APPROVED

CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, March 6, 2012
OPEN SESSION- 7:00 P.M.

I. CALL TO ORDER –

The meeting was called to order at 7:10 p.m.

II. ROLL CALL –

Council Member Bodary	Present	Council Member Robb	Present
Council Member Jefferson	Present	Council Member Vogt	Present
Council Member Murdock	Absent	Mayor Schreiber	Present
Mayor Pro-Tem Richardson	Present		

Mayor Pro-Tem Richardson moved, supported by Council Member Bodary to excuse the absence of Council Member Murdock.

On a voice vote, the motion carried and absence was excused.

III. INVOCATION –

IV. PLEDGE OF ALLEGIANCE –

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

V. INTRODUCTIONS –

Mayor Schreiber introduced the following persons: Senior Planner Teresa Gillotti, Administrative Services Director David Kowal and Public Services Director Stan Kirton.

VI. AGENDA APPROVAL –

On a voice vote, the agenda was approved.

VII. PRESENTATIONS –

1. Planning Commission 2011 Annual Report- Teresa Gillotti, Senior Planner

Senior Planner Teresa Gillotti gave an overview of the operations of the Planning Commission during the past year. She said The Planning Commission met monthly during 2011, except for the month of October. From the perspective of formal applications, the Commission's agenda maintained an above average load compared to previous years. The Commission considered 33 applications, including 11 site plans, 7 special use permits, and 6 text amendments. Significant reviews include the former

Ford/Visteon/ACH property at 128 Spring Street, a Planned Unit Development for the former Parkview, now Hamilton Crossing Project, the Corner Brewery expansions, and the expansion of the Gilbert Residence on S. Huron Street. Some of these applications were internally initiated, including zoning text amendments regarding sidewalks, abandonment, and sign and billboard ordinance revisions.

2. Historic District Commission Annual Report- Teresa Gillotti, Senior Planner

Senior Planner Teresa Gillotti gave an overview of the Historic District Commission for the year. She said although the number of applications received this year was significantly lower than in recent years due to the impact of economic issues, the ambitious scope of many of the approved projects reflects the commitment of residents and businesses to the improvement of the local community. Ms. Gillotti also commented that following a public hearing on July 12, 2011, the Commission approved the demolition of 310 N. Park. Having been abandoned for years and damaged as a result of both fire and neglect, the Commission found that the structure was unsafe. In addition she said The Historic District continued to benefit from investment over the past year. Some of the significant projects are summarized here:

- 120, 122, and 124 W. Michigan – A third story was built at the rear of the buildings to accommodate new use as apartments. The addition was made in a manner that allowed for an additional floor that was completely concealed from the buildings' facades on W. Michigan Ave. Exterior improvements, including new paint and replica window hoods on the facades, were also completed.

- Freighthouse – Work continues at the Freighthouse, with an indoor café expected to open this year.

- Starkweather – Work continues at 1266 Huron. Notable changes in 2011 included the removal of the existing front porch, to be replaced with a porch more representative of the original.

VIII. AUDIENCE PARTICIPATION –

Mayor Schreiber read the rules of audience participation.

1. Segrid Melvin, Towne Center Place, commented about the lobby at Towne Center Place and Comcast digital services no longer being offered. In addition she said that inspections need to be performed on the units at Towne Center and the sidewalk at Michigan Ave. is not accessible to residents in wheel chairs.

IX. REMARKS BY THE MAYOR –

Mayor Schreiber asked Public Services Director Stan Kirton about the status of the sidewalk at Michigan Ave. and Hamilton streets.

Public Services Director Stan Kirton commented that the Key Bank is to redo the sidewalks and ramps on Hamilton St. and Michigan Ave.

Mayor Schreiber asked Ms. Melvin to give him the telephone number to Towne Center management office.

Council Member Bodary asked how often are units inspected at Towne Center Place?

Teresa Gillotti, Senior Planner commented units are inspected every other year and every unit is inspected.

X. ORDINANCES-FIRST READING **Ordinance No. 1170**

1. An ordinance to adopt the FEMA Flood Insurance Rate Map.

A. Resolution 2012-037, determination.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the proposed Ordinance entitled "FLOOD DAMAGE PREVENTION ORDINANCE UPDATE" be approved on First Reading.

