



Approved

**CITY OF YPSILANTI
COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
ONE SOUTH HURON STREET, YPSILANTI, MI 48197
MONDAY, MAY 15, 2012
7:00 P.M.**

I. CALL TO ORDER – The meeting was called to order at 7:04PM

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 (8:10 pm.)		

Moved by Council Member Bodary, supported by Council Member Murdock, to excuse the absence. Motion carried.

III. INVOCATION –

The mayor asked all to stand for a moment of silence.

IV. PLEDGE OF ALLEGIANCE –

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

V. INTRODUCTIONS –

Mayor Schreiber introduced AATA Director Michael Ford, AATA Community Outreach Coordinator Sarah Pressprich, and Ypsilanti Housing Commission Deputy Director Eric Temple.

VI. AGENDA APPROVAL –

Council Member Murdock requested to move consent agenda item 2012-099 to item 1 under Resolutions/Motions/Discussion.

On a voice vote, the vote to approve the amended agenda carried unanimously.

VII. PRESENTATIONS –

1. Safe Boat Proclamation-Mayor Schreiber
2. AATA Presentation-Michael Ford, AATA Director

(Copy of the AATA presentation on file in the Clerk's office)

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.

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.

OFFERED BY: Council Member Robb
SUPPORTED BY: Council Member Bodary

Attorney John Barr gave a brief overview of the Super Drunk Ordinance. He indicated this ordinance is being done to come in line with the state statute, and to allow police officers to charge this law if circumstances warrant.

Mayor Schreiber asked what if the law does not pass.

Attorney Barr answered the Super Drunk Ordinances would then be prosecuted in Ann Arbor and not the City of Ypsilanti. He said he would like to keep the prosecution, as well as the fines and cost, in the city.

Council Member Robb asked how many times city police officers have drawn blood to check for alcohol levels. Additionally he asked how many drunk-driving arrests have been made to warrant this significant law being passed.

Attorney Barr commented that it is the police officer's discretion; the law is to charge but we would like to give the officer discretion to charge this law. He said we don't want to limit what they can charge.

Council Member Robb asked how many cases would fall under the Super Drunk Ordinance.

Attorney Barr commented he was not sure, but could get that information.

Council Member Bodary asked if prosecution would take place at 14th District Courts.

Attorney Barr answered yes.

Council Member Jefferson asked if the reprimand would still be 93 days.

Attorney Barr answered yes.

B. Open public hearing.

Mayor Schreiber read the rules for audience participation.

Bob Levy, 2310 Ellsworth Rd., stated he supports the Super Drunk Ordinance.

Lee Tooson commented he supports the Super Drunk Ordinance for the safety of our children.

C. Resolution No. 2012-093, to close public hearing.

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.

On a voice vote, the motion to approve Resolution 2012-093 carried unanimously.

On a roll call vote, the vote to approve Resolution 2012-092 was as follows:

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

VOTE:

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

2. An Ordinance to add a new Chapter 70 entitled Civil Infractions.

A. Resolution No. 2012-094, determination.

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

OFFERED BY: Council Member Murdock

SUPPORTED BY: Council Member Jefferson

Council Member Murdock stated this ordinance was brought to his attention by Supervisor Brenda Stumbo in regards to the problems they have had at Ford Lake and this is a cooperative effort.

Council Member Bodary commented that biodegradable containers are a great idea.

B. Open public hearing.

Mayor Schreiber read the rules for audience participation.

C. Resolution No. 2012-095, to close public hearing.

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.

On a voice vote, the motion to approve Resolution 2012-095 carried unanimously.

On a roll call vote, the vote to approve Resolution 2012-094 was as follows:

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

VOTE:

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

IX. AUDIENCE PARTICIPATION-

Carolyn Grawi Ann Arbor Director of Advocacy and Education at the Center for Independent Living, commented that she supports AATA 4-Party Agreement. She said this is a great opportunity for people with disabilities to become mobile.

Lee Tooson stated that he hopes Council selects the last gentleman of the 2nd interviews. He further said he does not want the city to get rid of any police officers and he is glad police Chief Amy Walker will be staying.

X. REMARKS BY THE MAYOR –

Mayor Schreiber thanked Ms. Grawi and Mr. Tooson for their comments.

XI. MINUTES –

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

SUPPORTED BY: Council Member Vogt

On a voice vote the motion to approve Resolution 2012-096 carried unanimously.

