



**CITY OF YPSILANTI
CITY COUNCIL MEETING
October 6, 2020 @ 7:00 pm
Zoom
One South Huron, Ypsilanti, MI 48197**

<https://us02web.zoom.us/j/84696670717>

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I. CALL TO ORDER

II. ROLL CALL

III. AGENDA APPROVAL

IV. PRESENTATIONS

- 4** A. Proclamation for Breast Cancer Awareness Month - Mayor Lois Allen-Richardson
[Proclamation](#)

- 5** B. Proclamation for Domestic Violence Awareness Month - City Manager Frances McMullan
[Proclamation](#)

V. PUBLIC COMMENT (3 MINUTES)

VI. ORDINANCES FIRST READING

- 6 - 15** A. Ordinance 1367, An ordinance to amend the Noxious Weed Ordinance, Article IV. Weed Control, Section 110-80 et seq of the Ypsilanti City Code.
1. Resolution No. 2020-203, determination
2. Public Hearing
3. Resolution No. 2020-204, close the public hearing.
[Supporting Documents - Pdf](#)

- 16 - 50** B. Ordinance 1368, An ordinance to Amend Chapter 58 of the Ypsilanti Code to provide consistent language of the definition of prohibited discrimination and to remove section 58-72 Affirmative Language.
1. Resolution No. 2020-205, determination
2. Public Hearing
3. Resolution No. 2020-206, close the public hearing.
[Supporting Documents - Pdf](#)

VII. CONSENT AGENDA

- 51** A. Resolution No. 2020-207, approving the Consent Agenda.
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X. COUNCIL PROPOSED BUSINESS

XI. COMMUNICATIONS FROM THE MAYOR

- A. Thanking Commissioner Gannon of the Sustainability Commission for his service.
- B. Scheduling date for the Housing Affordability Work Session.

XII. COMMUNICATIONS FROM THE CITY MANAGER

XIII. COMMUNICATIONS

A. **NOMINATIONS**

Ypsilanti Housing Commission - (Exp. 10/20/2025)

Renee Smith - **Reappointment**

1112 Congress

Ypsilanti, MI 48197

XIV. ADJOURNMENT

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- A. Resolution No. 2020-216, adjourning the City Council Meeting.
[2020-216 - Pdf](#)
- B. Please click [here](#) to access the City Council Contact Form. This form can be used to submit any comments/concerns you might have about this agenda.

PROCLAMATION

Breast Cancer Awareness Month

WHEREAS, while considerable progress has been made in the fight against breast cancer, it remains the most common newly diagnosed cancer and second-leading cause of cancer deaths among Michigan women; and,

WHEREAS, in 2018, 14.9 percent of deaths from cancer among Michigan women were due to breast cancer, according to the Michigan Department of Health and Human Services (MDHHS); and,

WHEREAS, in Michigan, more than 8,800 new cases of breast cancer will be diagnosed in 2020, and more than 1,380 people will die of the disease; and,

WHEREAS, certain factors put some women at a higher risk than others, including age, personal or family history of breast cancer, specific genetic mutations, dense breast tissue, starting menstruation at a young age, never giving birth or having first pregnancy after age 30; and,

WHEREAS, breast cancer mortality is nearly 40 percent higher for Black women than white women, as Black women are often diagnosed at later stages when treatments are limited and costly, and the prognosis is poor; and,

WHEREAS, breast cancer is the most common cancer diagnosed and the leading cause of cancer death in Hispanic/Latina women; and,

WHEREAS, through research and advocacy, advances have been made in the fight against breast cancer including an increased rate of early detection and a 98 percent five-year survival rate for localized breast cancer; and,

WHEREAS, October is Breast Cancer Awareness Month, an annual campaign to increase awareness about this disease and to raise funds for research into its cause, prevention, diagnosis, treatment, and ultimately finding a cure; and,

WHEREAS, during this month, we should reaffirm our commitment to supporting breast cancer research and to educating all citizens about its risk factors, detection, and treatment, as well as the importance of regular screenings, as early detection increases the effectiveness of available treatments; and

WHEREAS, as we display pink ribbons and wear pink clothing to raise awareness, we also recognize more than 3.8 million breast cancer survivors, those currently battling the disease, and their families and friends who are a tireless source of love and encouragement. We commend the efforts of our medical professionals and researchers working to find a cure for this deadly disease, and we honor the lives lost to breast cancer;

NOW, THEREFORE, I, LOIS ALLEN-RICHARDSON, MAYOR of the City of Ypsilanti hereby proclaim October 2020 as Breast Cancer Awareness Month in the City of Ypsilanti.

Given under my hand and seal of the
City of Ypsilanti October 6, 2020.

Lois Allen-Richardson, Mayor

PROCLAMATION

Domestic Violence Awareness Month

WHEREAS, domestic violence perpetrators intentionally use a pattern of physical, emotional, sexual, psychological, and/or economic coercion and abuse to control their intimate partners, violating their dignity, security and psychological as well as physical well-being; and

WHEREAS, domestic violence perpetrators cause significant and long-lasting trauma to countless women and men of every religion, culture as well as economic and social status; and

WHEREAS, when children are involved, domestic violence perpetrators' choices to be violent and abusive are parenting choices that often have a devastating and far reaching adverse impact on the safety and well-being of children and their non-offending parents; and

WHEREAS, The National Center for Injury Prevention and Control, Centers for Disease Control and Prevention reports that one in four women and one in nine men experience severe intimate partner physical violence, intimate partner contact sexual violence, and/or intimate partner stalking with impacts such as injury, fearfulness, posttraumatic stress disorder, use of victim services, contraction of sexually transmitted diseases, etc.; and

WHEREAS, Michigan is committed to holding domestic violence perpetrators accountable, employing interventions in order to reduce the risk and harm to all victims as well as providing victims the resources and support they deserve to enhance their safety and well-being; and

WHEREAS, Domestic Violence Awareness Month provides an important opportunity to learn more about domestic violence and to demonstrate support for the numerous organizations and individuals who provide advocacy efforts, services and assistance to victims; and

NOW, THEREFORE, I, FRANCES MCMULLAN, CITY MANAGER of the City of Ypsilanti hereby proclaim October 2020 as Domestic Violence Awareness Month in the City of Ypsilanti.



REQUEST FOR LEGISLATION

TO: Mayor and City Council
FROM: John Barr
DATE: October 6, 2020
SUBJECT: Revision of Weed Ordinance

DESCRIPTION:
Revision of Weed Ordinance

SUMMARY:

The City has a noxious weed ordinance that has been on the books for many years. Lately some residents want a revision of the ordinance to permit the growing of native and pollinating plants to help preserve the native plant species and to provide plant nectar for bees and other beneficial insects and for the visual beauty of flowering plants.

The present ordinance limits general vegetation (grass, etc.) to 10 inches.

Councilmember Brian Jones-Chance and Wilcoxon have requested changes in the ordinance and are requesting the ordinance be changed to allow native plants and increase the general height to 12 inches and allow gardens of native and pollinating plants (Bee Gardens) over 12 inches and remove any fee for the Bee Garden permit.

We worked with staff to provide a draft of a suggested ordinance change to provide for a permit process to allow Bee Gardens. Councilmember Brian Jones-Chance has provided edits that increase the allowable height outside of Bee Gardens to 12 inches.

A draft of the proposed amendment is attached for consideration of council.

RECOMMENDED ACTION: Review proposed amendments to noxious weed ordinance.

The City has a noxious weed ordinance that has been on the books for many years. Lately some residents want a revision of the ordinance to permit the growing of native

and pollinating plants to help preserve the native plant species and to provide plant nectar for bees and other beneficial insects and for the visual beauty of flowering plants.

The present ordinance limits general vegetation (grass, etc.) to 10 inches.

Councilmember Brian Jones-Chance and Sommerville have requested changes in the ordinance and are requesting the ordinance be changed to allow native plants and increase the general height to 12 inches and allow gardens of native and pollinating plants (Bee Gardens) over 12 inches and remove any fee for the Bee Garden permit.

We worked with staff to provide a draft of a suggested ordinance change to provide for a permit process to allow Bee Gardens. Councilmember Brian Jones-Chance has provided edits that increase the allowable height outside of Bee Gardens to 12 inches.

A draft of the proposed amendment is attached for consideration of council.

RECOMMENDED ACTION: Review proposed amendments to noxious weed ordinance.

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



MEMORANDUM
9/23/2020

To: Mayor and City Council

From: Joe Meyers, Director of Economic Development

Subject: Staff Comments on an ordinance to amend the Noxious Weed Ordinance, Article IV. Weed Control, Section 110-80 et seq of the Ypsilanti City Code

In reviewing the ordinance to amend section 110-80 of the weed control section. Staff feels that this is a good update to the ordinance to allow for natural planting with allowing for the maintenance of properties that are not actively being maintained. The allowance for an application for native vegetation is essential to ensure the proper plant material are in the yard to help ensure no noxious weeds are present. At this time the department is not looking for a charge for the permit but will reassess after one year of the program depending on the staff time dedicated to this process. This ordinance allows for the continued practice by code enforcement while formalizing a process that has been happening for some time.



Resolution No. 2020-203
September 30, 2020

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

that the ordinance entitled "An ordinance to amend the Noxious Weed Ordinance, Article IV. Weed Control, Section 110-80 et seq of the Ypsilanti City Code" be adopted on first reading.

OFFERED BY: _____

SECONDED BY: _____

YES: NO: ABSENT: VOTE:

This resolution is adopted by the Council of the City of Ypsilanti and approved by the Mayor this 30 day of September 2020

#Resolution No. 2020-203



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1367**

An ordinance to amend the Noxious Weed Ordinance, Article IV. Weed Control, Section 110-80 et seq of the Ypsilanti City Code

- 1. THE CITY OF YPSILANTI HEREBY ORDAINS** that the Noxious Weed Ordinance, Article IV. Weed Control, Section 110-80 et seq of the Ypsilanti City Code be amended to read as follows:

• **ARTICLE IV. - WEED CONTROL** ^[4] ---

State Law reference— Control and eradication of noxious weeds, MCL 247.61 et seq.

• **Sec. 110-80. - Noxious weeds, grass and brush determined to be a nuisance.**

In order to preserve the public health, safety, and welfare of the citizens of Ypsilanti, the council determines that the existence of grass, weeds, and brush more than ten inches in height within the city constitutes a nuisance for the reason that the said grass, weeds, and brush provides a hiding place for vermin, is unsightly and unkempt, and is more likely to be a dumping ground for trash than otherwise.

(Ord. No. 981, § 1, 5-22-2003)

• **Sec. 110-81. - Duty to remove; penalty.**

(a)

The city council determines that the existence of weeds, brush and grass over ten inches in height, or any other noxious weeds as defined by MCL. 247.61 et seq. on private property within the city poses a threat to the public health, safety and welfare, and is noxious and a nuisance per se, because weeds, brush and grass over ten inches in height is likely to attract and harbor vermin, provide cover for wild animals, encourage trash, attract criminal activity and lower property value, and noxious weeds as defined by the State are hazards to health and the environment.

(b)

No owner, possessor or occupier shall permit weeds, grass or brush at a height greater than twelve inches, or any noxious weeds defined by MCL 247.61 et seq on any private property. The provisions of this section are in addition to and cumulative with any and all other remedies or requirements which may be provided to the city by law or any provision of this Code or other ordinance of the city, and nothing in any provision of this Code or other ordinance of the city shall be deemed to impair the full effectiveness of this section.

S:\Clerk's Office\CITY COUNCIL MEETINGS\CITY COUNCIL MEETINGS\2020 City Council Meetings\10-6-2020\1-Weeds Ord\Ord to amend Noxious Weed Ordinance 2020.doc

Exception. An owner, possessor or occupier of land in the City of Ypsilanti may plant and grow native vegetation, as defined by the Michigan Natural Shoreline Partnership or similar agencies and organizations as a garden or rain garden on their land in the City of Ypsilanti on the following terms and conditions:

- a. Application and permit issued by the Economic Development Department showing the area to be cultivated.
- b. No permit planting on the City Right of Way or the lawn extension between the sidewalk and street;
- c. 3 foot set back from all front lot lines and 3 foot set back from any side or rear lot lines.

(c)

Blight violation. A person who violates any provision of this section is responsible for a blight violation, subject to payment of a civil fine as set forth in [section 71-73](#). Repeat offenses under this section shall be subject to increased fines as set forth in [section 71-73](#).

(Code 1983, § 9.61; Ord. No. 981, § 1, 5-22-2003; Ord. No. 1132, § 1, 9-21-2010)

- **Sec. 110-82. - Publication and contents of general notice to remove.**

It shall be the duty of the city manager to give general notice at least once each year of required weed cutting by publication in a newspaper in the same manner as is required for the publication of other city notices. Such notice shall set forth the fact that all such weeds, brush and grass must be cut on or before the date therein designated and the publishing of such notice shall take place at least ten days prior to the date upon which such weeds, brush or grass must be cut.

(Code 1983, § 9.62)

- **Sec. 110-83. - Removal by city.**

(a)

In the event the owner, possessor or occupant of land or the person having charge of any such land refuses or neglects to comply with the aforementioned notice to cut the weeds, brush or grass on or before the date stated in the notice such person is responsible for a blight violation, subject to payment of a civil fine as set forth in [section 71-73](#). Repeat offenses under this section are subject to increased fines as set forth in [section 71-73](#).

