Parkridge Center, Chief DeGiusti was asked to investigate the "No Parking" signs on Armstrong on both sides of the street. This severely limits the parking for the Center especially during events. He questioned the decision on their installation since he had not seen any Traffic Control Orders requesting their installation. Some discussion was held on viability of same and Fire Chief Anthouard will check to ensure that fire trucks would be able to get down there prior to any decision being made.

At the meeting held today, it was agreed that the existing two parking spaces for vehicles with a handicap placard will be preserved, and parking on the east side of Armstrong Street, north of Armstrong Court/Hilyard Robinson Way would be permitted. Parking on both sides of Armstrong Street south of Armstrong Court/Hilyard Robinson Way would be prohibited until after the road turns to the west, due to concerns about truck clearances for snow removal and rubbish pickup. Signage may be provided by the developer.

## **3. New Parkridge Community - Update**

This is a request to check for a possible crosswalk installation and signage for better access to the Center by residents of the New Parkridge Community. The committee discussed this in detail at the May meeting and were in favor of doing something. Director Kirton of Department of Public Services agreed to see if he would have money in his budget to accomplish this request.

Director Kirton gave an update on this issue at the June meeting and after some discussion, it was agreed that he would get a cost estimate from OHM to investigate the possibility of a crosswalk.

# **V. NEW BUSINESS**

## **1. Street Parking on N. Huron**

City Planner Wessler reviewed photographs of the area on N. Huron on the west side near the alley. There is enough room for one double parking space south of the alley, and one single parking spot north of the alley and south of the parking lot entrance. After some discussion, the committee agreed to install meter parking on both sites. Director Kirton will have meters installed.

## **2. Congress N/S Split intersection**

This item was brought to the attention of TRC by Councilmember Bashert who had received a number of complaints from residents that drivers are ignoring the stop sign. She asked that a cross walk be considered at that area. After discussion, it was agreed that a painted crosswalk and other potential upgrades will be considered in the planned resurfacing of that area for 2019.

**VI. FUTURE BUSINESS DISCUSSION/UPDATES**

None.

**VII. ADJOURNMENT**

Since there was no further business, chief DeGiusti moved to adjourn the meeting (Support: J. Meyers) and the motion carried unanimously. The meeting adjourned at 3:32 p.m.

**CITY OF YPSILANTI  
TRAFFIC REVIEW COMMISSION  
MEEETING AGENDA  
Wednesday, July 26, 2018 2:30 P.M.  
4<sup>TH</sup> FLOOR CONFERENCE ROOM**

**I. CALL TO ORDER**

The meeting was called to order at 2:30 p.m.

**II. ROLL CALL**

Present: Tony DeGiusti, Police Chief  
Stan Kirton, Director of Public Services  
Joe Meyers, Interim Director of Economic Development

Staff: Nan Schuette, Exec. Secretary

**III. APPROVAL OF MINUTES – June 19, 2018**

Interim Director Meyers moved to approve the minutes of June 19, 2018 (Support: T. DeGiusti) and the motion carried.

**IV. OLD BUSINESS**

None

**V. NEW BUSINESS**

1. N. Washington Street Parking/Meter Area

Michigan Advocacy Program, a new company, is moving into our downtown tomorrow, which will require a need for more employee and residential parking. Interim Director Meyers stated that the Mayor had requested that a change be made to the Washington St parking lot. Director Meyers is requesting that DPS remove 20 metered spaces, and use the spots for employee and residential parking.

Director Kirton was unsure how quickly his department could accomplish this change. Chief DeGiusti suggested that the current metered spots be bagged and signed temporarily until DPS can get to it. After further discussion, it was suggested that we just take off the meters heads, leave the posts, and put in signs indicating these spots be used for residential and employee parking only. We have already sold more permits than we have spaces. Director Kirton stated that his department could possibly have it done within a month, depending on how quickly he can get the signs. Chief DeGiusti suggested that we could probably get away with installing just one sign in the center of each area involved indicating that they are residential and employee parking only.

Director Meyers moved that the meter heads be bagged and temporary signs installed until DPS can arrange to remove the meter heads and put up permanent signage stating for use by employee and residential parking only (Support: T. DeGiusti) and the motion carried unanimously.

**VI. FUTURE BUSINESS DISCUSSION/UPDATES**

None

**VII. ADJOURNMENT**

Since there was no further business, Chief DeGiusti moved to close the meeting (Support: J. Meyers) and the motion carried unanimously. The meeting adjourned at 2:50 p.m.

# **City of Ypsilanti Human Relations Commission**

## **Annual report to the Mayor and City Council**

The members of the Human Relations Commission (HRC) respectfully submit the following report to inform the Mayor and City Council of Ypsilanti, Michigan what the Commission accomplished in 2017 and has set as priorities for 2018.

### **Commissioners:**

The Commission finished 2017 with the following individuals as commissioners: Amber Fellows, Ka'ron Gaines, Kyle Hunter, Sam Jones-Darling, Willow Krupin-Carter (Youth Member), Tanasia Morton, Theresa Saunders, and John Shuler. Throughout 2017 we saw D'Real Graham, Krista Nordberg, and Jennifer Symanns depart the Commission.

Commissioners Ka'Ron Gaines, Kyle Hunter, and Willow Krupin-Carter joined us in 2017.

We were delighted to have Dr. Devika Choudhuri and Josie Hicks join us in 2018. Our current number as of July 31, 2018 is 8 commissioners and 2 youth commissioner, this leaves one regular commissioner vacancy.