Ordinance No. 1170

An Ordinance Entitled: Flood Damage Prevention Ordinance

THE CITY OF YPSILANTI ORDAINS::That Chapter 122, Article I, Definitions and Article XV, Flood Damage Prevention Sec. 122-913. of the City Code be created as follows replacing existing text

Amend text:

ARTICLE I
Sec. 122-2 DEFNITIONS

***FBFM* means the flood boundary and floodway map, used as a floodplain management map that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. For the purposes of this chapter, the FBFM is the map titled Flood Insurance Rate Map(s) (FIRMS) Washtenaw County (All Jurisdictions) panel number(s) of 26161C; 00269E, 0288E, 0407E, and 0426E dated 4/3/12.*FIRM* means the flood insurance rate map titled Flood Insurance Rate Map(s) (FIRMS) Washtenaw County (All Jurisdictions) panel number(s) of 26161C; 00269E, 0288E, 0407E, and 0426E dated 4/3/12*Flood insurance study* means the engineering study performed by FEMA to identify flood-prone areas, insurance risk zones, and other flood data and contained in a document titled, Flood Insurance Study, Washtenaw County(All Jurisdictions)Community Number 260216, dated April 3, 2012.**

ARTICLE XV. FLOOD DAMAGE PREVENTION

***Cross reference(s)--Businesses, ch. 22; vehicles for hire, ch. 114.**

Sec. 122-911. Flood hazard findings.

The flood hazard areas of the city are subject to periodic inundation which may result in safety hazards, loss of life, property and health, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and

welfare. The flood losses are caused by the cumulative effects of obstructions in floodplains causing increased flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed or otherwise protected from flood damages.

Sec. 122-912. Purpose.

It is the purpose of this article to protect the general public and all land within the city subject to flood losses by provisions designed to do the following:

(1)Restrict or prohibit uses which are dangerous to health, safety and property in times of flood or which cause excessive increases in flood flow heights or velocities.

(2)Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

(3)Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.

(4)Control filling, grading, dredging and other development which may increase erosion or flood damage.

(5)Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Sec. 122-913. Scope.

This article shall apply to all flood hazard areas. The boundaries of the flood hazard areas shall coincide with the boundaries of the areas indicated as within the limits of the 100 year flood in the report entitled "The Flood Insurance Study", City of Ypsilanti, dated January 1980, with accompanying Flood Insurance Rate maps and Flood Boundary and Floodway maps, as well as the report entitled "The Flood Insurance Study", Township of Ypsilanti, dated December 15, 1980, with accompanying flood insurance rate maps and flood boundary and floodway maps. Within the flood hazard area zone, a regulatory floodway shall be designated. The boundaries of the regulatory floodway shall coincide with the floodway boundaries indicated on the flood boundary and floodway maps. The study and accompanying maps are adopted by reference, appended, and declared to be a part of this chapter. The term flood hazard area, as used in this chapter, shall mean flood hazard area zone and the term floodway, shall mean the designated regulatory floodway.

AGENCY DESIGNATED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Official of the City of Ypsilanti is hereby designated as the enforcing agency to discharge the responsibility of the City of Ypsilanti under Act 230, of the Public Acts

of 1972, as amended, State of Michigan. The City of Ypsilanti assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this ordinance.

(1) CODE APPENDIX ENFORCED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the City of Ypsilanti.

(2) DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled Washtenaw County, Michigan (All Jurisdictions) and dated April 3, 2012 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 269, 288, 407,and 426 and dated April 3, 2012 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

Sec. 122-914. Regulation of uses in floodplain areas.

Any proposed occupation, structure, excavation, fill, extraction, grading or scraping and any substantial improvement to an occupation, structure or area shall be reviewed and approved by the planning commission. "Substantial improvement" means any repair, reconstruction or improvement of an occupation, structure or area, the cost of which equals or exceeds 50 percent of the market value of the structure either, (i) before the improvement or repair is started or (ii) if the occupation, structure or area has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural member commences, whether or not that alteration affects the external dimensions of the structure or area. The term does not, however, include either (i) any project for improvement of a structure to comply with state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (ii) any alteration of a structure listed on the National Register of Historic Places or state register of historic places.

(1)*Permitted uses.* The following uses may be permitted in those portions of the floodplain which are not a floodway, to the extent that they are allowed uses within a given zoning district and subject to the construction standards of building code in effect for the city at the time of construction:

a. Residential and nonresidential structures provided that the building s to the planning commission that the proposed provisions for flood resistant construction, floodproofing or elevation meet or exceed the standards set forth in the city's building code.

b. Recreational uses such as parks, swimming areas, picnic grounds, ball fields, hiking or biking trails, and wildlife and nature preserves.

c. Residential support uses such as lawns, gardens, play areas, and parking areas which do not result in the filling in of floodplain areas.

d. Industrial and commercial support uses which are open in nature such as loading areas or parking areas which do not result in the filling in of any floodplain areas.

e. Utility facilities such as power plants, transmission lines, pipelines not crossing a lake or waterway, lighting facilities, and navigational and drainage aids.

f. Piers, boat ramps, bridges, and other such water related uses subject to approval by the water resources commission of the state department of natural resources.

g. Fencing of any type, provided that such fencing shall not be allocated in that portion of the floodplain that is a floodway or other areas essential to the conveyance of floodwaters.

h. Sidewalks, driveways, patios, and similar structures when constructed at grade.

i. Fill or removal of topsoil, sand, and gravel or other extraction operations, in that portion of a floodplain which is not a floodway provided the following conditions are met:

1. Proof that proper long term maintenance will be provided so that the flood-carrying capacity is not diminished.

2. Any fill or excavated area shall be protected from erosion during and after operations by rip-rap, vegetative cover, bulk-heading, or other approved means.

3. The proposed filling in of land, provided that material equal to 110 percent of the fill volume is removed elsewhere from such premises and adjusted to be capable of storing floodwaters. Structures and parking areas may be permitted on such filled land provided the elevation of the filled land is at least one foot above the base flood elevation. A permit issued by the state department of natural resources under the state's floodplain regulatory authority, Act No. 451 of the Public Acts of Michigan of 1994 (MCL 324.3101 et seq., MSA 13A.3101 et seq.), shall be obtained prior to the filling of land in the floodplain. A copy of the state department of natural resources permit shall be provided to the city building inspection division prior to the issuance of a building permit.

j. Streets, railroads, and other rights-of-way.

k. Pavilions, open amphitheaters, detached garages, raised patios and decks, and other accessory structures provided they are properly anchored and made flood resistant and are not located in a floodway or other area essential to the conveyance of floodwaters.

l. Facilities for the storage and detention/retention of stormwater.

m. Storage yards for heavy equipment, materials, or machinery.

(2) *Prohibited uses.* The following uses are not allowed in a floodplain area under any circumstances:

a. New residential construction or occupation, including mobile homes, manufactured homes or pre-manufactured homes, are specifically prohibited in that portion of the floodplain that is a floodway. Other types of construction and occupation may be allowed in that portion of the floodplain that is a floodway; however, a hydraulic analysis shall be required which demonstrates that occupation and resulting obstruction of the floodway will not restrict the flood carrying capacity of the watercourse.

b. A landfill, dump, junkyard, recycling center or hazardous waste storage or treatment facility are expressly prohibited in a floodplain area.

c. The storage or processing of materials which in time of flooding become buoyant, flammable, explosive or otherwise injurious to public health, is expressly prohibited within a floodplain area.

d. On-site sewage disposal systems shall be permitted within a floodplain area.

e. Any encroachment which would cause any increase in the base flood level.

Sec. 122-915. Review procedures.

(a) *Site plan review.* All development, construction, occupation or substantial improvement proposals located within a floodplain area shall be reviewed by the planning commission in accordance with the site plan review procedures of article IV of this chapter, and the "Rules of the Washtenaw County Water Resources Commissioner." The planning commission, when reviewing an application for occupation, construction or substantial improvement in a floodplain, shall consider the following standards before rendering a decision:

(1) Any possible danger to life and property as a result of increased flood heights or velocities caused by encroachments on the floodplain.

(2) The danger that materials may be swept to other lands or downstream to the injury or property loss of others.

(3) The susceptibility of the proposed development and its contents to flood damage.

(4) The importance of the services provided by the development to the community.

(5) The requirement of the proposed development for a waterfront location and the availability of alternate locations not subject to flooding.

(6) The compatibility of the proposed use with existing and anticipated development of the surrounding area and the floodplain management program of the area.

(7) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(8) The measures taken to assure adequate drainage so as to reduce exposure to flood hazards.

(9) The planning commission may attach certain conditions to an approval such as limitations on period of use and operation; imposition of operational controls, deed restrictions, performance bonds, and covenants; or requirements for construction of dikes, levees, and other protection measures.

O*fficial's responsibility.* Prior to site plans being submitted to t the planning commission the building official shall:

(1) Certify that the proposed construction, occupation or substantial improvement complies with the city building code adopted in chapter 18.

(2) Where permits are required by other state or federal agencies, a copy of the approved permit shall be provided, by the applicant, prior to review by the planning commission.

(3) Cause to be verified and recorded on the site plan and building plans, the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.

(4) Cause to be verified and recorded on the site plan and building plan, the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have or will be floodproofed.

(5) Require that all site plans and building plans for occupation, construction or substantial improvement within the floodplain have been prepared under the supervision of a registered professional engineer or architect. All site plans and building plans shall be signed by the registered professional engineer or architect.

(6) Certify that notification has been made to adjacent communities and the state flood control coordinator of a proposed development, construction, occupation, substantial improvement alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration and the planning commission.

(7) Be available at the meeting of the planning commission when such plans are reviewed to answer any questions relative to the floodplain or construction standards.

Sec. 122-916. Building permit requirements.

No occupation, building or structure within a floodplain area shall be erected, moved, repaired, altered, or razed until a building permit shall have been obtained from the building

official in accordance with the customary building permit requirements under chapter 18. For structures located within a floodplain, the following additional information shall be included with the building permit, and shall become a condition of the permit. All plans, specifications and conditions approved by the planning commission. The plans shall include all of the information required by section 122-912.

Sec. 122-917. Appeals, variances.

Board of appeals shall hear and decide appeals and requests for variances from the requirements of this article, in accordance with the procedures and conditions set forth in this article. Prior to hearing of the appeal, the city planner shall certify to the zoning board of appeals that notices as required under this article have been made. Further, the city planner shall certify to the zoning board of appeals that the immediate downstream community's chief elected official and the state flood control coordinator have been notified of the request for appeals or variance and of the public hearing. Appeals or variances relating to the construction standards as set forth in the building code, shall be heard by the construction board of appeals as outlined in chapter 18. In addition, the following conditions shall be applied to variances granted from the floodplain regulations of this article:

(1) Variances shall be issued upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, public nuisances, or cause fraud on or victimization of the public.

(2) Vacant to whom a variance is granted shall be given a written notice specifying the difference between the base flood elevation and the elevation at which a structure is being built, and a statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(3) All such variances to this article shall be maintained in a record and reported to the Federal Insurance Administration and the state flood control coordinator upon request.

Sec. 122-918. Disclaimer of liability.

The degree of flood protection required by this article is considered the minimum necessary and reasonable for regulatory purposes. Larger floods may occur at any time, and excessive floodwater heights may be experienced due to manmade and natural causes. This article does not imply that areas outside the special flood hazard areas, or uses permitted within such areas, shall remain free from flooding or flood damages. This article shall not create a liability on the part of the city or any officer or employee thereof for any flood damage that results

from compliance with or reliance upon this article or any administrative decision lawfully made thereunder.

Section 122-556. Entryway Overlay District

Section 122-568. Special Conditions

(1) All freestanding signs shall be no taller than (10) feet, unless modified by the Planning Commission.

Amend 122-2

Structure means anything constructed or erected the use of which requires permanent locations on the ground or attachment to something having permanent location on the ground. Structure include but are not limited to, principle and accessory buildings, tower, decks, fences, privacy screens, wall, antennae, swimming pools and sign structures

OFFERED BY: Council Member Robb
SUPPORTED BY: Mayor Pro-Tem Richardson

Marcus McNamara, representative from Orchard, Hiltz & McCliment, Inc. commented that the FEMA maps had been compared against previous versions and changes where outlined in the 2007 review and only minor changes had occurred and did not impact structures. Additionally he stated that in December of last year FEMA updated the maps and floodplains had not risen.

On a roll call, the vote to approve Resolution No. 2012-037 was as follows:

Council Member Bodary	Yes	Council Member Robb	Yes
Council Member Jefferson	Yes	Council Member Vogt	Yes
Council Member Murdock	Absent	Mayor Schreiber	Yes
Mayor Pro-Tem Richardson	Yes		

VOTE:

Yes: 6 No: 0 Absent: 1 (Murdock) Vote: Carried

B. Open public hearing for FEMA Flood Insurance Rate Map Plan.

Mayor Schreiber opened the public hearing and read the rules for audience participation.

