



**CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, MAY 1, 2012
7:00 P.M. – OPEN SESSION**

I. CALL TO ORDER –

II. ROLL CALL –

Council Member Bodary	P A	Council Member Robb	P A
Council Member Jefferson	P A	Council Member Vogt	P A
Council Member Murdock	P A	Mayor Schreiber	P A
Mayor Pro-Tem Richardson	P A		

III. INVOCATION –

IV. PLEDGE OF ALLEGIANCE –

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

V. INTRODUCTIONS –

VI. AGENDA APPROVAL –

VII. PRESENTATIONS –

Presentation of the FY 2012-13 Budget – Interim City Manager, Frances McMullan

VIII. PUBLIC HEARINGS

1. Approval of the transfer of a Class C Liquor License and Dance and Entertainment Permit from Theo Doors, Inc. to Clvetho, Inc. (Wurst Bar).
 - A. Resolution No. 2012-075, determination
 - B. Open Public hearing
 - C. Resolution No. 2012-076, close public hearing.
2. Approval of a Dance and Entertainment License for Diangoras Bar and Grill.
 - A. Resolution No. 2012-077, determination
 - B. Open Public Hearing

- C. Resolution No. 2012-078, close public hearing.
- 3. Emergency Ordinance Addressing Floodplain Management Provisions of the State Construction Code.
 - A. Resolution No. 2012-079, determination
 - B. Open Public Hearing
 - C. Resolution No. 2012-080, close public hearing.
- 4. An Amended Ordinance Addressing Floodplain Management Provisions of the State Construction Construction Code.
 - A. Resolution No. 2012-081, determination
 - B. Open Public Hearing.
 - C. Resolution No. 2012-082, close public hearing.

IX. AUDIENCE PARTICIPATION-

X. REMARKS BY THE MAYOR –

XI. MINUTES –

Resolution No. 2012-083, approving the minutes of April 17, 2012.

Resolution No. 2012-083A, approving the amended minutes of March 20, 2012.

XII. CONSENT AGENDA-

XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

- 1. Resolution No. 2012-084, to Manage Floodplain Development for the National Insurance Program.
- 2. Resolution No. 2012-085, approving the Groundwater Ordinance and indemnification. **(Ordinance NO. 1171) (Second Reading)**
- 3. Resolution No. 2012-086, approving appointments to Boards and Commissions
- 4. Resolution No. 2012-087, approving items from the Ypsilanti Housing Commission.

XIV. LIASON REPORTS -

- A. SEMCOG Update
- B. Washtenaw Area Transportation Study
- C. Washtenaw Metro Alliance
- D. Urban Counties
- E. Freight House

XV. COUNCIL PROPOSED BUSINESS –

XVI. COMMUNICATIONS FROM THE MAYOR –

XVII. COMMUNICATIONS FROM THE CITY MANAGER –

XVIII. AUDIENCE PARTICIPATION -

XIX. REMARKS FROM THE MAYOR –

XX. REPORTS SUBMITTED-

XXI. ADJOURNMENT–

Resolution No. 2012-088-A, adjourning the City Council meeting.



REQUEST FOR LEGISLATION
May 1, 2012

From: Felicia Rutledge, Acting City Clerk

Subject: Request from Clvtheo, Inc. (Wurst Bar) 705 W. Cross St. Ypsilanti, MI. 48197

SUMMARY & BACKGROUND:

Waad Seba the owner and licensee of Clvtheo, Inc. has applied to the City of Ypsilanti to obtain a transfer of a 2011 Class C Liquor License business with a Dance and Entertainment Permit to be located at 705 W. Cross. The Class C license and Dance and Entertainment Permit will be transferred from Theo Doors, Inc. to Clvtheo, Inc. (Wurst Bar)

In addition Jesse Kranyak is the bars General Manager and is in charge of all day to day operations.

All Departmental approvals have been met.
(Building, Assessor, Zoning, Fire Dept., Police Dept, Treasurer and City Attorney.)

RECOMMENDED ACTION: Approval of this request will allow the Michigan Liquor Control Commission (MLCC) to act on final approval or denial of this request.

ATTACHMENTS: Resolution No. 2012-075
 MLCC description and criteria
 Clvtheo, Inc. (Wurst Bar) application packet

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: **5/1/12**

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2012- 075
May 1, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, MLCC cannot consider the approval of an application for a new or transfer of an on-premises license without the approval of the local legislative body pursuant to the provisions of MCL 436.1501 of the Liquor Control Code of 1998.

WHEREAS, Clvtheo, Inc. has applied to the City of Ypsilanti and Michigan Liquor Control Commission requesting the following:

Transfer ownership of escrowed 2011 Class C licensed business with Dance-Entertainment Permit, located at 705 W. Cross Street, Ypsilanti, MI. Washtenaw County, from Theo Doors, Inc. **to** Clvtheo, Inc. (Wurst Bar)

WHEREAS, a public hearing to consider the proposed transfer to Clvtheo, Inc. (Wurst Bar) was properly noticed and held on May 1, 2012

NOW, THEREFORE, BE IT RESOLVED THAT the request of Clvtheo, Inc. for the property located at 705 W. Cross St. in Ypsilanti, MI. be approved.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



City of Ypsilanti
Office of the City Clerk

APPLICATION FOR NEW
OR
TRANSFER LIQUOR LICENSE

Full Name: CLVTHEO INC. Date of Birth: 6-5-1961
Home address: 28818 Greening Apt.#
City/State/Zip code: Farmington Hills MI 48334
Home phone: (248) 851-7779 Business Phone: (248) 640-4314
Email address (optional): WFaraj@AOL.COM

NAMES OF ALL PARTNERS OF THE APPLICANT, IF ANY:

IF THE APPLICANT IS A CORPORATION: Supply a copy of the Articles of Incorporation, current corporation records disclosing the identity, address of all Directors, Officers, and Shareholders.

Address of place for a Liquor License: 205 W Cross Ypsilanti
(Attach legal description of the premises)

Name and Address of Premise Owner: CLVYPSI, LLC
28818 Greening Farmington Hills MI 48334
Address City/State/Zip code

SUPPLY WRITTEN EVIDENCE: That the Applicant has the right to possess the premises from the property owner.

SUPPLY ZONING PERMIT OR CLEARANCE FROM THE ZONING ADMINISTRATOR: That the location is in compliance with the Zoning Ordinance.

SUPPLY CERTIFICATE OF OCCUPANCY OR SIMILAR CLEARANCE FROM THE BUILDING OFFICIAL: That the structure and premises is in compliance with local code provisions.

SUPPLY WRITTEN EVIDENCE FROM THE CITY TREASURER: That all real and personal property taxes and City utility bills associated with the premises are paid and that all real and personal property taxes and City utility bills in the name of the applicant are paid.

SUPPLY A WRITTEN STATEMENT: That the applicant will not violate any laws of the State of Michigan or the ordinances of the City of Ypsilanti in conducting the business where the liquor license will be used and that a violation on the premises may be caused for the City objecting to renewal of the license or requesting revocation of the license.

SUPPLY A WRITTEN STATEMENT: That the applicant understands that the City of Ypsilanti has an ordinance prohibiting public nudity, and a violation of the ordinance on the premises where the liquor license is used will be caused for objecting to renewal of the license, or for requesting revocation of the license.

SUPPLY DOCUMENTATION (REDEVELOPMENT APPLICANTS ONLY): That the applicant has invested at least \$75,000 for the rehabilitation or restoration of the building over a period of the preceding five years, or documentation that the applicant has or will commit a capital investment of at least \$75,000 that will be expended for rehabilitation or restoration of the building before the license is issued.

My signature acknowledges the following:

- I have read the above application and am submitting this completed application for consideration of a new or transfer liquor license in the City of Ypsilanti.
- I have (either in hardcopy or on line) received a copy of ordinance number 926, (as amended and codified in section 6-31 et sec) and have read and understand the City's ability to request revocation of the license upon violation of the ordinance terms, and/or breach of any agreement with the City.
- Council Approval **DOES NOT** take the place of or avoid any permitting process of the City, including, but not limited to Building, Zoning, Fire, ADA, etc. Significant issues with regards to non-conforming uses may arise after applicant properly submits detailed plans for such construction and/or use permits.
- Redevelopment Applicants:
 - I affirm that I have attempted to purchase an available on-premise escrowed license or quota license within the city, and that one was not readily available as defined in the Liquor Control Code (MCL 436.1521a).
 - I affirm that the premises described above will be a dining, entertainment, or recreation business open at least 5 days per week and open to the general public at least 10 hours a day.
 - I affirm that I have invested \$75,000 in the real property within the last 5 years, or I will invest \$75,000 prior to issuance of the license. This provision may be enforced by the City as a breach of contract. In the event I fail to make the required investment and the City is required to enforce this provision, I agree to pay the City's actual attorney fees arising from the breach of contract.

- o I affirm that at least \$75,000 was invested or will be invested in the property by _____ and that the liquor license may issue on or after that date.

Signature of Applicant: Wradgh

Signature of Applicant: _____

Signature of Applicant: _____

IF THIS IS A LIQUOR LICENSE TRANSFER REQUEST, THE SIGNATURE OF THE CURRENT LICENSE HOLDER IS REQUIRED.

Signature of Current License Holder: Andrew Reynolds 2-1-12
Date

For the City Clerk's Office Staff only:

Date application submitted: _____ Staff's Initials: _____

Routed for approval by the following departments: _____ Date: _____

For Department Approval:

✓ Building ✓ Zoning ✓ Fire Dept. ✓ Police Dept.
✓ Assessor ✓ Treasurer ✓ City Attorney _____ DDA/DTDDA

Departments: Please conduct the appropriate review to ensure that the applicant does not have any outstanding issues within your department area. When you have completed your review, please report your findings to the City Clerk's Office, and initial on the line provided for your department.

FEIN

Form **2553**
(Rev. December 2007)
Department of the Treasury
Internal Revenue Service

Election by a Small Business Corporation

(Under section 1362 of the Internal Revenue Code)

▶ See Parts II and III on page 3 and the separate instructions.
▶ The corporation can fax this form to the IRS (see separate instructions).

OMB No. 1545-0146

Note. This election to be an S corporation can be accepted only if all the tests are met under *Who May Elect* on page 1 of the instructions; all shareholders have signed the consent statement; an officer has signed below; and the exact name and address of the corporation and other required form information are provided.

Part I Election Information	
Name (see instructions) CLVTHEO INC	A Employer identification number 45 : 3457380
Number, street, and room or suite no. (if a P.O. box, see instructions) 705 W CROSS ST 28818 Greening	B Date incorporated 09/20/2011
City or town, state, and ZIP code YESILANTI, MI 48197 Farmington Hills, MI 48334	C State of incorporation MICHIGAN
D Check the applicable box(es) if the corporation, after applying for the EIN shown in A above, changed its ☐ name or ☐ address	
E Election is to be effective for tax year beginning (month, day, year) (see instructions) ▶ 10 / 01 / 2011	
Caution. A corporation (entity) making the election for its first tax year in existence will usually enter the beginning date of a short tax year that begins on a date other than January 1.	
F Selected tax year:	
(1) ☒ Calendar year	
(2) ☐ Fiscal year ending (month and day) ▶ _____	
(3) ☐ 52-53-week year ending with reference to the month of December	
(4) ☐ 52-53-week year ending with reference to the month of ▶ _____	
If box (2) or (4) is checked, complete Part II	
G If more than 100 shareholders are listed for item J (see page 2), check this box if treating members of a family as one shareholder results in no more than 100 shareholders (see test 2 under <i>Who May Elect</i> in the instructions) ▶ ☐	
H Name and title of officer or legal representative who the IRS may call for more information	I Telephone number of officer or legal representative ()

If this S corporation election is being filed with Form 1120S, I declare that I had reasonable cause for not filing Form 2553 timely, and if this election is made by an entity eligible to elect to be treated as a corporation, I declare that I also had reasonable cause for not filing an entity classification election timely. See below for my explanation of the reasons the election or elections were not made on time (see instructions).

Sign Here ▶ Under penalties of perjury, I declare that I have examined this election, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete.

Signature of officer: [Signature] Title: PRESIDENT Date: 10-4-11

For Paperwork Reduction Act Notice, see separate instructions.

Cat. No. 18629R

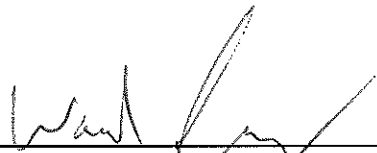
Form **2553** (Rev. 12-2007)

City of Ypsilanti,

Feb 6, 2012

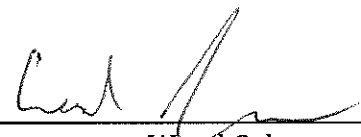
Here are the required statements in regards to getting on the agenda for transferring a liquor license in the city,

I will not violate any laws of the State of Michigan or the ordinances of the City of Ypsilanti in conducting business where we have the liquor license.



Waad Seba

I understand that the city of Ypsilanti has an ordinance prohibiting nudity where a liquor license is present.



Waad Seba

Thank you for your consideration.

8.01 Orders for Payment of Money. All checks, drafts, notes, bonds, bills of exchange, and orders for payment of money of the corporation shall be signed by the officer or officers or any other person or persons that the board of directors may from time to time designate.

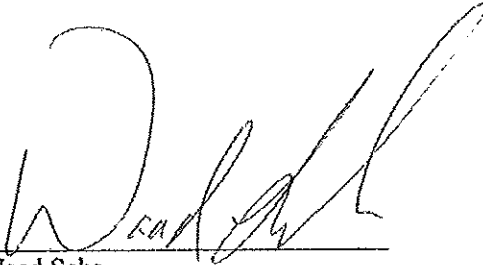
8.02 Contracts and Conveyances. The board of directors of the corporation may in any instance designate the officer and/or agent who shall have authority to execute any contract, conveyance, mortgage, or other instrument on behalf of the corporation, or who may ratify or confirm any execution. When the execution of any instrument has been authorized without specification of the executing officers or agents, the chairperson of the board, the president or any vice president, and the secretary, assistant secretary, treasurer, or assistant treasurer, may execute the same in the name and on behalf of the corporation and may affix the corporate seal to it.

ARTICLE IX BOOKS AND RECORDS

9.01 Maintenance of Books and Records. The proper officers and agents of the corporation shall keep and maintain the books, records, and accounts of the corporation's business and affairs, minutes of the proceedings of its shareholders, board, and committees, if any, and the stock ledgers and lists of shareholders, as the board of directors shall deem advisable and as required by law. Books, records, and minutes may be kept within or without the state of Michigan in a place that the board shall determine.

ARTICLE X AMENDMENTS

10.01 Amendments. The bylaws of the corporation may be amended, altered, or repealed, in whole or in part, by the shareholders or by the board of directors at any meeting duly held in accordance with these bylaws, provided that notice of the meeting includes notice of the proposed amendment, alteration, or repeal.


Waad Seba

10.7 **Notices.** Any notice permitted or required under this Operating Agreement shall be conveyed to the party at the address reflected in this Operating Agreement and shall be deemed to have been given when deposited in the United States mail, postage paid, or when delivered in person, by courier, or by facsimile transmission.

10.8 **Binding Effect.** Subject to the provisions of this Operating Agreement relating to transferability, this Operating Agreement shall be binding on and shall inure to the benefit of the parties and their respective distributees, heirs, successors, and assigns.

10.9 **Potential Conflict of Interest; Members Advised to Seek Independent Legal Counsel.** Each Member specifically acknowledges for that Member, and any party claiming by or through that Member, that such Member has been advised that a conflict of interest may exist between such Member and the Company and/or the other Members, and that such Member has been advised to and has been given the opportunity to seek independent legal advice regarding this Operating Agreement, the Company, and an investment in the Company, and that such Member has had the opportunity to have all questions answered before executing this Operating Agreement. Each Member further acknowledges that the attorney and/or law firm drafting this Operating Agreement has done so as an accommodation to the parties as counsel for the Company only and not for the Members. Each Member further acknowledges that such attorney and/or law firm has recommended to the Member that such Member seek the advice of independent counsel before executing this Operating Agreement.

10.10 **Governing Law.** This Operating Agreement has been executed and delivered in the State of Michigan and shall be governed by, construed, and enforced in accordance with the laws of the State of Michigan.

The parties have executed this Operating Agreement on the dates set below their names, to be effective on the date listed on the first page of this Operating Agreement.

CLVYPSI, LLC

By:

Waad Seba

Its: Manager

Dated: 9/20/2011

MEMBERS:

Waad Seba



Department of Licensing and Regulatory Affairs
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)

7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

LOCAL APPROVAL NOTICE

[Authorized by MCL 436.1501]

FOR MLCC USE ONLY

Request ID # 626461

Business ID # 227272

January 11, 2012

TO: Ypsilanti City Council
Attn: Clerk
1 S Huron Street
Ypsilanti, MI 48197-5453

APPLICANT: Clvtheo, Inc.

Home Address and Telephone No. or Contact Address and Telephone No.

Waad Seba, 28818 Greening Street, Farmington Hills, MI 48334, H(248) 640-4314
Contact: Shamil E Halabu, Attorney, 415 W 11 Mile Road, Madison Heights, MI 48071,
B(248) 559-5999, H(248) 521-1353

2012 JAN 23 A 8 58

RECEIVED

The MLCC cannot consider the approval of an application for a new or transfer of an on-premises license without the approval of the local legislative body pursuant to the provisions of MCL 436.1501 of the Liquor Control Code of 1998. For your information, local legislative body approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT AND TOPLESS ACTIVITY PERMITS AND FOR OFFICIAL PERMITS FOR EXTENDED HOURS FOR DANCE AND/OR ENTERTAINMENT pursuant to the provisions of MCL 436.1916 of the Liquor Control Code of 1998.

For your convenience a resolution form is enclosed that includes a description of the licensing application requiring consideration of the local legislative body. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the MLCC as soon as possible.**

If you have any questions, please contact Unit 3 of the Retail Licensing Division at (517) 636-0204.

**PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN
TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS**

RESOLUTION

At a _____ meeting of the _____
 (Regular or Special) (Township Board, City or Village Council)

called to order by _____ on _____ at _____ P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request to transfer ownership 2011 Class C licensed business with Dance-Entertainment Permit, located at 705 W Cross, Ypsilanti, MI 48197, Washtenaw County, from Theo Doors, Inc. to Clvtheo, Inc. (Step 2)

be considered for _____
 (Approval or Disapproval)

APPROVAL**DISAPPROVAL**

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

It is the consensus of this legislative body that the application be:

_____ for issuance
 (Recommended or Not Recommended)

State of Michigan _____)

County of _____)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____ at a _____
 (Township Board, City or Village Council) (Regular or Special)

meeting held on _____
 (Date)

SEAL

(Signed) _____
 (Township, City or Village Clerk)

 (Mailing address of Township, City or Village)

City of Ypsilanti

Building Department

One South Huron St.

Ypsilanti, MI 48197

Ph: (734) 482-1025 Fax: (734) 483-7444

CERTIFICATE OF COMPLIANCE

For

The Wurst Bar

705 W CROSS

BUILDING OCCUPANT:

The Wurst Bar
705 W Cross St
Ypsilanti MI 48197

BUILDING OWNER:

CLV Ypsi LLC
28818 Greening
Farmington MI 48334

By operating this business, the above owner/agent acknowledges that he/she has read this certificate, that the information given is correct, and that the owner, or duly authorized agent hereby agrees to comply with the applicable requirements of the Fire Prevention and Building Codes. It is further understand that this certificate is issued to the person named above for the listed business. Any change in ownership or type of business requires a new certificate.

This Certificate does not represent compliance with the Americans with Disabilities Act of 1991.

Approved Use:

Resturaunt / Bar

Certificate Number: OC-12-0102

Issue Date: 03/23/2012


Jon Ichesco
Fire Marshal



Resolution No. 2012 076
May 1, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing on the Approval of a Transfer of a Class C Liquor License with a Dance and Entertainment permit from Theo Doors, Inc to Clvtheo, Inc. be **officially closed.**

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:



REQUEST FOR LEGISLATION
May 1, 2012

From: Felicia Rutledge, Acting City Clerk

Subject: Request from Diangoras Bar and Grill, Inc. (Crossroads Bar and Grill; 517 W. Cross)

SUMMARY & BACKGROUND:

Yiannis Christodoulou of Diangoras Bar and Grill, Inc (Crossroads Bar and Grill) have applied to the City of Ypsilanti to obtain a Dance and Entertainment Permit in conjunction with their 2011 Class C licensed business issued under MCL 436.1521(1) to be located at 517 W. Cross, Ypsilanti, MI. 48197

All Departmental approvals have been met.
(Building, Assessor, Zoning, Fire Dept., Police Dept, Treasurer and City Attorney.)

RECOMMENDED ACTION: Approval of this request will allow the Michigan Liquor Control Commission (MLCC) to act on final approval or denial of this request.

ATTACHMENTS: Resolution No. 2012-077
 MLCC description and criteria
 Diangoras Bar and Grill, Inc. application packet

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: **5/1/12**

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____





Resolution No. 2012-077
May 1, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, MLCC cannot consider the approval of an application for a new or transfer of an on-premises license without the approval of the local legislative body pursuant to the provisions of MCL 436.1501 of the Liquor Control Code of 1998.

WHEREAS, Diangoras Bar & Grill Inc. has applied to the City of Ypsilanti and Michigan Liquor Control Commission requesting the following:

A New Dance-Entertainment Permit for, Diangoras Bar and Grill, Inc. to be held in conjunction with their 2011 Class C licensed business issued under MCL. 436.1521 (1), located at 517 W. Cross, Ypsilanti, MI. 48197.

WHEREAS, a public hearing to consider the proposed Dance- Entertainment Permit to Diangoras Bar and Grill, Inc. was properly noticed and a public hearing held on May 1, 2012.

NOW, THEREFORE, BE IT RESOLVED THAT the request of Diangoras Bar and Grill, Inc. for the property located at 517 W. Cross Street, Ypsilanti, MI. 48197 be approved.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



City of Ypsilanti
Office of the City Clerk

APPLICATION FOR NEW
OR
TRANSFER LIQUOR LICENSE

Full Name: YIANNIS CHRISTODOULOU Date of Birth: 12/10/55
Home address: 2945 BRAEBURN CIRCLE Apt.#
City/State/Zip code: ANN ARBOR MI 48108
Home phone: (734) 757-5683 Business Phone: (734) 945-7125
Email address (optional): OMAKIA@YAHOO.COM

NAMES OF ALL PARTNERS OF THE APPLICANT, IF ANY:

Same as Above

IF THE APPLICANT IS A CORPORATION: Supply a copy of the Articles of Incorporation, current corporation records disclosing the identity, address of all Directors, Officers, and Shareholders.

Address of place for a Liquor License: 517 W. CROSS ST, Ypsilanti, MI 48197
(Attach legal description of the premises)

Name and Address of Premise Owner: 517 W. CROSS L.L.C. - 2945 Braeburn
circle, Ann Arbor, MI 48108 (Yiannis Christodoulou - Sole Member)
Address City/State/Zip code

TYPE OF LICENSE APPLIED FOR (Class C, Tavern, B-Hotel, etc.):

SPECIAL PERMITS APPLIED FOR (Dance, Entertainment, etc.):

Dance and Entertainment - For an Existing Class C. License.

SUPPLY WRITTEN EVIDENCE: That the Applicant has the right to possess the premises from the property owner.

SUPPLY ZONING PERMIT OR CLEARANCE FROM THE ZONING ADMINISTRATOR: That the location is in compliance with the Zoning Ordinance.

SUPPLY CERTIFICATE OF OCCUPANCY OR SIMILAR CLEARANCE FROM THE BUILDING OFFICIAL: That the structure and premises is in compliance with local code provisions.

SUPPLY WRITTEN EVIDENCE FROM THE CITY TREASURER: That all real and personal property taxes and City utility bills associated with the premises are paid and that all real and personal property taxes and City utility bills in the name of the applicant are paid.

SUPPLY A WRITTEN STATEMENT: That the applicant will not violate any laws of the State of Michigan or the ordinances of the City of Ypsilanti in conducting the business where the liquor license will be used and that a violation on the premises may be caused for the City objecting to renewal of the license or requesting revocation of the license.

SUPPLY A WRITTEN STATEMENT: That the applicant understands that the City of Ypsilanti has an ordinance prohibiting public nudity, and a violation of the ordinance on the premises where the liquor license is used will be caused for objecting to renewal of the license, or for requesting revocation of the license.

SUPPLY DOCUMENTATION (REDEVELOPMENT APPLICANTS ONLY): That the applicant has invested at least \$75,000 for the rehabilitation or restoration of the building over a period of the preceding five years, or documentation that the applicant has or will commit a capital investment of at least \$75,000 that will be expended for rehabilitation or restoration of the building before the license is issued.

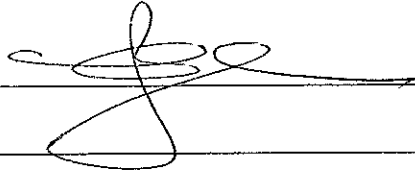
My signature acknowledges the following:

- I have read the above application and am submitting this completed application for consideration of a new or transfer liquor license in the City of Ypsilanti.
- I have (either in hardcopy or on line) received a copy of ordinance number 926, (as amended and codified in section 6-31 et sec) and have read and understand the City's ability to request revocation of the license upon violation of the ordinance terms, and/or breach of any agreement with the City.
- Council Approval **DOES NOT** take the place of or avoid any permitting process of the City, including, but not limited to Building, Zoning, Fire, ADA, etc. Significant issues with regards to non-conforming uses may arise after applicant properly submits detailed plans for such construction and/or use permits.
- Redevelopment Applicants:
 - I affirm that I have attempted to purchase an available on-premise escrowed license or quota license within the city, and that one was not readily available as defined in the Liquor Control Code (MCL 436.1521a).
 - I affirm that the premises described above will be a dining, entertainment, or recreation business open at least 5 days per week and open to the general public at least 10 hours a day.
 - I affirm that I have invested \$75,000 in the real property within the last 5 years, or I will invest \$75,000 prior to issuance of the license. This provision may be enforced

by the City as a breach of contract. In the event I fail to make the required investment and the City is required to enforce this provision, I agree to pay the City's actual attorney fees arising from the breach of contract.