### **Accomplishments of the 2017 year:**

#### **● Goals:**

The HRC conducts our goal setting session as our first meeting in January. In 2017, we set forth three major goals for the 2017 year and I am happy to report that each of them have found resounding success within our community.

#### **1. Immigration Enforcement Forum**

- This forum hosted in September brought together members of law enforcement, policy makers, and the community, to discuss the rising presence of the Immigration and Customs Enforcement Agency in the Ypsilanti area. In addition, members of the community were briefed on city ordinances preventing the disclosure of information related to immigration status and city Non-Discrimination Ordinance protections for immigration status. The forum was attended by over 50 individuals at Ypsilanti Community High School.

#### **2. Strategies to Combat Gentrification and Housing Discrimination**

- The Commission agreed that Housing is considered a basic human right and that the right to be secure and safe within one's housing is as important as being physically and psychologically safe in the workplace. The Commission is uniquely aware that implicit racism and classism exists within all economic development due to systemic issues within our country. The Commission has acknowledged that the City of Ypsilanti cannot be insulated from the effects of housing discrimination and the forces of gentrification being conducted in other portions of the county. As part of this discussion, we agreed also that source of income discrimination includes the refusal of acceptance for federal housing vouchers (Section 8) and student loans.
- The Commission met in joint session with the Planning Commission and Sustainability Commission to discuss how each commission could act within their



jurisdictions to combat gentrification. This meeting has resulted in a master plan update process including a Planning Commission sub-committee, with Amber Fellows acting as our representative.

3. Amendment to the City's Non-Discrimination Ordinance

- The HRC provided City Council with an amendment to the City's Non-Discrimination Ordinance (NDO) in mid-2017. The updated NDO included language from the Michigan Department of Civil Rights' model ordinance with the addition of Immigration Status as a protected class.
- The HRC believes that the Ypsilanti NDO is the most progressive ordinance to protect marginalized and historically disadvantaged persons anywhere within the State of Michigan.
- In addition to adding several more protected classes, the ordinance cleaned up language and specified some ambiguity which will allow the HRC and the City to enforce the ordinance to the best of our ability.

**Goals for 2018:**

For 2018, the Commission has determined the following goals:

1. Implementation of Commission Bylaws

- The Commission has drafted and is preparing to adopt a set of bylaws. The bylaws will set out standards for compliance with policies, how the Commission approaches discrimination cases, and how the Commission handles the behavior of its members.
- The Bylaws are expected to be adopted at the regular meeting to take place at the end of June 2018.

2. Housing Discrimination and Gentrification

- The Commission has determined that housing discrimination and gentrification are two of the most important issues to the City of Ypsilanti's long-term future as a diverse community. Housing, which in our belief is the ability to have a solid roof over one's head that is hazard free and enables the person to develop naturally is a basic human right.
- The Commission has determined that as a body we must provide input into development and planning to ensure our community is educated on historical patterns of discrimination, which includes gentrification.
- The Commission wishes to target the core mechanisms of gentrification which have been facilitated by the federal, state, and local government programs that include red-lining, targeted development, economic disparity, educational deprivation, and government profiling.
- The Commission has directed the Chair and Vice-Chair to work closely with the Planning Commission to ensure a coordinated citywide effort on affordability.
- The Commission has directed the Chair and Vice-Chair to work with the City of Ann Arbor's Human Rights Commission to establish a future time and day for a joint-session of the two bodies to discuss Housing Affordability and Source of Income discrimination within our two communities.

3. Cultural Competency

- The Commission has determined an urgent need for cultural competency training, and this is an ongoing concern for the city. We are currently evaluating options for potential policy and training opportunities, in which the Commission wishes to engage. This will include a hard definition of what cultural competency means, including what a result should be for members of our local government.

#### **Statement on Community Input:**

As a Commission, we believe that the right of the community to provide valuable input into the workings of their government is beneficial to the City of Ypsilanti. We wish to see continuing opportunities for dialog between neighbors both within the city, and within our surrounding communities. This dialog should uplift the voices and experiences of individuals from marginalized backgrounds, especially those noted in our Non-Discrimination Ordinance as this is the only way to effectively combat. The Commission believes this type of input is the best possible method to ensure that tensions between the citizenry and the City are minimal and to expand the base of understanding that is required within our diverse and growing community. As part of the bylaw discussions we have determined that our public comment procedures were arcane, we have reformed them and sought to grant a person a minimal of three minutes and granted the Chairperson the ability to extend that time based on the amount of people wishing to participate in public comment. In addition, we have added an additional public comment period at the end of the meeting.

#### **On Gendered Language:**

It is the intent of the Commission to eliminate all gendered references within city ordinances as is legally possible to do. This is to ensure that we are inclusive of the diversity within our community, and to acknowledge that gendered language seeks to establish a binary which may not exist, except within a social construct.

**Finally**, on behalf of the Human Relations Commission, I would like to thank the community for being supportive of our initiatives. We, as a Commission, know that some of the issues we discuss are not always easy conversations to have, or politically correct; and many topics are loaded with a history of intolerance. We must continue to look forward as a community to develop the best possible outcomes for every person that resides within our community, whether it be for a day or for decades. It is upon each of us to think about these decisions we make now and look to the future.

Respectfully,  
Sam Jones-Darling  
Chairperson, Human Relations Commission



Resolution No. 2018-207  
August 14, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

That the City Council Meeting be adjourned, on call, by the Mayor or two (2) members of Council.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE: