



**CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, JUNE 5, 2012
7:00 P.M.**

I. CALL TO ORDER –

The meeting was called to order at 7:07 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 Jon Ichesco, Fire Department Employees, Richard Murphy, Valerie Bierbrich, Teresa Gillotti, Michael Ford, Sara Pressprich, Kim Teamer, Larry Thomas, Cheryl Farmer and Pat McGow.

VI. AGENDA APPROVAL –

Moved by Council Member Robb to remove item the Super Drunk Ordinance from the consent agenda to Resolutions/Motions/Discussions.

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

VII. PRESENTATIONS –

1. City of Ypsilanti Climate Action Plan - Richard Murphy and Valerie Bieberich, Michigan Suburbs Alliance.

For a copy of the presentation by the City of Ypsilanti Climate Action Plan, please visit our website at www.cityofypsilanti.com or contact the City Clerk's office.

2. Water Street Update – Teresa Gillotti, Senior Planner

Senior Planner, Teresa Gillotti said that Arthur Itkis was unable to attend the meeting tonight due to illness.

Ms. Gillotti gave an update about the three primary focus areas for the Water Street property. She said the three areas were pricing, marketing pricing and marketing strategy.

Council Member Murdock asked will there be any changes in the CDBG loan.

Ms. Gillotti answered that there will be an extension pushing back the due date and payments will not be due until 2014.

VIII. ORDINANCES FIRST READING-

Ordinance No. 1176

1. An ordinance to amend Budget Appropriations by Department and Major Organizational Unit for 2011-2012 Fiscal Year.

- A. Resolution No. 2012-109 determination.

AMEND 2011-2012 FISCAL YEARS OPERATING BUDGET

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled, "An Ordinance to Amend Budget Appropriations by Department and Major Organizational Unit for the Fiscal Years 2011-2012", be approved on First Reading.

Description	Fund	FY 2011-2012	
		Revenue	Expenditures
General Fund	101	14,483,774	14,483,774
Major Street Fund	202	1,568,624	1,568,624
Local Street Fund	203	558,219	558,219
Garbage & Rubbish Collection Fund	226	1,155,049	1,155,049
Community Development Block Grant Fund	252	11,245	11,245
Police Special Revenue Fund	265	217,163	217,163
Depot Town DDA Fund	275	269,213	252,018
2010 GOUT REF Bond \$3.83 M	303	690,944	698,791
2002 General Obligation Capital Imp. Debt Fund \$400,000	316	34,193	34,193
2003 General Obligation Unlimited Tax Debt Fund \$8.465 M	341	721,771	730,077
2002B Water & Sewer Debt Fund \$485,000 DWRP	364	32,697	32,697
2001 Water & Sewer Debt Fund \$4 M	365	114,481	114,481
2002A Water & Sewer Bonds Debt Fund \$5 M	366	143,238	143,238
2002C Water Supply & Sewage Disposal Revenue \$8.66 M	367	435,947	435,947

Description	Fund	FY 2011-2012	
		Revenue	Expenditures
2003A Water Supply & Sewage Fund \$4.8 M	368	582,701	582,701
Brownfield Redevelopment Authority Fund	399	19,668	19,668
Land Revolving Fund	412	111,526	111,526
Downtown Development Authority Fund	413	406,444	406,444
Capital Improvement Fund	414	338,865	306,865
Economic Development Corporation Fund	415	1,490	1,490
2003D Water Supply & Sewage Const. Fund \$5.3 M DWRP	469	338,241	338,241
2003B Water Supply & Sewage Construction Fund \$1.5 M	470	91,616	91,616
2003C Water Supply & Sewage \$785,000 DWRP	471	48,872	48,872
2004A Water & Sewer Revenue \$2.7 M	472	167,059	167,059
2004A DDA Construction Fund \$995,000	473	79,681	79,379
2004B Water Supply & Sew \$6.33M DWRP	474	390,628	390,628
2006 GO LTD Taxable Capital Refunding \$15.74 M	477	1,272,201	1,272,201
2006 Water Supply & Sewage Refunding \$9.85 M	478	421,963	421,963
2007 W & S Revenue DWRP \$375,000	479	15,497	15,497
2008 W & S DISP. REV \$435,000	480	29,731	29,731
2009 W & S Bonds 7249-01 \$260,000	481	8,089	8,089
Sidewalk Improvement Fund	495	114,089	114,089
Public Transit Fund	588	295,031	262,817
Motor Pool Fund	641	2,012,114	2,012,114
Workers Compensation Fund	677	320,547	320,547
Fire and Police Pension Fund	732	4,307,153	4,307,153
Retiree Health Care Fund	736	1,097,779	1,073,611
Totals	All	32,907,543	32,817,817

Further, that in accordance with Section 19(2) of Public Act 621 of 1978, also known as the Uniform Budgeting and Accounting Act, parameters are hereby given to allow transfers between appropriation accounts and within fund totals.

