

1. City Council Regular Meeting Agenda

Documents: [AGENDA 5-15-12.PDF](#)

2. City Council Regular Meeting Packet

Documents: [05-15-2012 PACKET.PDF](#)



**CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, MAY 15, 2012
7:00 P.M.**

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 –

1. AATA Presentation, Sara Pressprich, AATA
2. Safe Boat Proclamation, Mayor Schreiber

VIII. ORDINANCES FIRST READING

1. An Ordinance to amend Chapter 102 of the Ypsilanti City Code, entitled “traffic and vehicles,” **(Ordinance No. 1174- Super Drunk Ordinance)**
 - A. Resolution 2012-092 determination.
 - B. Open public hearing.
 - C. Resolution No. 2012-093, to close public hearing.

2. An Ordinance to add a new Chapter 70 entitled Civil Infractions.
(Ordinance No. 1175- Live Fishing Bait Civil Infractions)

- A. Resolution No. 2012-094, determination.
- B. Open public hearing.
- C. Resolution No. 2012-095, to close public hearing.

IX. AUDIENCE PARTICIPATION-

X. REMARKS BY THE MAYOR –

XI. MINUTES –

Resolution No. 2012-096 approving the minutes of April 26, 2012, April 27, 2012 and May 1, 2012.

CONSENT AGENDA

Resolution No. 2012-097

1. Resolution No. 2012-098, approving Boards and Commissions.
2. Resolution No. 2012-099, approving a Dance and Entertainment Permit for Diangoras Bar and Grill. (Crossroads Bar) ***(Tabled at the 5-1-12 meeting)***
3. Resolution No. 2012-100, approving a Flood Damage Prevention Ordinance Update.
(Ordinance No. 1170-A) (Second Reading)
4. Resolution No. 2012-101, opposing Public Act 297 Supporting Actions to Preserve Equal Benefits.

XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2012-102, approving the Wireless Ypsilanti's use of the city right-of-way for wireless receivers to replace MetriCom Ricochet devices.
2. Resolution No. 2012-103, approving the AATA Four Party Agreement and Articles of Incorporation.
3. Resolution No. 2012-104, approving the Right –Away Permit Agreement for 148 S. Prospect.

XIII. LIASON REPORTS -

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

XIV. COUNCIL PROPOSED BUSINESS –

XV. COMMUNICATIONS FROM THE MAYOR –

XVI. COMMUNICATIONS FROM THE CITY MANAGER –

XVII. AUDIENCE PARTICIPATION -

XVIII. REMARKS FROM THE MAYOR –

XIX. ADJOURNMENT –

Resolution No. 2012-105, adjourning the City Council meeting.

XX. REPORTS SUBMITTED –

YHC Sustainability Plan Update



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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		

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- A. Resolution No. 2012-094, determination.
- B. Open public hearing.
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CONSENT AGENDA

Resolution No. 2012-097

1. Resolution No. 2012-098, approving Boards and Commissions.
2. Resolution No. 2012-099, approving a Dance and Entertainment Permit for Diangoras Bar and Grill. (Crossroads Bar) ***(Tabled at the 5-1-12 meeting)***
3. Resolution No. 2012-100, approving a Flood Damage Prevention Ordinance Update.
(Ordinance No. 1170-A) (Second Reading)
4. Resolution No. 2012-101, opposing Public Act 297 Supporting Actions to Preserve Equal Benefits.

XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2012-102, approving the Wireless Ypsilanti's use of the city right-of-way for wireless receivers to replace MetriCom Ricochet devices.
2. Resolution No. 2012-103, approving the AATA Four Party Agreement and Articles of Incorporation.
3. Resolution No. 2012-104, approving the Right –Away Permit Agreement for 148 S. Prospect.

XIII. LIASON REPORTS -

- A. SEMCOG Update
- B. Washtenaw Area Transportation Study
- C. Washtenaw Metro Alliance
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XIV. COUNCIL PROPOSED BUSINESS –

XV. COMMUNICATIONS FROM THE MAYOR –

XVI. COMMUNICATIONS FROM THE CITY MANAGER –

XVII. AUDIENCE PARTICIPATION -

XVIII. REMARKS FROM THE MAYOR –

XIX. ADJOURNMENT –

Resolution No. 2012-105, adjourning the City Council meeting.

XX. REPORTS SUBMITTED –

YHC Sustainability Plan Update

PROCLAMATION

WHEREAS, recreational boating, while being a marvelous sources of recreation, can be a risky sport; and

WHEREAS, on average, 700 people die each year in boating-related accidents in the U.S. and approximately 70% of these are fatalities caused by drowning; and

WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

WHEREAS, one behavior that can reduce the number of boaters who lose their lives by drowning each year, by approximately 80%, is the wearing of a life jacket; and

WHEREAS, the Ann Arbor Sail and Power Squadron, a squadron of the United States Power Squadron has taught safe boating classes in Washtenaw County for more than 45 years; and

NOW, THEREFORE, I, PAUL T. SCHREIBER, MAYOR of the City of Ypsilanti, on behalf of the City Council do hereby support the goals of the North American Safe Boating Campaign and proclaim the week of May 19th-25th, 2012 as

“National Safe Boating Week”

in the City of Ypsilanti and start of the year-round effort to promote safe boating.

Given under my hand and seal of the
City of Ypsilanti

Paul T. Schreiber
Mayor



REQUEST FOR LEGISLATION
May 15, 2012

DATE: April 19, 2012

FROM: John M. Barr, City Attorney

SUBJECT: Super Drunk driving law

SUMMARY/BACKGROUND

Michigan Super Drunk Law was effective October 31, 2010. We have been monitoring the use of the Super Drunk law and believe that it would be appropriate and beneficial to add the law to the Ypsilanti City Code.

Having the Super Drunk Law in the City Code will give police officers some additional discretion as to where and what to charge.

The Super Drunk Law applies to persons with a blood alcohol content of 0.17 or more grams of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

Convicted Super Drunk drivers face stiffer penalties, including a one-year breath alcohol ignition, interlock requirement, higher fines and costs, and possibly more jail time.

Attached is a proposed ordinance to add the Super Drunk driving enforcement provisions to the Ypsilanti City Code.

RECOMMENDED ACTION: (Review and Adoption)

ATTACHMENTS: Super Drunk Law ordinance and resolution.

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2012 -092
May 15, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the proposed Ordinance entitled "SUPER DRUNK ORDINANCE" be approved on
First Reading.

OFFERED BY: _____

SUPPORTED BY: _____

AYES:

NAYS:

ABSENT:

VOTE:

The City of Ypsilanti

Ordinance No. 1174 (Super Drunk Ordinance)

AN ORDINANCE TO AMEND CHAPTER 102 OF THE YPSILANTI CITY CODE, ENTITLED "TRAFFIC AND VEHICLES*," BY SPECIFICALLY ADOPTING BY REFERENCE SECTION 257.625(1)(C) OF THE MICHIGAN VEHICLE CODE, AS AMENDED, FOR THE PURPOSE OF REGULATING THE STREETS AND HIGHWAYS OF THE CITY OF YPSILANTI BY REGULATING SUPER DRUNK DRIVERS AND TO REPEAL OR AMEND ALL ORDINANCE SECTIONS INCONSISTENT THERETO AND TO SET FORTH THE PENALTIES.

THE CITY OF YPSILANTI HEREBY ORDAINS:

Section 1: Amendments, additions, and deletions to Chapter 102 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Traffic and Vehicles."

That Chapter 102 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Traffic and Vehicles," Article 1 "Michigan Vehicle Code," Section 102-1 "Code adopted," is hereby amended as follows:

Sec. 102-1. Code adopted.

(a) The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, as amended, is adopted by reference.

(b) The Michigan Vehicle Code, 1949 PA 300, section 257.625(1)(c), as amended, is adopted by reference.

That Chapter 102 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Traffic and Vehicles," Article 1 "Michigan Vehicle Code," Section 102-3 "Penalties," is hereby amended as follows:

Sec. 102-3. Penalties.

(a) The penalties provided in the Michigan Vehicle Code are adopted by reference, provided, however, that except as otherwise provided in subsection (b) the city may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

(b) Any person convicted of violating the Michigan Vehicle Code, 1949 PA 300,

section 257.625(1)(c), as amended, is guilty of a misdemeanor punishable by 1 or more of the following:

- (i) Community service for not more than 360 hours.
- (ii) Imprisonment for not more than 180 days.
- (iii) A fine of not less than \$200.00 or more than \$700.00.

Section 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 affect, 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.

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

Section 4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or heretofore 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.

Section 5. Copies to be available. Copies of the ordinance and section 257.625(1)(c) of the Michigan Vehicle Code are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

Section 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 Ypsilanti Courier. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS ____ DAY
OF _____, 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: April 26, 2012

First Reading: May 15, 2012

Second Reading: June 5, 2012

Published _____

Effective Date _____

RESOLUTION NO. 12-_____

,2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That a ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 102 OF THE YPSILANTI CITY CODE, ENTITLED “TRAFFIC AND VEHICLES*,” BY SPECIFICALLY ADOPTING BY REFERENCE SECTION 257.625(1)(C) OF THE MICHIGAN VEHICLE CODE, AS AMENDED, FOR THE PURPOSE OF REGULATING THE STREETS AND HIGHWAYS OF THE CITY OF YPSILANTI BY REGULATING SUPER DRUNK DRIVERS AND TO REPEAL OR AMEND ALL ORDINANCE SECTIONS INCONSISTENT THERETO AND TO SET FORTH THE PENALTIES” be approved on first reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2012 -093
May 15, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider the proposed Ordinance entitled "SUPER DRUNK ORDINANCE" be **officially closed**.

OFFERED BY: _____

SUPPORTED BY: _____

AYES:

NAYS:

ABSENT:

VOTE:



Resolution No. 2012 -094
May 15, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the proposed Ordinance entitled "LIVE FISHING BAIT" be approved on **First Reading.**

OFFERED BY: _____

SUPPORTED BY: _____

AYES:

NAYS:

ABSENT:

VOTE:

PROPOSED
ORDINANCE NO. 1175
Live Fishing Bait

An Ordinance to Amend Chapter 70
of the City of Ypsilanti Charter Code
of Ordinances

The City of Ypsilanti hereby ordains that the City of Ypsilanti
Code of Ordinances is amended as follows:

Add the following new section to Chapter 70 entitled Municipal Civil Infractions

Provisions:

- {1) Definitions: As used in this section,
 - (a) A "container" means glass, metal or plastic cans or jars or other receptacles that contain fishing bait.
 - (b) "degradable" means capable of being broken down by biodegradable, photo degradation or chemical degradation into component parts within 360 days under exposure to the elements.
- {2) A person shall not sell or offer for sale, possess or use in the City a disposable container for live fishing bait unless the bait container is degradable and bears a distinguishing symbol indicating that it is degradable.
- {3) Any person, firm, or corporation who shall violate this section shall be responsible for a municipal civil infraction, as provided in Chapter 70, Article II, of this Code, and shall be subject to a fine as follows:
 - (a) The fine for any first violation shall be \$25.00
 - (b) The fine for any violation which the violator has, within the past two years, been found in violation of once before, shall be \$100
 - (c) The fine for any violation which the violator has, within the past two years, been found in violation of twice before, shall be \$200

Severability

Should any section, subdivision, sentence, clause or phrase of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Publication

This Ordinance shall be published in a newspaper of general circulation as required by law.

Effective date

This Ordinance shall become effective upon publication in a newspaper of general circulation as required by law.



Resolution No. 2012 -095
May 15, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider the proposed Ordinance entitled "LIVE FISHING BAIT ORDINANCE" be **officially closed**.

OFFERED BY: _____

SUPPORTED BY: _____

AYES:

NAYS:

ABSENT:

VOTE:



Resolution No. 2012 – 096
May 15, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of April 26, 2012; April 27, 2012; and May 1, 2012 be approved.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



**CITY OF YPSILANTI
SPECIAL COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
ONE SOUTH HURON STREET, YPSILANTI, MI 48197
THURSDAY, APRIL 26, 2012
6:30 P.M.**

I. CALL TO ORDER -

The meeting was called to order at 6:35 PM.

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

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. AUDIENCE PARTICIPATION -

Mayor Schreiber read the rules for audience participation.

No one from the audience spoke at this time.

VI. REMARKS BY THE MAYOR -

Mayor Schreiber introduced Ms. Joyce Parker, facilitator from the MML. Ms. Parker indicated that the Council may wish to reduce to 14 the number of proposed questions for the interviews so that each Council member would ask two questions. The Council decided that Question #16 should be asked first. The Council also decided to combine Question #11 with Question #13 and to combine Question #12 with Question #4. Mayor Schreiber indicated that the total number of questions being asked of each candidate was now 14 and that each Council member would each ask one question before starting over with each Council member asking their second question. Ms. Parker indicated that the allotted time for each interview was approximately 40 minutes with a small break in between candidates

VII. CITY COUNCIL INTERVIEWS

The City Council interviewed Mr. Brian Vick from approximately 7:00 – 7:40 PM. The Council took a short break. The Council then interviewed Mr. Darrell Fecho from approximately 7:45 – 8:25 PM. The City Council then concluded interviews.

VIII. AUDIENCE PARTICIPATION –

1. Ms. Barbara Hale, 310 N. Hamilton, City of Ypsilanti; Stated that City Hall needed to be open more hours to better serve the public.
2. Mr. Lee Tooson, 107 Middle Drive, City of Ypsilanti; Stated the importance of having the city manager live within the boundaries of the City. He also stated that the energy level of the next city manager was important and that Council members should take energy level of the candidates into consideration.

IX. REMARKS BY THE MAYOR -

Mayor Schreiber thanked Ms. Hale and Mr. Tooson for their comments. He also reminded the Council members and the audience members present that the Council was scheduled to interview three additional candidates for the position of city manager on Friday, April 27, commencing at 6:00 PM in the Council Chambers of City Hall.

X. ADJOURNMENT –

Resolution No. 2012-088, adjourning the City Council meeting, was moved by Councilperson Jefferson and seconded by Councilperson Vogt.

On a voice vote, the motion to approve Resolution 2012-088 to adjourn the City Council Meeting carried unanimously.

The meeting adjourned at 8:33 PM.



**CITY OF YPSILANTI
SPECIAL COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
ONE SOUTH HURON STREET, YPSILANTI, MI 48197
THURSDAY, APRIL 27, 2012
6:00 P.M.**

I. CALL TO ORDER -

The meeting was called to order at 6:04 PM.

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

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. AUDIENCE PARTICIPATION -

Mayor Schreiber read the rules for audience participation.

No one from the audience spoke at this time.

VI. REMARKS BY THE MAYOR -

Mayor Schreiber stated that the City Council was continuing its interviews for the position of city manager and that three additional candidates were scheduled to be interviewed this evening. Mayor Schreiber stated that two other candidates had been interviewed Thursday evening, April 26.