There was no audience participation.

C. Resolution 2012-038, to close public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider the proposed Ordinance entitled "FLOOD DAMAGE PREVENTION ORDINANCE UPDATE" be officially closed.

APPROVED

OFFERED BY: Council Member Robb
SUPPORTED BY: Mayor Pro-Tem Richardson

On a voice vote, the motion to close the public hearing for Resolution No. 2012-038 carried unanimously.

Ordinance No. 1171

2. An ordinance to protect the public health, safety and welfare and to provide for the regulation and restriction of groundwater wells in certain areas of the City of Ypsilanti.

   A. Resolution 2012-039, determination.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "An ordinance to protect the public health, Safety and welfare, and to provide for the regulation and restriction of groundwater wells in certain areas of the City of Ypsilanti due to the presence of groundwater contamination" be approved on first reading.

CITY OF YPSILANTI, MICHIGAN
ORDINANCE NUMBER 1171

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE, AND
TO PROVIDE FOR THE REGULATION AND RESTRICTION OF GROUNDWATERWELLS IN CERTAIN AREAS OF THE CITY OF YPSILANTI DUE TO THE PRESENCE OFGROUNDWATER CONTAMINATION.

THE CITY OF YPSILANTI ORDAINS:

SECTION 1. DEFINITIONS. For the purposes of this Ordinance, the words and phrases listed below shall have the following meanings:

“Well” means an opening in the surface of the earth for the purpose of removing water through non-mechanical or mechanical means for any purpose.

“Restricted zone” shall mean an area legally described and incorporated within this ordinance.

SECTION 2. WATER WELL RESTRICTED ZONE.

A. The following described area is the restricted zone as defined under this Ordinance. A scaled map illustrating the restricted zone is attached as Exhibit A. See Exhibit B for legal description.

B. Except as provided in Section 5 of this ordinance, and after the effective date of hereof, no person or legal entity shall install or allow or permit or provide for the installation or

utilization of a well on any property on which they have an ownership interest, or lessee or tenant interest, or control within the restricted zone. Property within the restricted zone shall be serviced only by public water supply.

SECTION 3. WELLS AFFECTING CONTAMINATED GROUNDWATER. No well may be used or installed at any place in the City if the use of the well will have the effect of causing the migration of contaminated groundwater or a contaminated groundwater plume to previously un-impacted groundwater, or adversely impacting any groundwater treatment system, unless the well is part of an MDEQ or United States Environmental Protection Agency approved groundwater monitoring or remediation system.

SECTION 4. NON-CONFORMING WELLS. Any existing well, the use of which is prohibited by this ordinance shall be plugged or abandoned in conformance with all applicable laws, rules, regulations, permit and license requirements, orders and directives of any governmental entity or agency of competent jurisdiction, or, in the absence of an applicable law, rule, regulation, requirement, order, directive, in conformance with the protocol developed consistent with the American Standards for Testing and Materials standard #D5299-922.

SECTION 5. EXCEPTIONS.

A. Water service unavailable. If City water service is unavailable to a premises in the restricted zone, any well on that premises shall annually be tested by the City by a laboratory that is acceptable to and for chemical parameters specified by the Michigan Department of Environmental Quality Water Division (MDEQ). The results of that test shall be submitted to the MDEQ, or the Washtenaw County Health Department for review. If the MDEQ or the County Health Department determines that the well is safe and suitable for use, and proof of that determination is delivered annually to the City, that well may be used No split or conveyance of property shall be effective to render City water services unavailable.

B. Construction of de-watering wells. Wells in the restricted zone used for construction de-watering are not prohibited by this ordinance, provided that the water generated by that activity is properly handled and disposed in compliance with all applicable laws and regulations. Any exacerbation caused by the use of wells under this exception shall be the responsibility of the person operating the de-watering well, as provided in Part 201 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

C. Groundwater monitoring and remediation wells. Wells used for ground water monitoring and/or remediation as part of a

response activity approved by the Michigan Department of Environmental Quality are not prohibited by this ordinance.

SECTION 6. PENALTY. Any person or legal entity who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor offense punishable by imprisonment for not more than 90 days or by fine of not more than $500.00 or both such fine and imprisonment in the discretion of the Court.