(b)

It is the duty of the city manager or his/her designee to enter upon such land and to cause all such weeds, brush and grass to be cut down and the city manager or other authorized person doing this work shall not be liable in any action of trespass therefor.

(Code 1983, § 9.63; Ord. No. 1234, § 1, 12-2-2014)

- **Sec. 110-84. - Payment of costs.**

It shall be the duty of the city manager to keep an accurate account of the costs incurred in carrying out the provisions of [section 110-83](#) and to file a statement thereof in the office of the city clerk. The owner, possessor or occupant of any parcel or lot on which noxious weeds, brush or

grass have been cut by city employees under the direction of the city manager, in the manner herein prescribed, is required to pay the costs so incurred. The city clerk shall bill each such owner, possessor or occupant for the costs charged against each parcel or lot. Payment may be made at the office of the city clerk, who is hereby authorized to receive it and to receipt therefor in the name of the city.

(Code 1983, § 9.64)

- **Sec. 110-85. - Lien for costs.**

In the event the owner, possessor or occupant of any parcel or lot on which noxious weeds, brush or grass have been cut by the city fails to pay the aforementioned bill from the city clerk within 30 days from the date of the billing, the city clerk shall thereupon place the entire sum, plus a collection charge as set by resolution of the city council, on the tax rolls as an assessment against the parcel or lot, the assessment to be collected as other taxes are levied and collected. Such charges shall be added to the general city tax roll, and to the total of the taxes levied on such parcel or lot the same year and shall be a lien on the parcel until fully paid.

(Code 1983, § 9.65)

- **Sec. 110-86. - Appeal.**

(a)
The owner, possessor, or occupant of any parcel of lot billed for cutting noxious weeds pursuant to this article has the right to appeal the bill.

(b)
Appeal must be taken within ten days of receipt of the bill, but in no case later than 30 days from the date of billing, to the city manager. The appeal must be in writing, signed by the appellant, and specify the reason for the appeal.

(c)
The city manager will consider the appeal and make a decision in writing, within ten days of receipt of the appeal. A copy of the decision will be filed with the city clerk and sent to the appellant by first class mail.

(d)
An adverse decision of the city manager may be appealed to the circuit court.

(Ord. No. 981, § 1, 5-22-2003; Ord. No. 1234, § 1, 12-2-2014)

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 _____, 2020.

Andrew Hellenga, 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 _____, 2020.

Andrew Hellenga, 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 _____, 2020.

Andrew Hellenga, City Clerk

Notice Published: _____

First Reading: _____

Second Reading: _____

Published: _____

Effective Date: _____



Resolution No. 2020-204
October 6, 2020

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing for an ordinance entitled "An ordinance to amend the Noxious Weed Ordinance, Article IV. Weed Control, Section 110-80 et seq of the Ypsilanti City Code" be officially closed.

OFFERED BY: _____

SECONDED BY: _____

YES: NO: ABSENT: VOTE:

This resolution is adopted by the Council of the City of Ypsilanti and approved by the Mayor this
6 day of October 2020

#Resolution No. 2020-204



REQUEST FOR LEGISLATION

TO: Mayor and City Council
FROM: John Barr
DATE: October 6, 2020
SUBJECT: Update Chapter 58 of Ypsilanti City Code

DESCRIPTION:

Update Chapter 58 of Ypsilanti City Code

SUMMARY:

A legal aid attorney contacted councilmember Sommerville and mentioned:

I was wondering about the absence of the words "source of income" and "felony conviction" from the definition of "discriminate" in Section 58-62.

Councilmember Sommerville emailed me and asked me to look at Chapter 58 of the Ypsilanti City Code. I reviewed the chapter and saw several problems. The chapter is not consistent on the definition of prohibited discrimination and it contains an illegal section 58-72 concerning Affirmative Action.

The Chapter has been revised to be consistent in the definition of prohibited discrimination and Section 58-72 has been omitted because of the Michigan Constitution prohibiting affirmative action by Michigan municipalities.

An ordinance revising Chapter 58 is attached for review and adoption.

ATTACHMENTS: Proposed Ordinance

RECOMMENDED ACTION: Adoption of the ordinance

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2020-205
October 6, 2020

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

that the ordinance entitled "An ordinance to Amend Chapter 58 of the Ypsilanti Code to provide consistent language of the definition of prohibited discrimination and to remove section 58-72 Affirmative Language" be adopted on first reading.

OFFERED BY: _____

SECONDED BY: _____

YES: NO: ABSENT: VOTE:

This resolution is adopted by the Council of the City of Ypsilanti and approved by the Mayor this 6 day of October 2020

#Resolution No. 2020-205

- **Chapter 58 - HUMAN RELATIONS^[1]**

Footnotes:

--- (1) ---

State Law reference— Elliot-Larsen civil rights act, MCL 37.2101 et seq.; Michigan handicapper's civil rights act, MCL 37.1101 et seq.

- **ARTICLE I. - IN GENERAL**

- **Secs. 58-1—58-30. - Reserved.**

- **ARTICLE II. - HUMAN RELATIONS COMMISSION^[2]**

Footnotes:

--- (2) ---

Charter reference— Human Relations Commission, § 9.02.

Cross reference— Boards and commissions, § 2-111 et seq.

- **Sec. 58-31. - Findings.**

The city council finds that prejudice and the practice of discrimination because of race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, felony or misdemeanor conviction (unless there is a direct relationship between the conviction offense and the housing, the job, the opportunity or unless hiring or accepting the person would create an unreasonable risk to property or safety) menaces peace and public welfare; that to eliminate such prejudice and discrimination an instrumentality of the city should be established to help the citizens of this city ameliorate practices of discrimination to keep peace and good order, and to encourage citizens to promote tolerance and goodwill toward all people.

(Ord. No. 820, 5-31-1995)

- **Sec. 58-32. - Creation; composition; term; voting.**

(a)

There is hereby created a "human relations commission" to be appointed by the mayor with the approval of the city council. The human relations commission shall be composed of nine members, all city residents, one of whom shall be designated as chair to be selected by the mayor to serve until a new chair is elected by a majority of the human relations commission. Term of chair shall be one year. The term of members shall be three years. The first members shall be appointed in groups of three for terms of one, two and three years, and thereafter the terms of three members shall expire each year. Two additional, youth non-voting-members may also be appointed, in addition to the nine regular voting members. The terms of the youth non-voting-members shall be one year.

(b)

A quorum for conduct of the lawful business of the human relations commission shall be a majority of the current members.

(c)

Except as otherwise stated in this article, all actions and decisions of the human relations commission shall be by simple majority vote of those members present at a lawful meeting of the human relations commission.

(d)

The human relations commission shall insofar as possible reflect the diversity of the community.

(Ord. No. 820, § 1, 5-31-1995; Ord. No. 1285, § 1, 4-4-2017)

- **Sec. 58-33. - Regulations; meetings; reports.**

The human relations commission shall have the authority to promulgate its own rules and regulations when not inconsistent with this article, other city ordinances, and other laws of the state and federal government. Provided, however, that such rules of the human relations commission shall be subject to review and repeal by and in the discretion of the city council. The human relations commission shall meet at least once each quarter and file a written report of its activities with the city council annually, on or before December 31.

(Ord. No. 820, § 2, 5-31-1995)

- **Sec. 58-34. - Support function.**

(a)

The city manager shall be responsible for providing administrative and clerical assistance to the human relations commission in discharging its duties and responsibilities, and shall appoint one staff person to assist the human relations commission.

(b)

The city clerk shall act as secretary of the human relations commission and keep commission records.

(c)

The city council shall annually appropriate funds for the effective operation of the human relations commission. Human relations commission members shall serve without compensation.

(d)

The city attorney shall act as legal advisor to the human relations commission.

(Ord. No. 820, § 3, 5-31-1995)

- **Sec. 58-35. - General purposes and functions.**

The general purposes and functions of the human relations commission shall be:

(1)

To serve as an advisory body to the city council and the city manager.

(2)

To study problems in the city relating to prejudice and discrimination and to make recommendations to the city council and city manager for the elimination of prejudice and discrimination within the community.

(3)

To invite and enlist the cooperation of all racial, religious, national origin, sexual, sexual orientation and ethnic groups as well as all persons representing various economic, educational, and social groups including groups concerned with age and/or disability in all areas of the city and to act as a coordinating agency among these and other groups in the community in the establishment and maintenance of educational programs in the community designed to bring about better human relations.

(4)

To cooperate with interested citizens and all state, federal and local agencies whenever such cooperation is appropriate in furtherance with the purpose of this article.

(5)

To promote mutual understanding and foster equality and respect among all racial, religious, sexual, national and ethnic groups, among persons of all economic and educational status, and generally throughout the entire city so as to prevent discrimination and discriminatory practices.

(6)

To issue publications, studies, or reports to effectuate the purposes of this article and to promote good will in the community as a whole. Such reports shall not include names of parties or other facts which might clearly identify parties without their consent.

(7)

To conduct public forums, town meetings, educational and other programs to promote the equal rights and opportunities of all persons.

(8)

To accept grants and donations on behalf of the city from foundations and others for the purpose of carrying out the purposes of this article, subject to the approval of the city council.

(9)

To study problems which may result in patterns of tension, discrimination or prejudice within the city, and offer assistance and attempt conciliation or mediation.

(10)

Any citizen of the city may propose a matter for inquiry and study by the human relations commission concerning matters that result in patterns of tensions, discrimination or prejudice. The human relations commission shall not receive or deal with complaints between individuals, but may refer persons with complaints concerning individuals to appropriate agencies.

(Ord. No. 820, § 4, 5-31-1995)

- **Sec. 58-36. - Advisory responsibilities and powers.**

In addition to the general purposes and functions specified above, the human relations commission is charged with the responsibility of advising the city council and the city manager on all matters relating to anti-discrimination. The human relations commission is specifically charged with the responsibility of attempting to resolve problems caused by patterns of action or nonaction causing tensions, discrimination or prejudice by means of conciliation and mediation. The human relations commission shall make recommendations to the city manager and to the city council for amendments, either in substance or procedure, as may be found necessary in connection with city ordinances.

(Ord. No. 820, § 5, 5-31-1995)

- **Sec. 58-37. - Cooperation with governmental agencies.**

The human relations commission shall cooperate with any governmental agency and its agents.

(Ord. No. 820, § 6, 5-31-1995)

- **Sec. 58-38. - Provisions not mandatory; liability.**

(a)

The services of the human relations commission are provided as a means of securing, without formal court action, compliance with the letter and spirit of the law. The resort to such processes and procedures is not mandatory nor shall it be deemed necessary as a condition precedent to the taking of any court action or any other legal proceeding.

(b)

Nothing in this article shall be deemed to exempt or relieve any person, governmental agency, or institution from any liability, duty, penalty, or punishment provided by any applicable law or ordinance.

(Ord. No. 820, § 7, 5-31-1995)

- **Sec. 58-39. - Other action.**

The human relations commission shall hold any proceeding in abeyance in the event that any person involved in a matter before the human relations commission is a complainant, party or respondent in or to any proceeding involving the same facts in any complaint, suit, grievance or case brought before any other commission, board, association, court, agency, or city department, including any grievance proceeding; under labor or other contract provisions, until the other proceeding is finally determined including any appeals.

(Ord. No. 820, § 8, 5-31-1995)

- **Secs. 58-40—58-60. - Reserved.**
- **ARTICLE III. - DISCRIMINATION**
- **DIVISION 1. - GENERALLY**

- **Sec. 58-61. - Intent.**

modified

(a)

It is the intent of the city that no person be denied the equal protection of the laws; nor shall any person be denied the enjoyment of their civil or political rights or be discriminated against because of actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, felony or misdemeanor conviction (unless there is a direct relationship between the conviction offense and the housing, the job, the opportunity or unless hiring or accepting the person would create an unreasonable risk to property or safety).

(b)

Nothing herein contained shall be construed to prohibit any affirmative action laws passed by any level of government. Further, nothing in this article shall be construed to establish affirmative action for any of the classes defined herein.

(Ord. No. 865, § I, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017; [Ord. No. 1357](#), § 1, 4-7-2020)

- **Sec. 58-62. - Definitions.**

modified

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.

Discriminate means to subject anyone to different or separate treatment, based in whole or in part, on the person's actual or. race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, felony or misdemeanor conviction (unless there is a direct relationship between the conviction offense and the housing, the job, the opportunity or unless hiring or accepting the person would create an unreasonable risk to property or safety).

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.

(Ord. No. 865, § II, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017; [Ord. No. 1321](#), § 1, 8-28-2018)

Cross reference— Definitions generally, [§ 1-2](#).

- **Sec. 58-63. - Discriminatory housing practices.**

(a)

No person shall discriminate in leasing, selling or otherwise making available any housing facilities.

(b)

No person shall discriminate in the terms, conditions, maintenance or repair in providing any housing facility.

(c)
No person shall refuse to lend money for the purchase or repair of any real property solely because of the location in the city of such real property.

(d)
No person shall promote real estate transactions by representing that changes are occurring or will occur in an area with respect to actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight.

(e)
No person shall place a sign or other display on any real property which indicates that the property is for sale or has been sold when it is not for sale or has not recently been sold.

(Ord. No. 865, § III, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-64. - Discriminatory public accommodation practices.**

No person shall discriminate in making available full and equal access to all goods, services, activities, privileges and accommodations of any place of public accommodation.