CONSENT AGENDA

Resolution No. 2012-097

1. Resolution No. 2012-098, approving Boards and Commissions.

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

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)*
MOVED TO RESOLUTIONS/MOTIONS/DISCUSSIONS ITEM 1
3. Resolution No. 2012-100, approving a Flood Damage Prevention Ordinance Update.
(Ordinance No. 1170-A) (Second 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**

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.

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

4. Resolution No. 2012-101, opposing Public Act 297 Supporting Actions to Preserve Equal Benefits.

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: Council Member Vogt
SUPPORTED BY: Council Member Bodary

Council Member Murdock commented that he wanted to make sure the Huron River Watershed representative had the City's same point of view on Pen Paper Dam.

Mayor Schreiber commented that he had that conversation and she would meet with the City first, before moving forward on any decisions.

On a voice vote, the motion to approve Resolution 2012-097 carried unanimously.

XII. RESOLUTIONS/MOTIONS/DISCUSSIONS

1. Resolution No. 2012-099, approving a Dance and Entertainment Permit for Diangoras Bar and Grill. (Crossroads Bar) ***(Tabled at the 5-1-12 meeting)***
MOVED TO RESOLUTIONS/MOTIONS/DISCUSSIONS

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.

OFFERD BY: Council Member Murdock

SUPPORTED BY: Council Member Jefferson

Council Member Robb asked Jesse Thomason, owner of Diangoras Bas, if he had dancing at Crossroads on May 12, 2012.

Mr. Thomason answered yes and said he hosted a Senior class party for Ypsilanti High School Seniors.

Council Member Robb asked why he didn't say this would be a hardship on his business two weeks ago.

Mr. Thomason said it wasn't a hardship on his business. He said he had this event planned and delaying the dance and entertainment permit did not create a hardship

Council Member Murdock commented about the noise from the bar.

Mr. Thomason commented that he plays a proactive role in making sure that occurrences do not happen in or outside the bar.

Council Member Bodary commented about an incident that took place on Saturday with a person being beaten up.

Mr. Thomason commented that the incident did not take place with any of his bar attendees but that a gang of kids assaulted a person in the area.

Council Member Vogt asked Interim City Manager McMullan if city council could get a copy of that report.

Ms. McMullan answered yes she would provide council with a copy of the report.

On a roll call vote, the motion to approve Resolution 2012-099 was as follows:

Council Member Murdock	Yes	Mayor Schreiber	Yes
Mayor Pro-tem Richardson	Abstain	Council Member Bodary	Yes
Council Member Robb	Yes	Council Member Jefferson	Yes

Council Member Vogt Yes

VOTE:

Yes: 6 No:0 Absent: 0 Abstain: 1 (Richardson) Motion: Carried

2. Resolution No. 2012-102, approving the AATA Four Party Agreement and Articles of Incorporation.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

OFFERD BY: Council Member Murdock
SUPPORTED BY: Council Member Robb

Council Member Murdock stated he sent around some amendments to the AATA Four Party Agreement.

Council Member Murdock commented that he wanted to remove the reference to a 1% municipal fee. He said Ann Arbor charges that fee but it is a double dip.

Moved by Council Member Murdock, supported by Council Member Robb, to amend Resolution 2012-102.

On a roll call vote, the vote to amend Resolution 2012-102 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	No		

VOTE:

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

Mayor Pro-Tem Richardson asked if, even though Ypsilanti voters agreed to a transportation fee millage in 2010, this needs to go before the voters again.

Attorney Barr answered that the voters already approved the amount of the millage for transportation.

Mayor Schreiber stated that he disagrees with taking out the 1% service fee that Ann Arbor charges because we are the City of Ypsilanti and we cannot dictate what Ann Arbor does.

Council Member Murdock stated the municipal service fee is unnecessary.

Mayor Schreiber stated that these amendments will have to go back before the Ann Arbor City Council.

Michael Ford stated that if the changes are Ypsilanti specific he does not have to take it back before Ann Arbor Council, but if the city wants to eliminate the 1% municipal fee from Ann Arbor as well he will have to take back before Ann Arbor Council.

Council Member Vogt agreed with Council Member Murdock that this is a double dip.