In addition, the City may seek an order from a court of appropriate jurisdiction to restrain any person from violating this ordinance, including the collection of costs and attorney fees associated with such enforcement action. Any well in violation of this ordinance shall also be declared and deemed a nuisance, subject to abatement, and shall be immediately taken out of service and lawfully abandoned consistent with all applicable state and local regulations. Any person found to be in violation is subject to being ordered by a court of appropriate jurisdiction to properly and lawfully remove or abandon the well.

SECTION 7. NOTIFICATION OF INTENT TO AMEND OR REPEAL. At least thirty(30) days prior to any amendment or repeal in whole or in part of this ordinance, the City of Ypsilanti shall notify the Michigan Department of Environmental Quality, or its successor agency, of its intent to so act.

SECTION 8. SEPARABILITY. If any article, section, subsection, sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the Ordinance, it being the intent of the City of Ypsilanti that this Ordinance shall be fully severable.

The City of Ypsilanti shall promptly notify the Michigan Department of Environmental Quality upon the occurrence of any event described in this section.

SECTION 9. CONFLICT WITH OTHER ORDINANCES. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 10. OTHER ORDINANCES NOT AFFECTED. 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, assessment, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

SECTION 11. PUBLICATION OF ORDINANCE. The City Clerk shall cause this ordinance, or a summary of this ordinance, to be published by printing same in the newspaper of record. Copies of this ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

SECTION 12. EFFECTIVE DATE. This ordinance shall become effective after publication at the expiration of thirty days after adoption.

OFFERED BY: Council Member Bodary
SUPPORTED BY: Council Member Vogt

Attorney John Barr commented that the Groundwater ordinance is a request by the Shell Oil Company to prohibit drinking water wells in certain areas of the city and a representative from Shell Oil Company, Frank Bernard is present and he would like for him to give an overview to city council about Groundwater.

Attorney Frank Grenard, Law Firm of Johnson and Bell in Chicago, ILL., Shell Oil Representative commented that the site of the groundwater ordinance is the location where EMU business school sits. He said there has been no movement on a bloom at that site but they want to protect that area. Additionally he stated that the ordinance has three steps that must happen if passed and those steps are; MDEQ would require a buffer area near the location, the ordinance would still be subject to approval by MDEQ and the ordinance must pass a legal review before it can be agreed upon for further remediation. Additionally he said that if in fact the groundwater wells are determined to be a health risk then the process will have to start all over again.

Attorney Grenard introduced Shell Oil Geologist Jeff Bernstein and Shell Regional Project Manager John Robbins.

Council Member Bodary asked if the location for the groundwater wells by the EMU school of Business?

Attorney Grenard answered the location is where the EMU School of Business is built.

Council Member Bodary asked is the plume moving?

Attorney Grenard commented the plume has been stable for a number of years, with no movement since 1999. He said there has been no progression out but he is not sure about how much progression has been in.

Council Member Bodary commented on the depth of the area.

Attorney Grenard commented that the area is 12 feet deep and additionally when doing this type of ordinance, you have to measure horizontal and vertical.

Council Member Bodary asked about recovery wells.

Jeff Bernstein, Shell Oil Staff Geologist answered 11 million gallons of ground water was treated and the only concern was the drinking water path.

Attorney John Barr commented that page 2, Section 6," Penalties" was left blank and $500.00 should be inserted.

Mayor Schreiber asked for a motion for the amendment of $500.00 to be added to Section 6 of the Groundwater Ordinance No. 1171. ***(Ordinance No. 1171)***.

Mayor Pro-Tem Richardson moved, supported by Council Member Bodary to insert a $500.00 fee in section 6, "Penalty" of the Groundwater Ordinance No. 1171.

On a voice vote, the motion to approve an amendment to Section 6 of the Groundwater Ordinance No. 1171 was unanimous.

On a roll call vote, the vote to approve Resolution No. 2012-039 was as follows:

Council Member Jefferson	Yes	Council Member Vogt	Yes
Council Member Murdock	Absent	Mayor Schreiber	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Bodary	Yes
Council Member Robb	No		

VOTE:

Yes: 5 No: 1 (Robb) Absent: 1 (Murdock) Vote: Carried

B. Open public hearing for the Groundwater Ordinance.

Mayor Schreiber opened the public hearing and read the rules for audience participation.

There was no audience participation.

C. Resolution 2012-040, to close public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing on the "Ground Water Wells " be officially closed.