(Ord. No. 865, § IV, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-65. - Discriminatory employment practices.**

(a)
No employer shall discriminate in the employment, compensation, work classifications, conditions or terms, promotion or demotion, or termination of employment of any person.

(b)
No person shall discriminate in limiting membership, conditions of membership or termination of membership in any labor union or apprenticeship program.

(Ord. No. 865, § V, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

Cross reference— Businesses, [ch. 22](#).

- **Sec. 58-66. - Other prohibited practices.**

(a)
No person shall adopt, enforce or employ any policy or requirement, publish, post or broadcast any advertisement, sign or notice which discriminates or indicates discrimination in providing housing, employment or public accommodations.

(b)
No person shall discriminate in the publication or distribution of advertising material, information or solicitation regarding housing, employment or public accommodations.

(c)

No agent, broker, labor union, employment agency or any other intermediary shall discriminate in making referrals, listings or providing information with regard to housing, employment or public accommodations. A report of the conviction of any such person for a violation of this article shall be made to the applicable licensing or regulatory agency for such person or business.

(d)

No person shall coerce, threaten or retaliate against a person for making a complaint or assisting in the investigation regarding a violation or alleged violation of this article, nor require, request, conspire with, assist or coerce another person to retaliate against a person for making a complaint or assisting in an investigation.

(e)

No person shall conspire with, assist, coerce or request another person to discriminate in any manner prohibited by this article.

(Ord. No. 865, § VI, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-67. - Information and investigation.**

(a)

All persons claiming to be aggrieved by a discriminatory or unfair practice may, by themselves or by counsel, file with the city attorney a verified, written complaint which shall state the details, name and address of the person or entity alleged to have committed the discriminatory or unfair practice.

(b)

After the filing of a verified complaint, a true copy shall be served within ten days by certified mail on the person against whom the complaint [is] filed, by the complainant.

(c)

The city attorney shall refer this complaint to appropriate city departmental units and agencies for investigation as to the basis of the complaint.

(d)

After sufficient review and determination, the city attorney shall issue a written opinion to the human relations commission whether probable cause exists to believe a discriminatory practice or practices occurred as alleged by the complainant.

(e)

For an investigation, a person may be required to produce books, papers, records or other documents that may be relevant to a violation or alleged violations of this article. If such person does not comply with such request, the city attorney may apply to county circuit court for an order requiring production of such materials.

(f)

If it is determined that no probable cause exists, the city attorney shall notify the complainant and respondent in writing of the dismissal of the complaint.

(g)

All complaints received by the human relations commission shall retained for three years.

(Ord. No. 865, § VII, 12-16-1997; Ord. No. 947, 9-18-2001; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-68. - Conciliation agreements and mediation.**

(a)

If probable cause has been determined, the human relations commission shall notify the complainant and respondent of mediation. Participation in mediation is voluntary, and either party may reject the offer to mediate. If the mediation request is accepted, the notice shall inform the parties of the identity of the mediator and shall request a time for the mediation to occur, no later than 45 days from the date probable cause was determined. Mediation shall be an informal process conducted by the human relations commission in accordance with the procedures established by the city council.

(b)

Mediation sessions are not open to the public, but any resolution of the dispute reached through mediation shall not be final until released by the human relations commission. Violations of such agreements shall be violations of this article.

(Ord. No. 865, § VIII, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-69. - Injunctions.**

Nothing in this article shall prohibit an aggrieved person from commencing civil action to obtain injunctive relief to prevent discrimination prohibited by this article.

(Ord. No. 865, § IX, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-70. - Discriminatory effects.**

No person shall adopt, enforce or employ any policy or requirement which has the effect of creating unequal opportunities according to race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, felony or misdemeanor conviction (unless there is a direct relationship between the conviction offense and the housing, the job, the opportunity or unless hiring or accepting the person would create an unreasonable risk to property or safety). for a person to obtain housing, employment or public accommodation, except for a bona fide business necessity. Such a necessity does not arise due to a mere inconvenience or because of suspected or actual objection to such a person by neighbors, customers, or other persons.

(Ord. No. 865, § X, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-71. - Exceptions.**

Notwithstanding anything contained in this article, the following practices shall not be violations of this article:

(1)

This article shall not be construed to prohibit or interfere with the exercise of a person's First Amendment rights.

(2)
For a religious organization or institution to restrict any of its facilities of housing or accommodations which are operated as a direct part of religious activities to persons of the denomination involved or to restrict employment opportunities for officers, religious instructors and clergy.

(3)
For the owner of an owner-occupied one-family or two-family dwelling, or a housing facility or public accommodation facility, respectively, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use on the basis of sex.

(4)
To limit occupancy in a housing project or to provide public accommodations or employment privileges or assistance to persons of low income, over 55 years of age or who are handicapped.

(5)
To engage in a bona fide effort to establish or enforce an affirmative action program to improve opportunities in employment for minorities and women.

(6)
To discriminate based on a person's age when state, federal or local law requires such discrimination.

(7)
To refuse to enter into a contract with an unemancipated minor.

(8)
To refuse to admit to a place of public accommodation serving alcoholic beverages a person under the legal age for purchasing alcoholic beverages.

(9)
To refuse to admit person under 18 years of age to a business providing entertainment or selling literature or merchandise of a sexually explicit matter as defined by section 3 of Act No. 33 of the Public Acts of Michigan of 1978 (MCL 722.673).

(10)
For an educational institution to limit the use of its facilities to those affiliated with such institution.

(11)
To provide discounts on products or services to students, minors and/or senior citizens.

(12)
For a person to discriminate in any arrangement for the sharing of his own dwelling unit in which that person resides.

(13)
To restrict use of lavatories and locker room facilities on the basis of sex.

(14)
To use marital status limitations in health or pension plans if they conform to federal and state laws and regulations.

(15)

Any action required or mandated by law.

(Ord. No. 865, § XI, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-73. - Penalties.**

(a)

A violation of any provision of this article is a civil infraction punishable by a fine of not more than \$500.00 plus all costs of the action. A court of competent jurisdiction may issue and enforce any judgment, writ, or order necessary to enforce this article. This may include, but is not limited to, reinstatement, payment of lost wages, hiring, or promotion, sale, exchange, lease or sublease of real property, admission to a place of public accommodation, or other relief deemed appropriate.

(b)

Nothing contained in this article shall be constituted to limit in any way the remedies, legal or equitable, which are available to the city or any other person for the prevention or correction of discrimination.

(Ord. No. 865, § XIII, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-74. - Private actions for damages or injunctive relief.**

(a)

An individual who is the victim of discriminatory action in violation of this article may bring a civil action for appropriate injunctive relief or damages or both against the person who acted in violation of this article.

(b)

As used in this article, the term "damages" includes any injury or loss caused by each violation of this article, including, but not limited to, reasonable attorney's fees.

(c)

Private actions and remedies under this section are in addition to any actions for violations that the city may take.

(Ord. No. 865, § XIV, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-75. - Limitation of action.**

No complaint shall be accepted nor action taken unless filed within one year from the date of the alleged unlawful practice. Where the alleged unlawful practice is of a continuing nature, the limitation period shall not commence to run until the unlawful practice has ceased.

(Ord. No. 865, § XV, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-76. - Immunity concerning performance of city duties.**

This article shall not apply to the following persons concerning the performance of their official city duties:

Mayor.	(1)
Mayor pro tem.	(2)
City council members.	(3)
City attorney and all assistants.	(4)
All employees and staff of the city attorney.	(5)
All members of the human relations commission and the clerk and secretary thereof.	(6)
(Ord. No. 947, 9-18-2001; Ord. No. 1279, § 1, 1-24-2017)	

- **Sec. 58-77. - Immunity concerning actions or non-actions concerning performance of city duties.**

The following persons shall have absolute immunity concerning their actions or non-actions for the performance of their duties concerning this article:

Mayor.	(1)
Mayor pro tem.	(2)
City council members.	(3)
City attorney and all assistants.	(4)
All employees and staff of the city attorney.	(5)
All members of the human relations commission and the clerk and secretary thereof.	(6)
(Ord. No. 947, 9-18-2001; Ord. No. 1279, § 1, 1-24-2017)	

- **Sec. 58-78. - Appeal.**

An aggrieved party may appeal a decision made pursuant to this article to the circuit court by filing a claim of appeal within 21 days of the date of the order or action appealed from.

(Ord. No. 947, 9-18-2001; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-79. - Complaints against city attorney or human relations commission members.**

In the event of a complaint against the city attorney, assistant city attorneys, or human relations commission members in other than the official capacity, the matter shall be referred to the city manager for review. The city manager shall make a determination as to whether or not probable cause exists. If probable cause does exist, the city manager shall refer the matter to the human relations commission for action. If probable cause does not exist, the city manager shall so determine and notify the human relations commission and the parties. If the complaint is against a human relations commission member, the member shall not serve on the commission until determination of such complaint.

(Ord. No. 947, 9-18-2001; Ord. No. 1279, § 1, 1-24-2017)

Editor's note— A portion of Ord. No. 947, adopted Sept. 18, 2001, did not specifically amend the Code and has been codified herein as [§ 58-79](#) at the discretion of the editor.

- **Secs. 58-80—58-90. - Reserved.**
- **DIVISION 2. - FAIR HOUSING^[3]**

Footnotes:

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Cross reference— *Businesses, ch. 22.*

State Law reference— *Similar provisions, MCL 37.2501 et seq.*

- **Sec. 58-91. - Definitions.**

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

Handicap means a determinable physical or mental characteristic of an individual or a history of the characteristic which may result from disease, injury, congenital condition of birth, or functional disorder which is unrelated to the individual's ability to acquire, rent or maintain property.

Housing accommodations means improved or unimproved real property, or a part thereof, which is used or occupied, or is intended, arranged or designed to be used or occupied, as a

home or residence of one or more persons. Housing accommodations shall include unimproved real property located in any residentially zoned area of the city.

Manager means a person authorized by the owner to sell, rent, transfer or lease any real property, housing accommodations, or any interest therein.

Owner means possessor of any interest in real property including lessor, sublessor, assignor, or other person having the right of ownership or possession or the right to sell, rent, transfer, or lease any real property, housing accommodations or any interest therein.

Real estate broker or salesperson means a person, whether licensed or not, who, for or with the expectation of receiving consideration:

(1)
Lists, sells, purchases, exchanges, rents or leases real property, housing accommodations, or an interest therein;

(2)
Negotiates or attempts to negotiate any listing, sale, purchase, exchange, rental or lease of real property, housing accommodations, or an interest therein;

(3)
Holds himself as listing, selling, purchasing, exchanging, renting or leasing real property, housing accommodations, or an interest therein;

(4)
Negotiates or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance on real property, housing accommodations, or an interest therein; or

(5)
Engages in the business of listing real property, housing accommodations, or an interest therein in publications.

The term "real estate broker or salesperson" shall include a person employed, acting as an independent contractor, or otherwise acting on behalf of a real estate broker or salesperson.

Real estate transaction means the sale, purchase, exchange, rental, lease, transfer, assignment or sublease of real property, housing accommodations, or an interest therein or the listing thereof for such purpose.

Real property means property used or zoned for residential purposes including a building, structure, mobile home, unimproved real estate, land, leasehold or an interest in a real estate cooperative or condominium.

Sexual orientation means male or female homosexuality, heterosexuality or bisexuality, by preference or practice.

(Code 1983, § 6.200; Ord. No. 1279, § 1, 1-24-2017)

Cross reference— Definitions generally, [§ 1-2](#).

- **Sec. 58-92. - Discrimination prohibited.**

Except as otherwise provided in this division, no person engaging in a real estate transaction concerning housing accommodations, and no real estate broker or salesperson, shall, wholly or partly for reasons of actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, felony or misdemeanor conviction (unless there is a direct relationship between the conviction offense and the housing, the job, the opportunity or unless hiring or accepting the person would create an unreasonable risk to property or safety) or any other protected classification specified by state or federal law:

Refuse to engage in a real estate transaction with a person; (1)

Discriminate against a person in the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities, maintenance or services in connection therewith; (2)

Refuse to receive from a person or to transmit to a person a bona fide offer to engage in a real estate transaction; (3)

Refuse to negotiate for real estate transaction with a person; (4)

Represent to a person that real property or an interest therein is not available for inspection, lease, sale and rental when in fact it is so available, or knowingly fail to bring a listing of real property to a person's attention, or refuse to permit a person to inspect real property; (5)

Print, post, circulate, mail or otherwise cause to be published a statement, advertisement, notice or sign, or use a form of application for a real estate transaction, or make a record of inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a preference, limitation, specification or discrimination with respect to actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, or any other protected classification specified by state or federal law; (6)

Offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith; (7)

Deny a person access to or membership or participation in multiple listing services, real estate broker's organizations or other real estate services; (8)

Place a sign or other display on any real property which indicates that the property is for sale or lease, or has been sold or leased when it is not for sale or lease or has not recently been sold or leased. (9)

(Code 1983, § 6.201; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-93. - Exemptions.**

Notwithstanding anything contained in this division, the following practices shall not be violations of this division:

(1)
For a religious organization or institution to restrict any of its facilities of housing or accommodations which are operated as a direct part of religious activities to persons of the denomination or having membership in the organization involved.

(2)
A housing facility operated by a student organization recognized by the university dean of students, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use on the basis of sex.

(3)
To limit occupancy in a housing project to persons of low income, over 55 years of age or who are handicapped.

(4)
To discriminate based on a person's age when such discrimination is required by state, federal or local law.

(5)
To refuse to engage in a real estate transaction with a unemancipated minor.

(6)
For an educational institution to limit the use of its housing facilities to those affiliated with such institution.

(7)
For the owner of an owner occupied, single-family dwelling to limit the gender of the renter.

(Code 1983, § 6.202; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-94. - Discrimination by financial or insurance institutions.**

(a)
Except as otherwise provided in this division, a person to whom application is made for financial assistance or financing in connection with a real estate transaction or in connection with the insurance, construction, rehabilitation, repair, maintenance or improvement of real property, or an interest therein, which is utilized for housing accommodations, or a representative or such person shall not:

(1)
Discriminate against the applicant because of actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, felony or misdemeanor conviction (unless there is a direct relationship between the

conviction offense and the housing, the job, the opportunity or unless hiring or accepting the person would create an unreasonable risk to property or safety).

or any other protected classification specified by state or federal law; or

(2)

Use a form of application for insurance or financial assistance of financing, or make or keep a record or inquiry in connection with an application for financial assistance or financing, which indicates, directly or indirectly, a preference, limitation, specification or discrimination based on actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, or any other protected classification specified by state or federal law.

(b)

Subsection (a)(2) of this section shall not apply to a form of application for financial assistance prescribed for the use of a lender regulated as a mortgagee under the National Housing Act, as amended, being 12 USC 1701 to 1750(g), as amended, or by a registration board or officer acting under the statutory authority of the state or the United States.

(c)

Nothing in this division shall be deemed to prohibit an owner, lender, or an agent from requiring that an applicant who seeks to buy, rent, lease, or obtain financial assistance for housing accommodations supply information concerning the applicant's financial, business, or employment status or other information designed solely to determine the applicant's financial, business, or employment status or other information designed solely to determine the applicant's credit worthiness, but not concerning handicaps for reasons contrary to the provisions or purposes of this division.

(Code 1983, § 6.203; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-95. - Unlawful representations to induce transaction.**

It shall be unlawful for a person, for the purpose of inducing a real estate transaction from which that person may benefit financially, to represent that a change has occurred or will or may occur in the composition of an area with respect to the actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, felony or misdemeanor conviction (unless there is a direct relationship between the conviction offense and the housing, the job, the opportunity or unless hiring or accepting the person would create an unreasonable risk to property or safety).

, or any other protected classification specified by state or federal law, of the owners or occupants in the block, neighborhood or area in which the real property is located, or to represent that this change will or may result in the lowering of property values, an increase in criminal or anti-social behavior or a decline in the quality of schools in the block, neighborhood or area in which the real property is located.

(Code 1983, § 6.204; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-96. - Property offered to public.**

Nothing in this division shall require an owner to offer property to the public at large before selling or renting it, nor shall this division be deemed to prohibit owners from giving preference to prospective tenants or buyers for any reason other than actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, or any other protected classification specified by state or federal law.

(Code 1983, § 6.205; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-97. - Enforcement.**

(a)
Report of violation. Any person claiming a violation of this division shall make a written complaint to the city manager or his designee setting forth the details, including location of the property, names, dates, witnesses and other factual matter. All such complaints shall be verified by the claimant. Such complaints shall be filed with the city manager's office within 120 days after the alleged commission of the offense.

(b)
Investigation of complaints. Within 30 days after a written, verified complaint is received, the city manager or his designee shall make a full investigation of the alleged violation. After such investigation, or at the end of such 30-day period, whichever occurs first, the city manager or his designee shall be given written notice to the person accused of the violation that he shall have 30 days within which to submit a written statement of his version of the facts or schedule a meeting with the city manager or the manager's designee to attempt to resolve the matter by conciliation.

(c)
Conciliation agreements. The city manager may enter into agreements whereby persons agree to methods of terminating discrimination or to reverse the effects past discrimination. Such agreement shall be made in writing and approved as to form by both parties. Violations of such agreement shall be violations of this division.

(Code 1983, § 6.206; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-98. - Injunctions.**

The city attorney or the city attorney's designee may commence a civil action to obtain injunctive relief to prevent discrimination prohibited by this division, to reverse the effects of such discrimination or to enforce a conciliation agreement.

(Code 1983, § 6.207; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-99. - Related prohibitions.**

(a)
No person shall provide false or substantially misleading information to any authorized person investigating a complaint regarding a violation of this division, or sign a complaint for a violation of this division based upon false or substantially misleading information.

(b)

No person shall coerce, threaten, or retaliate against any individual or organization for making a complaint or assisting in an investigation regarding a violation or alleged violation of this division or require, request, conspire with, assist or coerce another person to retaliate against any individual or organization for making a complaint or assisting in any investigation pursuant to this division.

(c)

No person shall conspire with, aid, assist, compel, coerce or request another person to discriminate in any manner prohibited by this division.

(d)

No person shall attempt directly or indirectly to commit an act prohibited by this division.

(Code 1983, § 6.208; Ord. No. 1279, § 1, 1-24-2017)

- **Secs. 58-100—58-120. - Reserved.**
- **ARTICLE IV. - LANDLORD AND TENANT RELATIONS^[4]**

Footnotes:

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Cross reference— Businesses, ch. 22.

State Law reference— Rent control prohibited, MCL 123.411; general provisions pertaining to rent, MCL 554.131 et seq.; security deposits, MCL 554.601 et seq.; truth in renting, MCL 554.631 et seq.

- **DIVISION 1. - GENERALLY**
- **Sec. 58-121. - Landlord's duty to specify responsibility for property maintenance.**

(a)

Generally. It shall be the duty of every landlord leasing residential or commercial property, when he does not live on the property, to specify in the lease agreement between the landlord and the tenant, the responsibilities of landlord and/or tenant for the maintenance of the premises, both interior and exterior, in compliance with this Code.

(b)

Litter. If the landlord does not specify that the tenant shall keep the premises free from litter, except the temporary storage of litter in waste receptacles, then the landlord shall be responsible for fulfilling the requirements of article II, division 3 of [chapter 42](#), and shall be held responsible under sections [42-68](#) and [42-69](#). It shall be the duty of every landlord who requires the tenant to so keep the premises free from litter to notify the city building inspection department of such an agreement prior to the expiration of the time limit stated in [section 42-69](#).

(Code 1983, § 9.41)

- **Sec. 58-122. - Lease or license of residential premises.**

(a)

In every lease or license of residential premises, the lessor or licensor covenants:

(1)

That the premises and all common areas are fit for the use intended by the parties.

(2)

To keep the premises in reasonable repair during the term of the lease or license, and to comply with the applicable health and safety laws of the state and of the city, except when the disrepair or violation of the applicable health or safety laws has been caused by the tenants wilful or irresponsible conduct or lack of conduct. Any residential premises failing to have a valid certificate of compliance from the city building inspection department is not in compliance with the health and safety laws of the city.

(b)

The parties to the lease or license may modify the obligations imposed by this section where the lease or license has a current term of at least one year.

(c)

The provisions of this section shall be liberally construed, and the privilege of a prospective lessee or licensee to inspect the premises before concluding a lease or license shall not defeat his right to have the benefit of the covenants established herein.

(d)

No lessee or licensee shall be obligated to pay rent for any time periods that the lessor or licensor is in violation of this section. Such violation shall be a complete defense for any lessee or licensee sued for nonpayment of rent for such period.

(Ord. No. 854, § 6.300, 5-6-1997)

State Law reference— Untenantable buildings, MCL 554.201.

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

new

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 municipal civil infraction, subject to payment of a civil fine as set forth in [section 70-38](#). Repeat offenses under this article shall be subject to increased fines as set forth in [section 70-38](#). 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.

([Ord. No. 1320](#) , § 1, 9-11-2018)

- **Secs. 58-124—58-135. - Reserved.**

new

- **DIVISION 2. - TENANT'S RIGHT TO PRIVACY**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

- **Sec. 58-136. - Definitions.**

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

Agent means any employee, or any person with implied or apparent authority or acting under color of authority of the landlord or of a housing cooperative board or other governing entity.

Dwelling unit means a structure or the part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

Imminent danger means a condition exists which, if not curtailed immediately, will cause serious structural damage or expense.

Landlord means the owner, lessor or sublessor of residential premises; or his agent, or any person authorized by him to manage the premises or to receive rent from a tenant under a rental agreement.

Rental agreement means any agreement or lease, written or oral, which establishes or modifies the terms, conditions, rules, regulations or any other provisions concerning the use and occupancy of residential premises.

Residential premises means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances therein, and the grounds, areas and facilities for the use of the tenant generally or the use of which is promised the tenant.

Tenant means the person entitled under a written or oral rental agreement to the use and occupancy of rental or cooperative residential premises.

(Code 1983, § 6.100)

Cross reference— Definitions generally, [§ 1-2](#).

- **Sec. 58-137. - Privacy rights.**

(a)

Tenant's right to privacy includes, but is not limited, to the following:

(1)

Right to exclusive use and occupancy of the dwelling unit.

(2)

Right to no entries by landlord or agent without notice and tenant's permission except in case of an extreme condition.

(3)

Right to respect for their personal possessions when the landlord or the agent has legally entered the unit.

(4)

Right to be free from sexual harassment by the landlord or his agent.

(5)

Right to require identification of any person seeking to enter the unit.

(6)

Right to install additional locks.

(b)

A tenant is entitled to both agreed upon or legally required maintenance and repairs and to privacy. A tenant may not be evicted or denied services or repairs for asserting his right to privacy.

(Code 1983, § 6.101)

- **Sec. 58-138. - Regulation of entry.**

(a)

The landlord or agent may enter the dwelling unit only after the landlord:

(1)

Gives any tenant in the dwelling unit a three-day written notice (72 hours); or 24 hours' written notice if the building is for sale, or the lease term is within its last three months; or

(2)

Gains the permission of any tenant in the dwelling unit.

(b)

The tenant may not unreasonably withhold permission.

(c)

The landlord and tenant may agree to a notice period of less than 72 hours for a particular entry, but a general waiver of the 72-hour notice is prohibited.

(d)

The landlord shall include in the notice the reason for entry, the person making the entry, the approximate time of entry and a notice of tenant's right to privacy as found in [section 58-142](#).

(e)

The landlord or agent shall not abuse the right of access or use it to harass the tenant. Repeated demands for entry otherwise lawful, but which have the effect of harassing the tenant, shall constitute a violation of this division.

(f)

The landlord or agent shall not look through personal possessions of the tenant.

(g)

When an entry is made after proper notice and the tenant is not present, the landlord or person making entry shall leave a notice indicating the time of entry, the person making entry and actions taken.

(h)

City officials entering the unit under the provisions of articles V and VI of [chapter 18](#) shall provide notice as required therein. When the tenant is not present during the entry, the city official shall leave a notice pursuant to this section.

(Code 1983, § 6.102)

- **Sec. 58-139. - Proof of identification.**

The person requesting entry shall have been identified by the landlord in the notice and shall provide proof of identification at the time of entry. If the person fails to provide such proof and is not known to the tenant, the tenant shall be presumed reasonable in denying access to the unit.

(Code 1983, § 6.103)

- **Sec. 58-140. - Right to be free from sexual harassment.**

(a)

As used in this section the term "tenant" means the person entitled under a written or oral rental agreement to the use and occupancy of rental or cooperative residential premises, and their guests.

(b)

If a landlord or agent requests or demands that the tenant perform or permit sexual activities, this shall be an invasion of the right of privacy and shall be considered a violation of this division.

(c)

Sexual activities includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication of a sexual nature.

(d)

In cases of sexual harassment, a tenant shall have the right to obtain:

- Injunctive relief: (1)
 - Restraining order; a.
 - Termination of lease; b.
 - Damages as provided in this act; and (2)
 - Such additional damages as may be provided in other local, state and federal laws. (3)
- (Code 1983, § 6.104)

- **Sec. 58-141. - Entry in event of extreme condition.**

- (a)

The notice provisions in [section 58-138](#) shall not apply in extreme conditions when:

 - (1)

Entry is made solely to preserve life or limb; or
 - (2)

When property is in imminent danger.
- (b)

If a tenant is not present when entry is made, the landlord or person making entry shall provide the tenant with a written notice within 24 hours of the entry describing reason for entry, the person making entry, time of entry and actions taken.

(Code 1983, § 6.105)

- **Sec. 58-142. - Notice in lease.**

The following notice shall be included in the lease or, if there is no written lease, provided to the tenant at the time of rental. Such notice should be in bold type no smaller than 14-point:

YOU HAVE THE RIGHT TO PRIVACY IN YOUR RENTAL HOME. CITY LAW
PERMITS THE LANDLORD TO ENTRY ONLY IF THE LANDLORD HAS:

- (1)

PROVIDED THREE DAYS' (72 HOURS') WRITTEN NOTICE UNLESS THE BUILDING IS FOR SALE OR THE LEASE TERM IS IN ITS FINAL THREE MONTHS, IN WHICH CASE 24 HOURS' WRITTEN NOTICE; OR
- (2)

GAINED YOUR PERMISSION AS REQUIRED BY CITY LAW.

A LANDLORD MAY ONLY ENTER WITHOUT NOTICE TO RESPOND TO AN
EXTREME CONDITION.