VII. CITY COUNCIL INTERVIEWS

The City Council interviewed Ms. Frances McMullan from approximately 6:07 – 6:40 PM. The Council took a short break. The Council then interviewed Mr. Ralph Lange from approximately 6:50 – 7:38 PM. The Council took a short break. The Council then interviewed Mr. Jered Ottenwess from approximately 7:55 – 8:38 PM. The City Council then concluded interviews.

VIII. AUDIENCE PARTICIPATION -

1. Mr. Lee Tooson, 107 Middle Drive, City of Ypsilanti; Stated the importance of the next city manager possessing a high energy level and high degree of integrity. Mr. Tooson also warned the Council members about candidates who were incapable of making

direct eye contact and of “know it all” candidates” who embellish their experience and accomplishments.

2. Ms. Valerie Brown-Tooson, 107 Middle Drive, City of Ypsilanti; Stated that she agreed with Councilperson Vogt about a statement he had made earlier in the evening about the importance of first impressions. Ms. Brown-Tooson encouraged that all Council members pay close attention to their respective first impressions.

IX. REMARKS BY THE MAYOR -

Mayor Schreiber thanked Mr. Tooson and Ms. Brown-Tooson for their comments. Mayor Schreiber also suggested that the City Council discuss the next steps in the city manager recruitment process at its next regular City Council meeting of Tuesday, May 1, 2012. The Council members agreed that this matter should be added to the City Council agenda of May 1, 2012.

X. ADJOURNMENT –

Resolution No. 2012-088, adjourning the City Council meeting, was moved by Councilperson Jefferson and seconded by Councilperson Vogt.

On a voice vote, the motion to approve Resolution 2012-089 to adjourn the City Council Meeting carried unanimously.

The meeting adjourned at 8:44 PM.



**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 –

The meeting was called to order at 7:08 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	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 Teresa Gilliotti, Senior Planner; David Kowal, Administrative Services Director; Walter Norris, Ypsilanti Housing Commission Director; Eric Temple, Ypsilanti Housing Director of Administrative Services; and Brian Vick, City Manager Candidate.

Mayor Pro Tem Richardson introduced her Class and also introduced Reverend Dwight Walls, Reverend Steven Riley and Reverend Melvin T. Walls.

VI. AGENDA APPROVAL –

Council Member Jefferson moved that Resolution 2012-087 be moved to item number one under the Resolutions/Motions/Discussions heading.

On a voice vote, the motion to approve the agenda as amended was unanimous.

VII. PRESENTATIONS –

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

See City of Ypsilanti website at www.cityofypsilanti.com for the FY 2012-13 Budget presentation or visit the Clerk's office for a hard copy of the FY 2012-13 Budget presentation.

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

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: Council Member Robb

SUPPORTED BY: Council Member Murdock

- B. Open Public hearing

Mayor Schreiber read the rules for audience participation.

There was no audience participation.

- C. Resolution No. 2012-076, close public hearing.

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.

On a voice vote the motion for Resolution 2012-076 was unanimous.

On a roll call vote, the motion to approve Resolution 2012-075 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	Yes		

VOTE:

Yes:7 No: 0 Absent: 0 Motion: Carried

2. Approval of a Dance and Entertainment License for Diangoras Bar and Grill.

A. Resolution No. 2012-077, determination

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: Council Member Jefferson
SUPPORTED BY: Council Member Bodary

B. Open Public Hearing

Mayor Schreiber read the rules for audience participation.

Steven Thomason 517 W Cross Street, commented that the Diangoras is now Cross Roads Bar and Grill. He said that the bar has been renovated to include a dance floor where patrons can dance and live bands can play.

C. Resolution No. 2012-078, close public hearing.

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.

On a voice vote the motion for Resolution 2012-078 was unanimous.

Council Member Robb commented when liquor licenses have been approved in the past, there are e-mails from department heads, and the police department with regards to their recommendations for approval.

Felicia Rutledge, Acting City Clerk commented that she does have in her possession the approvals from DPS but did not include them in the packet. Additionally she said that she can put the information in the packets in the future.

Council Member Robb commented this is a public entity and information should be disbursed.

Mayor Schreiber asked if council would like to see the e-mails.

Mayor Schreiber asked council if they would like to delay until the next meeting.

Council Member Jefferson asked did any of the police reports contain negative comments.

Acting City Clerk Rutledge commented the reports did not contain any negative comments.

Council Member Bodary commented this is just a dance and entertainment permit and there is no need to delay until the next meeting.

Council Member Murdock commented he does not see any harm in delaying.

Mr. Jesse Thomason commented that in the past there was some negative association with the bar but since he has been managing the bar he has made several changes. He said he is trying hard to change the bar's image and the building has been renovated with a dance floor added. Additionally he said if problems were to arise, he would contact the police but there have been no problems.

Mayor Schreiber asked Mr. Thomason would this be a hardship on his business to delay.

Mr. Thomason commented no hardship would be placed on the business to delay for two weeks.

Moved by Council Member Murdock, supported by Council Member Robb to delay the approval of Resolution 2012-077 a Dance and Entertainment permit for Crossroads Bar and Grill until May 15, 2012.

On a roll call vote, the motion to delay Resolution 2012-077 was as follows:

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

VOTE:

Yes: 5

No: 2 (Jefferson; Bodary)

Absent: 0

Motion: Carried

3. Emergency Ordinance Addressing Floodplain Management Provisions of the State Construction Code.

A. Resolution No. 2012-079, determination

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.

Ordinance No. 1173

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., 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.

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

Teresa Gillotti, Senior Planner commented that the Emergency Ordinance will last for 60 days and the insurance for residents will be re-instated.

Mayor Pro-Tem Richardson asked is the ordinance only in effect for 60 days or will there be no effect until 60 days.

Ms. Gillotti commented the emergency ordinance will be in effect for 60 days.

Council Member Bodary commented will any resident be able to purchase flood insurance.

Ms. Gillotti commented it should be a two day process before it goes into effect.

B. Open Public Hearing

Mayor Schreiber read the rules for audience participation.

Bob Levy, 2504 Eagles Circle commented he supports the emergency ordinance.

C. Resolution No. 2012-080, close public hearing.

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.

On a voice vote the motion for Resolution 2012-080 was unanimous.

On a roll call vote, the motion to approve Resolution 2012-079 was as follows:

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

VOTE:

Yes: 7 No: 0 Absent: 0 Motion: Carried

4. An Amended Ordinance Addressing Floodplain Management Provisions of the State Construction Construction Code.

A. Resolution No. 2012-081, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

Ordinance No. 1170-A

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., 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 storm water.
- 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.

OFFERED BY: Council Member Vogt

SUPPORTED BY: Council Member Jefferson

B. Open Public Hearing.

Mayor Schreiber read the rules for audience participation.

There was no audience participation.

C. Resolution No. 2012-082, close public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

On a voice vote the motion for Resolution 2012-082 was unanimous.

On a roll call vote, the motion to approve Resolution 2012-081 was as follows:

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

VOTE:

Yes: 7 No: 0 Absent: 0 Motion: Carried

IX. AUDIENCE PARTICIPATION-

Mayor Schreiber read the rules for audience participation.

Segrid Melvin, Town Center Place, commented about the corner of Hamilton and Michigan Ave. and the corner curb being fixed.

Doug McClure, 10340 Scio Church Road, commented he is running for Circuit Court Judge in Washtenaw County.

Leonardo Christian, 7 South Normal, commented that he did not support the decision of city council to delay the dance and entertainment permit for Crossroads Bar and Grill.

Reverend Steven Riley of Christ Temple commented that he is in support of Ypsilanti Housing Director of Administrative Services Eric Temple. He said that Mr. Temple serves as one of his Associate Ministers.

Moved by Mayor Pro-Tem Richardson, supported by Council Member Bodary to extend Reverend Riley's speaking for an additional two minutes.

Reverend Steven Riley commented that he uses to be ashamed of the South Side of Ypsilanti but with the work that the Ypsilanti Housing Commission has done with Hamilton Crossing has made him feel very prideful of the city of Ypsilanti.

Pastor Walls, Greater Shiloh Church, commented that he has pastured Mr. Eric Temple of the Ypsilanti Housing Commission and is in full support of him and what he does for the city of Ypsilanti.

Melvin T. Walls commented that he supports Mr. Norris and Mr. Temple of the Ypsilanti Housing Commission.

Kenneth Gate Walls III, commented he supports everything everyone else said supporting Eric Temple and Walter Norris of the Ypsilanti Housing Commission.

X. REMARKS BY THE MAYOR –

Mayor Schreiber commented that the delay of the dance and entertainment was city council's pleasure and he did ask Crossroads Bar and Grill manager if the two week delay would be an issue.

Mayor Schreiber commented that he appreciates everyone who came out to tonight's meeting.

Council Member Murdock commented that the ramps on Hamilton and Michigan Ave. should be looked into now.

Attorney Barr commented that Mr. Kirton has been working with the Michigan Department of Transportation, the Key Bank, and the City to remedy the handicap access issue on the corner of Michigan Ave. and Hamilton streets

XI. MINUTES –

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

On a voice vote, the motion to approve Resolution 2012-083 was unanimous

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

On a voice vote, the motion to approve Resolution 2012-083A amending the minutes of March 20, 2012 was unanimous.

XII. CONSENT AGENDA-

XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2012-084, to Manage Floodplain Development for the National Insurance Program.

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.

OFFERED BY: Council Member Bodary

SUPPORTED BY: Council Member Jefferson

On a roll call vote, the motion to approve Resolution 2012-084 was as follows:

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

VOTE:

Yes: 7 No: 0 Absent: 0 Motion: Carried

2. Resolution No. 2012-085, approving the Groundwater Ordinance and indemnification.
(Ordinance NO. 1171) (Second Reading)

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.

**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.

OFFERED BY: Council Member Murdock

SUPPORTED BY: Mayor Pro-Tem Richardson

On a roll call vote, the motion to approve Resolution 2012-085 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	Yes		

VOTE:

Yes: 7 No: 0 Absent: 0 Motion: Carried

3. Resolution No. 2012-086, 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>
Cheryl Zuelling	Planning Commission	05/01/2015

**702 Collegewood
Ypsilanti, MI. 48197**

(re-appointment)

**Brett Lenart
98 Oak
Ypsilanti, MI 48197**

**Economic Development Corporation
(replacing David Davis)**

05/01/2017

OFFERED BY: Council Member Bodary

SUPPORTED BY: Council Member Jefferson

Mayor Schreiber commented he is pleased with both appointments.

On a roll call vote, the motion to approve Resolution 2012-086 was as follows:

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

VOTE:

Yes: 7 No: 1 (Robb) Absent: 0 Motion: Carried

4. Resolution No. 2012-087, approving items from the Ypsilanti Housing Commission.

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 employee records that verify Eric Temple in fact earned the vacation pay he received during April 2009 thru June 2009; 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 its 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: Council Member Jefferson

SUPPORTED BY: Mayor Pro-Tem Richardson

Mayor Schreiber asked was there any discussion behind this resolution.

Council Member Jefferson commented that would like to offer an amendment to the Resolution 2012-087,

Moved by Council Member Jefferson, supported by Mayor Pro-Tem Richardson to amend Resolution 2012-087.

On a roll call vote, the motion to amend Resolution 2012-087 was as follows:

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

Vote:

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

Mayor Schreiber asked for any discussion on the amendment to Resolution 2012-087

Council Member Jefferson commented wanted to clarify what we did and did not get from YHC received vacation pay should be earned over a period of time.

Mayor Schreiber did speak with the YHC legal counsel and city council did receive a final version of the YHC report.

Council member Bodary asked what are the documents that council has on the table before them tonight.

Mayor Schreiber asked council would they like to hear from Mr. Norris

On a voice vote, the City Council agreed to hear from Mr. Norris.

Mr. Norris commented that the documents council received late in the afternoon are previously submitted documents.

Mr. Norris commented he is waiting on the payroll company to submit some paycheck stubs that will account for the additional items that Council Member Jefferson is asking for.

On a roll call vote, the motion to approve Resolution 2012-087 as amended was as follows:

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

VOTE:

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

XIV. LIASON REPORTS -

- A. SEMCOG Update -
- B. Washtenaw Area Transportation Study- Council Member Murdock commented an amendment to the transportation tip program and has added \$100,000.00 for W. Cross.
- C. Washtenaw Metro Alliance – Council Member Robb nothing to report
- D. Urban Counties- Mayor Schreiber commented about a public hearing and proposed project on Burton Rd
- E. Freight House- Council Member Murdock

XV. COUNCIL PROPOSED BUSINESS –

Mayor Pro-Tem Richardson commented about the Nation Day of Prayer to be held on May 3, 2012 from 11-1pm.

Council Member Murdock commented that he and Council Member Jefferson attended a workshop on road maintenance.

Council Member Murdock commented about residency programs for City of Ypsilanti employees. He said that EMU has some housing programs that they are looking into for their employees and the city should look at different housing programs for its employees.

Council Member Murdock commented the state legislators have banned domestic partnerships.

Council Member Bodary asked Interim City Manager McMullan for a report from CBRE on the Water Street property.

Council Member Jefferson commented he attended a workshop with Council Member Murdock about roads.

Council Member Jefferson commented that the Harriet Street has gotten worse and needs immediate attention.

XVI. COMMUNICATIONS FROM THE MAYOR –

Mayor Schreiber nominated Lisa Wozinack for the Huron River Watershed who is replacing Tom Roach.

Mayor Schreiber commented that May 10th would be a target date to execute a contract with the City Manager of City Council's choice.

Mayor Schreiber thanked City Manager candidate Brian Vick for attending the meeting.

XVII. COMMUNICATIONS FROM THE CITY MANAGER –

XVIII. AUDIENCE PARTICIPATION –

City Manager Candidate, Brian Vick commented he likes to visit the communities where he is being considered and thanked city council for their consideration.

XIX. REMARKS FROM THE MAYOR –

XX. REPORTS SUBMITTED-

XXI. ADJOURNMENT –

Resolution No. 2012-088A, 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 Murdock

SUPPORTED BY: Council Member Jefferson

On a voice vote, the motion to approve Resolution 2012-088A to adjourn the City Council Meeting was unanimous.

The meeting was adjourned at 9:26 p.m.



Resolution No. 2012 –097
May 15, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI,

That the following items be approved:

1. Resolution No. 2012-098, approving boards and commissions.
2. Resolution No. 2012- 099, approving a Dance and Entertainment Permit for Diangoras Bar and Grill (Crossroads Bar)
3. Resolution No. 2012-100, approving Flood Damage Prevention Ordinance Update.
4. Resolution No. 2012-101, opposing Public Act 297 Supporting Actions to Preserve Equal Benefits.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2012- 098
May 15, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

<u>NAME</u>	<u>BOARD</u>	<u>TERM TO EXPIRE</u>
Lisa Wozniak 1008 N. Congress Ypsilanti, MI. 48197	Huron River Watershed Council	04/22/2014

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Bio and Statement of Goals for HRWC

Lisa's address is 1008 N. Congress, Ypsilanti, MI 48197.