- o I affirm that at least \$75,000 was invested or will be invested in the property by _____, and that the liquor license may issue on or after that date.

Signature of Applicant: _____



3/20/12

Signature of Applicant: _____

Signature of Applicant: _____

IF THIS IS A LIQUOR LICENSE TRANSFER REQUEST, THE SIGNATURE OF THE CURRENT LICENSE HOLDER IS REQUIRED.

Signature of Current License Holder: _____

_____ Date

.....
For the City Clerk's Office Staff only:

Date application submitted: _____

Staff's Initials: _____

Routed for approval by the following departments: _____

Date: _____

For Department Approval:

☒ Building

☒ Zoning

☒ Fire Dept.

☒ Police Dept.

☒ Assessor

☒ Treasurer

☒ City Attorney

____ DDA/DTDDA

Departments: Please conduct the appropriate review to ensure that the applicant does not have any outstanding issues within your department area. When you have completed your review, please report your findings to the City Clerk's Office, and initial on the line provided for your department.

City of Ypsilanti

Building Department

One South Huron St.

Ypsilanti, MI 48197

Ph: (734) 482-1025

Fax: (734) 483-7444

Final Certificate of Occupancy

Property Address

515 W CROSS

Owner:

517 W CROSS, LLC

2945 BRAEBURN CIRCLE

ANN ARBOR MI 48108

Parcel Number:

11-11-40-183-005

Permit Number:

PBLDG-10-0285

Certificate Number: OC-12-93

Issue Date: 01/19/2012

Construction Type: 3B

Building Type: A-2

Zoning District: B-3

Building Code: 2006 Mich Building Code

Approved Occupancy Load: See below

Final permission to occupy the above described structure is granted on the express condition that said building is, or shall be, in all respects, and at all times, in conformance with the ordinances of the City of Ypsilanti, regulating the conformance with the ordinances of the City of Ypsilanti, regulating construction, occupancy and use of buildings. This certificate may be revoked at any time upon violation of any provision of said ordinances.

Approved use:

515 & 517 West Cross

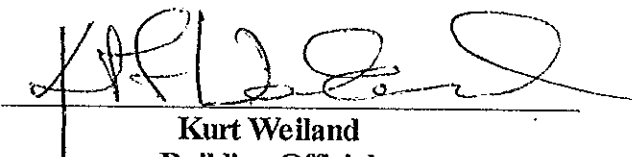
The Crossroads Bar & Grill

Dining, entertainment, dinner music, karaoke

Occupancy Loads:

515 W. Cross - 70

517 W. Cross - 87



Kurt Weiland
Building Official



Department of Licensing and Regulatory Affairs
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

LOCAL APPROVAL NOTICE

[Authorized by MCL 436.1501]

FOR MLCC USE ONLY

Request ID # 629282

Business ID # 158490

December 1, 2011

TO: Ypsilanti City Council
Attn: Clerk
1 S Huron Street
Ypsilanti, MI 48197-5453

APPLICANT: Diangoras Bar & Grill Inc.

RECEIVED
2011 NOV 30 P 2:38
YPSILANTI CITY
CLERK'S OFFICE

Home Address and Telephone No. or Contact Address and Telephone No.:

Contact: Yiannis Christoudoulou, same as business address, B734)879-1574 or Jesse Thomason, 517 W Cross, Apt 2, Ypsilanti, MI 48197, (734) 945-7125

The MLCC cannot consider the approval of an application for a new or transfer of an on-premises license without the approval of the local legislative body pursuant to the provisions of MCL 436.1501 of the Liquor Control Code of 1998. For your information, local legislative body approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT AND TOPLESS ACTIVITY PERMITS AND FOR OFFICIAL PERMITS FOR EXTENDED HOURS FOR DANCE AND/OR ENTERTAINMENT pursuant to the provisions of MCL 436.1916 of the Liquor Control Code of 1998.

For your convenience a resolution form is enclosed that includes a description of the licensing application requiring consideration of the local legislative body. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the MLCC as soon as possible.**

If you have any questions, please contact Unit 3 of the Retail Licensing Division at (517) 636-0204.

**PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN
TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS**

RESOLUTION

At a _____ meeting of the _____
 (Regular or Special) (Township Board, City or Village Council)

called to order by _____ on _____ at _____ P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request from Diangoras Bar & Grill Inc. for a New Dance-Entertainment Permit to be held in conjunction with 2011 Class C licensed business issued under MCL 436.1521(1), located at 517 W Cross, Ypsilanti, MI 48197, Washtenaw County.

be considered for _____
 (Approval or Disapproval)

APPROVAL**DISAPPROVAL**

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

It is the consensus of this legislative body that the application be:

_____ for issuance
 (Recommended or Not Recommended)

State of Michigan _____)

County of _____)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____ at a _____
 (Township Board, City or Village Council) (Regular or Special)

meeting held on _____
 (Date)

(Signed) _____
 (Township, City or Village Clerk)

SEAL

 (Mailing address of Township, City or Village)



Resolution No. 2012 -078
May 1, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing on the Approval of a Dance and Entertainment License for Diangoras Bar and Grill" be **officially closed**.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:



REQUEST FOR LEGISLATION
May 1, 2012

From: Planning and Development Department
City Attorney's Office

Subject: Flood Damage Prevention Ordinance revision and Emergency Ordinance

City Council adopted a revised ordinance at the March 20, 2012 council meeting, and it was submitted to the state to be forwarded to the Federal Government to show compliance with updated Flood Insurance Program requirements. Upon submission it was noted that the revised ordinance still referenced the 1980 Flood Insurance Study under the "Scope" section rather than the most recent study, as was done elsewhere in the revised text. As a result, the City is currently suspended from the Federal Flood Insurance program until it is rectified.

Planning staff and the City Attorney have been in contact with the state liaison in the Floodplain Management Program at the Michigan Department of Environmental Quality to rectify the situation. Les Thomas, the state's NFIP coordinator indicated that once the emergency ordinance is passed and submitted, the City would be reinstated within days or a week at most. Mr. Thomas also recommended adoption of an accompanying resolution indicating the City's intent in participating in the Federal Flood Insurance Program as well as clarify the City's role in Program. See attached.

Staff is presenting two ordinances with appropriate revisions:

- An Emergency Ordinance to Amend Chapter 122 of the Ypsilanti City Code to update to most recent FBFM maps and regulations
- Ordinance to Amend Chapter 122 of the Ypsilanti City Code to update to most recent FBFM maps and regulations

The emergency ordinance, if passed, would go into effect immediately for a duration of 60 days. The regular ordinance will have a second reading on May 15, and go into effect 30 days after adoption and publication in the newspaper of record.

If the emergency ordinance is approved, staff will submit the ordinance to the state the next business day and provide an update and press release at the point the City of Ypsilanti is reinstated in the Federal Flood Insurance Program.

RECOMMENDED ACTION: Approval

ATTACHMENTS:

- An Emergency Ordinance to Amend Chapter 122 of the Ypsilanti City Code to update to most recent FBFM maps and regulations
- Ordinance to Amend Chapter 122 of the Ypsilanti City Code to update to most recent FBFM maps and regulations
- Resolution to manage floodplain development for the National Flood Insurance Program

Please contact Teresa Gillotti or John Barr with any questions you may have.

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2012 -079
May 1, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the proposed Ordinance entitled "AN EMERGENCY ORDINANCE TO AMEND CHAPTER 122 OF THE YPSILANTI CITY CODE TO UPDATE TO MOST RECENT FBFM MAPS AND REGULATIONS" be and hereby is adopted as an emergency ordinance, to protect the public health, safety and welfare concerning floodplains and insurance availability, with immediate effect, pursuant to City Charter section 2.11, to be effective for sixty (60) days from this date.

OFFERED BY: _____

SUPPORTED BY: _____

AYES:

NAYS:

ABSENT:

VOTE:

An Ordinance Entitled “An Emergency Ordinance to Amend Chapter 122 of the Ypsilanti City Code to update to most recent FBFM maps and regulations”

THE CITY OF YPSILANTI ORDAINS::That to ensure immediate compliance with recent federal changes in floodplain management, and as an emergency ordinance to have immediate effect for the public health, safety and welfare concerning floodplain management, 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 DEFINITIONS

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 ~~Flood Insurance Study, Washtenaw County (All Jurisdictions) Community Number 260216, dated April 3, 2012, "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.

- (1) 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.
- (2) 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.
- (3) 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 26161C; 00269E, 0288E, 0407E, and 0426E 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 official certifies 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 located 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.
- (b) *Building official's responsibility.* Prior to site plans being submitted to 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.

The zoning 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) Any applicant 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.

MADE, PASSED, AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS _____ DAY OF _____, 2012

FELICIA RUTLEDGE, Interim City Clerk

Attest

I do hereby confirm that the above Ordinance No. _____ was published in the Ypsilanti Courier on the _____ day of _____, 2012.

FELICIA RUTLEDGE, Interim 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 _____, 2012.

FELICIA RUTLEDGE, Interim City Clerk

Notice Published: _____

First Reading: _____

Second Reading: _____

Published: _____

Effective Date: _____



Resolution No. 2012 -080
May 1, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider the proposed Ordinance entitled "AN EMERGENCY ORDINANCE TO AMEND CHAPTER 122 OF THE YPSILANTI CITY CODE TO UPDATE TO MOST RECENT FBFM MAPS AND REGULATIONS" be **officially closed.**

OFFERED BY: _____

SUPPORTED BY: _____

AYES:

NAYS:

ABSENT:

VOTE:



REQUEST FOR LEGISLATION
May 1, 2012

From: Planning and Development Department
City Attorney's Office

Subject: Flood Damage Prevention Ordinance revision

City Council adopted a revised ordinance at the March 20, 2012 council meeting, and it was submitted to the state to be forwarded to the Federal Government to show compliance with updated Flood Insurance Program requirements. Upon submission it was noted that the revised ordinance still referenced the 1980 Flood Insurance Study under the "Scope" section rather than the most recent study, as was done elsewhere in the revised text. As a result, the City is currently suspended from the Federal Flood Insurance program until it is rectified.

Planning staff and the City Attorney have been in contact with the state liaison in the Floodplain Management Program at the Michigan Department of Environmental Quality to rectify the situation. Les Thomas, the state's NFIP coordinator indicated that once the emergency ordinance is passed and submitted, the City would be reinstated within days or a week at most. Mr. Thomas also recommended adoption of an accompanying resolution indicating the City's intent in participating in the Federal Flood Insurance Program as well as clarify the City's role in Program. See attached.

Staff is presenting two ordinances with appropriate revisions:

- An Emergency Ordinance to Amend Chapter 122 of the Ypsilanti City Code to update to most recent FBFM maps and regulations
- Ordinance to Amend Chapter 122 of the Ypsilanti City Code to update to most recent FBFM maps and regulations

The emergency ordinance, if passed, would go into effect immediately for a duration of 60 days. The regular ordinance will have a second reading on May 15, and go into effect 30 days after adoption and publication in the newspaper of record.

If the emergency ordinance is approved, staff will submit the ordinance to the state the next business day and provide an update and press release at the point the City of Ypsilanti is reinstated in the Federal Flood Insurance Program.

RECOMMENDED ACTION: Approval

ATTACHMENTS:

- An Emergency Ordinance to Amend Chapter 122 of the Ypsilanti City Code to update to most recent FBFM maps and regulations
- Ordinance to Amend Chapter 122 of the Ypsilanti City Code to update to most recent FBFM maps and regulations
- Resolution to manage floodplain development for the National Flood Insurance Program

Please contact Teresa Gillotti or John Barr with any questions you may have.

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: 05/01/2012

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____

An Ordinance Entitled "FLOOD DAMAGE PREVENTION ORDINANCE UPDATE"

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 DEFINITIONS

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 *Flood Insurance Study, Washtenaw County (All Jurisdictions) Community Number 260216, dated April 3, 2012, "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.

- (1) 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.
- (2) 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.
- (3) 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 26161C; 00269E, 0288E, 0407E, and 0426E 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 official certifies 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 located 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.
- (b) *Building official's responsibility.* Prior to site plans being submitted to 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.

The zoning 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) Any applicant 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.

MADE, PASSED, AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS _____ DAY OF _____, 2012

FELICIA RUTLEDGE, Interim City Clerk

Attest

I do hereby confirm that the above Ordinance No. _____ was published in the Ypsilanti Courier on the _____ day of _____, 2012.

FELICIA RUTLEDGE, Interim 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 _____, 2012.

FELICIA RUTLEDGE, Interim City Clerk

Notice Published: _____

First Reading: _____

Second Reading: _____

Published: _____

Effective Date: _____



Resolution No. 2012 -082
May 1, 2012

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.**

OFFERED BY: _____

SUPPORTED BY: _____

AYES:

NAYS:

ABSENT:

VOTE:



Resolution No. 2012 – 083
May 1, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of April 17, 2012 be approved.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



**CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, APRIL 17, 2012
7:00 P.M.**

I. CALL TO ORDER –

The meeting was called to order at 7:04 p.m.