(Code 1983, § 6.106)

- **Sec. 58-143. - Additional locks.**

(a)
The tenant has the right to install additional locks at any time provided the installation is done in a manner that does not damage the structure, is in compliance with all applicable city codes, and a key is provided to the landlord.

(b)
All locks so installed shall be installed by a licensed locksmith. Notice must be given to the landlord prior to installation. The landlord shall approve the placement and style of the locks on the door. If this cannot be agreed upon, then either party may appeal to the building code board of appeals.

(c)
The landlord must rekey locks between tenancy.
(Code 1983, § 6.107)

- **Sec. 58-144. - Damages for illegal entry.**

(a)
Upon written notice to the landlord of an entry by the landlord or agent not permitted under this division, the tenant may:

(1)
Deduct one month's rent and place it in an escrow account to be held by the city treasurer, pursuant to sections [58-145](#), [58-146](#) and [58-147](#). This amount shall be deposited on the date that the month's rent is due; or

(2)
May bring an action for damages which shall be the greater of one month's rent, \$500.00 or actual damages, plus actual attorney's fees.

(b)
Upon written notice of a second entry and any additional entries by the landlord or agent not permitted by this division, tenant shall have the right to:

(1)
The greater of actual damages, three times one month's rent or \$1,500.00, and actual attorney's fees;

(2)
Terminate the lease; and

(3)

Any other relief provided by local, state or federal law.

(c)

If rent is withheld, the landlord may bring suit under state law for nonpayment of rent. The tenant may defend the suit by citing violation of this division.

(d)

A tenant, tenants' union or group of tenants may bring an action for injunctive relief for threatened or actual violation of this division.

(e)

In addition, after a court judgment deciding the landlord or agent has violated this division or after an undisputed deduction by the tenant for violation of this division, the tenant shall have the right to install additional locks on windows and/or doors in the unit to improve their security. Upon request by the landlord, if additional locks are installed, the tenant shall furnish a key that shall be sealed in an envelope and signed across the seal. The landlord shall open the envelope to use the key only in the event of an extreme condition, as explained in this division.

(Code 1983, § 6.108)

- **Sec. 58-145. - Escrow agent.**

The city treasurer or authorized agent is hereby authorized to act as escrow agent and to receive all monies deposited as security for damages pursuant to a standard landlord-tenant escrow agreement signed by the tenant or tenants (where a single apartment or housing unit is leased or rented to more than one tenant) and filed with the city treasurer.

(Code 1983, § 6.109)

- **Sec. 58-146. - Escrow agreement; information.**

The standard landlord-tenant escrow agreement, which shall be prepared by the city treasurer, shall include the following items of information, authorizations and instructions for action by the city treasurer or authorized agent:

(1)

The date of execution of the agreement.

(2)

The names and addresses of the landlord and the tenant or tenants respectively.

(3)

The location of the leased or rented premises to which the agreement applies.

(4)

The dates of beginning and of termination of the tenancy to which the agreement applies.

(5)

The amount of money deposited under the agreement.

(6)

Instructions for the city treasurer or authorized agent to deposit the amount received by the city treasurer pursuant to the agreement in a special account in a local savings institution, to be known as the landlord-tenant escrow account, wherein it may be commingled and authorization for the city treasurer to use any interest earned on such deposit for defraying costs of maintaining the escrow account.

(7)

Instructions for the city treasurer or authorized agent to pay out the amount deposited in this fashion:

a.

If the landlord and tenant shall jointly instruct the city treasurer or authorized agent in writing to pay out some or all of the money to a certain person, this joint instruction shall be obeyed.

b.

If the landlord instructs the city treasurer or authorized agent in writing to pay out some or all the money to the tenant, this instruction shall be obeyed.

c.

If the tenant instructs the city treasurer or authorized agent in writing to pay out some or all the money to the landlord, this instruction shall be obeyed, except that in instances of leasing to more than one tenant, the instruction must come from all tenants.

d.

If the landlord files a verified written statement with the city treasurer or authorized agent that the tenant or tenants have withheld rent other than in accordance with [section 58-144](#), and more than 60 days has elapsed since the lease terminated, the city treasurer or authorized agent shall pay to the landlord that portion of the deposit equal to the withheld rent.

e.

In accordance with instructions of the court.

f.

If tenant files a copy of the notice of violation which was served upon the landlord with the city treasurer showing that more than 60 days has elapsed since the notice was provided to the landlord and the tenant provides a verified statement to the city treasurer stating that he has not been served and to the best of his knowledge no action has been filed by the landlord against him for nonpayment of rent or any other claim arising out of the tenancy, the city treasurer shall pay to the tenant the amount held in escrow, less interest.

g.

Failure to escrow money voids claim.

(Code 1983, § 6.110)

- **Sec. 58-147. - Defraying cost of escrow service.**

The city treasurer or authorized agent is authorized to use the interest paid on the landlord-tenant escrow to defray the cost of providing the escrow service authorized by this division.

(Code 1983, § 6.111)

- **ARTICLE V. - SOLICITATION OF IMMIGRATION STATUS**

- **Sec. 58-200. - Statement of purpose.**

It is the policy of the City of Ypsilanti to respect the rights of, and provide equal services to, all persons regardless of appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, sexual orientation, or gender identity or expression; to ensure the enforcement of rights under the United States Constitution, including due process and equal protection; to promote community safety; to encourage victims of crime and witnesses to cooperate with law enforcement authority without regard to immigration status; to prevent bias-based policing; and to promote acceptance. In order to permit members of immigrant communities to access services that are provided by the City of Ypsilanti government to which they are entitled; and to ensure that city public servants are acting consistent with federal law regarding local governments cooperating with federal immigration authorities, the City of Ypsilanti enacts this article as an effective way to guide city public servants in adhering to rights under the United States Constitution, including due process and equal protection, and under federal law, while protecting the safety and health of all members of the Ypsilanti community.

(Ord. No. 1281, § 1, 2-7-2017)

- **Sec. 58-201. - Definitions.**

Public servant means the mayor, members of the city council, the city clerk, any member of any city agency, board, commission, or other voting body that is established by the Ypsilanti City Charter or by this Code, and any appointee, any employee, or any individual who provides services to the City of Ypsilanti within or outside of its offices or facilities pursuant to a personal services contract.

(Ord. No. 1281, § 1, 2-7-2017)

- **Sec. 58-203. - Bias-based policing by public servants, who are police officers, on the basis of appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, sexual orientation, or gender identity or expression prohibited.**

A public servant, who is a police officer, shall not exercise differential treatment of individuals in rendering police services based on a person's appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, or sexual orientation, or gender identity or expression. A public servant, who is a police officer, shall not base reasonable suspicion for an investigative detention, probable cause for an arrest, or any other police action, on a person's appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, sexual orientation, or gender identity or expression. A public servant, who is a police officer, may take into account the reported appearance, ethnicity, immigration status, manner of dress, national origin, physical

characteristics, race, religious beliefs, sexual orientation, or gender identity or expression for the purpose of identifying a described individual.

(Ord. No. 1281, § 1, 2-7-2017)

- **Sec. 58-204. - Solicitation of immigration status by public servants, prohibited; exceptions.**

(a)
Prohibited. A public servant, while acting within the scope of public service employment and/or authority shall not:

(1)
Solicit information concerning immigration status for the purpose of ascertaining a person's compliance with federal immigration law; or

(2)
Solicit information for the purpose of determining immigration status from a person who is seeking police services, or is a victim, or is a witness; or

(3)
Inquire into the immigration status of any person, or engage in activities for the purpose of ascertaining the immigration status of any person.

(b)
Exceptions. Notwithstanding the prohibitions set forth in subsection (a) of this section, public servants, are expressly permitted to engage in the following activities, which shall not constitute a violation of this article:

(1)
Solicitation of information concerning immigration status when performing public safety functions while assisting federal law enforcement in the investigation of a criminal or civil offense; or

(2)
Solicitation of information concerning immigration status from the subject of an investigation only when relevant to the investigation or prosecution of a criminal offense, or when processing an arrested person; or

(3)
Solicitation of information concerning immigration status where specifically required by any federal, state, or city law or program as a condition of eligibility for the service sought; or

(4)
Solicitation of information concerning immigration status for the purpose of completing I-9 Forms, and, when relevant, in making hiring and payroll withholding decisions, including, but not limited to, completing I-9 Forms, questioning a person to complete the I-9 Form, obtaining documents that support the I-9 Form, and allowing federal authorities to audit an I-9 Form in accordance with law; or

(5)

Solicitation of information concerning immigration status for a subpoena issued in a criminal proceeding, civil litigation, or an administrative proceeding for the production of city documents or for testimony of a public servant, including where related to immigration issues or other security issues.

(Ord. No. 1281, § 1, 2-7-2017)

- **Sec. 58-205. - Violations and penalties.**

Where a public servant is alleged to have violated this article, the matter shall be referred, as appropriate, to the city council or to the department director or agency head, for review, investigation, and disposition. Any disciplinary action shall be carried out in accordance with the provisions of the Ypsilanti City Charter and other laws, city personnel rules, civil service rules, union contracts, or other departmental or agency rules and regulations.

The city manager shall provide an annual report to city council of all violation complaints of this article and their disposition.



Resolution No. 2020-206
October 6, 2020

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing for an ordinance entitled "An ordinance to Amend Chapter 58 of the Ypsilanti Code to provide consistent language of the definition of prohibited discrimination and to remove section 58-72 Affirmative Language" be officially closed.

OFFERED BY: _____

SECONDED BY: _____

YES: NO: ABSENT: VOTE:

This resolution is adopted by the Council of the City of Ypsilanti and approved by the Mayor this
6 day of October 2020

#Resolution No. 2020-206



Resolution No. 2020-207
October 6, 2020

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following items be approved:

1. **Resolution No. 2020-208, approving the minutes of September 15, 2020.**
2. **Resolution No. 2020-209, approval of appointments to Boards and Commission.**
3. **Resolution No. 2020-210, approving the submission of ballot for the Michigan Municipal League's Board of Director's.**
4. **Resolution No. 2020-211, approving Ordinance 1366 - an ordinance to amend Section 58-61 and 58-62 of the Ypsilanti City Code to add conviction of a misdemeanor crime to a class of activity protected from discrimination (Second Reading).**

OFFERED BY: _____

SECONDED BY: _____

YES:

NO:

ABSENT:

VOTE:

This resolution is adopted by the Council of the City of Ypsilanti and approved by the Mayor this 6 day of October 2020

#Resolution No. 2020-207



Resolution No. 2020-208
October 6, 2020

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of September 15, 2020 be approved.

OFFERED BY: _____

SECONDED BY: _____

YES:

NO:

ABSENT:

VOTE:

This resolution is adopted by the Council of the City of Ypsilanti and approved by the Mayor this
6 day of October 2020

#Resolution No. 2020-208



MINUTES REGULAR COUNCIL Meeting

7:00 PM - Tuesday, September 15, 2020
Zoom Meeting

The REGULAR COUNCIL of the City of Ypsilanti was called to order on Tuesday, September 15, 2020, at 7:00 PM, in the Council Chambers, with the following members present:

PRESENT: Council Member Jennifer Symanns, Council Member Steven Wilcoxon, Mayor Pro-Tem Nicole Brown, Mayor Lois Richardson, Council Member Anthony Morgan, Council Member Brian Jones-Chance, and Council Member Annie Somerville

ABSENT:

I CALL TO ORDER

The meeting was called to order at 7:01 pm

II ROLL CALL

III AGENDA APPROVAL

The agenda was approved as submitted

IV PUBLIC COMMENT (3 MINUTES)

Four members of the public spoke

V PRESENTATIONS

- a) Proclamation for Suicide Prevention Month - City Manager Frances McMullan
- b) Proclamation in honor of Hispanic Heritage Month.

VI ORDINANCES FIRST READING

- a) *Ordinance 1366* - An ordinance to amend Section 58-61 and 58-62 of the Ypsilanti City Code to add conviction of a misdemeanor crime to a class of activity protected from discrimination.
 - 1. Resolution No. 2020-187, determination.
 - 2. Public Hearing
 - 3. Resolution No. 2020-188. close the public hearing

Mayor Pro-Tem Nicole Brown moved, seconded by Council Member Anthony Morgan, to approve Resolution No. 2020-188

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

That the public hearing for an ordinance entitled "An ordinance to amend Section 58-61 and 58-62 of the Ypsilanti City Code to add conviction of a misdemeanor crime to a class of activity protected from discrimination" be officially closed.

RESULT:	CARRIED.
MOVER:	Mayor Pro-Tem Nicole Brown
SECONDER:	Council Member Anthony Morgan
AYES:	Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, Anthony Morgan, Brian Jones-Chance, and Annie Somerville

Council Member Annie Somerville moved, seconded by Mayor Pro-Tem Nicole Brown, to approve Resolution No. 2020-187
IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

The certain ordinance entitled "An ordinance to amend Section 58-61 and 58-62 of the Ypsilanti City Code to add conviction of a misdemeanor crime to a class of activity protected from discrimination" be adopted on first reading.

RESULT:	CARRIED.
MOVER:	Council Member Annie Somerville
SECONDER:	Mayor Pro-Tem Nicole Brown
AYES:	Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, Anthony Morgan, Brian Jones-Chance, and Annie Somerville

VII CONSENT AGENDA

- a) Resolution No, 2020-189, approving the Consent Agenda.