Lisa Wozniak

Executive Director, Michigan League of Conservation Voters

Lisa is a longtime Ypsilanti resident who has made it her life's mission to protect Michigan's natural environment. She has served as the Executive Director of the Michigan League of Conservation Voters since 2006, using her post to expand the clout and impact of the organization statewide. Prior to this position, Lisa served as the Great Lakes Regional Director for the national League of Conservation Voters, overseeing programs in Michigan, Ohio, Wisconsin, Minnesota, Iowa, and Illinois, with a special focus on keeping the Great Lakes Congressional Caucus in check.

Lisa is a proven conservation leader in the state, working with a wide range of people and organizations. With an undergraduate degree in French and History of Art, as well as Master's degrees in both Education and Social work, Lisa brings an interdisciplinary approach to problem-solving, collaboration, and political change. Deeply committed to social and environmental causes, Lisa has served on numerous boards including the Michigan Environmental Council, the national League of Conservation Voters Education Fund, Avalon Housing, and Growing Hope. She is also instrumental to the fundraising efforts of the Friends of Rutherford Pool, an organization working to save an Ypsilanti community treasure that provides for many families a key recreational resource and a safe, supportive place to care for their kids.

As a longtime Ypsilanti resident, Lisa understands how magnificent an attribute the Huron River is to the community, and envisions a larger Huron presence that will improve the economic vitality of the city itself. Working with Laura Rubin and her team at the Huron River Watershed Council (HRWC), Lisa has come to admire their expertise, focus, and determination to improve the water quality and recreational opportunities along the Huron River. As a resident of Ypsilanti, Lisa is particularly interested in the work that HRWC is doing in the Ypsilanti community, including the recent submission of an EPA planning grant that would allow for the development of a precise and thorough vision of the Huron's presence in the City of Ypsilanti. She is also actively involved in the research underway to determine how best to improve pedestrian and cyclist passage along the river (under I 94) from Gilbert Park to Ypsi Township.

Lisa would be honored to serve as a City of Ypsilanti representative on the HRWC board, and would do so with an eye for improving the environmental, and as a result, economic vitality of the city.



REQUEST FOR LEGISLATION
May 15, 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 and City Manager.)

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 - 099
 MLCC description and criteria
 Diangoras Bar and Grill, Inc. application packet

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: **5/15/12**

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2012-099
May 15, 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.

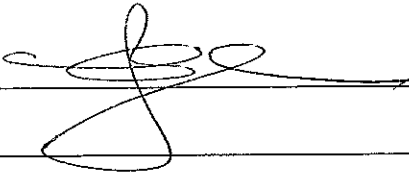
My signature acknowledges the following:

- 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

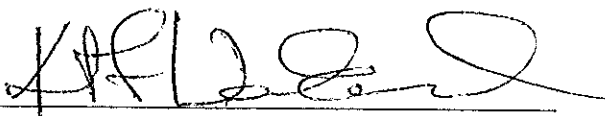
The Crossroads Bar & Grill

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 31 P 2:38
YPSILANTI CITY
CLERK

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**



Memorandum

Date: March 21, 2012

Subject: Michigan Liquor License Applicant, 517 W Cross St, Ypsilanti MI 48197
Dlangoras Bar & Grill Inc, (Crossroads Bar & Grill)

I was requested to conduct a police investigation for the Michigan Liquor Control Commission (MLCC) at 517 W Cross, Ypsilanti MI, Dlangoras Bar & Grill Inc. They are requesting a new dance-entertainment permit to be held in conjunction with their 2011 Class C licensed business issued under MCL 436.1521 (1) with Outdoor Service (1 area), & specific purpose permit.

The business at 517 W Cross St is named Crossroads Bar & Grill. The owner and licensee Yiannis Christoudoulou is listed as the contact person. I received a request for this investigation on 12/08/11. Yiannis came into the Ypsilanti Police Department (YPD), on 12/08/11 advising I (Officer Harrison) needed to complete his investigation. Yiannis requested that I complete the investigation by 12/09/11 due to him leaving the country. I informed Yiannis that this was not possible. I informed Yiannis that my schedule did not permit time for an investigation with one day notice. I asked Yiannis when he planned to return to Michigan. Yiannis advised that he wasn't sure but would be gone for months. I advised Yiannis that I would be unable to start his LCC investigation until he returned for an interview. The investigation was placed on hold as of 12/09/11.

In the beginning of February Yiannis contacted me advising he was back in the country. I set an appointment to meet with him on 02/14/12. Yiannis met with me at YPD where I began my investigation. I asked Yiannis why he had left the country, whether it was business or leisure. Yiannis advised his wife and daughter live in Greece and he was visiting. Yiannis explained that he visits Greece every few months for a couple of months at a time and has plans to move back.

I asked Yiannis who is in charge of his business while he is gone. Yiannis advised Jesse Peter Thomas (W/M 02/02/84) is his general manager. Yiannis advised that Thomas also currently lives above the bar in an upstairs apartment.

Yiannis advised that within the next year he would like to sell the business to Jesse.

I asked Yiannis if he has had any contact with the police or YPD and he advised "no." I found no police contacts with Yiannis. He has a clear driving record and no CCH. I asked Yiannis if his address out of Belleville was his current address and he advised "yes," but then added his mailing address is at his sister's house in Ann Arbor. He stated he is out of the country so often it's easier to have his mail sent there. My concerns with Yiannis is that he is hardly in the country.

It appears that Jesse is the person in full charge of Crossroads due to Yiannis being out of the country so often. I was advised by the MLCC that Jesse is not listed as a participant on the license. Jesse also has a felony on his CCH from 2009 where he pled guilty to Felony controlled substance delivery/ manufacture of marijuana at 517 W Cross. Jesse lives above the bar in an apartment where this incident originally took place with YPD.

Yiannis advised that Jesse has been in charge of the bar for over the past year. In which time YPD has had minimal problems with the bar. Jesse appears to have the bar working in a clean and organized manner.

I spoke with the building department who advised on 01/19/2012, 517 W Cross was issued an occupancy permit only allowing residential access to the rear patio. The new license requested is for new dance-entertainment but will only be allowed in-doors due to the city's occupancy permit.

I spoke with Jon Ischesco the Ypsilanti Fire Chief who advised he had already inspected this location. He advised there were a couple small modifications to be made.

After completing my investigation I recommend that 517 W Cross be granted the new requested dance- entertainment license with the understanding of YPD's listed concerns.

Respectfully,

Officer Brooke Harrison #286

Felicia Rutledge

From: Teresa Gillotti
Sent: Tuesday, April 10, 2012 9:39 AM
To: Felicia Rutledge; Frank Daniels, Jr.; Jon Ichesco; 'John M. Barr'; Brooke Harrison
Cc: Craig Annas; Frances McMullan; 'Jane A. Slider'
Subject: RE: Liquor License Applicants (Transfer and Dance and Entertainment Permit)

Hi Felicia,

I'm sorry for the delay on this. Both addresses are zoned for bar/restaurants and can be open up to 24 hours.

Did the other materials Mr. Barr mention get submitted?

Thanks!
-Teresa

Teresa Gillotti
Planner II/Community & Economic Development
tgillotti@cityofypsilanti.com

From: Felicia Rutledge
Sent: Monday, 26 March, 2012 4:15 PM
To: Frank Daniels, Jr.; Teresa Gillotti; Jon Ichesco; 'John M. Barr'; Brooke Harrison
Cc: Craig Annas; Frances McMullan; 'Jane A. Slider'
Subject: FW: Liquor License Applicants (Transfer and Dance and Entertainment Permit)

From: Felicia Rutledge
Sent: Monday, March 26, 2012 2:22 PM
To: Amy Walker; Frank Daniels, Jr.; 'John M. Barr'; Teresa Gillotti; Jon Ichesco
Cc: Frances McMullan
Subject: Liquor License Applicants (Transfer and Dance and Entertainment Permit)

Hello All,

The following applicant has applied for a **transfer of a Class C Liquor License:**

Civtheo Inc.
Location: Wurst Bar
205 W. Cross.
Ypsilanti, MI. 48197

The following applicant has applied for a **Dance and Entertainment Permit** in conjunction with their already operating Class C Liquor License:

Diangoras Bar & Grill Inc. (Yiannis Christodoulou)
517 W. Cross

Felicia Rutledge

From: Frank Daniels, Jr.
Sent: Thursday, April 19, 2012 10:05 AM
To: Felicia Rutledge
Cc: Teresa Gillotti
Subject: RE: Liquor License Applicants (Transfer and Dance and Entertainment Permit)

No objections from Building for the Dance and Entertainment permit for 517 W. Cross.

No objections from Building for the Class C transfer for 705 W. Cross. However please note; the owner met with Teresa and Kurt prior to taking over the bar. During that meeting he was informed that once the liquor license was transferred, he would have to apply for his own C of O for the business. He is currently operating under a management agreement with the former owners of Theo's.

-Frank

From: Felicia Rutledge
Sent: Monday, March 26, 2012 4:15 PM
To: Frank Daniels, Jr.; Teresa Gillotti; Jon Ichesco; 'John M. Barr'; Brooke Harrison
Cc: Craig Annas; Frances McMullan; 'Jane A. Slider'
Subject: FW: Liquor License Applicants (Transfer and Dance and Entertainment Permit)

From: Felicia Rutledge
Sent: Monday, March 26, 2012 2:22 PM
To: Amy Walker; Frank Daniels, Jr.; 'John M. Barr'; Teresa Gillotti; Jon Ichesco
Cc: Frances McMullan
Subject: Liquor License Applicants (Transfer and Dance and Entertainment Permit)

Hello All,

The following applicant has applied for a **transfer of a Class C Liquor License:**

Clvtheo Inc.
Location: Wurst Bar
205 W. Cross.
Ypsilanti, MI. 48197

The following applicant has applied for a **Dance and Entertainment Permit** in conjunction with their already operating Class C Liquor License:

Diangoras Bar & Grill Inc. (Yiannis Christodoulou)
517 W. Cross
Ypsilanti, MI. 48197

Felicia Rutledge

From: Kimberly Teamer
Sent: Friday, April 20, 2012 11:30 AM
To: Felicia Rutledge
Subject: RE: Liquor License Applicants (Transfer and Dance and Entertainment Permit)

Hi Felicia,

If this is the email you are referring to I hadn't replied to you because I didn't receive the email. I was not included on the original email you sent out. I have checked and 517 W Cross is up to date on their taxes and nothing comes up for 205 W Cross.

Kim

From: Teresa Gillotti
Sent: Tuesday, April 17, 2012 12:06 PM
To: Felicia Rutledge; Frank Daniels, Jr.; Jon Ichesco; 'John M. Barr'; Brooke Harrison
Cc: Craig Annas; Frances McMullan; 'Jane A. Slider'; Kimberly Teamer; Courtney Dugger; Tim Colbeck; Sylvonna Reed
Subject: RE: Liquor License Applicants (Transfer and Dance and Entertainment Permit)

Hi everyone,

I know Felicia is a bit under the weather so I thought I'd send a reminder for folks who haven't to provide their feedback on the liquor license applications (one is an transfer, the other is for a dance license).

If you haven't already, please provide your feedback by this Friday, April 20.

Ideally, I'd love to see this appear on the May 1 council agenda.

Thanks for your help!

-Teresa

Teresa Gillotti
Planner II/Community & Economic Development
tgillotti@cityofpysilanti.com

From: Felicia Rutledge
Sent: Monday, 26 March, 2012 4:15 PM
To: Frank Daniels, Jr.; Teresa Gillotti; Jon Ichesco; 'John M. Barr'; Brooke Harrison
Cc: Craig Annas; Frances McMullan; 'Jane A. Slider'
Subject: FW: Liquor License Applicants (Transfer and Dance and Entertainment Permit)

From: Felicia Rutledge
Sent: Monday, March 26, 2012 2:22 PM
To: Amy Walker; Frank Daniels, Jr.; 'John M. Barr'; Teresa Gillotti; Jon Ichesco
Cc: Frances McMullan
Subject: Liquor License Applicants (Transfer and Dance and Entertainment Permit)

Felicia Rutledge

From: John M. Barr [jbarr@barrlawfirm.com]
Sent: Monday, April 23, 2012 2:23 PM
To: Felicia Rutledge
Cc: Jane A. Slider
Subject: RE: Liquor License Applicants (Transfer and Dance and Entertainment Permit)

Good afternoon Felicia,

I have again reviewed the applications from CLVTHEO INC (Wurst Bar) and Diangoras Bar and Grill and have no legal objection to the actions requested.

John

JOHN M. BARR
BARR, ANHUT & ASSOCIATES, P.C.
Attorneys at Law
105 Pearl Street, Ypsilanti MI 48197
(734) 481-1234; fax 483-3871
jbarr@barrlawfirm.com

SEE: <http://www.barrlawfirm.com/> FAQs - Disclaimer

From: Felicia Rutledge [<mailto:FRutledge@cityofypsilanti.com>]
Sent: Friday, April 20, 2012 11:27 AM
To: John M. Barr
Cc: Jane A. Slider
Subject: FW: Liquor License Applicants (Transfer and Dance and Entertainment Permit)

Attorney Barr/Jane,

Can you please sign off on the following documents. Both places have their certificate of occupancy, paid their fees, and have been signed off by all other departments, can you please have Attorney Barr sign off. This items are going to the May 1, 2012 meeting.

Thank you,

Felicia Rutledge

Felicia Rutledge
Deputy Clerk
1 S. Huron Street
Ypsilanti, MI. 48197

(734) 483-1100 (Office)

(734) 487-8742 (Fax)

Felicia Rutledge

From: Jon Ichesco
Sent: Friday, April 20, 2012 1:00 PM
To: Felicia Rutledge
Subject: Re: Liquor License Applicants (Transfer and Dance and Entertainment Permit)

Both businesses passed fire inspections

Sent from my Verizon Wireless Phone

----- Reply message -----

From: "Felicia Rutledge" <FRutledge@cityofypsilanti.com>
To: "Jon Ichesco" <JIchesco@cityofypsilanti.com>
Subject: Liquor License Applicants (Transfer and Dance and Entertainment Permit)
Date: Fri, Apr 20, 2012 11:37 am

Chief,

I was told you have inspected these places and they have passed inspection, please your approval.

Thank you,

Felicia Rutledge

Felicia Rutledge
Acting City Clerk
1 S. Huron Street
Ypsilanti, MI. 48197

(734) 483-1100 (Office)

(734) 487-8742 (Fax)



From: Felicia Rutledge
Sent: Monday, March 26, 2012 2:22 PM
To: Amy Walker; Frank Daniels, Jr.; 'John M. Barr'; Teresa Gillotti; Jon Ichesco
Cc: Frances McMullan
Subject: Liquor License Applicants (Transfer and Dance and Entertainment Permit)

From: [Felicia Rutledge](#)
To: [Sylvonna Reed;](#)
Subject: FW: Yanni Dance and Entertainment Permit
Date: Monday, May 14, 2012 9:52:15 AM

Sylvonna,
Please include in the packet the below e-mails.

[Thank you!](#)

From: Pete Murdock [<mailto:murdock.sweeney@comcast.net>]
Sent: Saturday, May 12, 2012 5:33 PM
To: Paul Schreiber; Brian Robb; Dan Vogt ; 'Lois Richardson'; Michael Bodary; Ricky Jefferson
Cc: Frances McMullan; 'John M. Barr'; Felicia Rutledge; Teresa Gillotti
Subject: FW: Yanni Dance and Entertainment Permit

FY!

I have received two objections to the Dance and Entertainment Permit for Yanni's in the 500 block of West Cross.

Pete

485-7799

From: Lachachamicaila Cardenas [<mailto:lachachamicaila@live.com>]
Sent: Monday, May 07, 2012 6:12 PM
To: Pete Murdock
Subject: RE: Yanni Dance and Entertainment Permit

Dear Mr Murdock:

I'll appreciate if the next notification is mailed to me with a little more time, to be able to assist to any event. I did read your mail when I got home (about 10 pm) that day.

I am very sorry for missing this meeting. As you must know, we completely opposed this permit. It is not only bad for our tenants but for our block. Definitely, we don't need

more noise in our block; no more vomiting at our doors; no more "after 10 pm" loud loiters smoking pot and/or drinking in our parking lot; no more people using our alley-way

as their very own WC.

To this very date, I don't know the outcome of the meeting. Can you, please, update me about it? Thank you!

Yours,

Michelle Roman

From: Robert Barnes [<mailto:bob@barnesapts.com>]

Sent: Tuesday, May 01, 2012 8:01 PM

To: Pete Murdock

Subject: Re: Yanni Dance and Entertainment Permit

I'm against him having a dance permit.

Bob

Sent from my iPhone

On May 1, 2012, at 3:34 PM, "Pete Murdock" <murdock.sweeney@comcast.net> wrote:

Hi Michelle and Bob –

Yanni is asking for a Dance and Entertainment Permit for his place on Cross Street.

It is on the agenda for tonight.

Do you have any comments, objections, cheers for this.

Let me know and/or come to the Council meeting tonight beginning at 7:00PM

Pete

485-7799

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.1913 / Virus Database: 2425/4993 - Release Date: 05/12/12



Resolution No. 2012 -100
May 15, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

OFFERED BY: _____

SUPPORTED BY: _____

AYES:

NAYS:

ABSENT:

VOTE:

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 1st DAY OF
May, 2012

FELICIA RUTLEDGE, Interim City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1170-A 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 1st day of May, 2012.

FELICIA RUTLEDGE, Interim City Clerk

Notice Published: February 23, 2012
First Reading: March 6, 2012
Second Reading: March 20, 2012
Published: March 29
Effective Date: April 29



Resolution No. 2012 - 101
May 15, 2012

WHEREAS, On December 22, 2011, Governor Snyder signed House Bill 4770 into law as Public Act 297 which prohibits public employers from providing certain benefits to public employees and will eliminate benefits for Other Qualified Adults; and

WHEREAS, the City of Ypsilanti has always been a leader in human rights; and

WHEREAS, in 1997 the City of Ypsilanti unanimously adopted a Human Relations Ordinance that prohibits discrimination in housing, employment, and public accommodations based on sexual orientation and student status, in addition to the categories presently included in Michigan's Elliot-Larsen Civil Rights Act; and

WHEREAS, the voters of the City of Ypsilanti soundly rejected a Charter Amendment initiative to repeal the Human Relations Ordinance in 2002; and

WHEREAS, many public entities provide health care benefits for domestic partners of either gender as "Other Qualified Adults," including the State of Michigan, at least 10 public universities, at least five city and county governments, and numerous public school districts; and

WHEREAS, Major employers in Michigan and across the country recognize that extending health care benefits eligibility to domestic partners is crucial to attracting and keeping talent and the City of Ypsilanti, Eastern Michigan University, the State of Michigan, and other public employers in our state must be able to compete with the private sector and with public employers in other states to attract the best and brightest talent to our workforce; and

WHEREAS, the American Civil Liberties Union filed on January 5, 2012 a lawsuit in federal court, case 2:12-cv-10038, Bassett et al v Richard Snyder, alleging that Public Act 297 violates fundamental constitutional protections, including equal protection of the law and substantive due process; and

WHEREAS, this federal lawsuit requests a permanent injunction against enforcement of Public Act 297; and

WHEREAS, such a permanent injunction against the enforcement of Public Act 297 is in the interest of the City of Ypsilanti and the State of Michigan; and

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI opposes Public Act 297 and the City Council directs the City Manager and the City Attorney to assist the ACLU in the federal lawsuit seeking to enjoin the enforcement of Public Act 297 in any way that is useful to that case, by amicus brief or otherwise.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:



REQUEST FOR LEGISLATION
May 15, 2012

From: AATA, City Manager

Subject: Four Party Transportation Agreement

SUMMARY & BACKGROUND: AATA, the City of Ann Arbor, the City of Ypsilanti, and Washtenaw County are planning for countywide public transportation by creating a new authority under Act 196 of 1986 ("New TA"). The New TA, in partnership with the other above named parties, would succeed to the public transportation system currently operated by AATA under the terms of this Agreement and Section 11 of Act 196 of 1986.

RECOMMENDED ACTION: (Approval/Denial)

ATTACHMENTS: (resolution, agreement)

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2012 -102
May 15, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the proposed AATA Four Party Agreement be signed by the Mayor and City Clerk.

OFFERED BY: _____

SUPPORTED BY: _____

AYES:

NAYS:

ABSENT:

VOTE:

PUBLIC TRANSPORTATION AGREEMENT

among the following:

AATA: Ann Arbor Transportation Authority
2700 South Industrial Highway
Ann Arbor, Michigan 48104
Attention: Michael Ford

Ann Arbor: City of Ann Arbor
301 E. Huron Street
Ann Arbor, Michigan 48107
Attention: City Administrator

Ypsilanti: City of Ypsilanti
One South Huron Street
Ypsilanti, Michigan 48197
Attention: City Manager

County: Washtenaw County
220 North Main
Ann Arbor, Michigan 48107
Attention: County Administrator

1. Acknowledged Facts. The Ann Arbor Transportation Authority (hereafter "AATA") was incorporated by the City of Ann Arbor (hereafter "Ann Arbor") for the purpose of acquiring, owning, operating, or causing to be operated a mass transportation system under the provisions of Public Act 55 of 1963. AATA and Ann Arbor are parties to a certain agreement which sets forth the operational relationship between them and which specifically provides the agreement shall remain in full force and effect until mutually terminated. The City of Ypsilanti has contracted with AATA for transportation services for many years and recently approved a Charter Amendment dedicating certain tax revenue for transportation purposes. The above named parties are planning for countywide public transportation by creating a new authority under Act 196 of 1986 ("New TA"). The New TA, in partnership with the other above named parties, would succeed to the public transportation system currently operated by AATA under the terms of this Agreement and Section 11 of Act 196 of 1986 only when all contingencies of the Agreement are met.

2. Authority Formation. The County, upon the AATA's written request, will create a new Act 196 authority by approving, signing and filing articles of incorporation ("Articles") in substantially the form attached as Exhibit A. Prior to the submission of any request by AATA to County to initiate formation of a public authority all of the following must occur: (i) AATA will publish details of the service and funding plan in newspaper(s) of general circulation in the Washtenaw County, (ii) the Articles of Incorporation in the form presented for approval by the County shall be separately adopted by Ann Arbor and Ypsilanti by affirmative vote of the respective governing bodies. No transfer of assets to the New TA from AATA shall occur unless and until all contingencies stated in Section 4 of this Agreement and any and all conditions which may be established in the Articles of Incorporation have been met.

3. City Transportation Millages.

a. After all of the Section 8 contingencies to Closing are satisfied, Ann Arbor agrees to designate the New TA, as successor to AATA, as the contracting agency for use of the 2.5 mills tax levy under Section 8.18 of the Ann Arbor City Charter and allocated the tax levy in its entirety to AATA at the 2012 millage rate or as adjusted by State of Michigan statute ~~less a municipal service charge of one percent (1%) of the annual millage at the time of the collection of taxes.~~

b. After all of the Section 8 contingencies to Closing are satisfied, Ypsilanti agrees to transfer its

full respective transportation millages ~~, less a municipal service charge of one percent (1%)~~ at the 2012 millage rate or as adjusted by State of Michigan statute to the New TA effective when the New TA succeeds to AATA's public transportation services.

4. Transfer of Assets. After all of the Section 8 contingencies to Closing are satisfied, AATA will transfer to New TA at closing all assets then owned by AATA, including, without limitation, all rights to the names "Ann Arbor Transportation Authority". New TA will accept the transfer of those assets subject to all obligations and liabilities regarding those assets existing at the time of the transfer.

5. Assumption of Liabilities. After all of Section 8 contingencies to Closing are satisfied, New TA will assume at closing all liabilities of AATA existing at the time of closing.

6. Indemnification. AATA and its successor-in-interest The New TA shall indemnify and hold Washtenaw County, the Cities of Ann Arbor and Ypsilanti, their elected and appointed officials, employees, agents and volunteers harmless from and against all actions, liabilities, demands, costs and expenses, including court costs and attorney fees, which may arise due to their respective negligent, grossly negligent and/or intentional acts or omissions under this Agreement, and transfer or assumption required under this Agreement once the New TA is operational. This provision shall survive termination or expiration of this Agreement. Nothing in this Section has the effect of waiving the defense of governmental immunity available to an indemnifying party under applicable law as to the acts or omissions of 3rd parties.

7. Full Faith and Credit. The parties agree that Washtenaw County does not by virtue of its action in creating the New TA, provide its full faith and credit for any project undertaken by the New TA. The parties further agree that the Cities of Ann Arbor and Ypsilanti do not by virtue of execution of this Agreement, pledge their respective full faith and credit for any project assumed by the NEW TA at Closing or undertaken by the New TA thereafter when operational.

8. Contingencies to Closing. The closing of the transfer of assets and assumption of liabilities by the NEW TA is contingent upon all of the following occurring on terms acceptable to all parties:

a. The creation of New TA by Washtenaw County.

b. AATA and New TA obtaining all necessary approvals for the transfer of assets and assumption of obligations and liabilities, including approvals that may be required from federal and state agencies, or other lenders who provided funding for those assets and consents from parties to contracts with AATA.

c. AATA taking such necessary actions by its governing body to terminate its operational agreement with Ann Arbor effective at closing.

d. In exchange for the mayor's nomination with council confirmation, of seven directors of New TA's board, annual submission to Ann Arbor of the AATA's proposed budget and yearly audit and the New TA's agreement to apprise Ann Arbor City Council and solicit Council's advice prior to making major long-term policy actions concerning mass transportation services and at a minimum, the continued level of services provided by its predecessor-in-interest AATA, Ann Arbor agrees (i) take such necessary actions by its governing body to terminate its operational agreement with AATA effective at closing; (ii) take such necessary actions by its governing body to authorize the execution and delivery of this Agreement and all documents and instruments contemplated by this Agreement, and the performance by Ann Arbor of

the obligations to be performed by it hereunder; and (iii) designate the New TA, as successor to AATA, as the contracting agency for use of the 2.5 mills tax levy under Section 8.18 of the Ann Arbor City Charter and allocated the tax levy in its entirety to AATA at the 2012 millage rate or as adjusted by State of Michigan statute ~~less a municipal service charge of one percent (1%) of the annual millage at the time of the collection of taxes~~ upon transfer from an Act 55 to an Act 196 authority.

e. In exchange for the City of Ypsilanti mayor's nomination with council confirmation, of one director of New TA's board, the new TA agreement to apprise and solicit the Ypsilanti City Council's advice prior to making major long-term policy actions concerning mass transportation, and at a minimum, the continued level of services provided by its predecessor-in-interest, AATA the City of Ypsilanti agrees to pay its charter transportation millage at the 2012 millage rate or as adjusted by State Statute to the New TA upon transfer from an Act 55 to an Act 196 authority.

f. Authority-wide voter approval before December 31, 2014, of a New TA Act 196 funding source adequate to fund ongoing operations of New TA. Any ballot question submitted to the voters of the City of Ann Arbor and/or the City of Ypsilanti shall clearly identify the new funding as additional to the existing millage *and in Ypsilanti specifically authorize the continued collection and transfer of the full Charter Transportation millage to the new Act 196 TA.*

9. Ann Arbor Approval. Notwithstanding anything in this Agreement to the contrary, if voters in the City of Ann Arbor fail to approve the NEW TA Act 196 funding source at any interim vote prior to December 31, 2014, regardless of whether it is approved or not by the other voting jurisdictions, then the City shall have the right to, but is not required to (i) withdraw from this Agreement without penalty; (ii) veto any attempted termination by AATA of the AATA-City operation agreement; and (iii) refuse to designate and/or assign its millage under Section 3(a). If Ann Arbor voters fail to approve the NEW TA Act 196 funding source before December 31, 2014, regardless of whether it is approved or not by the other voting jurisdictions, then the City shall withdraw from this agreement without penalty, shall veto any attempted termination by AATA of the AATA-City operation agreement, and shall refuse to designate and/or assign its millage under Section 3(a).

10. Closing Date. The transfer of assets and assumption of liabilities will occur at a date, time and place agreed between AATA and New TA, but no later than October 1, 2015, given the clearance of all contingencies.

11. Public Transportation Services and Cooperation Before Closing. Before the closing, AATA retains full authority and control over the conduct of its business. AATA will reimburse New TA for reasonable business expenses incurred by New TA before closing, including expenses relating to New TA's formation and preparation to close this transaction.

12. Termination of Agreement.

a. Automatic Termination. This Agreement will terminate automatically if (i) Closing does not occur before December 31, 2015, or if (ii) after incorporation of the Authority and the expiration of the statutory withdrawal period from the public authority, the City of Ann Arbor is the only participating political subdivision in Washtenaw County in the New TA. It is recognized by all the parties that if either of these conditions occur the stated objectives of Act 196 and this Agreement will not have been met and the Agreement shall be null and void.

b. Discretionary Dissolution or Withdrawal Conditions. The Washtenaw County Board will also be allowed to dissolve the New TA if there is no Authority-wide voter approved funding passed before

December 31, 2014, or voter approval passes Authority-wide but the same is defeated in the City of Ann Arbor. The City of Ann Arbor may also withdraw from the new TA Agreement using any of the methods authorized by MCL 124.458. In the event the City of Ann Arbor exercises any of the foregoing rights, the City of Ann Arbor may immediately terminate this agreement upon written notice to the other parties.

c. Effective Date, Continuity of Services. No such termination or dissolution shall be effective unless and until provision for continued transportation services to Ann Arbor and Ypsilanti is in place, operational and all liabilities on the New TA have been satisfied.