On a roll call vote, the motion to approve Resolution 2012-102 as amended was as follows:

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

VOTE:

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

The resolution as adopted read as follows:

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, in November, 2010, residents of the City of Ypsilanti approved amending the city charter to allow for the designation of .9879 mills to purchase bus service; and

WHEREAS, the AATA is moving toward providing county-wide public transportation services that require approval of a Public Transportation Agreement between AATA, the City of Ann Arbor, the City of Ypsilanti, and Washtenaw County. Under Public Act 196, approval of this agreement will result in the formulation of a new County Transportation Authority; and

WHEREAS, an Unincorporated Transit Board comprised of representatives from the entire county will be formed to establish the preliminary process of governance of the new Transportation Authority; and

WHEREAS, in exchange for transferring the transportation millage set at the 2012 millage rate to the new Transportation Authority, the City of Ypsilanti will appoint one director to the Unincorporated Transit Board; and

WHEREAS, county wide voter approval of a funding source for the new Transportation Authority is required by December 31, 2014. If action fails to occur prior to December 31, 2015, the Public Transportation Agreement between the parties will automatically terminate; and

WHEREAS, the full Ypsilanti Public Transit Charter Millage will be transferred to the New 196 Authority upon approval by the voters of the City of Ypsilanti.

NOW THEREFORE IT IS RESOLVED that the City Council approves the Public Transportation Agreement between AATA, the cities of Ann Arbor and Ypsilanti, and Washtenaw County and the Articles of Incorporation.

3. Resolution No. 2012-104, approving the Right –Away Permit Agreement for 148 S. Prospect.

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: Council Member Jefferson
SUPPORTED BY: Council Member Bodary

On a roll call vote, the motion to approve Resolution 2012-104 was as follows:

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

VOTE:

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

4. Resolution No. 2012-090, approving a subcommittee to negotiate a City Manager contract.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City Council previously engaged the services of the Michigan Municipal League to perform a professional executive recruitment for the position of City Manager; and

WHEREAS, the City Council at Special Meetings held on April 26th and 27th, 2012 conducted interviews with five (5) candidates for the position of City Manager; and

WHEREAS, the City Council established the requisite knowledge, skills, abilities and relevant experience that the City Manager should possess in order to be an effective chief administrative officer of the City; and

WHEREAS, the City Council has determined that it is in the best interests of the City to establish an ad hoc committee to draft an Employment Agreement by and between the City and the candidate that it believes best matches the position profile that the Council established for the position of City Manager.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council does hereby authorize and direct Mayor Schreiber, Mayor Pro Tem Richardson, and Councilperson Robb to draft an Employment Agreement by and between the City of Ypsilanti and City Manager Candidate Ralph Lange to be considered for approval at a later date by the City Council as a whole.

OFFERED BY: Council Member Vogt

SUPPORTED BY: Mayor Pro Tem Richardson

On a roll call vote, the motion to approve Resolution 2012-090 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

XIII. LIASON REPORTS -

- A. SEMCOG Update- Mayor Pro-Tem Richardson announced a meeting on 5-16-12.
- B. Washtenaw Area Transportation Study- Council Member Murdock announced a meeting on 5-16-12.
- C. Washtenaw Metro Alliance –Council Member Robb had nothing to report
- D. Urban Counties-Mayor Schreiber commented there have been no meeting since 5-1-12
- E. Freight House- Council Member Murdock commented they will be electing new officers soon.

XIV. COUNCIL PROPOSED BUSINESS –

None

XV. COMMUNICATIONS FROM THE MAYOR –

Mayor Schreiber thanked Interim City Manager McMullan for the great job she has done in serving in the Interim City Manager capacity.

Mayor Schreiber shared that he attended a meeting on 5-5-12 at Parkridge Community Center, where they are set to begin renovations this year. He stated that a letter will be going out to the Planning Department from Mr. John Barfield regarding his non-profit plans to purchase or have a long term lease.

XVI. COMMUNICATIONS FROM THE CITY MANAGER –

Interim City Manager McMullan commented that CBRE would be giving a presentation soon. She said CBRE is going to a show in Las Vegas May 20th-23rd where they plan to profile the Water Street property.

Ms. McMullan also shared that Police Chief Amy Walker has rescinded her retirement and will be staying with the city.

Ms. McMullan thanked City Council for allowing her the opportunity to serve in the capacity as Interim City Manager.

XVII. AUDIENCE PARTICIPATION –

Leonardo Christian, 7 S. Normal, stated that he supported the choice that city council made to pick Mr. Lange. He said he was disappointed that Ms. McMullan would not be City Manager.

XVIII. REMARKS FROM THE MAYOR –

Mayor Schreiber thanked Mr. Christian for his comments and said people have to do what is best for them.

XIX. ADJOURNMENT –

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

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

OFFERED BY: Council Member Jefferson

SUPPORTED BY: Council Member Vogt

The meeting was adjourned at 9:50 p.m.

XX. REPORTS SUBMITTED –

YHC Sustainability Plan Update dated May 9, 2012.