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

Council Member Murdock commented that a regional transportation will or will not happen by 2014.

Council Member Murdock commented that he wants a review of motorpool.

Council Member Murdock commented that advertisement be done about the streetlight conversion cost being reduced by \$100, 00.

Council Member Murdock commented that we should be left some wiggle room in 2014 if we need an adjustment.

Council Member Murdock commented there will be no layoffs.

Mayor Pro-Tem Richardson commented this is the worse financial situation that the City has been in. She said she looks forward to the changes and things will get better. In addition she said the Interim City Manager, Financial Services and the budget committee have done a great job.

Council Member Bodary commented the budget process had been difficult. He said the city has a band aide on the budget this year but in 2013-2014 may be a different story.

Mayor Schreiber also thanked Administrative Services Director David Kowal for his work on the budget.

Mayor Schreiber commented about the transit millage cost of services staying the same. He said the deficit would be \$21, 000.00 in 2013.

Director of AATA, Michael Ford commented that AATA is willing to work with the city and absorb the \$21,000.00 cost for 2013

Council Member Murdock asked about the Regional Transportation Authority being created.

Mr. Ford commented that the agreement would need to take place in the next year or two for the Regional Transportation Authority to be created.

Mayor Schreiber commented that the city has prepared a 2 year budget because a 5 year budget does not work now. He said that 2013-2014 is balanced.

B. Open the public hearing.

Mayor Schreiber read the rules for audience participation.

Bob Levy, 2504 Eagle Circle, commented he is glad to still have a good police and fire department.

C. Resolution No. 2012-110, close public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Public Hearing to consider an ordinance entitled, "An Ordinance to Amend Budget Appropriations by Department and Major Organizational Unit for the Fiscal Years "2011 – 2012", be officially closed.

On a voice vote, the vote to approve Resolution 2012-110 to close the public hearing was unanimous.

On a roll call vote, the vote to approve Resolution No. 2012-109 was as follows:

Council Member Bodary Yes
 Council Member Jefferson Yes
 Council Member Murdock Yes
 Mayor Pro-Tem Richardson Yes

Council Member Robb Yes
 Council Member Vogt Yes
 Mayor Schreiber Yes

VOTE:

Yes: 7

No: 0

Absent: 0

Vote: Carried

Ordinance No. 1177

2. An ordinance to adopt Budget Appropriations by Department and Major Organizational Unit for 2012-2013 and 2013 -2014 Fiscal Years.

- A. Resolution No. 2012-111 determination.

**2012-2013 and 2013-2014 FISCAL YEARS
 OPERATING BUDGET ADOPTION**

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled, "An Ordinance to Adopt Budget Appropriations by Department and Major Organizational unit for the Fiscal Years 2012-2013 and 2013-2014", be approved on First Reading.

Description	Fund	FY 2012-2013		FY2013-2014	
		Revenue	Expenditures	Revenue	Expenditures
General Fund	101	13,745,671	13,708,451	13,455,217	13,447,206
Major Street Fund	202	1,781,320	1,781,320	1,215,414	1,215,414
Local Street Fund	203	487,745	487,745	541,931	541,931
Garbage & Rubbish Collection Fund	226	1,163,664	1,163,664	1,176,331	1,176,331
Community Development Block Grant Fund	252	51,245	51,245	51,245	51,245
Police Special Revenue Fund	265	220,373	220,373	223,546	223,546
Depot Town DDA Fund	275	159,045	138,513	91,520	89,973
2010 GOUT REF Bond \$3.83M	303	708,485	693,225	692,671	690,725
2002 General Obligation Capital Imp. Debt Fund \$400,000	316	38,105	38,105	36,890	36,890