13. General Provisions.

a. Notices. Any notice required or permitted under this agreement is deemed given either upon personal delivery or within two business days after mailing by U.S. first-class mail, postage prepaid, to the parties at their respective addresses shown on this agreement's first page.

b. Assignment. No party may assign any of its rights or delegate any of its duties under this agreement without the prior written consent of the other parties.

c. Choice of Law: This Agreement shall be governed and construed in accordance with the laws of the State of Michigan

d. Entire Agreement and Amendment. This agreement contains the entire agreement among the parties with regard to its subject matter, supersedes all previous understandings, and may be amended only in writing signed by all parties and approved by the board of each party.

ANN ARBOR TRANSPORTATION AUTHORITY
(AATA)

Dated: _____, 2012

By: _____
Michael Ford, Chief Executive Officer

CITY OF ANN ARBOR

Dated: _____, 2012

By: _____
John Hieftje, Mayor

By: _____
Jacqueline Beaudry, City Clerk

Approved as to substance

Steven D. Powers, City Administrator

Approved as to form

Stephen K. Postema, City Attorney

Dated:_____, 2012

CITY OF YPSILANTI

By:_____
Paul Schreiber, Mayor

By:_____
Frances McMullen, City Clerk

ATTESTED TO:

City Administrator

APPROVED AS TO FORM:

John Barr, City Attorney

WASHTENAW COUNTY

Dated:_____, 2012

By:_____
Conan Smith, Board Chair

ATTESTED TO:

Lawrence Kestenbaum
County Clerk/Register

APPROVED AS TO FORM:

Curtis N. Hedger
Office of Corporation Counsel

NEW TRANSPORTATION AUTHORITY

ARTICLES OF INCORPORATION

ARTICLE 1

INTRODUCTION

The Washtenaw County Board of Commissioners adopts these Articles of Incorporation, pursuant to the provisions of Act 196 of Public Acts of 1986 so as to create the NEW Transportation Authority and establish its powers, duties, rights, and responsibilities; the composition and selection process for its Board of Directors; and establishes the effective date for these Articles of Incorporation.

ARTICLE 2

DEFINITIONS

The following definitions will be applicable to, and utilized throughout these Articles of Incorporation:

- **ACT 7:** “Act 7” means public Act No. 7 of the Public Acts of 1967, as amended, known as the Urban Cooperation Act, being sections 124.501 to 124.512 of the Michigan Compiled Laws.
- **ACT 196:** “Act 196” means Act No. 196 of the Public Acts of 1986, as amended, known as the Public Transportation Authority Act, being sections 125.451 to 124.479 of the Michigan Compiled Laws.
- **AUTHORITY:** “Authority” means the public transportation authority created under Act 196 and these Articles of Incorporation.
- **BOARD:** “Board” means the governing body of the Authority, consisting of directors described in article 4.
- **MEMBER:** “Member” means any political subdivision that forms the authority or which joins the authority as a member as allowed by Act 196.
- **POLITICAL SUBDIVISION:** “Political subdivision” means Washtenaw County, or any city, village, or township ~~within Washtenaw County~~.
- **PUBLIC TRANSPORTATION, PUBLIC TRANSPORTATION SERVICE, PUBLIC TRANSPORTATION PURPOSE:** “Public transportation” means the movement of people and goods by publicly or privately owned water vehicle, bus, railroad car, rapid transit vehicle, taxi cab or other conveyance which provides general or special service to the public, but not including charter or sightseeing service or transportation which is exclusively used for school purposes. Public transportation, public transportation services, or public transportation purposes as defined are declared by law to be transportation purposes within meaning of section 9 of article IX of the Michigan Constitution.
- **TAXABLE PROPERTY:** “Taxable property” means the property taxable under the general property tax act(s) of the State of Michigan, except for property expressly exempted by act(s) of the state legislature.

ARTICLE 3
AUTHORITY FORMATION

SECTION 3.01: CREATION, NAME, PURPOSES, AND POWERS

The Washtenaw County Board of Commissioners hereby creates a public transportation authority pursuant to Act 196. The Authority shall be a public body corporate and shall be known and exercise its powers under the title of “NEW Transportation Authority” or other such names as decided by its board of directors. Upon succeeding to the AATA as described in Section 3.07, the Authority has the power to use the names “The Ride”, “Ann Arbor Transportation Authority”, and any other name owned by AATA. The Authority is created for the purpose of providing public transportation services under Act 196. The Authority shall possess all of the powers articulated in these articles, Act 196, and as provided in the Public Transportation Agreement between the Ann Arbor Transportation Authority, The Cities of Ann Arbor and Ypsilanti and the County of Washtenaw, dated _____, 2012.

SECTION 3.02: JURISDICTIONAL BOUNDARY AND MEMBERSHIP

The jurisdictional boundary of the Authority for purposes of Act 196, is the geographical area known as the County of Washtenaw, Michigan, and includes the territory within all political subdivisions within Washtenaw County, subject to withdrawal of any political subdivision pursuant to Act 196. The County of Washtenaw is initially the only member of the Authority. Other political subdivisions may become members pursuant to Act 196. Notwithstanding the foregoing, the Authority may provide services outside its jurisdictional boundary as authorized by law.

The Authority shall send certified letters to the chief elected official, the clerk and chief administrative official, as appropriate, of each political subdivision of the County giving them notice of their rights to withdraw (so-called “opt-out”) within 30 days under the first sentence of Act 196 section 8(5). If there is a vote on a funding mechanism for the operations of the authority, only those communities that have not opted out will vote and be subject to any tax adopted as a funding mechanism.

~~The County will cease to be a member immediately after the opt out period and the remaining political subdivisions will become the members.~~

SECTION 3.03: ADOPTION, ENDORSEMENT, AND PUBLICATION

The Washtenaw County Clerk/Register of Deeds (hereinafter “Clerk”) shall endorse these Articles of Incorporation after their adoption by the Washtenaw County Board of Commissioners. The Authority shall publish them once in a newspaper including but not limited to *Washtenaw Legal News* on a date at least 10 days, but not more than 30 days, after their adoption.

SECTION 3.04: FILING OF ARTICLES

The Clerk shall file a printed copy of these Articles of Incorporation in the Clerk’s Office, and the Authority shall file them with the Michigan Secretary of State, and the

Director of the Michigan Department of Transportation and provide confirmation of such filing to the Clerk and, if requested, any political subdivision to be served by the Authority.

SECTION 3.05: EFFECTIVE DATE; VALIDITY PRESUMED

The Authority shall become operative, and these Articles of Incorporation shall become effective, thirty (30) days after filing with the Clerk's Office, with the Michigan Secretary of State, and the Director of the Michigan Department of Transportation (MDOT), whichever is later. The validity of the incorporation of the Authority will be conclusively presumed unless questioned in a court of competent jurisdiction within sixty (60) days after the publication of the articles of incorporation.

**SECTION 3.06: SUCCESSOR-IN-INTEREST TO ANN ARBOR
TRANSPORTATION AUTHORITY (AATA)**

Notwithstanding the operative effective date of the Authority, it shall not succeed the AATA as provider of a Public Transportation Service within the cities of Ann Arbor and Ypsilanti and be entitled to assume or assert any financial or other rights as successor-in-interest unless and until all of the following occurs: (a) passage of a countywide funding mechanism and approval of the MDOT and Federal Transit Administration, (b) approval of the Public Transportation Agreement by the governing bodies of the County of Washtenaw, cities of Ann Arbor and Ypsilanti, and the Ann Arbor Transportation Authority and satisfaction of the terms and conditions therein, and (c) approval of these Articles of Incorporation by an affirmative vote of a majority of persons elected to and serving on the legislative body of each political subdivision which contributes revenue in the form of a charter millage to AATA.

SECTION 3.07: SEVERABILITY

The requirements and the various chapters, parts, sections, and clauses of these Articles of Incorporation are severable. If a court of competent jurisdiction determines that any article, part, sentence, paragraph, section, or clause is unconstitutional or invalid, the remaining chapters, parts, portions, and provisions of these Articles of Incorporation shall remain in full force and effect, except that if any of the conditions (a) through (c) in Section 3.07 are declared unconstitutional or invalid, the Authority shall not succeed to the AATA, as described in that section.

**SECTION 3.08: MEMBER ADMISSION AND RELEASE AFTER AUTHORITY
FORMATION**

If conditions in Act 196 are met after the conclusive formation of the Authority, political subdivisions may become members in the Authority and members may be released from membership in the Authority.

SECTION 3.09: POLITICAL SUBDIVISION WITHDRAWAL AFTER AUTHORITY FORMATION

If conditions in Act 196 are met after the conclusive formation of the Authority, a political subdivision may withdraw from the Authority. [In addition, a political subdivision may withdraw under the same terms that Act 196 gives members the right to be released from membership.](#)

ARTICLE 4
BOARD OF DIRECTORS

SECTION 4.01: INITIAL BOARD

Subject to Section 4.02 of these Articles of Incorporation, the Board shall consist of fifteen (15) directors appointed by the following entities based principally on population, historical investment, and ongoing financial contributions:

<u>Number</u>	<u>Appointing Entity</u>
7	City of Ann Arbor
1	City of Ypsilanti
1	Pittsfield Township
2	South East District (under an interlocal agreement among the following political subdivisions: Townships of Augusta and Ypsilanti)
1	South Middle District (under an interlocal agreement among the following political subdivisions: Cities of Milan and Saline and the Townships of Lodi, Saline and York)
1	West District (under an interlocal agreement among the following political subdivisions: the City of Chelsea, Village of Manchester and the Townships of Bridgewater, Dexter, Freedom, Lima, Lyndon, Manchester, Sharon, and Sylvan)
1	North East District (under an interlocal agreement among the following political subdivisions: the Townships of Ann Arbor, Northfield, Salem, and Superior)
<u>1</u>	North Middle District (under an interlocal agreement among the following political subdivisions: the Village of Dexter, and the Townships of Scio and Webster)
15	

The governing bodies of the Cities of Ann Arbor and Ypsilanti and the Charter Township of Pittsfield shall appoint their respective directors in accordance with their adopted policies and procedures for appointment to boards and commissions and retain the right

to remove and replace such directors in accordance with the same procedures. The other districts select directors through Act 7 Interlocal Agreements, which contain procedures for appointment and removal. The County of Washtenaw, may but is not required to, appoint a non-voting ex-officio to the Board. Appointing governing bodies or districts may select an alternate to serve in place of the member or members in their absence. When a director is absent, the alternate shall have the same voting powers but may not assume an officer position.

SECTION 4.02: BOARD MAKE UP REVIEW

The directors shall revisit the Board make-up if (a) either Ann Arbor or Ypsilanti City reduces or fails to contribute its charter millage to the Authority; (b) if another community levies a millage and contributes it to the Authority; or (c) if all communities within one of the Act 7 districts withdraw from the Authority. The Board make-up shall also be reviewed and be subject to change by two-thirds of the directors after each census to assure appropriate attention to population distribution.

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The Authority shall notify the respective appointing bodies at least 45 days prior to the expiration date of the term of office of any person serving on the Board.

SECTION 4.04: RESIGNATIONS, VACANCIES, AND REMOVALS

A director may resign at any time and such resignation shall become effective upon the Authority's receipt of a written resignation notice, unless the notice specifies a later date. The Authority Board may, upon a 2/3rds vote of its other directors, remove a director prior to the expiration of that director's term of office for persistent failure to perform the duties of that director's office, other reasons as specified in the bylaws, gross misconduct in office, conviction of a felony involving extortion, or financial misconduct. A director

may be removed from office with or without cause at any time by the same local body or process that appointed the director.

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Directors shall serve without compensation.

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Directors may not have a financial interest, direct or indirect, in any contract with the Authority, except as permitted by law.

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All Authority directors shall be residents of Washtenaw County, at least eighteen years old, shall be representative of public transportation interests as they exist in the County and other qualifications as detailed in the Bylaws of the Authority. Notwithstanding the above, any of these requirements may be waived by a governing body authorized to appoint directors under section 4.01 by resolution concurred in by not less than 2/3rds of that governing body's directors. Directors may not hold office in violation of Michigan's Incompatible Offices Act, MCLA 15.181-.185, or other similar law.

ARTICLE 5 **PUBLIC MEETINGS**

SECTION 5.01: PUBLIC MEETINGS

The Authority shall conduct all meetings of the Board in compliance with the Open Meetings Act (Act 267 of the Public Acts of 1976). The Authority shall provide public notice of the time, date, and place of the meeting in the manner required by Act 267 of 1976, as amended. The Authority shall meet at regular intervals. It shall adopt its own rules of procedure and shall keep a record of its proceedings. A majority of the directors appointed and serving ~~and present in person at a meeting~~ shall constitute a quorum. Each director shall have one vote. Decisions of the Board require a majority vote of the directors appointed and serving at a Board meeting having a quorum present, except approval of the budget and amendment of the articles each require approval of 2/3rds of all directors. No director shall cast a vote in proxy for an absent director; however, the Board shall permit a director's alternate, if any, to attend a meeting in the director's absence and vote.

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In the exercise of its powers within its boundaries, the Authority is exempt from the Motor Carrier Act, Act No. 254 of the Public Acts of 1933, being sections 475.1 to 479.20 of the Michigan Compiled Laws; Act No. 3 of the Public Acts of 1939, being Sections 460.1 to 460.8 of the Michigan Compiled Laws; and Act No. 42 of the Public Acts of 1982, being Sections 474.101 to 474.141 of the Michigan Compiled Laws.

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The Authority may apply for and accept grants, loans, or contributions from the federal government or any of its agencies, the state, other public or private agencies, or other lawful sources.

SECTION 7.02: FINANCING

The Authority may finance public transportation services, including any public transportation system and public transportation facilities pursuant to the provisions of Act 196. Budgets and appropriations shall be made in accordance with Act 2 of the Public Acts of 1968.

SECTION 7.03: TAX LEVY

The Authority may levy a tax for public transportation purposes as provided for and within the time limits and rates established by Act 196 within its jurisdictional boundary subject to the tax limitations of which are provided by general law within the meaning of section 6 of article IX of the Michigan Constitution of 1963.

No tax may be levied except upon the approval of a majority of the registered electors residing within the jurisdictional boundary of the Authority affected and qualified to vote and voting on the tax at a general or special election called in accordance with Act 196.

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Any member of the Authority or a political subdivision otherwise granted taxing authority under state law may levy a tax within the limits of the political subdivision, and appropriate, grant, or contribute, in whole or in part, the tax levied and collected to the Authority for public transportation purposes as authorized by Act 196, or to provide sufficient money to fulfill its contractual obligations to the Authority, which tax will be within charter, statutory, and constitutional limitations thereon.

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Any member of the Authority or a political subdivision outside Washtenaw County may contract with the Authority to make payments, appropriations, or contributions to the Authority of the proceeds of taxes, special assessments, or charges imposed or collected by the political subdivision or out of any other funds legally available in exchange for service.

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If the Authority has issued notes or bonds in anticipation of payments, appropriations, or contributions to be made to the Authority pursuant to a contract by a political subdivision, the political subdivision may levy a tax, subject to all appropriate statutory and constitutional requirements, on all taxable property in the political subdivision to provide sufficient money to fulfill its contractual obligations to the Authority in accordance with law.

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Any political subdivision outside the Authority's jurisdiction that has authorized the levy of a tax to provide money for public transportation purposes or has imposed, collected special assessments, or charges for public transportation purposes may contract with the Authority to make payments, appropriations, or contributions to the Authority of the proceeds of the taxes, special assessments, subject to the conditions of the original authorization of such levy in exchange for service.

SECTION 7.09: BORROWING MONEY

By resolution of the Board, the Authority may borrow money and issue notes and bonds to provide funds for operating purposes or for capital purposes related to transportation facilities pursuant to the provisions of Act 196.

SECTION 7.10: REVENUES PLEDGED FOR PAYMENT OF DEBT

The revenues pledged for payment of debt service on bonds or notes shall be, and remain subject to, a statutory lien until the payment in full of the principal and interest on the bonds or notes unless the resolution authorizing the issuance of the bonds or notes provides for earlier discharge of the lien by substitution of other security. The pledge of revenues and any statutory lien that exists for the payment of debt services on bonds or notes shall be effective for all purposes without delivery of any evidence in this regard or any recording.

SECTION 7.11: INVESTMENTS

The Authority may invest any of its money in accordance with all applicable laws and regulations.

ARTICLE 8 **COLLECTIVE BARGAINING AGREEMENTS**

SECTION 8.01: CONTRACTUAL OBLIGATIONS

The Authority shall have the right to collectively bargain and enter into agreements with labor organizations pursuant to applicable law. Upon succession by the Authority to a public transportation system, the Authority shall assume and be bound by any existing collective bargaining agreements applicable to that system for the remainder of the term of that agreement, and, except where the existing collective bargaining agreement may otherwise permit, shall retain the employees covered by that collective bargaining agreement. The succession to a public transportation system by the Authority shall not adversely affect any existing rights and obligations contained in the existing collective bargaining agreement.

SECTION 8.02: EMPLOYEE RETIREMENT

The Authority shall honor the pension or retirement system established by any succeeded public transportation system and members and beneficiaries of those retirement system shall continue to have the same rights, privileges, benefits, obligations, and status.

ARTICLE 9 **AUDITS**

The Authority shall obtain an annual audit in accordance with sections 6 to 13 of Act 2 of the Public Acts of 1968 of the Michigan Compiled Laws. The audit shall be in accordance with generally accepted government auditing standards as promulgated by the United States General Accounting Office and satisfy federal regulations relating to federal grant requirements.

The Authority shall publish notice that an annual audit has been obtained once in the *Washtenaw County Legal News* and file a printed copy with the Clerk of each of the political subdivisions represented by directors on the Board, the State Treasurer, and the State Transportation Department, as provided for in Act 196.

ARTICLE 10 **ARTICLES OF INCORPORATION;**

SECTION 10.01: AMENDMENTS

These Articles of Incorporation may be amended only upon a two-thirds (2/3) vote of the directors appointed and serving on the Authority. All amendments must comply with applicable state and federal laws. All amendments to the Articles of Incorporation become effective only after they are executed jointly by the Chairperson and by the Secretary of the Board of the Authority, filed with the recording officer of the

Washtenaw County Clerk, and filed and published in the same manner as the original Articles of Incorporation.

SECTION 10.02: DISSOLUTION OF THE AUTHORITY

The Authority may be dissolved in accordance with the provisions of Act 196 and as provided for in Section 12 of the Public Transportation Agreement referenced in section 3.01. If the City of Ann Arbor is the only political subdivision in the County remaining within the Authority after the expiration of the statutory 30-day withdrawal period, the Authority shall be dissolved. The dissolution action shall provide for the effective date of such dissolution and shall include provisions for the distribution of all assets and for the settlement of all debts and liabilities of the Authority and the provision for continued transportation services to Ann Arbor and Ypsilanti. Notice of such dissolution shall be executed jointly by the Chairperson and by the Secretary of the Board of the Authority, filed with the recording officer of the Washtenaw County Clerk, and filed and published in the same manner as the original Articles of Incorporation.

~~Notwithstanding anything in these articles to the contrary, if the first funding request passed by the voters within the Authority's district receives more "no" votes than "yes" votes from voters within the City of Ann Arbor, the Authority shall be promptly dissolved.~~

Except as provided above, dissolution is not required if either (a) a member political subdivision is released from membership pursuant to Section 3.08, or (b) a political subdivision withdraws from the Authority pursuant to Section 3.09.

On release from or dissolution of the Authority, any millage obligation pledged for the use by the Authority shall be deemed extinguished as of the date of the dissolution subject to payment or provision for payment of all obligations of the political subdivision to the Public Authority or its creditors as of the date of release or dissolution; and thereafter in the case of dissolution of the Authority, the respective political subdivision shall have no obligation to pledge the respective tax levy to any successor-in-interest to the Authority.

CLERK ENDORSEMENT

The foregoing Articles of Incorporation for the Authority were adopted by an affirmative vote of a majority of the members serving on Washtenaw County Board of Commissioners at a meeting duly held on the _____ day of _____, A. D. 20_____. Pursuant to Act 196 execution of this endorsement here below by the Clerk/Registrar of Washtenaw County, the incorporating authority, shall be evidence of adoption of the Articles of Incorporation.

COUNTY OF WASHTENAW

Chairperson, Washtenaw County
Board of Commissioners

DATE:_____

County Clerk/Register of Deeds

DATE:_____

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Document comparison by Workshare Professional on Friday, May 11, 2012
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Description	GR_DOCS-#1788500-v9-AATA_New_Transportation_Authority_Articles_of_Incorporation
Document 2 ID	PowerDocs://GR_DOCS/1788500/10
Description	GR_DOCS-#1788500-v10-AATA_New_Transportation_Authority_Articles_of_Incorporation
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Legend:	
<u>Insertion</u>	
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Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	9
Deletions	6
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	15

NEW TRANSPORTATION AUTHORITY

ARTICLES OF INCORPORATION

ARTICLE 1

INTRODUCTION

The Washtenaw County Board of Commissioners adopts these Articles of Incorporation, pursuant to the provisions of Act 196 of Public Acts of 1986 so as to create the NEW Transportation Authority and establish its powers, duties, rights, and responsibilities; the composition and selection process for its Board of Directors; and establishes the effective date for these Articles of Incorporation.

ARTICLE 2

DEFINITIONS

The following definitions will be applicable to, and utilized throughout these Articles of Incorporation:

- **ACT 7:** “Act 7” means public Act No. 7 of the Public Acts of 1967, as amended, known as the Urban Cooperation Act, being sections 124.501 to 124.512 of the Michigan Compiled Laws.
- **ACT 196:** “Act 196” means Act No. 196 of the Public Acts of 1986, as amended, known as the Public Transportation Authority Act, being sections 125.451 to 124.479 of the Michigan Compiled Laws.
- **AUTHORITY:** “Authority” means the public transportation authority created under Act 196 and these Articles of Incorporation.
- **BOARD:** “Board” means the governing body of the Authority, consisting of directors described in article 4.
- **MEMBER:** “Member” means any political subdivision that forms the authority or which joins the authority as a member as allowed by Act 196.
- **POLITICAL SUBDIVISION:** “Political subdivision” means Washtenaw County, or any city, village, or township.
- **PUBLIC TRANSPORTATION, PUBLIC TRANSPORTATION SERVICE, PUBLIC TRANSPORTATION PURPOSE:** “Public transportation” means the movement of people and goods by publicly or privately owned water vehicle, bus, railroad car, rapid transit vehicle, taxi cab or other conveyance which provides general or special service to the public, but not including charter or sightseeing service or transportation which is exclusively used for school purposes. Public transportation, public transportation services, or public transportation purposes as defined are declared by law to be transportation purposes within meaning of section 9 of article IX of the Michigan Constitution.
- **TAXABLE PROPERTY:** “Taxable property” means the property taxable under the general property tax act(s) of the State of Michigan, except for property expressly exempted by act(s) of the state legislature.

ARTICLE 3
AUTHORITY FORMATION

SECTION 3.01: CREATION, NAME, PURPOSES, AND POWERS

The Washtenaw County Board of Commissioners hereby creates a public transportation authority pursuant to Act 196. The Authority shall be a public body corporate and shall be known and exercise its powers under the title of “NEW Transportation Authority” or other such names as decided by its board of directors. Upon succeeding to the AATA as described in Section 3.07, the Authority has the power to use the names “The Ride”, “Ann Arbor Transportation Authority”, and any other name owned by AATA. The Authority is created for the purpose of providing public transportation services under Act 196. The Authority shall possess all of the powers articulated in these articles, Act 196, and as provided in the Public Transportation Agreement between the Ann Arbor Transportation Authority, The Cities of Ann Arbor and Ypsilanti and the County of Washtenaw, dated _____, 2012.

SECTION 3.02: JURISDICTIONAL BOUNDARY AND MEMBERSHIP

The jurisdictional boundary of the Authority for purposes of Act 196, is the geographical area known as the County of Washtenaw, Michigan, and includes the territory within all political subdivisions within Washtenaw County, subject to withdrawal of any political subdivision pursuant to Act 196. The County of Washtenaw is initially the only member of the Authority. Other political subdivisions may become members pursuant to Act 196. Notwithstanding the foregoing, the Authority may provide services outside its jurisdictional boundary as authorized by law.

The Authority shall send certified letters to the chief elected official, the clerk and chief administrative official, as appropriate, of each political subdivision of the County giving them notice of their rights to withdraw (so-called “opt-out”) within 30 days under the first sentence of Act 196 section 8(5). If there is a vote on a funding mechanism for the operations of the authority, only those communities that have not opted out will vote and be subject to any tax adopted as a funding mechanism.

SECTION 3.03: ADOPTION, ENDORSEMENT, AND PUBLICATION

The Washtenaw County Clerk/Register of Deeds (hereinafter “Clerk”) shall endorse these Articles of Incorporation after their adoption by the Washtenaw County Board of Commissioners. The Authority shall publish them once in a newspaper including but not limited to *Washtenaw Legal News* on a date at least 10 days, but not more than 30 days, after their adoption.

SECTION 3.04: FILING OF ARTICLES

The Clerk shall file a printed copy of these Articles of Incorporation in the Clerk’s Office, and the Authority shall file them with the Michigan Secretary of State, and the Director of the Michigan Department of Transportation and provide confirmation of such filing to the Clerk and, if requested, any political subdivision to be served by the Authority.

SECTION 3.05: EFFECTIVE DATE; VALIDITY PRESUMED

The Authority shall become operative, and these Articles of Incorporation shall become effective, thirty (30) days after filing with the Clerk's Office, with the Michigan Secretary of State, and the Director of the Michigan Department of Transportation (MDOT), whichever is later. The validity of the incorporation of the Authority will be conclusively presumed unless questioned in a court of competent jurisdiction within sixty (60) days after the publication of the articles of incorporation.

**SECTION 3.06: SUCCESSOR-IN-INTEREST TO ANN ARBOR
TRANSPORTATION AUTHORITY (AATA)**

Notwithstanding the operative effective date of the Authority, it shall not succeed the AATA as provider of a Public Transportation Service within the cities of Ann Arbor and Ypsilanti and be entitled to assume or assert any financial or other rights as successor-in-interest unless and until all of the following occurs: (a) passage of a countywide funding mechanism and approval of the MDOT and Federal Transit Administration, (b) approval of the Public Transportation Agreement by the governing bodies of the County of Washtenaw, cities of Ann Arbor and Ypsilanti, and the Ann Arbor Transportation Authority and satisfaction of the terms and conditions therein, and (c) approval of these Articles of Incorporation by an affirmative vote of a majority of persons elected to and serving on the legislative body of each political subdivision which contributes revenue in the form of a charter millage to AATA.

SECTION 3.07: SEVERABILITY

The requirements and the various chapters, parts, sections, and clauses of these Articles of Incorporation are severable. If a court of competent jurisdiction determines that any article, part, sentence, paragraph, section, or clause is unconstitutional or invalid, the remaining chapters, parts, portions, and provisions of these Articles of Incorporation shall remain in full force and effect, except that if any of the conditions (a) through (c) in Section 3.07 are declared unconstitutional or invalid, the Authority shall not succeed to the AATA, as described in that section.

**SECTION 3.08: MEMBER ADMISSION AND RELEASE AFTER AUTHORITY
FORMATION**

If conditions in Act 196 are met after the conclusive formation of the Authority, political subdivisions may become members in the Authority and members may be released from membership in the Authority.

**SECTION 3.09: POLITICAL SUBDIVISION WITHDRAWAL AFTER
AUTHORITY FORMATION**

If conditions in Act 196 are met after the conclusive formation of the Authority, a political subdivision may withdraw from the Authority. In addition, a political subdivision may withdraw under the same terms that Act 196 gives members the right to be released from membership.

ARTICLE 4
BOARD OF DIRECTORS

SECTION 4.01: INITIAL BOARD

Subject to Section 4.02 of these Articles of Incorporation, the Board shall consist of fifteen (15) directors appointed by the following entities based principally on population, historical investment, and ongoing financial contributions:

<u>Number</u>	<u>Appointing Entity</u>
7	City of Ann Arbor
1	City of Ypsilanti
1	Pittsfield Township
2	South East District (under an interlocal agreement among the following political subdivisions: Townships of Augusta and Ypsilanti)
1	South Middle District (under an interlocal agreement among the following political subdivisions: Cities of Milan and Saline and the Townships of Lodi, Saline and York)
1	West District (under an interlocal agreement among the following political subdivisions: the City of Chelsea, Village of Manchester and the Townships of Bridgewater, Dexter, Freedom, Lima, Lyndon, Manchester, Sharon, and Sylvan)
1	North East District (under an interlocal agreement among the following political subdivisions: the Townships of Ann Arbor, Northfield, Salem, and Superior)
<u>1</u>	North Middle District (under an interlocal agreement among the following political subdivisions: the Village of Dexter, and the Townships of Scio and Webster)
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The governing bodies of the Cities of Ann Arbor and Ypsilanti and the Charter Township of Pittsfield shall appoint their respective directors in accordance with their adopted policies and procedures for appointment to boards and commissions and retain the right to remove and replace such directors in accordance with the same procedures. The other districts select directors through Act 7 Interlocal Agreements, which contain procedures for appointment and removal. The County of Washtenaw, may but is not required to, appoint a non-voting ex-officio to the Board. Appointing governing bodies or districts may select an alternate to serve in place of the member or members in their absence. When a director is absent, the alternate shall have the same voting powers but may not assume an officer position.