Council Member Anthony Morgan moved, seconded by Mayor Pro-Tem Nicole Brown, To approve Resolution No. 2020-189
RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following items be approved:

- 1. Resolution No. 2020-190, approving the minutes of September 1, 2020.**
- 2. Resolution No. 2020-191, approval of appointments to Boards and Commission.**
- 3. Resolution No. 2020-192, approving Ordinance 1364, an ordinance to amend Chapter 106, Article V, Section 106-454(a) of the Code of Ordinances to adjust sewage rates (Second Reading)**
- 4. Resolution No. 2020-193, approving Ordinance 1365, an ordinance to amend Chapter 106, Article V, Section 106-454(b) of the Code of Ordinances to adjust water rates (Second Reading).**

RESULT:	CARRIED.
MOVER:	Council Member Anthony Morgan
SECONDER:	Mayor Pro-Tem Nicole Brown

AYES: Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, Anthony Morgan, Brian Jones-Chance, and Annie Somerville

- b) Resolution No. 2020-190, approving the minutes of September 1, 2020.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of September 1, 2020 be approved.

- c) Resolution No. 2020-191, approving appointments to boards and commissions.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

<u>NAME</u>	<u>BOARD</u>	<u>EXPIRATION</u>
Alex Merz (New Appointment) 1930 Roosevelt Ypsilanti, MI 48197	YDDA	7/1/2023

- d) Resolution No. 2020-192, approving Ordinance 1364, an ordinance to amend Chapter 106, Article V, Section 106-454(a) of the Code of Ordinances to adjust sewage rates **(Second Reading)**.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT an Ordinance to amend Chapter 106, Article V, Section 106-454(a) of the Code of Ordinances, City of Ypsilanti, to adjust sewage disposal rates approved on Second and Final Reading.

- e) Resolution No. 2020-193, approving Ordinance 1365, an ordinance to amend Chapter 106, Article V, Section 106-454(b) of the Code of Ordinances to adjust water rates **(Second Reading)**.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an Ordinance to amend Chapter 106, Article V, Section 106-454(b) of the Code of Ordinances to increase water rates within the City of Ypsilantibe approved on Second and Final Reading.

VIII RESOLUTIONS/MOTIONS/DISCUSSIONS

- a) Resolution No. 2020-194, supporting an application for a reimbursable Certified Local Government Grant for funding of the Highland Cemetery.

Council Member Anthony Morgan moved, seconded by Council Member Annie Somerville, To approve Resolution No. 2020-194

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti will be entering into an agreement with the Highland Cemetery Association to restore the stained-glass windows in Starkweather chapel, at 943 N River Street and;

WHEREAS, the City of Ypsilanti will file an application to the Michigan State Historic Preservation Office (SHPO) for the Certified Local Government (CLG) grant program in the amount not to exceed \$50,000 for the Starkweather Chapel Stained Glass Window Restoration for the resource located at (943 N River Street and;

WHEREAS, Scott Slagor, Preservation Planner for the City of Ypsilanti is appointed as the Grant Project Manager who will oversee the CLG grant management and grant administration duties and;

WHEREAS, the City of Ypsilanti will receive and pay vendor invoices related to the grant project and;

WHEREAS, Richard Robb from Highland Cemetery Association is authorized to sign the required historic preservation easement and record it at the County Register of Deeds before the grant reimbursement will be processed by the SHPO and;

WHEREAS, the City of Ypsilanti acknowledges that the Certified Local Government (CLG) is an expense reimbursement program. City of Ypsilanti authorizes expenditures in the amount of not to exceed \$50,000 for the project work with the knowledge that eligible expenditures up to the approved grant amount will be reimbursed to the City of Ypsilanti upon SHPO acceptance of final project work, SHPO acceptance of the final completion report, SHPO audit and acceptance of financial documentation for eligible costs and SHPO acceptance of a historic preservation easement recorded at the Register of Deeds.

WHEREAS, as a part of the application process City Council and the Highland Cemetery Association will need approve a Memorandum of Understanding, which is scheduled for the October 6th Council Meeting and;

NOW THEREFORE BE IT RESOLVED that the Ypsilanti City Council supports application for a reimbursable Certified Local Government grant through the Michigan State Historic Preservation Office to support the Highland Cemetery Association in its effort to restore stained glass windows at the historic Starkweather Chapel.

RESULT:	CARRIED.
MOVER:	Council Member Anthony Morgan
SECONDER:	Council Member Annie Somerville
AYES:	Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, Anthony Morgan, and Brian Jones-Chance
ABSTAINED:	Annie Somerville

- b) Resolution No. 2020-195, accepting the Request for Proposals for 206-210 Washington St.**

**Council Member Anthony Morgan moved, seconded by Council Member Steven Wilcoxon, to approve Resolution No. 2020-195
RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

Whereas, 206-210 N Washington Street was foreclosed on by the Washtenaw County Treasurer for nonpayment of property taxes; and

Whereas, The City of Ypsilanti purchased the property using its Right of First Refusal from the Country Treasurer in 2019; and

WHEREAS, the city received two proposals for the development of the property to create affordable housing in the city of Ypsilanti; and

Whereas, the City is seeking an affordable housing with a preference on senior housing.

Now therefore be it resolved that the Ypsilanti City Council approves the amended RFP for affordable housing from Avalon Housing for 206-210 N. Washington and enter into a letter of intent with said developer.

RESULT:	CARRIED.
MOVER:	Council Member Anthony Morgan
SECONDER:	Council Member Steven Wilcoxon
AYES:	Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, Anthony Morgan, Brian Jones-Chance, and Annie Somerville

- c) Resolution No. 2020-196, approving the award of the 2020 CDBG Ramps contract to GM & Sons Construction.

**Council Member Steven Wilcoxon moved, seconded by Council Member Annie Somerville, to approve Resolution No. 2020-196
RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

Whereas, funding has been programmed in the Washtenaw County Community Development Block Grant Program for the retrofitting of existing sidewalk ramps in the City of Ypsilanti; and,

Whereas, the City of Ypsilanti has solicited sealed bids for the project; and,

Whereas, GM & Sons Construction is the lowest qualified bidder and is being recommended by the City's engineering consultant for this project.

Now therefore be it resolved that that the City of Ypsilanti awards the 2020 CDBG Ramps contract be awarded to GM & Sons Construction for the bid amount of \$74,982.00.

THAT the Mayor and City Clerk are authorized to sign this contract, subject to review by the City Attorney and any change orders are subject to review and approval by the City Manager to facilitate the completion of this work.

RESULT:	CARRIED.
MOVER:	Council Member Steven Wilcoxon
SECONDER:	Council Member Annie Somerville
AYES:	Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, Anthony Morgan, Brian Jones-Chance, and Annie Somerville

- d) Resolution No. 2020-197, approving the award of the 2020 METRO Ramps Contract to GM & Sons Construction.

**Council Member Anthony Morgan moved, seconded by Council Member Steven Wilcoxon, to approve Resolution No. 2020-197
RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

Whereas, funding has been programmed for the retrofitting of existing sidewalk ramps in the City of Ypsilanti; and,

Whereas, the City of Ypsilanti has solicited sealed bids for the project; and,

Whereas, GM & Sons Construction is the lowest qualified bidder and is being recommended by the City's engineering consultant for this project.

Now therefore be it resolved that that the City of Ypsilanti awards the 2020 METRO Ramps contract to GM & Sons Construction for the bid amount of \$69,950; and

THAT the Mayor and City Clerk are authorized to sign this contract, subject to review by the City Attorney and any change orders are subject to review and approval by the City Manager to facilitate the completion of this work.

RESULT:	CARRIED.
MOVER:	Council Member Anthony Morgan
SECONDER:	Council Member Steven Wilcoxon
AYES:	Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, Anthony Morgan, Brian Jones-Chance, and Annie Somerville

- e) Resolution No. 2020-198, approving a small cell wireless application for Verizon.

Council Member Brian Jones-Chance moved, seconded by Council Member Annie Somerville, to approve Resolution No. 2020-198

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, the State of Michigan adopted the "Small Wireless Communication Facilities Deployment Act" in late 2018 which required municipalities to allow small cell wireless facilities within public right of way; and,

Whereas, the City of Ypsilanti adopted an ordinance to regulate small cell wireless facilities within the constraints of this law; and,

Whereas, Verizon Wireless has submitted an application; and,

Whereas, City staff has reviewed the plans and application and has found that the plans are consistent with the requirements of city ordinances;

Now therefore be it resolved that that the City of Ypsilanti approves small cell wireless application 2020-003 subject to review by the City Attorney.

RESULT:	CARRIED.
MOVER:	Council Member Brian Jones-Chance
SECONDER:	Council Member Annie Somerville
AYES:	Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, Anthony Morgan, Brian Jones-Chance, and Annie Somerville

- f) Resolution No. 2020-199, approving the Request for Proposals for an Exhaust Capture System for the Fire Department.

Council Member Steven Wilcoxon moved, seconded by Council Member Annie Somerville, to approve Resolution No. 2020-199

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, The YFD was awarded the Fiscal Year (FY) 2019 Assistance to Firefighters Grant (AFG) to include the installation of a direct source capture exhaust system; and

WHEREAS, This new exhaust capture system will essentially eliminate 100 percent of the diesel and automotive exhaust gases currently emitted presenting danger to fire personnel and the community; and

Whereas, All bidders are to provide the associated labor, materials, and equipment needed to complete the exhaust capture system including but not limited to all things related to removing diesel and automotive exhaust gases within the confines of the Ypsilanti Fire Station; and

Whereas, The entire project will include the purchase, delivery, and installation of the direct source capture exhaust system. Per the AFG, the funds will cover all associated permit fees, all electrical modifications, a 5-year warranty for parts and labor, basic system training, and any modifications that must be made to the current exhaust systems on the apparatus.

Now therefore be it resolved that the Ypsilanti City Council approves beginning the solicitation of bids on September 16, 2020, and closing bids October 16, 2020, to start the process of replacing the vehicle exhaust system on the YFD's apparatus floor.

RESULT:	CARRIED.
MOVER:	Council Member Steven Wilcoxon
SECONDER:	Council Member Annie Somerville
AYES:	Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, Brian Jones-Chance, and Annie Somerville
ABSENT:	Anthony Morgan

- g)** Resolution No. 2020-200, approving the bid award for the installation of the Fire Department Grates.

**Council Member Anthony Morgan moved, seconded by Council Member Annie Somerville, to approve Resolution No. 2020-200
RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

Whereas, The YFD opened bids on October 14, 2019 and closed bids on November 15, 2019 to start the process of restoring the existing trench to lodge new floor drain grates; and

Whereas, Allied Building Services provided the lowest bid at \$158,500 which includes the resurfacing of the apparatus floor and came highly recommended from fire service departments; and

WHEREAS, Allied Building Services' bid was \$158,500 including the resurfacing of the apparatus floor; and

Whereas, The project includes cutting and removing old concrete to accommodate new grate frames (e.g. rods, mesh, etc.) and pouring new concrete to fill in around the new trenches and grates to allow proper water drainage; and

WHEREAS, The Fire Department is requesting approval to award the bid to Allied Business Services to complete the YFD's grates project; and

WHEREAS, The total cost is not to exceed \$161,308 as described in RES 2020-167.

Now therefore be it resolved that the Ypsilanti City Council grants the Fire Department's request to award the bid to Allied Business Services to complete the YFD's grates project and approves the contract to Allied Building Services, subject to the approval of the City Attorney and the Mayor and City Clerk are authorized to sign the contract for and on behalf of the City.

RESULT:	CARRIED.
MOVER:	Council Member Anthony Morgan
SECONDER:	Council Member Annie Somerville
AYES:	Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, Anthony Morgan, Brian Jones-Chance, and Annie Somerville

- h) Resolution No. 2020-201, accepting grant funding for the November 3, 2020 General Election.

Council Member Brian Jones-Chance moved, seconded by Council Member Steven Wilcoxon, to approve Resolution No. 2020-201

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, administering an election during the COVID-19 Pandemic has created a need for additional supplies to ensure a safe and efficient election; and

Whereas, the Clerk Department through CSME has submitted application for financial assistance from the Center of Technology and Civic Life; and

Whereas, the Center of Technology and Civic Life has awarded the City of Ypsilanti \$105,969.

Now therefore be it resolved that the Ypsilanti City Council accept the grant award and allow the Mayor and City Clerk to sign the agreement.

RESULT:	CARRIED.
MOVER:	Council Member Brian Jones-Chance
SECONDER:	Council Member Steven Wilcoxon
AYES:	Steven Wilcoxon, Nicole Brown, Lois Richardson, Anthony Morgan, Brian Jones-Chance, and Annie Somerville
ABSENT:	Jennifer Symanns

- i) Discussion regarding park rental processes. (15 minutes)

IX LIAISON REPORTS

1. SEMCOG Update
2. Washtenaw Area Transportation Study
3. Urban County

4. Ypsilanti Downtown Development Authority

X COUNCIL PROPOSED BUSINESS

XI COMMUNICATIONS FROM THE MAYOR

a) NOMINATION

Sustainability Commission (Exp. 5/1/2023)

Desirae Simmons - **New Member**

407 Charles St.

Ypsilanti, MI 48198

XII COMMUNICATIONS FROM THE CITY MANAGER

XIII COMMUNICATIONS

- a) Community Policing Town Halls**
- September 22nd at 7:00 pm
 - September 29th at 7:00 pm

XIV ADJOURNMENT

- a) Resolution No. 2020-202, adjourning the City Council Meeting.**

The meeting adjourned at 10:30 pm

- b) Please click [here](#) to access the City Council Contact Form. This form can be used to submit any comments/concerns you might have about this agenda.**



Resolution No. 2020-209
October 6, 2020

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

<u>NAME</u>	<u>BOARD</u>	<u>EXPIRATION</u>
Desirae Simmons 407 Charles St. Ypsilanti, MI 48197 (New Appointment)	Sustainability Commission	5/1/2023

OFFERED BY: _____

SECONDED BY: _____

YES: NO: ABSENT: VOTE:

This resolution is adopted by the Council of the City of Ypsilanti and approved by the Mayor this
6 day of October 2020

#Resolution No. 2020-209



REQUEST FOR LEGISLATION

TO: Mayor and City Council
FROM: Andrew Hellenga
DATE: October 6, 2020
SUBJECT: MML Liability and Property Pool Director Election

DESCRIPTION:
MML Liability and Property Pool Director Election

SUMMARY:

As a member of the MML Liability and Property Pool the City of Ypsilanti has the opportunity to vote for members of the Board of Directors. There are two incumbent candidate on this year's ballot, Dave Post, Manager, Village of Hillman and Sue Osborn, Mayor, City of Fenton. Also, there are two appointees seeking election; George Bosanic, Manager, City of Greenville and Melissa Johnson, Mayor, City of Chelsea.

This year's ballot allows votes to be cast for all four candidates.

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2020-210
October 6, 2020

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the City Clerk is authorized to cast a ballot on behalf of Ypsilanti City Council in the 2020 Michigan Municipal League Board of Directors for George Bosanic, Melissa Johnson, Sue Osborn, & Dave Post.

OFFERED BY: _____

SECONDED BY: _____

YES: NO: ABSENT: VOTE:

This resolution is adopted by the Council of the City of Ypsilanti and approved by the Mayor this 6 day of October 2020

#Resolution No. 2020-210



1675 Green Road
Ann Arbor, MI 48105-2530

T 734.662.3246
800.653.2483
F 734.662.8083
mml.org

To: Members of the MML Liability & Property Pool
From: Michael J. Forster, Fund Administrator
Date: September 14, 2020
Subject: Pool Director Election

Dear Pool Member:

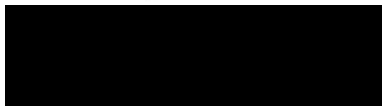
Enclosed is your ballot for this year's Board of Directors election. Two (2) incumbent Directors have agreed to seek re-election and two (2) appointees are seeking election to their first term. You also may write in one or more candidates if you wish.

A brief biographical sketch of the candidate is provided for your review.

I hope you will affirm the work of the Nominating Committee by returning your completed ballot in the enclosed return envelope, no later than November 5. You may also submit your ballot online by going to www.mml.org. Click on *Insurance*, then *Liability & Property Pool*; the link to the ballot form is in the yellow banner.

The MML Liability & Property Pool is owned and controlled by its members. Your comments and suggestions on how we can serve you better are very much appreciated. Thank you again for your membership in the Pool, and for participating in the election of your governing board.

Sincerely,



Michael J. Forster
Pool Administrator
mforster@mml.org



THE CANDIDATES

Three-year terms beginning January 1, 2021



George Bosanic, City Manager, City of Greenville

George has more than 25 years' experience as a municipal official. He is a past president of the Greenville Rotary, winner of the Community Spirit Collaboration Award and a founding board member of the Montcalm County Big Brothers/Big Sisters Organization. He is a member of the Michigan Local Government Management Association and International City Management Association. He also served as Trustee for the MML Workers' Compensation Fund program from 2006 – 2018. George is seeking election to his first term.



Melissa Johnson, Mayor, City of Chelsea

Melissa is the Mayor of the City of Chelsea and has more than six years' experience as a municipal official. Prior to becoming mayor, she served as a city council member and planning commissioner. Melissa is an attorney who has practiced in the areas of criminal and civil law. She is active in the Southeast Michigan Council of Governments as well as several other local and regional community and civic organizations. Melissa is seeking election to her first term.



Sue Osborn, Mayor, City of Fenton

Sue has more than twenty-nine years' experience as a municipal official, serving as the mayor in the City of Fenton for the last sixteen. She was appointed to Fenton's city council in 1985 and has been a continuous member since that time. Prior to her council service, she was a member of the Planning Commission from 1978-1985. Sue is a member of the Michigan Association of Mayors and is also active in several local and regional civic organizations. Sue is seeking re-election to her third term.



David Post, Village Manager, Village of Hillman

Dave has more than twenty-one years' experience as a municipal official, serving as the manager in the Village of Hillman. Dave is a past member of the Michigan Municipal League Board of Trustees and several MML committees. He is currently a member of the Northeast Michigan Council of Governments board, Hillman Community Radio board and the North Eastern Michigan Rehabilitation and Opportunity Center (NEMROC) board. Dave is also active in several local and regional civic organizations. Dave is seeking re-election to his third term.



Resolution No. 2020-211
October 6, 2020

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

The certain ordinance entitled "An ordinance to amend Section 58-61 and 58-62 of the Ypsilanti City Code to add conviction of a misdemeanor crime to a class of activity protected from discrimination" be adopted on second and final reading.

OFFERED BY: _____

SECONDED BY: _____

YES: NO: ABSENT: VOTE:

This resolution is adopted by the Council of the City of Ypsilanti and approved by the Mayor this 6 day of October 2020

#Resolution No. 2020-211



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1366**

An ordinance to amend Section 58-61 and 58-62 of the Ypsilanti City Code to add conviction of a misdemeanor crime to a class of activity protected from discrimination.

- 1. THE CITY OF YPSILANTI HEREBY ORDAINS** That section 58-61 and 58-62 of the Ypsilanti City Code is hereby amended to add misdemeanor conviction as a class protected from discrimination as follows:

-
- **ARTICLE III. - DISCRIMINATION**
- **DIVISION 1. – GENERALLY**
- **Sec. 58-61. - Intent.**

(a) It is the intent of the city that no person be denied the equal protection of the laws; nor shall any person be denied the enjoyment of their civil or political rights or be discriminated against because of actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, felony or **misdemeanor** conviction (unless there is a direct relationship between the conviction offense and the housing, the job, the opportunity or unless hiring or accepting the person would create an unreasonable risk to property or safety).

(b) Nothing herein contained shall be construed to prohibit any affirmative action laws passed by any level of government. Further, nothing in this article shall be construed to establish affirmative action for any of the classes defined herein.

(Ord. No. 865, § I, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017; [Ord. No. 1357](#), § 1, 4-7-2020)

- **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.

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, weight, felony or **misdemeanor**. 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.

(Ord. No. 865, § II, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017; [Ord. No. 1321](#), § 1, 8-28-2018)

Cross reference— Definitions generally, [§ 1-2](#).

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. A complete copy of the ordinance is also available for inspection on the City's website, www.cityofypsilanti.com.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the publication of record. 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 _____, 2020.

Andrew Hellenga, City Clerk

Attest

I do hereby confirm that the above Ordinance No. ____ was published in The Ypsilanti Courier on the _____ day of _____, 2020.

Andrew Hellenga, 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 _____, 2020.

Andrew Hellenga, City Clerk

Notice Published: _____

First Reading: _____

Second Reading: _____

Published: _____

Effective Date: _____



REQUEST FOR LEGISLATION

TO: Mayor and City Council
FROM: Bonnie Wessler
DATE: October 6, 2020
SUBJECT: Connecting Communities Grant Opportunity

DESCRIPTION:

Connecting Communities Grant Opportunity

SUMMARY:

The Washtenaw County Parks and Recreation Commission administers a grant program, called Connecting Communities, that focuses on non-motorized transportation projects outside of the Border to Border Trail that connect neighboring communities. Last year, the City applied for and was granted \$60,000 for the design phase of the I-94 pedestrian crossing project. This year, as the City has an open grant, we had planned not to apply, but were specifically invited to apply due to a low volume of grant applications due to COVID-19 shortly before the deadline.

There are a number of connectivity projects in the City's adopted plans, including accessibility improvements in our parks. Recreation Park is bordered by Ypsilanti Township on the west, and has no accessible pedestrian linkages from the south, which limits access to the play equipment, the Senior Center, and the park's other amenities from adjoining walkable neighborhoods to the south and west. A sidewalk along Pleasant Drive and a north-south shared use path connector along the west would resolve some of these accessibility issues. Due to the existing berms and patchwork of sidewalks, however, this would not be a simple sidewalk or pathway project; design would be required. Likewise, this park is popular for walkers and bicyclists due to the walking path along its perimeter, but there is not an accessible track, only a "goatpath," which poses challenges for many who have mobility issues or may be using a bike with training wheels or a stroller. Due to the park's unique layout and mixture of uses, we would want to examine the feasibility of a wide and even walking path, pavement options (including lack of pavement), and potential routes.

We are asking the WCPRC for \$15,000 for design for the sidewalk and feasibility for a track in Recreation park via their Connecting Communities grant program. The WCPRC requires that the legislative bodies of organizations submitting applications supply a resolution of support with their applications.

RECOMMENDED ACTION: Approval

ATTACHMENTS: Map, application

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2020-212
October 6, 2020

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, the City strongly supports safe and accessible mobility for its residents and visitors, and has an adopted Parks and Recreation Master Plan that notes park accessibility as a top goal in all of our parks; and

Whereas, Recreation Park lacks an accessible entrance from the south, as well as an accessible path from the south to the path system in the north; and

Whereas, Recreation Park has a "goat-path" circuit heavily used by runners and walkers; and

Whereas, the Washtenaw County Parks and Recreation Commission administers the Connecting Communities grant program that may be used to fund feasibility assessments and design work for nonmotorized pathway projects;

Now therefore be it resolved that the City Council approves the grant application for \$15,000 from the Washtenaw County Connecting Communities Program to assist in the design of a sidewalk and shared use path in Recreation Park, and the feasibility of a track in Recreation Park.

OFFERED BY: _____

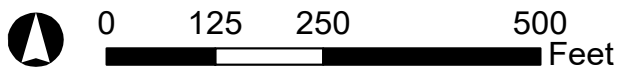
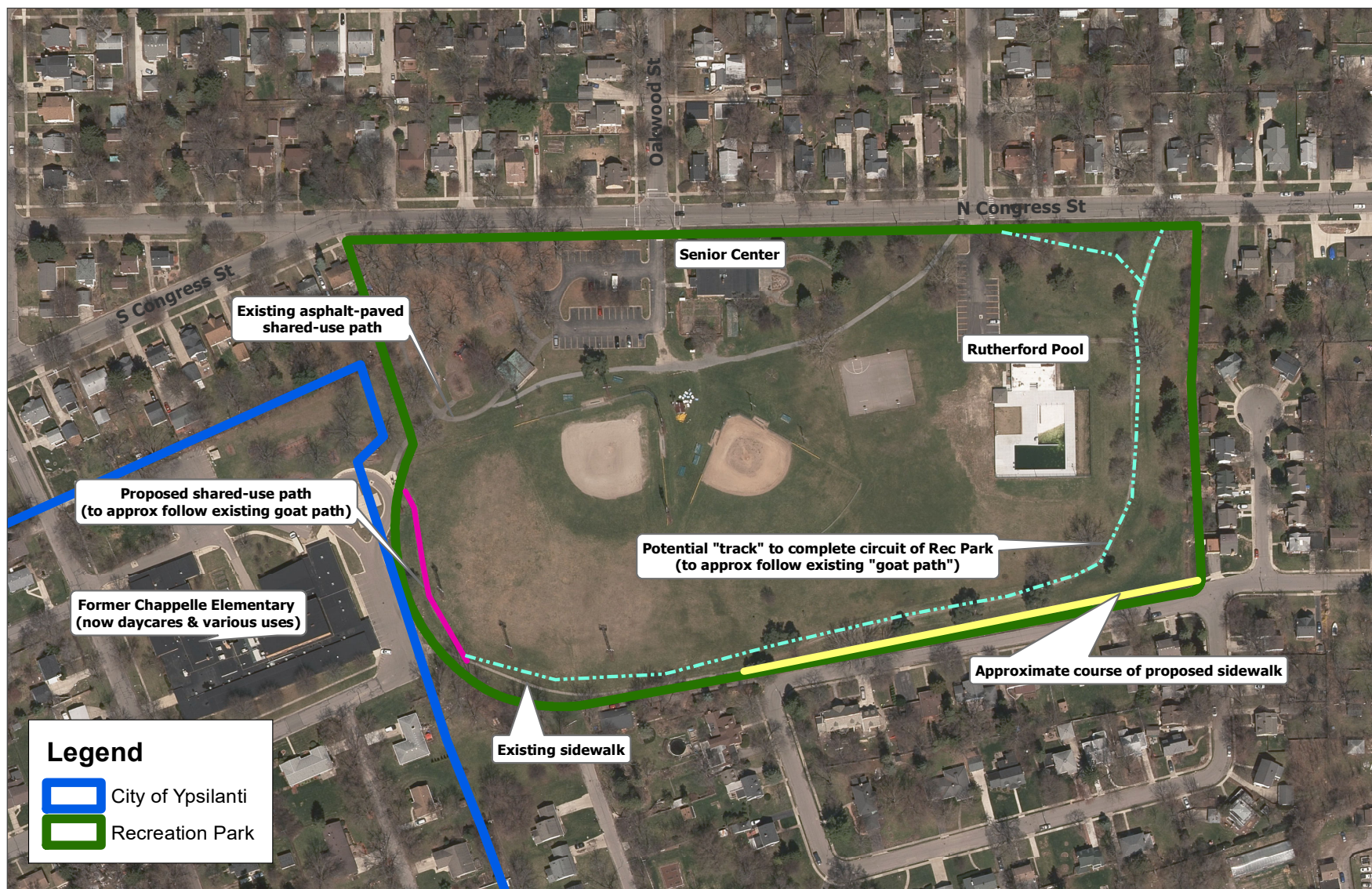
SECONDED BY: _____

YES: NO: ABSENT: VOTE:

This resolution is adopted by the Council of the City of Ypsilanti and approved by the Mayor this 6 day of October 2020

#Resolution No. 2020-212

Connecting Communities: Recreation Park sidewalk & shared-use path (engineering/design); track (feasibility)



DRAFT FOR DISCUSSION ONLY.
15 Sept 2020
City of Ypsilanti/WCGIS



Connecting Communities Application

Complete and submit the following form along with support materials. Project applications must be received by **5:00 PM on September 15** for funding consideration in 2020. Please answer the following questions. (Limit each response to 250 words. Additional pages may be submitted).