		FY 2012-2013		FY2013-2014	
Description	Fund	Revenue	Expenditures	Revenue	Expenditures
2003 General Obligation Unlimited Tax Debt Fund \$8.465 M	341	746,541	721,063	726,384	724,163
2002B Water & Sewer Debt Fund \$485,000 DWRF	364	32,072	32,072	31,447	31,447
2001 Water & Sewer Debt Fund \$4 M	365	116,510	116,510	128,040	128,040
2002A Water & Sewer Bonds Debt Fund \$5 M	366	154,129	154,129	169,179	169,179
2002C Water Supply & Sewage Disposal Revenue \$8.66 M	367	434,907	434,907	438,407	438,407
2003A Water Supply & Sewage Fund \$4.8 M	368	573,641	573,641	543,561	543,561
Brownfield Redevelopment Authority Fund	399	670	670	737	737
Land Revolving Fund	412	60,735	60,000	735	-
Downtown Development Authority Fund	413	383,307	383,307	340,686	340,686
Capital Improvement Fund	414	293,932	292,432	251,053	249,553
Economic Development Corporation Fund	415	1,490	1,490	1,490	1,490
2003D Water Supply & Sewage Const. Fund \$5.3 M DWRF	469	341,991	341,991	340,553	340,553
2003B Water Supply & Sewage Construction Fund \$1.5 M	470	90,216	90,216	93,728	93,728
2003C Water Supply & Sewage \$785,000 DWRF	471	52,934	52,934	51,934	51,934
2004A Water & Sewer Revenue \$2.7 M	472	164,662	164,662	162,212	162,212
2004A DDA Construction Fund \$995,000	473	82,994	82,973	81,094	81,073
2004B Water Supply & Sew \$6.33M DWRF	474	394,359	394,359	392,931	392,931
2006 GO LTD Taxable Capital Refunding \$15.74 M	477	1,308,618	1,308,618	1,341,778	1,341,778
2006 Water Supply & Sewage Refunding \$9.85 M	478	421,025	421,025	420,056	420,056
2007 W & S Revenue DWRF \$375,000	479	20,232	20,232	19,913	19,913
2008 W & S DISP. REV \$435,000	480	29,231	29,231	28,731	28,731
2009 W & S Bonds 7249-01 \$260,000	481	8,163	8,163	8,038	8,038

Description	Fund	FY 2012-2013		FY2013-2014	
		Revenue	Expenditures	Revenue	Expenditures
Sidewalk Improvement Fund	495	114,212	114,212	114,267	114,267
Public Transit Fund	588	330,489	330,489	341,230	341,230
Motor Pool Fund	641	1,732,125	1,732,125	1,836,516	1,836,516
Workers Compensation Fund	677	195,721	195,721	196,130	196,130
Fire and Police Pension Fund	732	4,143,747	4,143,747	3,824,425	3,824,425
Retiree Health Care Fund	736	1,222,187	1,197,887	1,353,395	1,328,995
Totals	All	31,806,493	31,681,447	30,723,415	30,683,034

Further, that in accordance with section 19(2) of Public Act 621 of 1978, also known as the Uniform Budgeting and Accounting Act, parameters are hereby given to allow transfers between appropriation accounts and within total funds.

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

B. Open the public hearing.

Mayor Schreiber read the rules for audience participation.

There was no audience participation.

C. Resolution No. 2012-112, close public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Public Hearing to consider an ordinance entitled, "An Ordinance to Adopt Budget Appropriations by Department and Major Organizational Unit for the Fiscal Years "2012 – 2013 and 2013 - 2014", be officially closed.

On a voice vote, the vote to approve Resolution 2012-112 to close the public hearing was unanimous.

On a roll call vote, the vote to approve Resolution No. 2012-111 was as follows:

Council Member Jefferson Yes
Council Member Murdock Yes
Mayor Pro-Tem Richardson Yes

Council Member Vogt Yes
Mayor Schreiber Yes
Council Member Bodary Yes

Council Member Robb Yes

VOTE:

Yes: 7 No: 0 Absent: 0 Vote: Carried

Ordinance No. 1178

3. An ordinance entitled "2012-2013 Tax Levy Ordinance".

A. Resolution No. 2012-113 determination.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

**That the proposed ordinance entitled "2012-2013 Tax Levy Ordinance",
be approved on First Reading.**

**Ordinance No. 1178
2012-2013 TAX LEVY ORDINANCE**

THE CITY OF YPSILANTI ORDAINS THAT:

**A general operating millage rate of 19.0211 mills (.0190211
cents per \$1) of the Taxable Value, according to the assessment
roll of the last preceding year is approved and authorized; and**

**The City Clerk is authorized to certify to the City Treasurer and
City Assessor the total amount to be levied and restriction for
the City of Ypsilanti is:**

GENERAL OPERATING	19.0211
POLICE & FIRE PENSION	7.4003
SANITATION	2.7814
STREET IMPROVEMENT (VOTED DEBT 2001 Bonds refunded in 2010)	2.4466
STREET IMPROVEMENT (VOTED DEBT 2003 Bonds)	2.5777
PUBLIC TRANSIT	0.9789
TOTAL	35.2060

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

- B. Open the public hearing.