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ARTICLE 8
COLLECTIVE BARGAINING AGREEMENTS

SECTION 8.01: CONTRACTUAL OBLIGATIONS

The Authority shall have the right to collectively bargain and enter into agreements with labor organizations pursuant to applicable law. Upon succession by the Authority to a public transportation system, the Authority shall assume and be bound by any existing collective bargaining agreements applicable to that system for the remainder of the term of that agreement, and, except where the existing collective bargaining agreement may otherwise permit, shall retain the employees covered by that collective bargaining agreement. The succession to a public transportation system by the Authority shall not adversely affect any existing rights and obligations contained in the existing collective bargaining agreement.

SECTION 8.02: EMPLOYEE RETIREMENT

The Authority shall honor the pension or retirement system established by any succeeded public transportation system and members and beneficiaries of those retirement system shall continue to have the same rights, privileges, benefits, obligations, and status.

ARTICLE 9
AUDITS

The Authority shall obtain an annual audit in accordance with sections 6 to 13 of Act 2 of the Public Acts of 1968 of the Michigan Compiled Laws. The audit shall be in accordance with generally accepted government auditing standards as promulgated by the United States General Accounting Office and satisfy federal regulations relating to federal grant requirements.

The Authority shall publish notice that an annual audit has been obtained once in the *Washtenaw County Legal News* and file a printed copy with the Clerk of each of the political subdivisions represented by directors on the Board, the State Treasurer, and the State Transportation Department, as provided for in Act 196.

ARTICLE 10
ARTICLES OF INCORPORATION;

SECTION 10.01: AMENDMENTS

These Articles of Incorporation may be amended only upon a two-thirds (2/3) vote of the directors appointed and serving on the Authority. All amendments must comply with applicable state and federal laws. All amendments to the Articles of Incorporation become effective only after they are executed jointly by the Chairperson and by the Secretary of the Board of the Authority, filed with the recording officer of the Washtenaw County Clerk, and filed and published in the same manner as the original Articles of Incorporation.

SECTION 10.02: DISSOLUTION OF THE AUTHORITY

The Authority may be dissolved in accordance with the provisions of Act 196 and as provided for in Section 12 of the Public Transportation Agreement referenced in section 3.01. If the City of Ann Arbor is the only political subdivision in the County remaining within the Authority after the expiration of the statutory 30-day withdrawal period, the Authority shall be dissolved. The dissolution action shall provide for the effective date of such dissolution and shall include provisions for the distribution of all assets and for the settlement of all debts and liabilities of the Authority and the provision for continued transportation services to Ann Arbor and Ypsilanti. Notice of such dissolution shall be executed jointly by the Chairperson and by the Secretary of the Board of the Authority, filed with the recording officer of the Washtenaw County Clerk, and filed and published in the same manner as the original Articles of Incorporation.

Except as provided above, dissolution is not required if either (a) a member political subdivision is released from membership pursuant to Section 3.08, or (b) a political subdivision withdraws from the Authority pursuant to Section 3.09.

On release from or dissolution of the Authority, any millage obligation pledged for the use by the Authority shall be deemed extinguished as of the date of the dissolution subject to payment or provision for payment of all obligations of the political subdivision to the Public Authority or its creditors as of the date of release or dissolution; and thereafter in the case of dissolution of the Authority, the respective political subdivision shall have no obligation to pledge the respective tax levy to any successor-in-interest to the Authority.

CLERK ENDORSEMENT

The foregoing Articles of Incorporation for the Authority were adopted by an affirmative vote of a majority of the members serving on Washtenaw County Board of Commissioners at a meeting duly held on the _____ day of _____, A. D. 20_____. Pursuant to Act 196 execution of this endorsement here below by the Clerk/Registrar of Washtenaw County, the incorporating authority, shall be evidence of adoption of the Articles of Incorporation.

COUNTY OF WASHTENAW

Chairperson, Washtenaw County
Board of Commissioners

DATE:_____

County Clerk/Register of Deeds

DATE:_____

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Resolution No. 2012 - 103
May 15, 2012

WHEREAS in 2000 the City negotiated with MetriCom, Inc., a Delaware corporation, to place wireless digital data communication radio network transceivers in the City right-of way by hanging them on existing light poles; and

WHEREAS MetriCom installed some radios within the City and then went out of business; and

WHEREAS those radios are apparently still installed; and

WHEREAS Wireless Ypsilanti has requested it be allowed to replace one or more of the MetriCom “ricochet” devices with their own radios, providing a free service for persons within the Ypsilanti area; and

WHEREAS Michigan law gives the City the power to control the right-of-ways of the City, including this type of installation of wireless devices;

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that the proposed Right-of-way Agreement with WirelessYpsi is approved, and the Mayor and City Clerk are authorized to executed such agreement, subject to the approval of the City Attorney.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



REQUEST FOR LEGISLATION
May 15, 2012

From: Teresa Gillotti, Planner II

Subject: Right-of-Way license agreement for 148 S. Prospect St.

Background

The property manager of the Hilltop Apartments at 148 S. Prospect inquired about options related to expanding an existing non-conforming drive and parking area for the Hilltop Apartments at 148 S. Prospect St. The existing configuration creates a situation where cars are forced to drive on the sidewalk to drive around parked cars, as the drive is not wide enough to accommodate cars. As a result, the sidewalk is in disrepair, and there is an ongoing conflict between cars and pedestrians in front of the property.

The owner requested use of the right-of-way in order to relocate the existing sidewalk, in the hopes of alleviating the conflict by expanding the drive way. City staff supported the request as it results in an improved sidewalk, safer vehicular flow, and less opportunity for pedestrian/car conflict. In collaboration with the City Attorney's office staff developed a right-of-way license agreement. The proposed agreement would allow the property owner to relocate the sidewalk closer to the road (east) in order to free up 5 feet of driveway for use on the property. The sidewalk would be aligned with the sidewalk to the south.



The conditions on the agreement include:

- Submission of a site plan and related drawings for approval by planning, engineering and DPS staff for construction of the drive expansion and sidewalk relocation
- Permits and fees as required per city ordinance
- If project is not constructed within 6 months, the agreement is null and void
- The license is in effect for 10 years, with a provision to automatically renew, unless termination is requested by either party.
-

- The owner will pay \$400 to cover staff and attorney fees and cost to record the agreement with the county.

RECOMMENDED ACTION: Approval

ATTACHMENTS:

- ROW license agreement for 148 S. Prospect
- Resolution

Please contact Teresa Gillotti at tgillotti@cityofypsilanti.com or 734-483-9646 with any questions you may have.

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2012-104
March 15, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City received a request from the property owner at 148 S. Prospect for a right-of-way license to alleviate a potential pedestrian, vehicular conflict on the site and;

WHEREAS, City staff and the City attorney considered a variety of options to encourage resolution of this conflict;

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council approves the Right-of-way license agreement for 148 S. Prospect Street and;

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

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:

Right-of-Way Permit Agreement

This Agreement is for 148 South Prospect, Ypsilanti, MI 48198

This Agreement is made this _____ day of _____, 2012,
between THE CITY OF YPSILANTI, a Michigan home-rule municipal corporation of One
South Huron Street, Ypsilanti, MI 48197, hereinafter referred to as "CITY," and
_____*i*Investment, LLC_____, a _____, of _____,
Ypsilanti MI 48197, referred to as Licensee, agree as follows:

RECITALS:

Licensee owns property at 148 South Prospect Street, Ypsilanti, MI, described as:
*16E-109 E 183' OF LOT 99& N 75' OF E 183' OF LOT 100 EXC E 33' FOR STREET
HUNTERS ADDITION*

Tax Identification Number: 11-11-09-405-036

and desires to utilize part of a city right of way to re-arrange access to existing
parking.

The right of way used would change the present configuration of the existing
private drive and sidewalk. The proposal would relocate the existing sidewalk to allow
licensee to pave part of the area to expand the drive or maneuvering lane adjacent to
existing parking along the front of Licensee's building.

The CITY is agreeable with providing access on the terms of this Right-of-way
Permit agreement.

AGREEMENT:

1. The parties agree that LICENSEE shall have permission to re-align and re-
locate the existing sidewalk and utilize part of the city right of way to expand the drive
or maneuvering lane to existing parking, pursuant to a site plan and construction plans
and specifications to be submitted for review and approval by city. This license is not
effective until such approval.

2. Licensee will reconstruct the present sidewalk and complete the drive
access in accordance with the said plans and city specifications.

3. Definitions:

a. "Right-of-way" means the space in, upon, above, along, across, and over the public streets, roads, highways, lanes, courts, ways, alleys, boulevards, sidewalks, bicycle lanes, and places, including all public utility easements and public service easements under the jurisdiction of the City.

4. Term. This agreement shall be effective beginning on the date of signing and for a term of ten (10) years, unless earlier terminated. The term shall automatically renew unless either party give 90 days notice to terminate. The parties understand and agree that the City may terminate this License of right of way at any time, and for any or no reason, upon giving 90 days notice.

5. The City authorizes and permits LICENSEE to enter upon the Public Right-of-Way and to do the work described.

6. All fees, costs, and expenses of the work shall be borne by LICENSEE.

7. LICENSEE shall not interfere in any manner with any other City property.

8. LICENSEE shall comply with all applicable laws, including state, federal and local laws.

9. LICENSEE shall apply for and obtain proper permits and pay the necessary fees for any work.

10. Waiver. LICENSEE waives any and all claims, demands, causes of action, and rights that may be asserted against CITY, including its council members, officers, employees, agents, departments, boards, committees, commissions, and attorneys on account of any loss, damage or injury, in any way relating to the use of said right of way, unless such loss results in the gross negligence or willful conduct of CITY.

11. Indemnity and Hold Harmless. LICENSEE shall indemnify and hold CITY harmless from any and all claims, suits, demands or occurrences resulting in any way from the use of said right of way.

12. Insurance. During the term of this Agreement LICENSEE shall maintain or cause to be maintained, in full force and effect at its sole cost and expense, Commercial General Liability Insurance of not less than \$1 Million.

13. Inspections. CITY has the right to inspect the right of way at any time without notice.

14. Notices shall be given to the parties at the address set forth above.

15. Assignment. This Agreement may be assigned by LICENSEE with CITY approval, provided LICENSEE is not in default to the CITY for payment of taxes or any code violation.

16. This Agreement shall be governed and construed in accordance with the laws of the state of Michigan and all jurisdiction and venue shall exclusively reside in the state court in the County of Washtenaw or the federal courts in the eastern district of Michigan.

17. A copy of this agreement may be recorded with the office of the Washtenaw County Register of Deeds.

18. LICENSEE shall pay the CITY the reasonable CITY costs in processing the ROW agreement, of staff and attorney fees in the amount of \$400, plus recording fees.

19. LICENSEE shall apply for all permits within 30 days of the date of this License, and commence construction within 90 days of said date, otherwise, this license is void. LICENSEE shall finish the reconstruction of the sidewalk and approach as provided in this agreement within 180 days of the date of this agreement. In default, in the event work has commenced, but not been completed within 180 days, LICENSEE shall pay the city \$50 per day liquidated damages for each day the work is not completed, up to \$500. The CITY reserves the right to complete the work, after 7 days notice, and the cost to complete the work shall be paid to CITY by LICENSEE and a lien on the property, and CITY may collect the same by adding the cost to the next real tax bill of LICENSEE as a special assessment.

IN WITNESS WHEREOF, the undersigned have set their hands this _____ day of _____, 2012.

In the presence of:

LICENSEE

THE CITY OF YPSILANTI

BY: _____
Paul Schreiber, Mayor

Frances McMullan, City Clerk

BY: _____

DRAFTED BY AND APPROVED AS TO FORM:
When recorded return to:

John M. Barr, P-10475
Ypsilanti City Attorney
105 Pearl, Ypsilanti, Mi 48197
734 481-1234

CITY OF YPSILANTI / HDL.COM LLC
Right-of-Way Permit Agreement

This Agreement is made this _____ day of _____, 2012, between THE CITY OF YPSILANTI, a Michigan home-rule municipal corporation of One South Huron Street, Ypsilanti, MI 48197, hereinafter referred to as "CITY," and HDL.COM LLC, a _____, of _____, Ypsilanti MI 48197, referred to as "HDL.COM LLC," agree as follows:

RECITALS:

HDL.com LLC desires to utilize city streets and highways by installing radio devices on street light poles within the City.

The radios will allow free wireless service throughout the City and also be used for fee wireless enhanced service.

The CITY is agreeable with providing access on the terms of this Right-of-way Permit agreement.

AGREEMENT:

1. The parties agree that HDL.COM LLC shall have permission to install radios throughout the City, replacing the defunct Metricom radios.

2. The radios shall be placed on City-owned street light poles within the City right-of-way.

3. Definitions:

a. "Right-of-way" means the space in, upon, above, along, across, and over the public streets, roads, highways, lanes, courts, ways, alleys, boulevards, sidewalks, bicycle lanes, and places, including all public utility easements and public service easements under the jurisdiction of the City.

b. "Radio" means the radio equipment, whether referred to singly or collectively, to be installed and operated by HDL.COM LLC pursuant to this Agreement.

c. "Services" means the mobile digital communications services provided through the Network by HDL.COM LLC.

d. "Subscriber" means any person or entity which legally receives Services.

4. Term. This agreement shall be effective beginning on the date of signing and for a term of ten (10) years, unless earlier terminated.

5. The City authorizes and permits HDL.COM LLC to enter upon the Public Right-of-Way and to locate, place, attach, install, operate, maintain, remove, reattach, reinstall, relocate, and replace Radios in or on municipal facilities owned by the City for the purposes of operating the network and providing services.

6. All fees, costs, and expenses of installing and operating the radios shall be borne by HDL.COM LLC.

7. HDL.COM LLC shall not interfere in any manner with any other City property.

8. HDL.COM LLC shall comply with all applicable laws, including state, federal and local laws and the rules promulgated by the Federal Communications Commission.

9. HDL.COM LLC shall apply for and obtain proper permits and pay the necessary fees for any work.

10. Compensation. CITY will be responsible for the cost of electricity used by the radios as installed pursuant to this Agreement.

11. HDL.COM LLC shall not pay any fees to the CITY for the privilege of attaching radios as described above because of the free service offered. However, in the event that HDL.COM LLC does receive revenue from the wireless system, HDL.COM LLC shall pay CITY the sum of five percent (5%) of the total gross revenues received.

12. Option to Renew. HDL.COM LLC shall have the option to renew this Agreement with similar terms for another period of 10 years, provided that HDL.COM LLC has complied with all the terms of this Agreement and is not in default to CITY.

13. Late Fees. Any payment due the CITY which is not paid by January 1st of any year shall be considered in default and an additional five percent (5%) late fee shall accrue to the payment.

14. Free Service to CITY. As additional consideration for this Agreement, HDL.COM LLC shall provide to CITY, upon request, not less than ten fast wireless connections.

15. Relocation of Radios. In the event it becomes necessary, CITY may request and HDL.COM LLC shall comply with the request to move any of the radios for any reason.

16. Expiration. Upon expiration and termination of this Agreement, HDL.COM LLC shall promptly, safely, and carefully remove all the radios at HDL.COM LLC's sole cost and expense.