II. ROLL CALL –

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

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 Financial Manager for the Ypsilanti Housing Commission, Eric Temple; Washtenaw County Health Director, Charles Wilson; President of the Ypsilanti-Willow Run NAACP branch; Shoshanna DeMaria

VI. AGENDA APPROVAL –

City Attorney John Barr requested that Resolution No. 2012-070, be removed from the agenda.

Moved by Council Member Murdock, supported by Council Member Robb to add Resolution No. 2012-073, approving the expenditure of \$1,245.75 for the certified mailing for the creation of an OPRA District.

Moved by Council Member Murdock, supported by Mayor Pro-Tem Richardson to add Resolution No. 2012-074, appointing Evan Dority to the Ethics Board.

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

VII. PRESENTATIONS –

1. Proclamation Honoring WEMU during April Jazz Appreciation Month.

Mayor Schreiber read the proclamation honoring WEMU for Jazz Month.

2. EMU Student Presentation on effects of Emergency Managers on communities.

EMU students gave a presentation on the effects of Emergency Managers. They discussed six main factors of a city being taken over by an Emergency Manager. The students also compared Ypsilanti to Pontiac, Benton Harbor and Flint. The students' main goal was to determine the effects of an Emergency Manager with population trends, union contracts, and unemployment before and after an Emergency Manager.

Council Member Vogt asked the students what their majors are in college.

The students answered they are economic, math and actuarial science majors.

Council Member Vogt asked if there were any indications of employees going to other municipalities.

Andrew, an EMU student, answered a noticeable drop in population movement was hard to find because of the downward economic slope in the state of Michigan as a whole.

Council Member Vogt asked what changed in the budgets of the cities that Ypsilanti was being compared to.

EMU Students answered a lot of outsourcing for the fire and police departments.

Andrew discussed the 9 million dollar fund balance that the city of Ypsilanti had. He said that the other cities did not have a big slush fund.

Council Member Murdock commented that the city's 9 million dollar fund balance is not actually that. He said after road improvements and other payouts, the fund would most likely total 165,000.00

Council Member Bodary commented that the city cannot run a deficit according to the city charter.

Council Member Bodary thanked the students for their work.

Mayor Pro-Tem Richardson thanked the students.

Council Member Vogt commented the students did an excellent job and had good, detailed research.

Mayor Schreiber commented that the previous city manager, for 15, years Ed Koryzno now works for the treasury, counseling cities on how to avoid an Emergency Manager. Additionally he thanked the EMU students for their presentation.

3. Washtenaw County Health Department Presentation on CHAP (Community Health Advocate Program), Charles Wilson, Director

Washtenaw County Health Director, Charles Wilson, gave an overview of the Community Health Advocate Program. He said that the program is a collaboration between the healthcare industry and community members. The program is located at Parkridge Community Center and the primary focus is the Southside area of Ypsilanti. The hours of operation are Monday, Wednesday, and Friday from 12-4. The program is dedicated to help African Americans who have been surveyed as being disproportionately represented in the local health agencies and the Latino community. Mr. Wilson said this is attributed to some social factors. The program educates the community about healthier food choices and the benefits of health education. The program has 12 CHA's who help program participants to navigate within the health system. Mr. Wilson said that Council Member Jefferson is a CHA.

Mayor Schreiber asked how the program was located at Parkridge.

Mr. Wilson answered Hope Clinic, Washtenaw Community College, Corner Health, and U of M Multicultural Health helped Washtenaw County write a grant.

Mayor Pro-Tem Richardson asked Mr. Wilson to walk her thru the process.

Mr. Wilson commented that there is a four page form to complete, some counseling, and then the participant would get assistance with health care from local agencies.

VIII. AUDIENCE PARTICIPATION-

Mayor Schreiber read the rules of audience participation.

Mr. Lee Tooson, Vice President of the NAACP Ypsilanti-Willow Run Branch, commented that racism, discrimination, and gender attacking will not be tolerated. He said there is a forum at Parkridge on Monday April 23rd and Police Chief Amy Walker needs to address the community. He said he supports Amy Walker as Police Chief and the city needs to retain her services and expertise. Additionally he commented Interim City Manager McMullan has had positive feedback from the community about her in her current position. He said she is honest and has the best interest of the community and he likes to see good people in government.

Ms. Shoshanna DeMaria, President of the NAACP Ypsilanti-Willow Run Branch, commented that the community is in support of Interim City Manager McMullan being the permanent City Manager. She said the community trusts her and wants to see her in that position.

IX. REMARKS BY THE MAYOR –

Mayor Schreiber commented that Chief Walker has spoken at most of the forums and informed the public that the police department will still be doing their jobs.

X. MINUTES –

Resolution No. 2012-069, approving the minutes of April 3, 2012 and April 10, 2012.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of April 3, 2012 and April 10, 2012 be approved.

OFFERED BY: Council Member Bodary

SUPPORTED BY: Council Member Vogt.

On a voice vote, the vote to approve Resolution 2012-069 was unanimous.

XI. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. ~~Resolution No. 2012-070, approving the Wireless Ypsilanti's use of the city right-of-way for wireless receivers to replace MetriCom Ricochet devices.~~
(Removed)
2. Resolution No. 2012-071 approving appointments to Boards and Commissions.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

<u>NAME</u>	<u>BOARD</u>	<u>TERM TO EXPIRE</u>
Pete Murdock 504 N. River Ypsilanti, MI 48197	Steering (Water St. Recreation Center Committee)	
Paul Schreiber 922 Pleasant Ypsilanti, MI 48197	Partnership & Funding (Water St. Recreation Center Committee)	
Kelly Weger 110 N. Hamilton Ypsilanti, MI 48197	Architecture & Site Planning (Water St. Recreation Center Committee)	
D'Real Graham 106 S. Grove, Apt #7 Ypsilanti, MI 48197	Architecture & Site Planning (Water St. Recreation Center Committee)	
Bob Krzewinski 706 Dwight Ypsilanti, MI 48198	Greenway/ Border to Border (Water St. Recreation Center Committee)	
Cheryl Zuellig 702 Collegewood Ypsilanti, MI 48197	Infrastructure & Environment (Water St. Recreation Center Committee)	

OFFERED BY: Council Member Murdock

SUPPORTED BY: Mayor Pro-Tem Richardson

On a roll call vote, the vote to approve Resolution No. 2012-071 was as follows:

Vote:

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

Yes: 6 No: 0 Absent: (Jefferson) Vote: Carrie

3. Resolution No. 2012-073, approving the expenditure of \$1,245.75 for the certified mailing to residents for the creation of an OPRA district.

(Added)

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT, the following amount of \$1,245.75 be expenditure for a certified mailing to residents for the creation of an OPRA district.

OFFERED BY: Council Member Murdock

SUPPORTED BY: Council Member Bodary

On a roll call vote, the vote to approve Resolution No. 2012-073 was as follows:

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

Yes: 6 No: 0 Absent: (Jefferson) Vote: Carried

4. Resolution No. 2012-074, appointing Evan Dority to the Ethics Commission.

(Added)

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT, the following individual be appointed to the Board and Commission as indicated below:

<u>NAME</u>	<u>BOARD</u>	<u>TERM TO EXPIRE</u>
Evan Dority 908 Pleasant Dr. Ypsilanti, MI 48197	Ethics Commission	04/3/2017

OFFERED BY: Council Member Murdock

SUPPORTED BY: Council Member Bodary

On a roll call vote, the vote to approve Resolution No. 2012-074 was as follows:

Vote:

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

Yes: 6 No: 0 Absent: (Jefferson) Vote: Carried

XII. LIASON REPORTS -

- A. SEMCOG Update – Nothing to report.
- B. Washtenaw Area Transportation Study- Meeting tomorrow.
- C. Washtenaw Metro Alliance- Nothing to report.
- D. Urban Counties- Meeting in May.
- E. Freight House- Council Member Murdock said the revised plan is going forward.

XIII. COUNCIL PROPOSED BUSINESS –

Mayor Pro-Tem Richardson read an e-mail on behalf of Council Member Jefferson and herself that the Ypsilanti Housing Commission releases the investigative report into Eric Temple and the 2009 payroll check registry.

Mayor Pro-Tem Richardson commented about the smoothing out of Harriet Street and requested that funds be administered to do this as quickly as possible.

Mayor Pro-Tem Richardson commented about the MML hosting a rally in Lansing on 4-18-12 in protest of the Person Property Tax law.

Mayor Schreiber asked if any council Member was willing to support a resolution with Council Member Jefferson in regards to additional documents from the Ypsilanti Housing Commission.

Mayor Pro-Tem Richardson said she is willing to support the resolution.

Council Member Murdock thanked Interim City Manager McMullan about the cleaning up of the lot at North and Lincoln. Additionally he said he is pleased about the recycle effort for computers and asked that a time be put on the notices.

Council Member Robb commented about 208 E. Cross and cars being parked at that location for five years.

Council Member Robb commented about the hours at Boggs gas station.

Council Member Robb commented about recycling bins for a multi unit house.

Council Member Robb asked for rental rates on all equipment.

Council Member Robb requested that when council goes over the budgets to move the motor pool to the very top of the list because it is going to change a lot of budget items.

Council Member Robb commented that he would like a presentation from the AHB head to talk about ordinance violations he said he receives the ordinance violation reports and the most violations are for garbage cans. He said ordinances have been written for violations and tickets should be written for other things so the city can be cleaned up.

Council Member Robb said at Green in the alley is graffiti that says "smoke weed everyday" and this should be cleaned up.

Council Member Robb asked how much it would cost for the city to buy into the MERS pension fund for public safety.

Council Member Robb asked for an update on the pension board meeting.

Council Member Bodary commented about the letter received from Tyrone Bridges and his group to clean up Candy Cane Park. He said he would like to expedite this and be on the fast track for adopting a park.

Mayor Pro-Tem Richardson urged that the park clean-ups go thru DPW because of union contracts.

Council Member Vogt asked would the floodplains be back on the May 1st agenda.

Council Member Bodary asked about CBRE and the updates from them.

Interim City Manager McMullan commented to date she has not received anything from CBRE but they are aware that the city is requesting for them to provide updates.

XIV. COMMUNICATIONS FROM THE MAYOR –

Mayor Schreiber spoke about the nominations and said he feels the nominees would do a good job.

Council Member Murdock asked what the Economic Development Corporation is.

Council Member Robb asked if Ms. Gillotti can write a memo explaining what the Economic Development Corporation does.

Mayor Schreiber said that he received a call from MML Facilitator, Joyce Parker, and candidate #32 had dropped out of the interview process.

Mayor Schreiber asked if we wanted to stick with the five candidates or add an additional sixth candidate.

Mayor Pro-Tem Richardson said she wanted to stick with the five.

Council Member Bodary said he wanted six. Additionally, he said he wanted to add candidate #18.

Council Member Robb commented there should be no stipend to candidate #18.

Council Member Vogt said he wanted six and would support candidate #18 being added.

Mayor Schreiber asked were there any objections to adding candidate #18 with no stipend for expenses incurred.

There were no objections.

NOMINATION

Cheryl Zuelling (Planning Commission-reappointment)
702 Collegewood
Ypsilanti, MI. 48197
Term to expire: 05/01/2015

Brett Lenart (Economic Development Corporation-replacing David Davis)
 98 Oakwood
 Ypsilanti, MI 48197
 Term to Expire: 05/01/2017

XV. COMMUNICATIONS FROM THE CITY MANAGER –

None.

XVI. AUDIENCE PARTICIPATION –

Leonardo Christian does not support Tyrone Bridge's group cleaning up any parks.

XVII. REMARKS FROM THE MAYOR –

None.

XVIII. ADJOURNMENT –

Resolution No. 2012-072, 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 Vogt

SUPPORTED BY: Council Member Bodary

On a voice vote, the vote to approve Resolution No. 2012-072 adjourning the open session of the City Council meeting was unanimous.

Moved by Council Member Murdock, supported by Mayor Pro-Tem Richardson, to adjourn into closed session to discuss labor negotiations.

On a roll call vote, the vote to go into closed session was as follows:

Vote:

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

Yes: 6 No: 0 Absent: (Jefferson) Vote: Carried

XIX. REPORTS SUBMITTED-

1. Ypsilanti Housing Commission updated Sustainability Report.



Resolution No. 2012 – 083A
May 1, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Amended Minutes of March 20, 2012 be approved as amended.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



**CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, MARCH 20, 2012
6:00 P.M. –WORK SESSION
7:00 P.M. – OPEN SESSION**

I. CALL TO ORDER –

The meeting was called to order 6:05 p.m.

II. ROLL CALL –

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

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

On a voice vote, the motion carried and the 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. WORK SESSION (6:00 p.m.-7:00 p.m.)

1. Water Street Update- Teresa Gillotti, Senior Planner

Senior Planner, Teresa Gillotti gave a brief overview of the Water Street listing contract with CBRE Listing Agent. She said in 2008 the City of Ypsilanti altered the direction of marketing efforts for the Water Street redevelopment area, opening up the potential to sell smaller portions of the site in addition to the potential to sell the 38 acre parcel as a whole. To further inform this process, the City entered into a contract with CB Richard Ellis, (CBRE) to develop a market study for the site, create a plan for parcelization that included developing specific pricing, listing the property on MLS services, and ongoing marketing at events and through their networks.