OFFERED BY: Council Member Bodary
SUPPORTED BY: Council Member Vogt

On a voice vote, the vote to close the public hearing for Ground Water Wells, Ordinance No. 1171 carried unanimously.

XI. MINUTES –

Resolution No., 2012-041, approving the February 21, 2012 minutes.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of February 21, 2012 be approved.

OFFERED BY: Council Member Jefferson
SUPPORTED BY: Council Member Vogt

On a voice vote, the motion to approve Resolution No. 2012-041 carried unanimously.

XII. CONSENT AGENDA

A. Resolution No. 2012-042, recognizing the Ypsilanti Food Co-op during International 2012 Co-op Year.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, on April 11, 1975, members formed a not-for profit corporation under the laws of the State of Michigan, called the "Ypsilanti Cooperative Initiative"; and

WHEREAS, a new location was sought and in February 1984, the Co-Op moved to 312 North River Street, a historic building in Ypsilanti's Depot Town, which was purchased by the Mill Works Partnership in 1986; and

WHEREAS, the cooperative expanded into the adjoining storefront of the Mill Works Building, undergoing continuous additions and renovations, including taking over the Depot Town Sourdough Community Bakery and successfully running it as the River Street Bakery since 2005; and

WHEREAS, in the winter of 2010-2011 staff offices were moved into a vacated second floor space to allow the co-op to expand again into the entire ground-floor footprint of the Mill Works Building; and

WHEREAS, the Ypsilanti Food Co-op has celebrated 37 years of providing local, organic, and fairly produced food to the Ypsilanti community; and

WHEREAS, the United Nations has declared 2012 the International Year of the Cooperative; and

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council declared 2012 the Ypsilanti Year of the Cooperative recognizing the Ypsilanti Food Co-op as a successful co-op.

B. Resolution No. 2012-043, to approve a Proposal from Orchard, Hiltz & McCliment, Inc. for Grove Road Design Engineering Services.

A RESOLUTION OF THE CITY OF YPSILANTI:

WHEREAS, Federal Surface Transportation Program - Urban funding has been programmed in the 2014 construction season for the reconstruction of Grove Road from the south side of the I-94 overpass to the City limit just south of Emerick Street; and

WHEREAS, Orchard, Hiltz and McCliment has provided an exemplary level of service to the City of Ypsilanti on similar street improvement projects, and possesses a depth of experience with the infrastructure in the project area; and

WHEREAS, it is necessary to secure design engineering services to meet MDOT permitting requirements and to have this project "shovel ready" to qualify for any additional transportation funds that may become available prior to the 2014 construction season;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the proposal for design engineering services with Orchard, Hiltz & McCliment, Inc., 34000 Plymouth Road, Livonia, MI at a not to exceed cost of $51,200; and

THAT the Mayor and City Clerk are authorized to sign this contract,
subject to review and approval by the City Attorney; and

THAT the City Manager is authorized to sign any change orders that may be needed to maintain the project's schedule, subject to review and approval by the City Attorney.

C. Resolution No. 2012-044, to approve the purchase of a 2012 Allianz Johnston V650 Vacuum Sweeper for the 2012 CMAQ Improvement Program.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Congestion Mitigation and Air Quality (CMAQ) Improvement Program funding has been programmed to replace the 1987 Elgin Eagle Street Sweeper in 2012; and

WHEREAS, the contract with the Michigan Department of Transportation to receive the CMAQ Funds to purchase a 2012 Allianz Johnston VT650 Vacuum Street Sweeper has been executed by both parties; and

WHEREAS, the CMAQ Improvement Program is Reimbursement Program;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the purchase of a 2012 Allianz Johnston VT650 Vacuum Street Sweeper for the amount of $214,909 and the funds used for this purchase will be reimbursed by the MDOT CMAQ Improvement Program;

THAT the Mayor and City Clerk are authorized to sign the purchase agreement and any change orders, subject to approval by the City Attorney, to facilitate the purchase of this vehicle.

D. Resolution No. 2012-045, approving an appointment to Boards and Commissions.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT, the following individual be appointed to the Human Relations Commission as indicated below:

NAME	**BOARD**	**TERM TO EXPIRE**
Claudia Pettit (new appointment)	**Human Relations Commission**	**2/6/2013**
945 Sheridan St.		
Ypsilanti, Michigan 48197		

OFFERED BY: Council Member Vogt
SUPPORTED BY: Council Member Bodary

On a voice vote, the vote to approve Resolution No. 2012-041A carried unanimously.

XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2012-046, to correct typographic error in Uniform City Income Tax Ordinance.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the legal citation in the council packet of the Uniform City Income Tax Ordinance, adopted February 21, 2012, referring to MCL 141.770 be and hereby is corrected to read MCL 141.760.

OFFERED BY: Mayor Pro-Tem Richardson
SUPPORTED BY: Council Member Bodary

Attorney John Barr commented this is a resolution to correct a number and make the record clean.

On a roll call vote, the vote to approve Resolution No. 2012-046 was as follows:

Mayor Pro-Tem Richardson	Yes	Council Member Bodary	Yes
Council Member Robb	Yes	Council Member Jefferson	Yes
Council Member Vogt	Yes	Council Member Murdock	Absent
Mayor Schreiber	Yes		

VOTE:

Yes: 6 No: 0 Absent: 1 (Murdock) Motion: Carried

XIV. LIASON REPORTS -

A. SEMCOG Update –Mayor Pro-Tem Richardson commented about a general assembly meeting being held on March 22, 2012 at School Craft College at 3:00 p.m. with a reception to follow at 6:00 p.m.

B. Washtenaw Area Transportation Study- None

C. Washtenaw Metro Alliance- None

D. Urban Counties- Mayor Schreiber attended the last meeting.

E. Freight House- Mayor Schreiber commented he attended a pop up dinner fundraiser and had a lot of fun.

XV. COUNCIL PROPOSED BUSINESS –

Mayor Pro-Tem Richardson commented she received a phone call about 314 First Ave., a group home where a neighbor complained there is no supervision of the residents.

Council Member Robb commented he would like for Municipal Analytics the company that provided the city income tax study to show their work for the remaining four years of the five year plan.

Council Member Robb commented about the police and fire chief pension with regards to a 2-3% change.

Attorney Barr commented he would look further into the 2-3% change.

Council Member Bodary thanked Interim City Manager McMullan for the enforcement and issuing of tickets in the College Heights area.

Council Member Bodary asked is the funding available for the Grove Road project?

Interim City Manager McMullan answered we are submitting the documentation early so that when funding is available, we will be ready. Additionally she said that we hope to receive the funding before 2014.

Council Member Jefferson commented he received a call about graffiti on a city sign on the north side of the parking lot at Monroe street. Additionally he said that at Hawkins Street, there is a telephone dock that also has graffiti. He asked if both locations can be cleaned up.

COMMUNICATIONS FROM THE MAYOR –

Mayor Schreiber commented on the new housing commission resident nominee. He said he meet with Mr. Ballard and that he supports this nomination. He said that Mr. Ballard went to school with Council Member Jefferson.

Nominations

Hershey Ballard (YHC resident appointment)
715 Towner #1
Ypsilanti, MI. 48197
Expires: 3/20/2016

XVI. COMMUNICATIONS FROM THE CITY MANAGER –

1. Ypsilanti Housing Commission Sustainability Report

XVII. AUDIENCE PARTICIPATION –

Segrid Melvin, resident of Towne Center, asked why is Towne Center Place not included with the city housing commission and who owns Town Center Place. She also commented that the internet at Town Center Place has been disconnected.

Bruce Wallace, 556 Jefferson, commented about the resolution on groundwater wells and asked if the resolution included Artesian wells.

XVIII. REMARKS FROM THE MAYOR –

Mayor Schreiber asked Attorney John Barr about Artisan wells.

Attorney John Barr commented that an artisan well is a force of nature but Ordinance No. 1171 is to prohibit people from drilling wells.

Mayor Schreiber commented to Ms. Melvin that Town Centre is privately owned and he cannot comment on why Comcast has the internet disconnected. Additionally he said that the complaint about Town Center Place and the condition of the units should be referred to the city's Building Department.

Council Member Bodary commented to Mr. Wallace that perhaps he did not see the map restrictions on the groundwater wells and that the restrictive area is around the EMU Business School and not near Jefferson Street.

XIX. ADJOURNMENT –

A. Resolution No. 2012-047, adjourning the City Council meeting.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

OFFERED BY: Council Member Jefferson
SUPPORTED BY: Council Member Vogt

On a voice vote, the motion to approve Resolution No. 2012-047 to adjourn the City Council meeting carried unanimously.

The meeting adjourned at 8:06 p.m.