Mayor Schreiber read the rules for audience participation.

There was no audience participation.

- C. Resolution No. 2012-114, close public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing on the proposed ordinance entitled "2012-2013 Tax Levy Ordinance", be officially closed.

On a voice vote, the vote to approve Resolution 2012-114 to close the public hearing was unanimous.

On a roll call vote, the vote to approve Resolution No. 2012-113 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 Vote: Carried

4. DDA Wide OPRA District

- A. Resolution No. 2012-115 determination.

BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

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

WHEREAS, parcels within the proposed district are characterized by obsolete commercial or commercial housing property as required by section (1) (a) of the Act; and

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

WHEREAS, written notice has been given by mail to all owners of real property located within the proposed district, and to the public

by newspaper advertisement in the and public posting of the hearing on the establishment of the proposed district; and

WHEREAS, on June 5, 2012 a public hearing was held and all residents and taxpayers of the City of Ypsilanti were afforded an opportunity to be heard thereon; and

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

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

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

Senior Planner, Teresa Gillotti commented that the resolution is before us again because back in March there was a problem with the noticing.

Ms. Gillotti commented that this DDA OPRA District will establish a district for West Cross area and Downtown.

Council Member Bodary asked does this mean a property gets tax abatement right away.

Ms. Gillotti commented that the district would be established and building improvements would be frozen and exempt for up to 12 years.

Council Member Robb asked does the increase in taxes go to the city.

Ms. Gillotti commented no, they would go to the DDA.

B. Open Public Hearing

C. Resolution No. 2012-116, close public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

On a voice vote, the vote to approve Resolution 2012-116 to close the public hearing was unanimous.

On a roll call vote, the vote to approve Resolution No. 2012-115 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

Vote: Carried

IX. AUDIENCE PARTICIPATION-

Kfser Asani, 402 W. Michigan Ave, commented she supports the DDA Wide OPRA.

Dr. Cheryl Farmer, 214 N. Huron St., commented she supports and embraces the Water Street project. She said she thinks Water Street has a bright future and the development will help the business districts in the area thrive.

Leonardo Christian, 7 S. Normal, commented about the news surrounding synthetic marijuana, K-2. He said he would support the city writing an ordinance to ban the drug.

X. REMARKS BY THE MAYOR –

Mayor Schreiber thanked all three speakers.

Council Member Vogt asked if Oakland County had written an ordinance to ban K-2. He said the city should contact and work with the Washtenaw County Health Department to ban this product.

Council Member Jefferson commented he would support a ban on K-2. He said he spoke with State Representative David Rutledge about a bill that is going before the House of Representatives.

Mayor Pro-Tem Richardson agreed the city should do something to support a ban on K-2.

XI. MINUTES –

Resolution No. 2012-117, approving minutes of May 10, May 14, May 15, May 17, May 22, and May 29, 2012

OFFERED BY: Council Member Vogt

SUPPORTED BY: Council Member Jefferson

On a voice vote, the motion to approve Resolution 2012-117 was unanimous.

XII. CONSENT AGENDA

Resolution No. 2012-118A

1. Resolution No. 2012-118, approving Super Drunk Ordinance
~~(Ordinance No. 1174) (Second Reading)~~
MOVED TO RESOLUTIONS/MOTIONS /DISCUSSIONS
2. Resolution No. 2012-119, approving Live Fishing Bait Ordinance
~~(Ordinance No. 1175) (Second Reading)~~

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

**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.

3. Resolution No. 2012- 120, authorizing the Mayor to sign the CDBG loan amendment for Water Street reinstating partial loan forgiveness based on new development.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City has an agreement with the MEDC related to a 2004 Grant/Loan for the Water Street Redevelopment Area; and

WHEREAS, The City has formally requested reinstatement of a credit program that related to private development on the site that previously expired in 2010 ;

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council approves the attached contract amendment reinstating the credit program until April 1, 2015.

OFFERED BY: Council Member Jefferson

SUPPORTED BY: Council Member Vogt

On a voice vote, the vote to approve Resolution 2012-118A was unanimous.

XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2012-118, approving Super Drunk Ordinance ***(Ordinance No. 1174) (Second Reading)***

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

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:

Usec. 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. 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 Jefferson

SUPPORTED BY: Council Member Vogt

Council Member Robb commented he wanted this item moved to Resolutions/Motions/ Discussions because he wants to vote no on this item.

On a roll call vote, the vote to approve Resolution No. 2012-118 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: 6 No: 1 (Robb) Absent: 0 Vote: Carried

- Resolution No. 2012-121, approving resolution and notice of the City's intent to issue Water Supply and Sewage Disposal System Revenue Bonds (Series 2012) for the Factory Street Pump Station project.

**City of Ypsilanti
County of Washtenaw, Michigan**

Minutes of a Regular Meeting of the City Council of the City of Ypsilanti, County of Washtenaw, Michigan (the "City") held on the 5th day of June, 2012, at 7:00 o'clock p.m., prevailing Eastern Time.

PRESENT: Members: _____

ABSENT: Members: _____

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS, the City of Ypsilanti, County of Washtenaw, State of Michigan (the "City") has determined that it is necessary for the public health, safety and welfare of the City to acquire and construct improvements to the sewage disposal system of the City's existing Water Supply and Sewage Disposal System (the "System") consisting generally of improvements to the Factory Street Pump Station, together with all necessary appurtenances and attachments (the "Project"); and

WHEREAS, the City has been advised by the Michigan Department of Environmental Quality ("MDEQ") that financial assistance to accomplish the acquisition and construction of the Project is available through the State Revolving Fund ("SRF") Loan Program administered by the MDEQ and the Michigan Finance Authority (the "MFA"); and

WHEREAS, the Revenue Bond Act, Act 94, Public Acts of Michigan, 1933, as amended ("Act 94"), provides a means for financing the purchase, acquisition, construction, improvement, enlargement, extension, and repair of public improvements such as the Project through the issuance of revenue bonds; and

WHEREAS, the issuance of bonds payable from revenues of the System under Act 94 in an amount not to exceed Two Million Nine Hundred Thousand Dollars (\$2,900,000) (the "Bonds") for the purpose of financing all or part of the Project represents the most practical means to that end; and

WHEREAS, a notice of intent to issue revenue bonds must be published before the issuance of the Bonds in order to comply with the requirements of Section 33 of Act 94; and

WHEREAS, the City intends at this time to state its intentions to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the City for the Project prior to issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The City Clerk is hereby authorized and directed to publish a Notice of Intent to Issue Bonds in the *Ypsilanti Courier*, a newspaper of general circulation in the City.**

2. **The notice of intent shall be published as a display advertisement not less than one-quarter (1/4) page in size in substantially the form attached to this resolution as Exhibit A.**
3. **The City Council does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is adequate notice to the electors of the City and users of the City's Water Supply and Sewage Disposal System and is well calculated to inform them of the intention of the City to issue the bonds, the purpose of the bonds, the security for the bonds and the rights of referendum of the electors with respect thereto, and that the provision of forty-five (45) days within which to file a referendum petition is adequate to insure that the City's electors may exercise their legal rights of referendum.**
4. **The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:**
 - (a) **The City reasonably expects to reimburse itself with proceeds of the Bonds for certain costs of the Project which were paid or will be paid from the general funds of the City subsequent to sixty (60) days prior to today.**
 - (b) **The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$2,900,000.**
 - (c) **A reimbursement allocation of the capital expenditures described above with the proceeds of the Bonds will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the Bonds to reimburse the City for a capital expenditure made pursuant to this resolution.**
5. **The City Manager, Finance Director and the Director of Ypsilanti Community Utilities Authority are each authorized to act as an authorized officer or designated representative in connection with the Project and execute and deliver such applications, documents or certificates with the MDEQ, the MFA or other entities as may be necessary or advisable to enable the City to issue and sell the Bonds as contemplated herein and to meet its obligations under SRF Loan Program.**
6. **All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.**

OFFERED BY: Council Member Murdock

SUPPORTED BY: Council Member Robb

Mr. Larry Thomas commented about the notification authorization of intent of the issuance of bonds payable from revenues of the System under Act 94 in an amount not to exceed Two Million Nine Hundred Thousand Dollars (\$2,900,000) (the "Bonds").

Mr. Thomas commented that the Clerk would be authorized to publish the notice of intent.

Mr. Thomas commented that the bonds would be issued without a vote of the people.

Mayor Schreiber asked Mr. Pat McGow to explain a revenue bond vs. a general obligation bond.

Mr. McGow explained that a revenue bond is not paid from the general fund and if there is a short fall it increase the water and sewer rates.

Mr. McGow explained that a general obligation bond is payable from other sources and the city's general fund would cover any short falls.

Council Member Bodary asked how much it would cost if rates increased.

Mr. Thomas commented he is not sure but that rates would go up and not down.

Council Member Murdock commented about incrementally reducing down surcharge rates, as water and sewer rates go down.

Mr. Thomas commented that rates will not go down.

Council Member Bodary asked about pump stations life span.

Mr. Thomas commented that pump stations have a life span of 20 years and the city's pump station has not been updated in 30 years.

On a roll call vote, the vote to approve Resolution No. 2012-121 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 Vote: Carried

3. Resolution No. 2012-122, approving the AATA 4-Party Agreement

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, on May 15, 2012 the City Council of the City of Ypsilanti approved the Public Transportation Agreement between AATA, the cities of Ann Arbor and Ypsilanti, and Washtenaw County; and

WHEREAS, the Public Transportation Agreement between AATA, the cities of Ann Arbor and Ypsilanti, and Washtenaw County has since been amended;

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

OFFERED BY: Council Member Murdock

SUPPRTED BY: Mayor Pro-Tem Richardson

Director of AATA, Michael Ford commented that the City of Ann Arbor agreed to all changes in the amended AATA 4 Party Agreement but did not approve the 1% surcharge fee.

Council Member Murdock said since he proposed the amendment of the 1% fee, he will vote in support of the AATA 4 Party Agreement despite the fact that Ann Arbor did not approve that amendment.

Council Member Murdock said the City of Ypsilanti needs a regional transportation authority.

Mayor Pro-Tem Richardson thanked Council Member Murdock for his comments and support.

Council Member Jefferson thanked Council Member Murdock for his support of the AATA 4 Party Agreement.

Council Member Bodary thanked Council Member Murdock for pointing out the fees as being a double dip.

On a roll call vote, the vote to approve Resolution No. 2012-122 was as follows:

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

VOTE:

Yes: 7 No: 0 Absent: 0 Vote: Carried

4. Resolution No. 2012-123, authorizing the City Treasurer to levy and assess unpaid special assessments on the July 2012 tax roll.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That, the City Treasurer be authorized to levy and assess on the July 2012 tax roll the attached listing of unpaid bills totaling \$75,787.64

OFFERED BY: Council Member Robb

SUPPORTED BY: Council Member Vogt

Interim City Manager McMullan commented that the attached special assessment fees will be on the July tax roll.

Council Member Murdock asked what all the DDA levies are.

City Treasurer Kim Teamer commented that these are ongoing special assessment fees and not a millage.

On a roll call vote, the vote to approve Resolution No. 2012-123 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 Murdock Yes

Council Member Vogt Yes

VOTE:

Yes: 7 No: 0 Absent: 0 Vote: Carried

5. Resolution No. 2012-124, approving location of pedestrian bridge between Water Street and Riverside Park.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti has applied for and received a 2011 Natural Resources Trust fund grant for the construction of a pedestrian bridge connecting Riverside Park and the Water Street Redevelopment Area; and

WHEREAS, The City has partnered with Washtenaw County Parks and Recreation on the project and;

WHEREAS, WCPRC hired an engineering firm to present alternative crossings for the bridge to meet DNR, MDEQ and MDOT standards;

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council approves alternatives #1 and #2 for final location of the pedestrian bridge connecting Riverside Park with the Water Street Redevelopment area.

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

Senior Planner, Teresa Gillotti, commented at the March 20, 2012 City Council Water Street work session, staff reported that Washtenaw County Parks and Recreation (WCPRC) was pursuing various alternate crossings of the Huron River as the initial pedestrian crossing of the Huron River under the Michigan Avenue bridge was not accepted by MDEQ and MDOT. Since that meeting, WCPRC retained Mannik and Smith to propose a series of options, as well as general costs associated with them.

At City Council's request, the review included a number of crossings including two from the pathway/parking lot on the South end of Riverside Park, as well as one more centrally located on the eastern side of the park that would connect to an easement on the formerly vacated North street, providing connection to River Street utilizing an existing pedestrian crossing at River and Michigan, and existing sidewalk west on Michigan to the Huron River.

Mayor Schreiber asked what does HAWK stand for.

Ms. Gillotti explained that HAWK stands High Intensity Cross Walk.

Council Member Bodary commented that the map has elevations and is that over sea level or above sea level.

Mayor Schreiber commented that opinion #2 is better because it supports ADA compliance.

Mayor Schreiber asked how much emphasis should be put on ADA compliance.

Ms. Gillotti commented that if the city moved forward on the project that the maybe the organization for independent living could weigh in on ADA compliance.

Mayor Schreiber asked is this a final decision that will be made tonight.

Ms. Gillotti answered it depends on if council would say yes to 1 or 2 and if they stayed within budget.

Council Member Vogt asked are options #1 and #2 the same in elevation.

Ms. Gillotti answered she assumes they are the same.

Council Member Vogt commented he supports options #1 and #2.

Council Member Jefferson said he supports #1 more than # 2 because #2 crosses an area that floods every year.

Council Member Robb asked has there been any discussion with Fisher Honda.

Ms. Gillotti commented nothing formal has been discussed with Fisher Honda but the city has reached out to Fisher Honda.

On a roll call vote, the vote to approve Resolution No. 2012-124 was as follows:

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

VOTE:

Yes: 5 No: 2 (Murdock, Robb) Absent: 0 Vote: Carried

XIV. LIASON REPORTS -

- A. SEMCOG Update –
- B. Washtenaw Area Transportation Study- Council Member Murdock-Nothing to report.
- C. Washtenaw Metro Alliance –Council Member Robb-Nothing to report.
- D. Urban Counties-Mayor Schreiber- Nothing to report.
- E. Freight House- Council Member Murdock-Nothing to report.

XV. COUNCIL PROPOSED BUSINESS –

Mayor Pro-Tem Richardson commented the city should do something to ban K-2.

Mayor Pro-Tem Richardson commented a prayer rally for the city will be held from 8-9am on Saturday 6-9-12 and everyone will be dressed in red.

Council Member Murdock commented that the budget was approved but that several items are still in question for future years and they are: motorpool, reorganization and combining of employment positions, and fire services. He said he wants to make sure these items don't get forgotten when preparing for the next budget.

Council Jefferson commented the city needs to look into preparing an ordinance to ban K-2.

Council Member Jefferson commented he received a call from Lee Tooson about 523 Warden and the removal of some vehicles. He said Mr. Tooson has removed the vehicles from that location.

Interim City Manager McMullan commented Mr. Tooson should contact the building department so they can go back to the property and find him in compliance.

XVI. COMMUNICATIONS FROM THE MAYOR –

Mayor Schreiber commented that the subcommittee did meet with Mr. Lang last Friday and that he thinks he should be able to start work at the city sometime in July.

NOMINATIONS

Zoning Board of Appeals

Rod Johnson (new Planning Commission appointment to ZBA)
310 N. Grove
Ypsilanti, Michigan 48198
Term Expires: 5/1/2015

Ypsilanti Downtown Development Authority

Rois Savvides (replacing Bob Barnes, who resigned)
1834 Collegewood
Ypsilanti, MI 48197
Term Expires: 7/7/2015

Mayor Schreiber added Karen Maurer and Kevin Hill as nominations to the DDA.

XVII. COMMUNICATIONS FROM THE CITY MANAGER –

XVIII. AUDIENCE PARTICIPATION –

Leonardo Christian, 7 S. Normal, commented that it is City Council's job to come up with an ordinance to support making K-2 illegal in the city.

Kefser Asani, 402 W. Michigan Ave., commented she would like to get the issue resolved about making a left hand turn where her business Abe's Coney Island is located. She said you use to could make a left hand turn but now you can not because there is a median.

XIX. REMARKS FROM THE MAYOR –

Mayor Schreiber commented that Ms. Asani should keep talking to staff to try and get her issue resolved.

XX. ADJOURNMENT –

Resolution No. 2012-125, adjourning the City Council meeting.

OFFERED BY: Council Member Jefferson

SUPPORTED BY: Council Member Vogt

On a voice vote the vote to adjourn the City Council meeting was unanimous.

The meeting was adjourned at 9:49 p.m.