That contract had stipulated a monthly payment, which was to be applied to potential commission. The amount related to this "pre-paid" commission is \$72,000. The new contract stipulates that CBRE will not be entitled to any additional consulting fees, and that CBRE waives the right to any additional consulting fees related to activities since the end of the prior

agreement, through the proposed contract. In addition Ms. Gilliotti commented that the updated contract includes these provisions of note: The city will expend no additional funds for the services provided by CBRE, in the case of a donation or transfer of land, rather than a sale, CBRE cannot claim any commission. CBRE will also be under contract for additional services that are to include an updated Analysis and Brochures, and they shall prepare new comparable analysis and updated brochures for the Property at least every six (6) months during the term and feature the Property at the International Council of Shopping Centers' regional and national annual meetings

Ms. Gilliotti further stated that the City has been in conversation with three developers in addition to Washtenaw County Parks and Recreation Commission. Projects under consideration include active senior housing, family affordable housing, and small retail development. Staff is providing interested developers with site information, zoning guidelines, and general location on the proposed location for the County's Recreation facility. Staff will be working with CBRE to move these parties toward a Letter of Intent in upcoming weeks.

Staff would like Council to select either the Mayor or a Council Member to serve on the Steering Committee, as well as the funding committee. Staff would also like approval to work with the Planning Commission and Recreation Commission to select members for the building, site, and trail committees.

Council Member Bodary asked what has CBRE accomplished while being the listing agent for the Water Street property?

Arthur Itkis, CBRE Representative, commented that no contract was in place but that he had been performing marketing on his own without a contract.

Council Member Bodary asked what happened to the contract.

Mr. Itkis responded the contract had expired.

Ms. Gillotti commented that she was trying to get a few items worked out before bringing the contract before city council.

Council Member Bodary commented that he knows Interim City Manager McMullan will do a better job of relaying information to city council about CBRE than had been done in the past. Additionally he said he can't believe that the signs in front of Water Street had not been pulled due to the listing company not having a contract for 12 months.

Council Member Vogt asked what efforts had been made by CBRE for publicizing the Water Street property.

Mr. Itkis responded he publicized to a list of potential occupants, which included student housing, affordable housing and senior housing.

Mayor Schreiber thanked Mr. Itkis and Mr. Fazio for attending the City Council meeting and commented about the challenges of negotiating the contract and that City Council wants to show the public that they are acting in good faith with the Water Street property.

Council Member Murdock asked if lending has still been an issue for financing commercial properties.

Mr. Itkis responded that lending is still an issue but has loosened a bit.

Council Member Murdock commented that the city is working with Washtenaw County Parks and Recreation to build a facility and that will improve the value of the Water Street property.

Mayor Schreiber asked Ms. Gillotti to explain affordable housing.

Ms. Gillotti explained there are different tax credits and qualifying limits for affordable housing versus senior housing. She said a lot of senior housing will apply for a PILOT program which consists of payments in lieu of taxes.

Mayor Schreiber commented Hamilton Crossing has a taxable base.

Washtenaw County Parks and Recreation Deputy Director Coy Vaughn commented on a recreation center being built on the Water Street property.

VI. INTRODUCTIONS –

Mayor Schreiber introduced Washtenaw County Commissioner, Rolland Sizemore, Ypsilanti Library Committee Members, Donna Debutts, Kay Williams, Linda Gurka, Fran Doe, and Joe Murry, CBRE Representative, Arthur Itkis and Miller Canfield Representative, Joe Fazio, and Administrative Services Director, David Kowal.

VII. AGENDA APPROVAL –

Mayor Schreiber amended the agenda to add three Resolutions:

1. Resolution to appoint Staff recommendations to non-council positions.
2. Resolution to appoint a city council liason to the Steering committee.
3. Resolution to appoint a city council liason to the partnership funding committee.

Mayor Schreiber amended the agenda to go thru each "Consent Agenda" Resolution separately.

On a voice vote the agenda was approved as amended.

VIII. PRESENTATIONS –

1. Ypsilanti Library Annual Report- Donna DeButts, Community Relations Coordinator

Ypsilanti Library Representative Donna DeButts gave an overview of the 2011 Annual Ypsilanti Library Report. Ms. DeButts commented that renovation of the YDL- Teen Zone had been completed. She also said forty computers have been added throughout the library system, YDL now has downloadable e-books, 5,000 new library cards have been issued, and the library has collaborated with community organizations to present several reading programs. (Please see the Clerk's office for a copy of the 2011 YDL Community Report)

Mayor Schreiber commented that it is nice to see the Book Mobile out in the neighborhoods.

Donna Debutts, commented that the Book Mobile goes to the area schools during the day and the neighborhoods in the evenings.

Mayor Schreiber commented that he appreciates the fact that the library has meeting rooms.

IX. PUBLIC HEARINGS-

1. Creation of DDA-Wide OPRA District
 - A. Resolution No. 2012-048, determination.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Tax abatements further encourage economic development through providing support to development or redevelopment projects that otherwise may not have occurred; and

WHEREAS, the Obsolete Property Rehabilitation Act, Public Act 146 of 2000, as amended, provides for a tax incentive to encourage the redevelopment of obsolete buildings; and

WHEREAS, some parcels within the proposed district are characterized by obsolete commercial or commercial housing property as required in the Act; and

WHEREAS, the City of Ypsilanti, a qualified local governmental unit, sets forth a finding and determination that the district meets the requirements set forth in section 3(1) of Public Act 146 of 2000; and

WHEREAS, written notice has been given by mail to all owners of real property located within the proposed district, and to the public by newspaper advertisement and public posting of the hearing on the establishment of the proposed district; and

WHEREAS, on March 20, 2012 a public hearing was held and all residents and taxpayers of the City of Ypsilanti were afforded an opportunity to be heard thereon; and

WHEREAS, the Ypsilanti City Council deems it to be in the public interest of the City of Ypsilanti to establish the Obsolete Property Rehabilitation Act District as proposed;

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council establishes the Obsolete Property Rehabilitation District consisting of parcel in the West Cross, Downtown and Depot Town DDA districts, as shown on the attached map.

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

Moved by Council Member Vogt, supported by Council Member Jefferson to delay Resolution 2012-048 until April 17, 2012.

Mayor Schreiber asked Ms. Gillotti to explain why the public hearing was being delayed until April 17, 2012.

Ms. Gillotti commented that the notice for the public hearing was published in the paper, but that proper notice by planning had not been done to residents within a specific radius of the OPRA.

Council Member Murdock questioned why the item was just not taken off the agenda.

Ms. Gillotti said she thought that since the notice had been published in the newspaper, that the public hearing needed to be held.

Attorney John Barr commented that the public hearing could be adjourned.

Moved by Council Member Vogt, supported by Council Member Jefferson to delay Resolution 2012-048 and the public hearing until April 17, 2012.

On a voice vote, the motion to delay the public hearing for Resolution 2012-048 was unanimous.

- B. Open Public Hearing.

Mayor Schreiber read the rules for public comments.

No one was present to speak.

- C. Resolution No. 2012-049, close public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider the proposed resolution entitled "CREATION OF DDA-WIDE OPRA" be officially closed.

- 2. NRTF Application for Water Street Trail
 - A. Resolution No. 2012-050, determination.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, certain funding is available through the Michigan Natural Resources Trust Fund that may be used for recreation improvements;

WHEREAS, The creation of a non-motorized pathway along the western edge of the Water Street Redevelopment Area, along the Huron River, has been identified as "River's Edge Linear Park" in the Parks and Recreation Master Plan (2008) and the Master Plan (1998) as a project that will promote access to and enjoyment of the river and the parkland along it;

WHEREAS, The Washtenaw County Parks and Recreation Commission has generously agreed to provide up to \$292,000 for the implementation of this project;

WHEREAS, The MNRTF funding available, when combined with existing funding, would be sufficient for the construction of this non-motorized path; and

WHEREAS, The construction of this amenity, in coordination with the surrounding Water Street redevelopment, will advance local and regional goals of increasing access between neighborhoods, parks, and regional non-motorized facilities;

NOW THEREFORE BE IT RESOLVED, that the Ypsilanti City Council hereby approve the application for FY 2012 MNRTF funding to construct a non-motorized path connection between Michigan Avenue and Grove Road area.

FURTHER, that should the grant be awarded, the Mayor and City Clerk are authorized to sign all documents relating to this grant.

OFFERED BY: Council Member Bodary

SUPPORTED BY: Council Member Vogt

On a roll call vote, the motion to approve Resolution 2012-050 was as follows:

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

VOTE:

Yes: 6 No: 0 Absent: 1 (Mayor Pro Tem Richardson) Vote: Carried

B. Open Public Hearing.

Mayor Schreiber read the rules for audience participation.

Commissioner Sizemore commented Good Luck and he supports.

Mark Hergott, 111 Miles, commented the crossing on Michigan Ave, suggest you don't go with a HAWK, he suggest a pedestrian refuge. He said that a pedestrian refuge is safer in his opinion.

Richard Ellis, 1473 Wild Wood Trail in Saline, commented about bicycle safety and his support of this resolution.

C. Resolution No. 2012-051, close public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider the 2012 Natural Resources Trust Fund Grant Application for River's Edge Linear Park and Trail be officially closed.

OFFERED BY: Council Member Bodary

SUPPORTED BY: Council Member Vogt

On a voice vote the motion for Resolution 2012-051 to close the public hearing was unanimous.

On a roll call vote, the motion to approve Resolution 2012-050 was as follows:

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

VOTE:

Yes: 6 No: 0 Absent: 1 (Mayor Pro-Tem Richardson) Vote: Carried

3. Creation of an Industrial Development District- 715 Norris St.

A. Resolution No. 2012-052, determination.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Tax abatements further encourage economic development through providing support to development or redevelopment projects that otherwise may not have occurred; and

WHEREAS, the Plant Rehabilitation and Industrial Development Districts Act 198 of 1974 as amended, provides for a tax incentive to encourage rehabilitation or expansion of existing facilities, and other related incentives; and

WHEREAS, the City of Ypsilanti is a qualified local government unit under the Act, and

WHEREAS, written notice has been given by mail to all owners of real property located within the proposed district, and to the public by newspaper advertisement in the and public posting of the hearing on the establishment of the proposed district; and

WHEREAS, on March 20, 2012 a public hearing was held and owners and other residents or taxpayers of the local governmental unit were provided the opportunity to appear and be heard; and

WHEREAS, the City Council finds that more than 50% of the state equalized valuation of the industrial property of parcel #11-11-04-425-001 (715 Norris St.), the property commonly known as the former Motor Wheel Property, is obsolete; and

WHEREAS, the Ypsilanti City Council deems it to be in the public interest of the City of Ypsilanti to establish the Industrial Development District as proposed;

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council establishes an Industrial Development District for parcel #11-11-04-425-001 (715 Norris St).

OFFERED BY: Council Member Robb

SUPPORTED BY: Council Member Murdock

Ms. Gillotti commented that the goal here is to take proactive steps for properties that the city has had a hard time redeveloping. The Motor Wheels site is already in an IDD and can apply for tax incentives per the state Act. She said the goal here is to advertise the fact that this property is in an Industrial Development District. (IDD)

Council Member Murdock asked does this include the entire parcel up to Highland Cemetery.

Ms. Gillotti answered no it is a single parcel.

Council Member Bodary asked what the current taxable value is.

Council Member Robb answered the property is assessed at \$851,000.00 for real property.

Council Member Bodary commented he supports moving forward with making this an Industrial Development District.

Council Member Robb asked how far this parcel from an R-1 district is.

Ms. Gillotti commented there is little bit of residential on the north street separated by the river on Forest Street.

Council Member Robb commented he is concerned about truck traffic in this area.

Ms. Gillotti commented that there is a possibility of truck and employee traffic but that traffic could go Forest and then onto River.

Ms. Gillotti commented that the area is already zoned industrial.

Council Member Robb asked if we do make industrial, how this affects the master plan.

Ms. Gillotti commented it would be a non-conforming use for the specific area.

Council Member Robb commented he does not support an IDD on Norris Street

Ms. Gillotti suggested a traffic study be performed prior to City Council approving any potential purchaser.

Council Member Murdock commented that environmentally the site is a mess. He said he use to work there and he thinks the impact of a 1000 jobs would be great for the community.

Council Member Robb commented that 40 years ago the community was not thrilled that a plant was in a residential area. He said that he is not sure if the young urban community that the city is trying to attract would be in favor of an industrial plant.

On a roll call vote, the motion to approve Resolution 2012-052 was as follows:

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

VOTE:

~~Yes: 5 No: 1 (Robb) Absent: 1 (Mayor Pro Tem Richardson) Vote: Carried~~

B. Open Public Hearing.

Mayor Schreiber read the rules for public comments.

Mark Hergott, 111 Miles, commented he supports making the parcel located at 715 an Industrial Development District.

Washtenaw County Commissioner, Rolland Sizemore, commented he sits on the Aerotropolis Board and offered his support.

Ted Mull, 704 Dwight Street, commented he supports seeing development at that site.

Mayor Schreiber asked Ms. Gillotti why we are creating the Industrial Development District now.