17. Installation Standards. All installations standards shall meet all Ypsilanti city codes, state codes, and federal communication rules.

18. Waiver. HDL.COM LLC waives any and all claims, demands, causes of action, and rights that may assert against CITY, including its council members, officers, employees, agents, departments, boards, committees, commissions, and attorneys on account of any loss, damage or injury to any radio, or any loss or degradation of the services as a result of any event, unless such loss results in the gross negligence or willful conduct of CITY.

19. Indemnity and Hold Harmless. HDL.COM LLC shall indemnify and hold CITY harmless from any and all claims, suits, demands or occurrences resulting in any way from the radios and use of city streets and property by HDL.COM LLC.

20. Insurance. During the term of this Agreement HDL.COM LLC shall maintain or cause to be maintained, in full force and effect at its sole cost and expense, Worker's Compensation Insurance and Commercial General Liability Insurance of not less than \$1 Million, and automobile liability insurance of not than \$1 Million.

21. Maps. HDL.COM LLC shall provide CITY with a set of complete plans and maps for all radios installed, which shall be maintained by the Ypsilanti Building Department and the Ypsilanti City Clerk.

22. Inspections. CITY has the right to inspect the facilities at any time without notice.

23. Notices shall be given to the parties at the address set forth above.

24. Assignment. This Agreement shall not be assigned by either party.

25. This Agreement shall be governed and construed in accordance with the laws of the state of Michigan and all jurisdiction and venue shall exclusively reside in the state court in the County of Washtenaw or the federal courts in the eastern district of Michigan.

IN WITNESS WHEREOF, the undersigned have set their hands this _____ day of _____, 2012.

In the presence of:

HDL.COM LLC

BY: _____
CONTRACTOR

Its _____

THE CITY OF YPSILANTI

BY: _____
Paul Schreiber, Mayor

BY: _____
Frances McMullan, City Clerk

APPROVED AS TO FORM:

John M. Barr, P-10475
Ypsilanti City Attorney



Resolution No. 2012 -105
May 15, 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:

TO: City of Ypsilanti Mayor and City Council
YHC Board of Commission

FROM: Walter Norris, Jr. Executive Director
Ypsilanti Housing Commission

RE: YHC Sustainability Plan Update

DATE May 9, 2012

YHC has submitted the completed Sustainability plan with backed up the documentation on April 4, 2012 to HUD Detroit. And is awaiting for their approval and or in put

Programmatic Governance and Execution

- 1. The Board of Commissioners does not provide required governance over the Ypsilanti Housing Commission's ("YHC") programs, finances, and the Executive Director**
 - A. YHC BOC met and evaluated the ED, on January 13,2012*
 - B. Each BOC member was issued/reissued a copy of the YHC Procurement Policy on 10-28-2011.*
 - C. The procurement policy was updated reviewed and approval by the BOC at their December 12-15-2011 meeting.*
 - D. The BOC voted to review on quarterly basics all major contracts and 10% of all contracts issued, procurement awards etc. to assure that YHC is in compliance with the board's adopted procurement policy.*
 - E. The YHC requested that the Board and the City council receive a biweekly report effective January 18 until the plan is completed and accepted by HUD Council and board received a update report on January 18*
 - F. YHC has submitted bi weekly report to the City Council ,YHC BOC and HUD January 26, &,Feb 2,2012 Feb 15,2012*
 - G. YHC Board of Commissioners Met with HUD Detroit and HUD Troubled Housing Recovery Team Leader on Feb21,2012 to review sustainability plan and other housing program areas*
 - H. Yhc Board of commission meet with HUD Recovery team and HUD Detroit on March 20th for Board training on Board governance .*
 - I. YHC Board Pass a resolution to submit Completed Sustainability Plan to HUD March 2012*

2. YHC is often non-responsive to the Department's request for information and the ED is often unreachable by HC or HUD staff

- A. ED, will provide appropriate responses within the requested time frames all HUD communication i.e. e-mail, letters, telephone messages with copies sent to the BOC.
- B. The ED will be present in the YHC offices per the designated schedule prescribed in the YHC Personnel Policy unless out of office for meeting or other office related business, vacation, sick leave or emergencies all of which will be communicated to the BOC President or other designated person by the BOC
- C. The ED has addressed concerns and communication from HUD , Council and the BOC during the last several weeks including the:
 - Payment to the city for 2011 PILOT
 - Revised its CFP 2011 Annual statement/Performance and Evaluation
 - Updated and posted BOC minutes and Revision Parkview LLC minutes to the agency website
 - Completed and corrected NRA Voucher Management System for September 2011-December 2012
 - Submitted YHC Public Housing Monthly Vacancy Report

3. The Executive Director ("ED") does not currently provide adequate oversight of the administration of YHC's programs

- A. *YHC BOC reviewed and discussed with the ED and ADM staff the Sustainability Plan at the Board retreat August 30 & 31 and at the September 29th BOC meeting*
- B. *YHC Commissioners, Executive Director and staff are reviewing the organizational Chart and Job Descriptions.*
- C. *YHC Commissioners, approval the revised Job Description at January 26th Board Meeting*
- D. *organizational Chart will be revised and approval by Board of Commission at its February board meeting*
- E. *Board Approval YHC revised organizational Chart. at the February 23,2012 Board meeting*

4. YHC lacks a training plan, yet has paid for some employee education

- A. *The Board has been provide a Training plan for each department*
- B. *A training plan, for the appropriate and affected Staff in the area of UPCS, SEMAP, PHAS, Housing Choice Voucher and Executive staff, Executive Director Education has been developed*
- C. *YHC will reimburse tuition and training for YHC employees will follow existing policy*
- D. *Board members to be offer board training to be provide by NCRC NAHRO in Peoria, IL April 25-27*

- E. *Board member schedule to Commissioner Training June 11-16 in Cleveland, Ohio Hosted by HUD and the Department of Agriculture.*
- F. *YHC board has requested a review of all training for commissioner, Executive director and Staff for review from 2011-2012*

Finance

- 1. The Ypsilanti Housing Commission (“YHC”) does not have quality fee accountancy or independent audit services as evidenced by, in part, low Financial Indicator (“FASS”) scores, the amount of initial costs questioned by the Department, inter-fund transfers, etc.**

A. RFP for Fee Accountant and Auditor Service issued December 29, 2011. Proposals due 1/19/2012 and Contract to be awarded 1/27/2011. Proposals due date have been moved to Tuesday January 25, 2012 Due to lack of response and an added addendum for response to questions. Award date has also been moved until February Board meeting or a requested call meeting

B. YHC has received and is reviewing the RFP's for Audit service and Fee accountant. The Director will make recommendation to the Board at YHC March board meeting

C. YHC has received all RFP's for Legal and will be reviewing. The Director will make a recommendation to the Board at the March Board meeting.

D. YHC Board Approved the selection of legal counsel for Tenant Landlord Issues. Roberts and Freatman from Ypsilanti Michigan and for General Council Nacht and associates from Ann Arbor Michigan.

E. Contract was issued to the Selected Legal firms for review and execution

F. YHC executive staff is reviewing the RFP for tax credit Legal to be awarded at YHC April board meeting

- 2. Financial Reporting to the Board is often not adequate to enable Board to make decisions.**

A. YHC fee accountant has developed monthly accounting reports for the BOC that are clear and understandable and in compliance with the financial policies of the BOCs.

B. These include monthly actual to budget comparisons Chart.

C. The YHC staff at the direction of the YHC BOC and in compliance with HUD regulation issued a RFP for Fee Accountant and Independent Audit Services.

- 3. YHC is using/has used LRPB funds to support its non-LRPB mixed finance project.**

A. Separate Checking Account has been established to ensure funds are properly separated and expended only for eligible approved budgeted expenses.

B. YHC has reimbursed all questioned and costs to its low rent program from its Development Fee Account.

- C. *This Development Fee Account is funded with nonfederal funds and therefore the reimbursement is from nonfederal funds.*
- D. *In compliance with the HUD review team recommendation, a Cost Allocation plan I will be reviewed by the BOC*
- E. *Plan has been established and provides for allocations from the Development Fee Account to the YHC general fund account for YHC staff time provided to its non-public housing property, Hamilton Crossing.*
- F. *The Plan will reflect a percentages allocation to staff salaries and other overhead and soft cost to YHC*
- G. *YHC Board to approval an allocation plan at February 2012 board meeting. Board of Commissioners tabled the presented allocation plan until their March meeting.*
- H. *YHC Board will review and approval and allocation plan their March 2012 Board meeting*
- I. *YHC Board approve a Allocation Plan for use or development fees with the request Executive Staff bring back to the board at it April 2012 Board meeting a request of approval for cost factor.*

4. There is approximately \$20,114 in questioned costs identified during the initial site visit.

- A. *The YHC has in its files/possession documentation supporting the resolution of all questioned costs, i.e. receipts etc. and as of 8-2-2011 HUD reviewed the documents*
- B. *YHC has, effective 10-26-2011, repaid in-eligible costs to its low rent housing program from its Development Fee account for any expenditure questioned as in-eligible.*

5. The Operating Budget and process needs to be improved to include all pertinent activities, cost efficiencies, etc.

- A. *Internal controls are inadequate.*

The BOC will assure that, all internal controls and fiscal control policies will be reviewed and revised as needed.

- B. *The recommended improvements will provide for proper controls for vendor payment documentation, quality controls, personnel and other contract administration as well as any other areas identified as in need of greater control.*

6. YHC would benefit from identification and institution of cost efficiencies. A recent review by a HUD contractor confirmed the PHARS Team's conclusion that YHC lacks sufficient controls in spending; has excessively high administrative salaries; lacks clear distinction between the role of the contracted Fee Accountant and the role of the salaried Accounting Assistant; maintenance and administrative expenses are over-budget; tenant accounts receivables are higher than permitted by HUD.

- A. *Proposals due date have been moved to Tuesday January 25, 2012 Due to lack of response and added addendum for responses to questions. Award Date has also been moved until February Board meeting or a requested call meeting*

- B. *YHC is using utilize the recently established budgeting format and built in accessibility to current financial information to control expenditures regarding maintenance and other management related cost and expenditures; assuring that expenditures are within approved budgets.*
- C. *This process will be perused with the fee accountant procured as recommended by the HUD review team in Item "8" above.*
- D. *Expenditures will be reviewed within YHC policy before expenditure to assure that they are within budget, authorized. In response to the relative cost of the YHC Administrative salaries the YHC as referenced in item "12" above will apply cost adjustments allocating funds from the non-federal project Hamilton Crossing to the YHC with the net effect of lowering the salary cost for YHC.*
- E. *The ED will analyze the job descriptions for the fee account and the YHC Accounting Assistant and present recommendations for the BOC's consideration at the 1-27-2012 meeting. (completed)*
- F. *Further, the ED will work with the, to be newly procured, fee accountant to maintain clear roles and responsibilities between salaried and contracted fee accountant role: the clarifications will be incorporated into the new fee accountant's contract.*
- G. *YHC ED reviewed the f YHC high tenant account receivables (TAR) the ED presented to the YHC BOC a resolution to write off uncollected receivables at the 11-01-2011 BOC Commission meeting.*
- H. *YHC is reviewing the RFP'S for Audit and Fee accountant and will award the contract at the close of the FYE 2012 in order to complete fiscal year close out.*

Programmatic Governance and Execution

- 1. **YHC has a large percentage of vacant units (approx. 11%); YHC does not meet HUD standards for unit turnaround time; YHC does not have a plan or policy to make viable units market ready.- Modernization actions and costs must be included in YHC's Agency Plan and routine maintenance costs for unit turnaround must be included in YHC's operating budget.**
 - YHC's unit turnaround time is currently 99 days, 78 days longer than required under HUD regulations.
 - YHC should keep its average unit turnaround time under 21 days
- A. *Vacant unit turnaround plan will be created by Property Manager, Maintenance Coordinator and ED by 12/31/2011.*
- B. *Vacancy; FYE 6/30/10 we had a 5% vacancy rate or averaged 9 vacant units per month for the year; Vacancy Rate as of*
- C. *FYE 6/30/11 we had a 9% vacancy rate or averaged 17 vacant units per month for the year; (this vacancy increase was caused by YHC Public Housing Residents being issued Housing Choice Vouchers or section 8 subsidies, causing their move from Public housing units to Section 8 units); however due to public housing rent up efforts the*
- D. *YHC currently has a 2.9% vacancy rate, or an average of 5 vacant unit as of 3/28/2012*
- E. *Housing Data System, the YHC Vendor for maintenance of the Public Housing data in the HUD PIC system, will upload of Unit Turnaround/ Lease Batch be done on a monthly basis as opposed to a quarterly basis*
- F. *YHC Administrative staff / Administrative Specialist will review Agency Plan and 2012 CFP Budget and will recommend revisions as needed. The YHC Budgets will reflect all current PNA items. Revised Agency Plan and CFP Budget will be presented to YHC BOC at February meeting.*
- G. *Met with Residents to discuss and receive input 2012 Agency Plan on March 7, 2012*

2. ***The ARRA and Capital programs have severe deficiencies as evidenced by the lack of documentation and very poor record keeping.***
 - A. *YHC has provided documentation to clear this finding regarding the use of insurance proceeds and CFP funds in the same units.*
 - B. *Documentation is available in our offices and has been provided both physically and by email to the HUD review team.*
 - C. *Records management procedures/system will be set up by the Administrative Specialist with supervision by the ED and presented to the YHC BOC at the March 2012 meeting. The maintenance supplies are also being included in the record management systems.*
 - D. *Met With Pat Hairston, HUD Detroit and Ms. Shook of PHARS to discuss the AARA and Insurance payment for paradise Manor Issue them Documents on Sole Contract*

3. **There are outstanding HUD review and audit findings.**

- A. *The YHC is working to close 2009 and 2010 CAP's*
- B. *Agency Plan for FY 2010 has been uploaded and submitted to HUD*
- C. *YHC is now working on its 2012 Agency Plan due in late April; meeting with residents are set for first week of March 2012 YHC will review with Resident its 2012 plans with comment from residents*
- D. *YHC Submit March 2012 Cap 2010 Cap report to HUD completing the Briefing Package and utility allowance chart*

AREA: HOUSING CHOICE VOUCHER

1. **The YHC certified to a passing 2009 SEMAP score without benefit of documentation as documented by HUD's on-site SEMAP confirmatory review.**

- A. *The YHC has procured the services of a HCV specialist since February 2011 and hired that person on a permanent basis effective 10-24-2011*
- B. *. In accord with HUD Troubled Housing Recovery Team this staff person will be monitored by management; HCV utilization reports and trends will be made to the Board on a monthly basis at the BOC board meeting*

2. Deficiencies identified include incorrect market rent calculations and unauthorized expansion of geographic territory outside of the previously HUD-approved area.

- A. This individual has been hired and directed to continue and accelerate the correction of all deficiencies included in the 2009 & 2010 CAP Plan.