Project Title: Recreation Park Pathway

Funding Type (check all that apply):

☒ Feasibility/engineering study ☒ Engineering ☐ Construction

\$ 15,000

Amount Being Requested (each category)

\$ 15,000

Estimated Total Project Costs

Project Description: Design a sidewalk along the south side of Recreation Park and a shared-use path connecting the sidewalk along the south to the path system along the north; perform feasibility of constructing a track around the park (surfacing tbd).

650' (sidewalk; Woods Rd), 800' (shared use path; Woods Rd to paved path north end of park),

Approximate Project Length

Proposed Starting & End Points

TBD distance (track feasibility)

City of Ypsilanti, 1 S Huron St Ypsilanti MI

Community Name and Address

Bonnie Wessler

Project Manager Name

Project Manager

Title

734-482-9707

Telephone

bwessler@cityofypsilanti.com

Email

/s Bonnie Wessler

Authorized Signature

Bonnie Wessler, Project Manager, 9/15/2020

Print Name & Title

Date

WCPARC use only

Received by:

Date:

Community:
Project Title:

1. What are the benefits of this project?

Having a design for the sidewalk and connecting path would set the stage for future construction. Design is challenging due to existing berms, vegetation, and infrastructure (hydrants, lights, short lengths of disconnected sidewalk, etc) along the south and west side of the park.

2. What community facilities are proposed to be connected by this project?

This would enable residents, particularly those with mobility disabilities and non-drivers, south of Recreation Park to access the park directly from Woods Rd or W Warner St rather than being forced "up and around" to access from Congress. This would also provide more direct access to assets such as the Senior Center and Rutherford Pool.

3. If constructed, how will the trail be maintained?

The sidewalk and pathway would be the responsibility of the City to plow and maintain.

4. What planning documents show the location of this trail? Provide page reference.

The Parks and Recreation Master Plan (2020) speaks to the necessity of providing more accessible entrances and sidewalk connections to Recreation Park, particularly from the south (page 38); the Nonmotorized Transportation Plan (2010) calls for a sidewalk along the north side of Woods Road adjacent to Recreation Park (page 48).

5. What natural and cultural features can be seen from the trail?

Recreation Park has been a center for recreation since the 1800s. Originally in use as a fairgrounds, later as athletic fields for the University, it hosts the only public outdoor pool on the east side of Washtenaw County, as well as the Ypsilanti Senior Center (formerly a Girl Scout House), a center that provides resources and community for not only area seniors but the community as a whole. In addition, the former Chappelle Elementary School is located on the west side of the park and hosts several important child care resources, many of which primarily or predominantly serve low-income families.

Community:
Project Title:

6. What are likely objections to this project? How will these be addressed?

Concerns will be raised that new walking surfaces conflict with the existing "goat paths," many of which traverse the top of the berms. This sidewalk project will provide an alternative accessible walking surface and is not intended to serve as a track circuit, and care will be taken to design both the sidewalk and the shared-use path such that they will not conflict with any future paved/surfaced track. The feasibility study for the track will take into account the location of the "goat paths" as well as obstacles- such as the berms and storm drainage- and will determine what best path to take for a separate circuit of the park.

7. What efforts will be made to reduce the environmental impact of this project?

As a sidewalk in an urbanized area, its environmental impact is presumed to be positive.

8. How will this project be funded?

Construction funding will be planned for out of the City's capital improvements fund and from grant sources.

9. List confirmed and proposed funders.

The WCPRC is the only proposed funder for this design and feasibility phase.

10. What background work has already been completed for the project?

A need has been identified, as part of background work done for the Parks and Recreation Master Plan and the Nonmotorized Transportation Plan.

Community:
Project Title:

11. What permits are needed for this project (not applicable to feasibility studies)?

None needed for this phase.

12. What background work needs to be completed for the project?

Feasibility (track) and design (sidewalk and shared-use path)

All Funding Applications (*please check-off*):

- ☐ Application
- ☐ Resolution of Support from executive body where the proposed trail will be located
- ☐ Attach an 8.5"x11" map of the proposed/planned trail location
- ☐ Up to 10 (ten) images of proposed/planned trail location
- ☐ One (1) paper and one (1) digital copy

Construction Funding Application Only (*please check-off*):

- ☐ Cost Opinions for total project, drafted by a professional consultant
- ☐ Completed feasibility study, "in progress" engineering drawings, or demonstrated constructability

Submit application to:

**Kira Macyda, Park Planner, P.O. Box 8645, Ann Arbor, MI 48107-8645 and
macydak@washtenaw.org.**



REQUEST FOR LEGISLATION

TO: Mayor and City Council
FROM: Ken Hobbs
DATE: October 6, 2020
SUBJECT: Fire Chief's Vehicle

DESCRIPTION:
Fire Chief's Vehicle

SUMMARY:

The Mayor and City Council approved the City of Ypsilanti's Fire Department (YFD) FY 2020-21 budget on June 2, 2020 to include a new Fire Chief's vehicle within the approved budget amount of \$32,000 from account number 641-7-9340-987-10.

Chief Hobbs has selected the 2021 Ford Base Model Explorer (K8B) 4X4, a vehicle from Gorno Ford, a Michigan Contract Holder, in Woodhaven, MI.

The total cost for this purchase from Gorno Ford is \$28,539.00 (to include floor liners with carpet and a rear cargo mat). The remaining funds (\$3,461.00) will be used to install lights, sirens, and a remote start.

Chief Hobbs seeks authorization from Ypsilanti City Council to select, purchase, cover all costs associated with Gorno Ford's 2021 Ford Explorer, and to sign all documents associated with the purchase.

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2020-213
October 6, 2020

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The Mayor and City Council approved the City of Ypsilanti's Fire Department (YFD) FY 2020-21 budget on June 2, 2020 to include a new Fire Chief's vehicle within the approved budget amount of \$32,000 from account number 641-7-9340-987-10; and

WHEREAS, Chief Hobbs has selected the 2021 Ford Base Model Explorer (K8B) 4X4, a vehicle from Gorno Ford, a Michigan Contract Holder, in Woodhaven, MI; and

WHEREAS, The total cost for this purchase from Gorno Ford is \$28,539.00 (to include floor liners with carpet and a rear cargo mat). The remaining funds will be used to install lights, sirens, and a remote start;

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council authorize Fire Chief Hobbs to execute all documents associated with the purchase of Gorno Ford's 2021 Ford Explorer.

OFFERED BY: _____

SECONDED BY: _____

YES:

NO:

ABSENT:

VOTE:

This resolution is adopted by the Council of the City of Ypsilanti and approved by the Mayor this 6 day of October 2020

#Resolution No. 2020-213



REQUEST FOR LEGISLATION

TO: Mayor and City Council
FROM: Frances McMullan
DATE: October 6, 2020
SUBJECT: City Hall – General Election

DESCRIPTION:
City Hall – General Election

SUMMARY:

Voter traffic has increased on Election Day as a result of same day registration. In order to support voters and the Clerk Department it is proposed that departments other than Clerk be available only by appointment. This will assist in reducing walk-in traffic and provide greater ability to social distance.

City Hall based employees will then be able to assist the Clerk Department in registering voters and issuing absentee, ballots further assisting in keeping lines short and residents safe.

Also, employees will be encouraged to vote in their home jurisdictions during the day. Keeping lines shorter during the busiest time between 5:00pm and 8:00pm.

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2020-214
October 6, 2020

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, voter traffic has increased in City Hall on Election Day since same day registration was made law in Michigan; and

WHEREAS, COVID-19 has caused a need for people to maintain distance as a matter of health and safety; and

WHEREAS, to decrease levels of walk-ins not related to voting, and to encourage City Hall staff to assist the Clerk Department register voters, further assisting lines move quickly, and ensuring health and safety.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council that on Election Day, November 3, 2020 business at City Hall will be by appointment only to all departments other than the Clerk Department to maintain health and safety and election efficiency.

OFFERED BY: _____

SECONDED BY: _____

YES: NO: ABSENT: VOTE:

This resolution is adopted by the Council of the City of Ypsilanti and approved by the Mayor this 6 day of October 2020

#Resolution No. 2020-214



Resolution No. 2020-215
October 6, 2020

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti recognizes that Indigenous peoples, including from the Odawa, Ojibwe, Potawatomi, and Wyandot tribes, lived upon the land and along the Huron River in our community for many hundreds of years before our city's founding;

WHEREAS, The City of Ypsilanti recognizes that dislocation, disease, war, disenfranchisement, and other atrocities devastated these communities at various times, causing most Indigenous peoples to be expelled from their homes in this area by the 1830s; and

WHEREAS, today's current quality of life for indigenous peoples across the country, and here locally are of great concern; and

WHEREAS, The City of Ypsilanti understands that in order to help close the equity gap, government entities, and other public institutions should change their policies and practices to better reflect experiences, culture, history, and contributions of the people they serve; and

WHEREAS, the second Monday of October is the federal holiday, Columbus Day, and is viewed by some as a celebration of our country's rich immigrant and, in particular, Italian and Catholic heritage; and

WHEREAS, the idea of Indigenous Peoples Day was first proposed in 1977 by a delegation of Native nations to the United Nations - sponsored International Conference on Discrimination Against Indigenous Populations in the Americas; and

WHEREAS, in 1990 representatives from 120 Indigenous Nations at the First Continental Conference on 500 Years of Indian Resistance unanimously passed a resolution to transform Columbus Day into an opportunity to educate the rest of the country about pre-existing Indigenous cultures that

#Resolution No. 2020-215

have survived an often violent colonization process and continue to exist and thrive in present day America; and

WHEREAS, the State of Alaska, the cities of Seattle, WA; Berkeley, CA; Minneapolis, MN; and many others have voted to rename Columbus Day as Indigenous Peoples Day to honor the culture, heritage and contributions of Native Americans; and

WHEREAS, in Michigan, Traverse City, Alpena, Ann Arbor, and Washtenaw County have voted to rename Columbus Day as Indigenous Peoples Day to honor the culture, heritage and contributions of Native Americans; and

WHEREAS, the Tribal Council of the Grand Traverse Band of Ottawa and Chippewa Indians has passed a Resolution (1) officially recognizing the Indigenous Peoples Day on the second Monday in October, and (2) that Indigenous Peoples Day shall be used to reflect upon the ongoing struggles of indigenous peoples on this land, and to celebrate the thriving culture and value that the Odawa, Ojibwe, Potawatomi, and other indigenous peoples and to communities.

NOW, THEREFORE, BE IT RESOLVED, that The City of Ypsilanti shall recognize Indigenous Peoples Day on the second Monday of October;

FURTHER BE IT RESOLVED, that Indigenous Peoples Day shall be used to reflect upon the ongoing struggles of Indigenous people on this land, and to celebrate the thriving culture and value that the Odawa, Ojibwe, Potawatomi, and other indigenous peoples add to communities throughout Michigan the Great Lakes, and all over the world.

FURTHER BE IT RESOLVED, The City of Ypsilanti encourages businesses, organizations, and other public entities to recognize Indigenous Peoples Day; and

FURTHER BE IT RESOLVED, The City of Ypsilanti encourages all Ypsilanti public schools, charter schools, and other educational facilities operated within the city to include Indigenous Peoples centered curricula.

OFFERED BY: _____

SECONDED BY: _____

YES:

NO:

ABSENT:

VOTE:

#Resolution No. 2020-215

This resolution is adopted by the Council of the City of Ypsilanti and approved by the Mayor this
6 day of October 2020

#Resolution No. 2020-215



Resolution No. 2020-216
October 6, 2020

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the City Council Meeting be adjourned, on call, by the Mayor or three (3) members of Council.

OFFERED BY: _____

SECONDED BY: _____

YES: NO: ABSENT: VOTE:

This resolution is adopted by the Council of the City of Ypsilanti and approved by the Mayor this
6 day of October 2020

#Resolution No. 2020-216