Ms. Gillotti responded that she had this on a list of task to complete.

C. Resolution No. 2012-053, close public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider the proposed resolution entitled "CREATION OF INDUSTRIAL DEVELOPMENT DISTRICT AT 715 NORRIS STREET" be officially closed.

OFFERED BY: Council Member Robb

SUPPORTED BY: Council Member Jefferson

On a voice vote, the motion to approve Resolution 2012-053 to close the public hearing carried unanimously.

On a roll call vote, the motion to approve Resolution 2012-052 was as follows:

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

VOTE:

Yes: 5 No: 1 (Robb) Absent: 1 (Mayor Pro-Tem Richardson) Vote: Carried

X. ORDINANCES- FIRST READING-

Ordinance No. 1172

1. Adding Subsection 9 of Section 2-298 to the Ypsilanti Code of Ordinances: Construction Unity Board (CUB)

- A. Resolution No. 2012-054, determination.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS Subsection 9 of Section 2-298 of the Ypsilanti City code required a Construction Unity Board (CUB) agreement in certain city contracts; and

WHEREAS this requirement was deleted by reason of Public Act 98 of 2011 which prohibits such ordinance requirement; and

WHEREAS the said law has been declared unconstitutional, **NOW THEREFORE:**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "An ordinance to add Subsection 9 of Section 2-298 of the Ypsilanti City Code to add Construction Unity Board Requirements" be approved on first reading.

**CITY OF YPSILANTI
Ordinance No. 1172**

An ordinance to add Subsection 9 of Section 2-298 of the Ypsilanti City Code to add Construction Unity Board Requirements to the Ypsilanti City Code.

- 1. THE CITY OF YPSILANTI ORDAINS That Section 2-298, Subparagraph 9, of the Ypsilanti City Code is hereby added and adopted:**

Any bid for new construction or renovation work for capital facilities or improvement projects shall contain a requirement that the winning bidder agree to sign a construction unity board ("CUB") memorandum of understanding as a condition of receiving the contract. Accordingly, any RFP for this type of contract shall include the requirement that the winning bidder sign a CUB agreement.

- 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.

OFFERED BY: Council Member Murdock
SUPPORTED BY: Council Member Bodary

Council Member Murdock commented the CUB agreement was adopted a couple years ago the state banned the agreement and the courts overturned the ban.

Mayor Schreiber commented the CUB agreement fosters local employment.

Council Member Murdock commented the CUB Agreement fosters local employment and wages to stay in the community.

On a roll call vote, the motion to approve Resolution 2012-054 was as follows:

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

VOTE:

Yes: 6 No: 0 Absent: 1 (Mayor Pro-Tem Richardson) Vote: Carried

B. Open Public Hearing.

Mayor Schreiber read the rules for public comment.

Dave Alber, 308 Maple Street, commented he supports reinstating the CUB Ordinance.

C. Resolution No. 2012-055, close public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider the proposed Ordinance entitled "ADDING THE CONSTRUCTION UNITY BOARD (CUB) TO THE YPSILANTI CODE OF ORDINANCES" be officially closed.

OFFERED BY: Council Member Murdock

SUPPORTED BY: Council Member Vogt

On a voice vote, the motion to approve Resolution 2012-055 to close the public hearing carried unanimously.

On a roll call vote, the motion to approve Resolution 2012-054 was as follows:

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

VOTE:

Yes: 6 No: 0 Absent: 1 (Mayor Pro-Tem Richardson) Vote: Carried

XI. AUDIENCE PARTICIPATION-

Mark Hergott, 111 Miles, commented he will not be attending the meetings for awhile. He said the city has to find new ways to work with the regional government to expand the tax base. He said he opposes putting both tax measures on the same ballot proposal.

XII. REMARKS BY THE MAYOR –

Mayor Schreiber commented he -appreciated Mr. Hergott attending meetings and wishes the best for him and his family.

XIII. MINUTES –

Resolution No. 2012-056, approving the minutes of March 6, 2012.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of March 6, 2012 be approved.

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

On a voice vote, the motion to approve Resolution 2012-056 carried unanimously.

XIV. CONSENT AGENDA-

Resolution No. 2012-057

1. Resolution No. 2012-058, for the appointment of Hershey Ballard to the Ypsilanti Housing Commission.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT, the following individual be appointed to the Ypsilanti Housing Commission as indicated below:

<u>NAME</u>	<u>BOARD</u>	<u>TERM TO EXPIRE</u>
Hershey Ballard 715 Towner #1 Ypsilanti, Michigan 48198	Ypsilanti Housing Commission (YHC resident appointment)	03/20/2016

OFFERED BY: Council Member Robb
SUPPORTED BY: Council Member Jefferson

Council Member Murdock commented he does not agree with making any appointments to the housing commission. He said he does not have confidence with their management practices and they have not been forth coming with Council Member Jefferson in regards to providing information that he has requested. In addition he said he suspects they may be abusing the Open Meetings Act. He will not support appointing a member to the housing commission unless it is to replace a member.

Mayor Schreiber commented that by state statute the position being filled is a free position, being a resident appointee.

Council Member Murdock asked is the appointment for a specific slot?

Council Member Bodary commented if no resident had been on this long why would we make an appointment to that commission now.

Mayor Schreiber commented that the previous resident appointee resigned and he consulted Council Member Jefferson and Mayor Pro tem Richardson for a recommendation.

Council Member Murdock commented that he would make a motion to table an appointee to the housing commission indefinitely.

Council Member Murdock moved, supported by Council Member Robb, to table a resident appointment to the Housing Commission indefinitely.

On a roll call vote, the vote to approve delaying an appointment to the Ypsilanti Housing Commission indefinitely was as follows:

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

VOTE:

Yes: 5 No: 1 (Mayor Schreiber) Absent: 1 (Mayor Pro-Tem Richardson) Vote: Carried

2. Resolution No. 2012-059, approving an ordinance to adopt the FEMA Flood Insurance Rate Map. ***(Ordinance No. 1170.) (Second Reading)***

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the proposed Ordinance entitled "FEMA FLOOD DAMAGE PREVENTION ORDINANCE UPDATE" be adopted on Second Reading.

OFFERED BY: Council Member Robb
SUPPORTED BY: Council Member Vogt

On a roll call vote, the vote to approve Resolution 2012-059 was as follows:

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

VOTE:

Yes: 6 No: Absent: 1 (Mayor Pro-Tem Richardson) Vote: Carried

3. Resolution No. 2012-060, approving the CBRE marketing agreement.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti desires to continue marketing the Water Street Redevelopment Area; and

WHEREAS, the City of Ypsilanti previously entered into a contract with CB Richard Ellis on June 15 2008 to provide a

series of services including a market study, development of a pricing scheme for parcels on the site, and ongoing marketing of the property; and

WHEREAS, the contract was extended until June 14, 2010 but had not been formally extended, and

WHEREAS, the new contract would allow CBRE to more actively market the property including updating sales materials, develop a new marketing plan and update the previous market study without any additional cost to the City of Ypsilanti,

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council approves the attached contract with CBRE; and

FURTHER, that the Mayor and City Clerk are authorized to sign the contract to approval by the City Attorney.

OFFERED BY: Council Member Bodary
SUPPORTED BY: Council Member Jefferson

Council Member Bodary commented the reason he wanted it pulled from the agenda was because there has been nothing current going on with the property. He said maybe CBRE is too big and is wondering if it is better to solicit a smaller or local firm to do a better job.

Ms. Gillotti commented when the bid went out previously, there was only one responder and that was CBRE. She said CBRE has committed for the length of the contract and she is not sure if we would get a different perspective from local realtors.

Council Member Robb commented that Gary Lilly's firm also submitted bid info but their bid was received late. He said he does not support delaying the signing of the contract with CBRE.

Council Member Vogt commented that he had the same concerns as Council Member Bodary and the fact that we didn't have a contract explains a lot. He said he thinks it is a good time to take a fresh look at other companies

Mr. Fazio commented if you do use another company you will lose the \$72,000.00 credit. He said the agreement does include co-brokering with local agents.

Council Member Jefferson commented that he appreciates the continued work that had been done, even without a contract. He said he supports the contract with CBRE.

Council Member Vogt asked Ms. Gillotti what area the city would solicit local companies if bids were solicited out.

Ms. Gillotti commented southeast Michigan, mainly in Ann Arbor.

Council Member Murdock commented about the inactivity on the Water Street property and said he would support renewing CBRE's contract for the reason CBRE has familiarity with the property and if the city solicited out for bid contracts, that would mean another 3-6 months of inactivity.

Mayor Schreiber commented he supports the CBRE contract.

On a roll call vote, the motion to approve Resolution 2012-060 was as follows:

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

VOTE:

Yes: 4 No: 2 Absent: 1 (Mayor Pro-Tem Richardson) Vote: Carried

XV. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2012-061, approving an investigation of an Ypsilanti Housing Commission employee.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the Ypsilanti Housing Commission provides the Ypsilanti City Council the following documents

- 1. Employment Application**
- 2. Time Sheets from March 1, 2009 through the end of July 31, 2009**
- 3. The Check registry for year ending 2009**
- 4. YHC Personnel Manual**
- 5. The Resolution passed stating that the YHC adopted the City Employee Handbook and the minutes of the meeting at which the resolution was adopted and to include all findings and actions including the investigation of the allegations of YHC employee felony convictions no later than April 1, 2012.**

OFFERED BY: Council Member Jefferson

SUPPORTED BY: Council Member Murdock

Council Member Jefferson commented this is a resolution to officially take action and holding the Ypsilanti Housing Commission accountable for management issues and the allegation of a felony record by Ypsilanti Housing Commission employee Eric Temple.

Council Member Robb commented about the wording of the Resolution. He said he supports Council Member Jefferson's intent, but the issue here is about management at the Ypsilanti Housing Commission and not who has a felony record. He stated he would like to see the line taken out about investigating a felony record.

Council Member Jefferson commented about changing the language.

Council Member Murdock commented about the lack of confidence in the housing commission administration and the hiring of Mr. Temple.

Mayor Schreiber commented that he communicated with Council Member Jefferson about the investigation when it was printed in annarbor.com. He said his focus is on how the Ypsilanti Housing Commission is being managed. He suggested that city council wait until the Ypsilanti Housing Commission has done its investigation into the felony conviction and the HUD assessment before council proceeds with actions. Additionally he asked that city council consider a liaison.

Council Member Jefferson stated he believes we need to have this resolution even if the wording is changed. He said he has no problem with an individual being hired that has a felony, given they have paid their debt to society. He said he is concerned about the handling of Mr. Temple's felony conviction with regards to his employment at the Ypsilanti Housing Commission. He said he does not support a liaison because it does not give an individual the right to be in a closed meeting or the right to make decisions.

Mayor Schreiber commented he was present when Mr. Norris introduced Mr. Temple to City Council but he personally had no knowledge that Mr. Temple had an alledged felony conviction. He said his first time hearing of an alledged felony conviction was when it was brought to City Council's attention by a resident and was confirmed in annarbor.com.

Council Member Jefferson commented he is not sure about the Ypsilanti Housing Commission investigating themselves. He said he has sent several e-mails requesting information and has not received any to date. No one has notified council of any investigation, either.

Council Member Robb commented that he does not support having a liaison. He again stated he does not care about Mr. Temple's resume and this is more about the Ypsilanti Housing Commission's oversight. He said 8 days should be plenty time to provide documents to council.

Council Member Bodary commented about a lack of openness in Eric Temple's resume.

Council Member Robb commented that, as a working individual, he does not keep arrest or convictions on his resume as most people would not provide that information on a resume. He said if a person has a felony, they wouldn't publicize it.

Council Member Jefferson commented the resume is there because the resume would show what period of time Mr. Temple worked at the Galveston Housing Commission.

Council Member Robb commented he does not support asking for Eric Temple's resume.

Meeting adjourned at 8:40 p.m.

Meeting reconvened at 8:50 p.m.

Council Member Jefferson read a substitution Resolution No. 2012-061

Mayor Schreiber commented on a meeting that Council Member Jefferson attended with the Ypsilanti Housing Commission. He asked did Council Member Jefferson request any information from the YHC.

Council Member Jefferson commented he did attend a meeting with the Ypsilanti Housing Commission but did not request any information at that meeting.

Mayor Schreiber commented that Council Member Jefferson should have requested information from the YHC and that communication should go both ways.

Council Member Jefferson commented that to document the actions of the investigation of the Ypsilanti Housing Commission Resolution 2012-061 is needed. He said if Ypsilanti Housing Commission continues to not provide information, he will begin to speak publicly on these issues.

Council Member Bodary commented that he understands the frustration of Council Member Jefferson. He said the Housing Commission needs to realize City Council wants accountability because council makes appointments to the Ypsilanti Housing Commission.

Council Member Jefferson commented that since the HUD assessment came down in December he called two commissioners personally and opened his door for the lines of communication to begin. He said, to date, he still has not received a call or any information.

Council Member Vogt asked when the next meeting is.

Mayor Schreiber commented he believed they meet the 3rd week of the Month.

Mayor Schreiber commented, to be clear, we are seeking documents from the Ypsilanti Housing Commission and not an investigation.

Council Member Jefferson commented that, correct, he is seeking documents and not an investigation.

Council Member Vogt commented this is not an investigation of Eric Temple but of the management practices of the Ypsilanti Housing Commission.

Council Member Jefferson commented that seeing as we are not investigating Eric Temple, we can remove his resume.

Mayor Schreiber asked, to be accurate, we are striking the resume, correct?

Council Member Jefferson responded that is correct, since we are not investigating Eric Temple.

On a roll call vote, the motion to approve Resolution 2012-061 was as follows:

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

VOTE:

Yes: 5 No: 1 (Mayor Schreiber) Absent: 1 (Mayor Pro-Tem Richardson) Vote: Carried

2. **MOTION TO APPOINT CITY COUNCIL MEMBERS TO COMMITTEES**

Mayor Schreiber asked for nominations to the Water Street Steering Committee.

Council Member Murdock volunteered if no other Council Member wanted to.

Moved by Council Member Bodary, supported by Council Member Vogt to nominate Council Member Murdock to the Water Street Steering Committee.

On a voice vote, the motion carried unanimously.

Mayor Schrieber asked for nominations to the Partnership Funding Committee

Council Member Robb commented that the Mayor should be on the Partnership and Funding Committee.

Moved by Council Member Jefferson, supported by Council Member Vogt to nominate Mayor Schreiber to the Partnership and Funding Committee.

On a voice vote, the motion carried **unanimously**.

XVI. LIASON REPORTS -

- A. SEMCOG Update –Council Member Jefferson said a General Assembly meeting is scheduled for the 22nd of March at Schoolcraft College.
- B. Washtenaw Area Transportation Study- Council Member Murdock said a meeting is on March 21, 2012.
- C. Washtenaw Metro Alliance – Council Member Robb said nothing to report.
- D. Urban Counties- Mayor Schreiber said nothing to report
- E. Freight House-Council Member Murdock reported a meeting will be held Thursday March 22nd.

XVII. COUNCIL PROPOSED BUSINESS –

Council Member Murdock commented that a lot of no parking signs are going up and when that happens there are a multitude of calls that come thru. He asked for Stan Kirton to please give council a heads up when this happens.

Council Member Murdock commented he had complaints about the Digarnos Bar and wanted DPS to monitor.

Council Member Robb would like a decription the process for issuing recycle bins. He said a resident in a seven member home asked for recycle bins but was told by the Department of Public Works they could not provide them with that amount of recycle bins.

Council Member Bodary wanted to thank Interim City Manager McMullan for cleaning up the Former Sunshine Market on Washtenaw Ave where residents were parking, leaving their cars in the parking lot, and commuting to other destitanations. He said signs have gone up and if cars are left in that parking lot they will be ticketed.

Council Member Robb commented that we don't ticket in private lots. He asked is this something the city does.

Interim City Manager McMullan said they would start ticketing if they are storing cars in that parking lot.

Council Member Robb stated the owner needs to hire a private towing company.

Interim City Manager McMullan said yes, you are correct; the owner should hire his own towing company.

Council Member Bodary suggested maybe we should let the owner know to put up a sign that reads no parking or your vehicle will be towed.

XVIII. COMMUNICATIONS FROM THE MAYOR –

Mayor Schreiber commented about possible development of Water Street; he said council may want to consider narrowing down what development may be.

Mayor Schreiber suggested City Council consider his suggestion of a liason to the Ypsilanti City Housing Commission.

Mayor Schreiber commented to Council Member Jefferson that he does understand his frustrations with the Ypsilanti Housing Commission.

Mayor Schreiber commented about Evan Dority's nomination to the Ethics Board. He said he is a professor and would be a great edition.

Mayor Schreiber commented that Rois Savvides is the owner of Tower Inn and would be a great addition to the YDDA Board.

Council Member Murdock commented that the YDDA appointment would be a good opportunity to shrink the DDA board to something more manageable without throwing anyone off.

Mayor Schreiber asked Council Member Murdock if it is his intent to offer a resolution to shrink the DDA?

Council Member Murdock commented that, no, we could do it by attrition; we would have a vacancy that we do not have to fill.

Mayor Schreiber commented that we have people on the DDA that are snow birds and he believes we still need two representatives on the West Cross end.

Council Member Murdock commented that the meeting was cancelled in February for the purpose of the snowbirds.

Council Member Robb commented that Ms. Gillotti works with the DDA and asked how does she feel about shrinking the DDA?

Ms. Gillotti commented that a bigger board is a lot to do and the DDA has a small staff and she did complain to Council Member Murdock for a large board. She said the question is what kind of representation does the city want?

Council Member Murdock commented that Ms. McMullan did a great job at the neighborhood forum.

Council Member Jefferson asked would the forum be rescheduled for Parkridge.

Interim City Manager McMullan commented that, at this time, a forum had not been rescheduled for Parkridge but she was open to doing so.

Nomination to Ethics Board:

Evan Dority (Democrat)
908 Pleasant Drive
Ypsilanti, MI, 48197

Nomination to YDDA Board (West Cross District)

Rois Savvides
1834 Collegewood
Ypsilanti, MI 48197

XIX. COMMUNICATIONS FROM THE CITY MANAGER –

XX. AUDIENCE PARTICIPATION -

Mark Hergott, 111 Milles, commented that the Ypsilanti Housing Commission's actions are concerning. He said he disagrees with putting both the Water Street and City Income Tax proposals on the same ballot.

XXI. REMARKS FROM THE MAYOR –

XXII. REPORTS SUBMITTED-

1. Ypsilanti Housing Commission updated Sustainability Report

XXIII. ADJOURNMENT –

Resolution No. 2012-062, 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 2012-062 to adjourn the City Council Meeting carried unanimously.

The meeting adjourned at 9:39 p.m.



RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

RESOLUTION TO MANAGE FLOODPLAIN DEVELOPMENT
FOR THE NATIONAL FLOOD INSURANCE PROGRAM

WHEREAS, the City of Ypsilanti in Washtenaw County desires to continue participation in the Federal Emergency Management Agency's (FEMAs) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, and reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community, and

WHEREAS, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:

1. Flood or Flooding means:
 - a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and
 - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.
2. Flood Hazard Boundary Map (FHBM) means an official map of a community, as may have been issued by the FEMA, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.
3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).

4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

WHEREAS, the Stille-Derossett-Hale Single State Construction Code Act”, Act No. 230 of the Public Acts of 1972, as amended (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code [and its Appendices (specifically Appendix G)] contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas, as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, and

WHEREAS, by the action dates of this document or an existing historical ordinance adoption action dated May 1, 2012 the community affirms/accepted the responsibility to administer, apply, and enforce the provisions of the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, to all construction within its community boundaries, and

NOW THEREFORE, to maintain eligibility and continued participation in the NFIP,

1. The community directs its construction code act designated enforcing agency, the Building Official of the City of Ypsilanti, to administer, apply, and enforce the floodplain management regulations as contained in the state construction code (including Appendix G) and to be consistent with those regulations by:
 - a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area and areas with potential flooding.
 - b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.
 - c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, the construction code act enforcing agent shall implement the following applicable codes according to their terms:
 1. Floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.
 2. Floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.

3. Appendix G of the current Michigan Building Code.
 - d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
 - e. Assisting in the delineation of flood hazard areas; providing information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintaining floodproofing and lowest floor construction records, cooperating with other officials, agencies, and persons for floodplain management.
 - f. Advising FEMA of any changes in community boundaries, including appropriate maps.
 - g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevations to which structures have been floodproofed.
2. The community assures the Federal Insurance Administrator (Administrator) that it intends to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to continue to participate in the program.
 3. The community further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs, and/or the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

Community: City of Ypsilanti, Michigan Date Passed: May____2012

Offered by:_____

Supported by:_____

Ayes	Nays	Absent	Vote
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A certified true copy:

Officer Name: _____ Title: _____

Signature: _____ Date: _____

Witness Name: _____ Title: _____

Signature: _____ Date: _____

REQUEST FOR LEGISLATION

DATE: April 25, 2012

FROM: John M. Barr, City Attorney

SUBJECT: Indemnity Agreement, Groundwater ordinance

SUMMARY/BACKGROUND

Shell oil Products, US, has requested a limited groundwater ordinance, prohibiting drinking water wells in a contaminated area. Shell has agreed to indemnify the city. A copy of the signed agreement is attached. Recommend council approve.

ATTACHMENTS: Indemnity agreement and resolution of approval.

RECOMMENDED ACTION: Approve indemnity agreement

DATE RECEIVED: _____ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF: _____ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:



Resolution No. 2012 - 085
May 1, 2012

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

the attached indemnity agreement from Equilon Enterprises, LLC, dba Shell Oil Products, US, is approved and the Mayor and City Clerk are authorized to sign for and on behalf of the city.

BE IT FURTHER RESOLVED THAT:

ordinance number 1171 "The Ground Water Ordinance" be approved on second reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

LIMITED ENVIRONMENTAL INDEMNITY AGREEMENT

This LIMITED ENVIRONMENTAL INDEMNITY AGREEMENT is entered into as of the _____ day of _____, 2012 by Equilon Enterprises LLC, d/b/a Shell Oil Products US ("Indemnitor") and the City of Ypsilanti, Michigan (the "City").

RECITALS

A. **WHEREAS**, Indemnitor is the owner or former owner of certain real property located at 300 W. Michigan Avenue., Ypsilanti Michigan ("Indemnitor's Property") and legally described in Exhibit A; and

B. **WHEREAS**, an underground storage tank system, as defined in 40 CFR Part 280 or supplanting federal regulations, owned or operated by Indemnitor or its predecessor in interest ("UST System"), was present on Indemnitor's Property; and

C. **WHEREAS**, a release to the environment of petroleum hydrocarbons, including gasoline and gasoline additives, has occurred in the past at the Indemnitor's Property. (All of the previously mentioned compounds and those identified in RBCA modeling calculations for the groundwater contamination identified at Indemnitor's Property are hereby collectively referred to as "Compounds of Concern") As a result of said release, the groundwater at the Indemnitor's Property contains detectable concentrations of Compounds of Concern. The groundwater impacted by Compounds of Concern extends beyond the Indemnitor's Property. The Michigan Department of Environmental Quality ("MDEQ") has assigned Incident Number(s) C-0440-85 to the releases at the Indemnitor's Property (collectively the "Release"); and

D. **WHEREAS**, Indemnitor desires to limit any potential threat to human health from groundwater impacted with the Compounds of Concern and has requested that the City enact a limited area groundwater restriction ordinance (the "Ordinance") that prohibits groundwater use as a potable water supply and prevents the installation of wells in an area adjacent to and including the Indemnitor's Property to be used as an institutional control for the purpose of assisting Indemnitor in seeking either a no further action determination (under Part 201) or a closure report (under part 213) from the Michigan Department of Environmental Quality ("MDEQ") for the Release. The Ordinance is attached hereto as Exhibit B. The area subject to this Agreement shall be the area in, under and adjacent to Indemnitor's Property which is within the jurisdiction of the City as described and set forth within the Ordinance (the "Restricted Area").

NOW, THEREFORE, in consideration of the terms and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. This Limited Environmental Indemnity Agreement ("Agreement") is not binding upon the City until it is executed by the undersigned representative of the City and, prior to execution, this Agreement constitutes an offer by Indemnitor. The duly authorized representative of Indemnitor has signed this Agreement, and this Agreement is binding upon Indemnitor, its successors and assigns.

2. The City agrees that it will adopt the Ordinance provided, however, that if the City does not adopt the Ordinance or rescinds the Ordinance, this Agreement shall be deemed null and void, and Indemnitor shall have no other remedy against the City. Nothing contained in this Agreement shall be construed as an admission of liability by Indemnitor for any environmental condition at or adjacent to Indemnitor's Property but, if approved by the City, Indemnitor will undertake the activities set forth herein irrespective of this non admission while this Agreement is in effect. No breach by the City, its agents, trustees, employees and its successors in interest of a provision of this Agreement is actionable in law or equity by Indemnitor against the City, and Indemnitor hereby releases the City and City Affiliates (as defined below) from any cause of action it may have against it or them arising under this Agreement or Environmental Laws (as defined below), regulations or common law.

3. Indemnitor on behalf of itself, its successors and assigns shall covenant and agree, at its sole cost and expense, to indemnify, defend and hold the City and the City's former, current and future officials, trustees, officers, servants, employees, agents, successors and assigns (collectively "City Affiliates"), both in their capacities as City representatives and as individuals, harmless from and against any loss, actions, responsibilities, obligations, liability, damages, expenses, claims (whether direct or indirect, existing or inchoate, known or unknown, having arisen or to arise in the future), penalties, fines, injunctions, suits (including but not limited to suits alleging or related to personal injury and/or death), proceedings, disbursements or expenses (including attorneys' and experts' fees and disbursements and court costs) (collectively, the "Liabilities"), arising under or relating to any Environmental Laws (as defined below), or any other Liabilities which may be incurred by or asserted against any of the City Affiliates resulting or arising from, alleged to arise from, or caused by, the presence of Hazardous Material (as defined below) on, in or from the Indemnitor's Property (including the groundwater thereunder) and/or any condition of any property (including groundwater) or surface water alleged to have been caused by the migration, transportation, release or threatened release of Hazardous Materials resulting from the Release identified on or from the Indemnitor's Property.

Indemnitor shall assume the defense of all suits, administrative proceedings and disputes of any description with all persons, entities, political subdivisions or government agencies arising out of the matters to be indemnified under this Agreement. Indemnitor shall pay, promptly upon entry, any nonappealable order, judgment or other final resolution of any claim or dispute arising out of the matters to be indemnified under this Agreement and shall pay promptly when due any fines, penalties or agreed settlements arising out of the matters to be indemnified under this Agreement. In the event that such payment is not made, the City or any City Affiliate, at their sole discretion, may proceed to file suit against the Indemnitor to compel such payment. Indemnitor also agrees that it will not settle or compromise any action, suit or proceeding without the City's prior written consent, which consent shall not be unreasonably withheld.

For purposes of this Agreement, "Hazardous Materials" means and includes Compounds of Concern or those chemicals or substances which are or were commonly used in the operation of the underground storage tank system at Indemnitor's Property which are defined as hazardous, special or toxic materials, substances or waste under any Environmental Law. "Environmental Laws" collectively means and includes any present and future local, state, federal or international law,

statute, ordinance, order, decree, rule, regulation or treaty relating to public health, safety or the environment (including those laws relating to releases, discharges, emissions or disposals to air, water, land or groundwater, to the withdrawal or use of groundwater, to the use, handling, storage, disposal, treatment, transportation or management of Hazardous Materials) including, without limitation, the Resource Conservation and Recovery Act, as amended ("RCRA"), 42 U.S.C. §6901, et seq., the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. §9601, et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), the Hazardous Materials Transportation Act, 49 U.S.C. §1801, et seq., the Clean Water Act, 33 U.S.C. §1251, et seq., the Clean Air Act, as amended, 42 U.S.C. §7401, et seq., the Toxic Substances Control Act, 15 U.S.C. §2601, et seq., the Safe Drinking Water Act, 42 U.S.C. §300f, et seq., the Occupational Safety and Health Act, 29 U.S.C. §655, et seq., the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. §136, et seq., the National Environmental Policy Act, 42 U.S.C. §4321, et seq., the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. §11001, et seq., and the Michigan Natural Resources and Environmental Protection Act, MCL 324.101,, et seq. ("MNREPA") and the amendments, regulations, orders, decrees, permits, licenses or deed restrictions now or hereafter promulgated thereunder.

In addition to the indemnity provided above, if the City or City Affiliates encounter Hazardous Materials present as a result of the Release while working in, on or under the Roadway/Groundwater Area or encounter Hazardous Materials migrating from Indemnitor's Property due to work being performed by the City on an emergency basis, the City has the right to remove contaminated soil or groundwater above Tier 1 residential remediation objectives (as set forth in the Risk Based Corrective Action provisions of Michigan state law and rules of the MDEQ) from the area it is working and intends to do work and to dispose of them as it deems appropriate not inconsistent with applicable Environmental Laws so as to avoid causing a further release of the Hazardous Materials and to protect human health and the environment. If Hazardous Materials are found anywhere within the area designated as having impact from the Release, there is a rebuttable presumption that the Hazardous Materials migrated from and are attributable to the Release identified with operations at Indemnitor's Property.

Prior to taking any action noted above, the City will first give Indemnitor not less than sixty (60) days prior written notice, unless there is an emergency or an immediate threat to the health or safety to any individual or to the public, that it intends to perform a site investigation and remove or dispose of contaminated soil or groundwater to the extent necessary for its work. Failure to give notice does not void all future obligations of the parties, however, such failure to give notice may be offered as an offset against unreasonable costs which Indemnitor can reasonably establish were incurred by not allowing Indemnitor to perform its undertakings noted under this Agreement. The removal or disposal shall be based upon the site investigation (which may be modified by field conditions during excavation), which Indemnitor may review or may perform, if requested to do so by the City. If practicable, Indemnitor shall be allowed to remove and dispose of the contaminated soil and/or groundwater necessary for the City's work in advance of that work. In any event, Indemnitor shall reimburse the reasonable incremental increase in cost incurred by the City to perform the site investigation and to dispose of any contaminated soil or groundwater. The parties understand and agree that the City's soil and groundwater removal will be in conjunction and/or associated with other work being done by the City in, on, under or near the Indemnitor's Property,

and part of the purpose of this paragraph is that if the City encounters contaminated soil and/or groundwater while working on its utilities, or on a municipal project or otherwise, it will not be responsible in any way for the cost associated with encountering, removing and/or disposing of the contaminated soil and/or groundwater related to the Release. In addition, it is specifically understood and agreed between the parties that the City will not be identified at any time, in any place, document or manifest as the owner, generator or transporter of contaminated soil or groundwater taken from Indemnitor's Property. If asked, Indemnitor will cooperate with the City in the removal and disposal of such soil and groundwater and will sign all necessary documents and manifests for the proper transportation and disposal of the soil and/or groundwater.

4. This Agreement is intended by the parties hereto to be limited to claims, costs, expenses, causes of action, penalties, Liabilities, losses and damages actually sustained and incurred by the City Affiliates or for which the City Affiliates are found to be legally liable that arise as a consequence of Hazardous Materials that were released into the environment as a result of the Release at Indemnitor's Property within the Restricted Area.

5. Any notice required or permitted to be given to either party shall be deemed to be received by such party (i) three (3) days after deposit in the United States Registered or Certified Mail, Return Receipt Requested, or (ii) one (1) business day after deposit with a nationally recognized overnight delivery service guaranteeing next business day delivery, or (iii) upon personal delivery to the party to whom addressed provided that a receipt of such delivery is obtained, or (iv) on the same business day as transmitted and confirmed by telecopy provided that a confirmation copy is concurrently deposited in United States Certified or Registered Mail, Return Receipt Requested. Such notices shall be addressed to the parties at the following addresses:

If to Indemnitor:

John Robbins
Environmental Program Manager, Soil
and Groundwater FDG
Shell Oil Products US
20945 S. Wilmington Avenue
Carson CA 90810

If to the City:

or to the parties at such other addresses or telecopy numbers as they may designate by notice to the other party as herein provided.

6. This Agreement has been made and delivered in the state of Michigan and shall be construed according to and governed by the internal laws of the state of Michigan without regard to its conflict of law rules. If any provision hereof shall be held invalid, prohibited or unenforceable under any applicable laws of any applicable jurisdiction, such invalidity, prohibition or unenforceability shall be limited to such provision and shall not affect or invalidate the other provisions hereof or affect the validity or enforceability of such provision in any other jurisdiction, and to that extent, the provisions hereof are severable. Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law.

7. Failure of the City to require performance of any provision of this Agreement shall not affect the City's right to require full performance thereof at any time thereafter, and the waiver by the City of a breach of any provision of this Agreement shall not constitute or be deemed a waiver of a similar breach in the future, or any other breach, or nullify the effectiveness of such provisions of this Agreement. The rights and remedies of the City in this Agreement are cumulative. The exercise or use of any one or more thereof shall not bar the City from exercise or use of any other right or remedy provided herein or otherwise provided by law, nor shall exercise or use of any right or remedy by the City waive any other right or remedy.

8. This Agreement shall be binding upon the Indemnitor and the successors and assigns for so long as the Ordinance is required by Indemnitor as an Institutional Control as defined by the Environmental Laws. Provided, however, Indemnitor's duty to indemnify City shall survive if the Liabilities are incurred during the effective period of the Ordinance. No transfer of Indemnitor's rights or obligations hereunder shall be made without the prior written approval of the City, which shall not be unreasonably conditioned or refused.

9. This Agreement constitutes the entire agreement of the parties hereto with respect to the subject matter hereof. This Agreement may not be amended, modified, revised, supplemented or restated except by a writing signed by each of the parties hereto.

10. In the event it is determined that Indemnitor has breached this Agreement, in addition to any other recovery provided by Law, Indemnitor will pay and discharge all reasonable costs, attorney's fees and expenses that shall be made and incurred by the City in enforcing the covenants and agreements of this Agreement.

11. The executing representatives of the parties to this Agreement represent and certify that they are fully authorized to enter into the terms and conditions of this Agreement and to execute and legally bind that party to it.

(Signatures on next page)

IN WITNESS WHEREOF, the parties have executed this Limited Environmental Indemnity Agreement as of the day, month and year first above written.

CITY OF YPSILANTI

**EQUILON ENTERPRISES, LLC d/b/a
SHELL OIL PRODUCTS, US.**

By: _____

Name: _____

Title: _____

By: _____

Name: _____

Title: _____

EXHIBIT A

LEGAL DESCRIPTION

LOTS 1 and 2, and the East 40.0 feet of Lot 3, in Howard's Addition to the City of Ypsilanti, Washtenaw County, Michigan, according to the Plat thereof as recorded in Liber 60 of deeds, page 711, Washtenaw County Records

Property Identification: 11-11-40-481-014

**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 GROUNDWATER WELLS IN CERTAIN AREAS OF THE CITY OF YPSILANTI DUE TO THE PRESENCE OF GROUNDWATER 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 #D5299-92.
2

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 groundwater 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 10. EFFECTIVE DATE. This ordinance shall become effective after publication at the expiration of thirty days after adoption.

MADE, PASSED, AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS ____ DAY OF _____, 2011

City Clerk

ATTEST

I do hereby confirm that the above ordinance no. ____ was published in the Ypsilanti Courier on the ____ day of _____, 2011.

City Clerk

CERTIFICATION 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 _____, 2011.

City Clerk

Notice Published: 02/23/12

First Reading: 03/06/2012
Second reading: 05/01/2012
Published: 05/10/2012
Effective Date: 06/10/2012

EXHIBIT B
LEGAL DESCRIPTION

That area of the City of Ypsilanti, Michigan described as follows:

Commencing at the Southwest corner of the intersection of West Michigan Avenue and North Hamilton Street, thence northerly along the westerly right of way of North Hamilton Street to the northwest corner of North Hamilton Street and Pearl Street, thence east along the northerly right of way of Pearl Street to the northeast corner of Pearl Street and Washington Avenue, thence south along the easterly right of way of Washington Avenue to the southeast corner of Washington Avenue and West Michigan Avenue, thence west along the southerly right of way of West Michigan Avenue to the point of beginning.



Resolution No. 2012- 086
May 1, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

<u>NAME</u>	<u>BOARD</u>	<u>TERM TO EXPIRE</u>
Cheryl Zuelling 702 Collegewood Ypsilanti, MI. 48197	Planning Commission (re-appointment)	05/01/2015
Brett Lenart 98 Oak Ypsilanti, MI 48197	Economic Development Corporation (replacing David Davis)	05/01/2017

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

STATEMENT OF GOALS FOR CHERYL ZUELLING

In my next term as Planning Commissioner I would like to:

- Effectively administer the city's land use planning policies identified in the zoning code and the future land use plan.
- Participate in committees, as needed, to further land use policy and special projects.
- Be an advocate for sustainability, smart growth and non-motorized transit

STATEMENT OF GOALS BRETT LENART

Mr. Mayor-

I am interested in serving on the Economic Development Corporation and Brownfield Redevelopment Authority in the City of Ypsilanti. Through my professional history, I have had significant involvement with this board and its work. Specifically, I was staff at the City and coordinated the legislative process to approve the Peninsula Place Brownfield Plan.

More recently, through professional work at the County level, I have coordinated the approval of 8 Brownfield Plans, the certification of nearly \$9 million in eligible brownfield activities, and general program management for a program that provides services to 23 member jurisdictions in Washtenaw County.

My goal for involvement with the board would be to contribute to an evaluation of its need, and corresponding allocation of resources in the long term, while supporting community goals in the interim.

If you have any questions regarding this request, please don't hesitate to contact me. I've attached a resume for your review of my credentials.



Resolution No. 2012- 087
May 1, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, both the check registry and the results from the completed Board of Commissioners (BOC) requested investigation by the YHC attorney into the Eric Temple matter were not included in the Council requested information we received from the YHC on April 2; and

WHEREAS, City Council requests the same investigation report that the YHC attorney presents to its BOC also be released by the BOC to Council; and

WHEREAS, City Council also request the minutes of the BOC meeting which the Board passed the resolution requesting the investigation, including the requested investigation resolution to be released by the BOC to Council; and

WHEREAS, City Council also requests a written report signed by each Commissioner which includes all findings and actions, and their opinion of the completed investigation report to be released by the BOC to Council; and

WHEREAS, City Council further requests that the actual payroll check registry of 2009, not photo copies of its pages, be released by the BOC to Council; and

WHEREAS, City Council further requests that the BOC reiterate to the Executive Director each item requested by Council and that the BOC review and sign each document received from the E.D. to make sure that Council's requests are properly met.

NOW, THEREFORE, BE IT RESOLVED THAT according to law all public employees wages and employment records are public information and that this City Council has the duty to represent it constituents by requesting these documents to help ensure good government the YHC and its BOC shall produce the requested information or provide, in hard copy, legal documentation that expresses, in legal terms, all reasons that discourage release of such information.

BE IT FURTHER RESOLVED THAT all documents requested must be released to Council no later than Friday, May 11, 2012.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:



Resolution No. 2012 -088-A
May 1, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE: