APPROVED

CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, JULY 17, 2012
6:00 p.m. - Work Session
7:00 p.m. – Open Session

I. CALL TO ORDER

The meeting was called to order at 6:06 p.m.

II. ROLL CALL

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

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

The Mayor introduced Public Services Director Stan Kirton, Administrative Services Director David Kowal, Senior Planner II Teresa Gillotti, Washtenaw Health Initiative Volunteer Tom Biggs, and Director of Michigan Suburbs Alliance Richard Murphy.

VI. AGENDA APPROVAL

On a voice vote, the motion to approve the agenda was unamious.

VII. WORK SESSSION – 6:00 – 7:00 p.m.

Parkridge Expansion – Teresa Gillotti, Planner II

For a copy of the Parkridge Expansion presentation, please visit www.cityofypsilanti.com or contact the City Clerk's office.

Senior Planner Teresa Gillotti gave a brief overview of the expansion. She said the Parkridge Cultural and Job Training Center will be a joint venture between the Work Skills Corporation and the Parkridge Community Center. In addition she commented that the plan involves a 12,000 square foot expansion of the Parkridge Community Center.

Public Services Director Stan Kirton asked about the maintenance of the grounds.

Mayor Pro-Tem Richardson commented that the city is looking for a long term lease.

Council Member Bodary said before this project can go foward he would like the city to have some public forums and public hearings

Mayor Pro-Tem Richardson commented that from day one the community has been informed of every phase and each step taken towards the planning of the expansion.

Council Member Jefferson commented he supports the idea of public hearings for the community.

Council Member Bodary questioned what the cost is to the city and what the city will gain.

Mayor Pro-Tem Richardson commented the gain to the community will be tremendous.

Mayor Pro-Tem Richardson commented that the Parkridge Board has asked WCC to help aide in the financing of the project. In addition she said that she met with the new President of WCC and she is eager and excited about the project.

Mayor Schreiber asked has the Recreation Commission considered this proposal.

Ms. Gillotti answered no.

Mayor Schreiber commented the city has no current agreement with Parkridge but thinks that an agreement would be helpful.

Council Member Murdock asked if there was still money in the urban fund.

Ms. Gillotti answered yes, $40,000.00 approximately.

Ms. Gillotti explained that the next step would be for city council and the recreation commission to hold a public hearing sometime next month.

Council Member Jefferson supported the next steps.

Council Member Vogt supported the next steps.

Ms. Gillotti asked if City Council would like to meet with the Recreation Commission before the council meeting on August 21, 2012 to discuss the Parkridge expansion.

Interim City Manager McMullan commented that we can poll everyone to have a meeting before the August 21, 2012 meeting.

Mayor Pro-Tem Richardson claified that Ms. Gillotti had asked to have a joint meeting with the Recreation Commission on the same day as the August 21, 2012 meeting but before 7:00 p.m.

Council Member Murdock commented that will be the first meeting for the new City Manager and he may have a lot to talk about.

Interim City Manager McMullan commented council needs to meet anyway because according to the City Charter council must meet within 30 days of the last meeting and the August 21, 2012 meeting will exceed 30 days.

Ms. Gillotti commented she will get back with city council after the recreation commission has been polled for meeting dates and times.

Mayor Pro-Tem Richardson commented that she appreciates a break in between meetings and would like that to continue. She said the legistators get a break, and she would welcome a break for the summer.

VIII. PRESENTATIONS

1. Washtenaw County Health Initiative- Tom Biggs, Washtenaw Health Initiative Volunteer

   For a copy of the Washtenaw County Health Initative presentation, please visit www.cityofypsilanti.com or contact the City Clerk's office.

   Mr.Tom Biggs gave a brief overview of the Washtenaw County Health Initative. He said the initative is a collaboration between U of M and St. Joseph Mercy Health Care Services. In addition he said this will asssit the underinsured and low income families.

   Mr. Biggs said that the city can get involved in the initative by volunteering and helping to assist with funding.

   Mayor Pro-Tem Richardson congratulated Mr. Biggs on and excicting initative.

   Council Member Vogt supported the city helping to assist with funding.

   Council Member Jefferson supported making a contribution from the city also.

2. City of Ypsilanti Climate Action Plan – Richard Murphy, Michigan Suburbs Alliance

3. MDOT Road Diet on Huron and Hamilton relating to recent speed limit changes - Teresa Gillotti, Planner II

VIII. PUBLIC HEARINGS

1. Resolution to approve a Class C Downtown Development (DDA) Redevelopment Liquor License for "Mix on Michigan Avenue" located at 128-130 W. Michigan Ave.

   A. Resolution No. 2012-143, determination.

      RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

      WHEREAS, Mix On Michigan Avenue Corporation has applied to the City of Ypsilanti requesting a new Redevelopment Liquor License to be located at 128/130 W. Michigan Ave., Ypsilanti, MI. 48197 in accordance with MCL 436.1531a (1)(b); and

      WHEREAS, the proposed location of the license is within the Ypsilanti Downtown Development Authority area and Downtown Redevelopment Liquor License Area created by Resolution 200-143 of the Ypsilanti City Council on July 15, 2008; and

WHEREAS, a public hearing to consider the request was duly noticed and held on July 17, 2012

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council approve the request of Mix On Michigan Avenue Corporation, for a new Class C Liquor License to be issued under MCL 436.1521a (1) (b) with Sunday Sales Permit, Dance and Entertainment Permit, and Outdoor Service Permit (1 area) for the location at 128/130 W. Michigan Ave., Ypsilanti, MI. 48197 be approved above all others.

B. Open the public hearing.

Leonardo Christian, 7 S. Normal, commented with his support for Mix on Michigan Avenue. He said he held and event that benefited the Make A Wish Foundation and if Mix on Michigan Avenue not allowed him to have his benefit he would have had to go outside of Ypsilanti City limits.

Council Member Jefferson commented he supports the class c liquor license.

Mayor Schreiber commented he has eaten at Bona Sera and the food is delicious and he supports the class c liquor license.

C. Resolution No. 2012-144, close public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider the proposed resolution entitled "Mix on Michigan Avenue DDA Redevelopment Liquor License" be officially closed.

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

On a voice vote, the vote to approve Resolution 2012-144 to close the public hearing was unanimous.

On a roll call vote, the vote to approve Resolution No. 2012-143 was as follows:

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

VOTE:

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

IX. AUDIENCE PARTICIPATION

Ms. Edmunds commented that she approves and appreciates all the support for the revocation of Brandy's Liquor License.

X. REMARKS BY THE MAYOR

Mayor Schreiber thanked Ms. Edmunds for her comments.

XI. MINUTES

On a voice vote, the motion to approve Resolution No. 2012-145 approving the minutes of June 19, 2012 was unanimous.

XII. CONSENT AGENDA — Resolution No. 2012-146

1. Resolution 2012-147, approving amendments to the City Code of Ordinances relative to peddler's and solicitors. ***(Ordinance No. 1179) (Second Reading)***

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance to amend municipal civil infraction penalties, entitled "AN ORDINANCE TO AMEND CHAPTER 22 OF THE YPSILANTI CITY CODE, ENTITLED "BUSINESSES," SECTION 22-161 'DEFINITIONS'" be adopted on second reading.

2. Resolution 2012-148, 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:

NAME	BOARD	TERM TO EXPIRE
Tom Roach 912 Pearl Ypsilanti, MI. 48197	**Zoning Board of Appeals**	**5/1/2014**

3. Resolution No. 2012-149, adopting the Climate Action Plan.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti has applied for and received a 2010 grant from the Michigan Department of Natural Resources and Environment for the development of a Climate Action Plan; and

WHEREAS, The City has engaged Michigan Suburbs Alliance to coordinate and develop the plan on behalf of the City; and

WHEREAS, The development of the plan incorporates a Greenhouse Gas inventory for the City of Ypsilanti, extensive community input, best practices and other related climate and sustainability research;

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council adopts the City of Ypsilanti Climate Action Plan with the intent to works toward achievement of the short and longer goals therein.

4. Resolution No. 2012-150, approving SRF Bond for the Factory Street Pump Station.

(Ordinance # 1180, 940-M)

CITY OF YPSILANTI

<u>ORDINANCE NO. 940-M</u>

AN ORDINANCE TO PROVIDE FOR THE ACQUISITION AND CONSTRUCTION OF ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE EXISTING WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM OF PROVIDE FOR THE ISSUANCE AND SALE OF REVENUE BONDS OF JUNIOR AND SUBORDINATE STANDING TO CERTAIN REVENUE BONDS PROVIDING TO PAY THE COST THEREOF; TO PROVIDE FOR THE RETIREMENT AND SECURITY OF THE BONDS HEREIN AUTHORIZED; AND TO PROVIDE FOR OTHER MATTERS RELATIVE TO THE SYSTEM AND THE BONDS, PURSUANT TO ORDINANCES NOS. 940, 940-A, 940-B, 940-C, 940-D, 940-E, 940-F, 940-G, 940-H, 940-J, 940-K, 1052 and AMENDED AND RESTATED ORDINANCE NO. 940-I OF THE CITY.

YPSILANTI ORDAINS:

<u>Section 1</u>. <u>Definitions</u>. Whenever used in this Ordinance, except when otherwise indicated by the context, the following terms shall have the following meanings:

(a) "Act 94" means Act 94, Public Acts of Michigan, 1933, as amended.

(b) "Authority" means the Michigan Finance Authority.

(c) "Authorized Officers" means the Mayor, the City Manager, City Clerk and the Finance Director of the Issuer.

(d) "Bonds" means the Outstanding Bonds, together with any additional bonds of equal standing with the Outstanding Bonds hereafter issued.

(e) "Issuer" or "City" means the City of Ypsilanti, County of Washtenaw, Michigan.

(f) "Series 2012 Bonds" means the bonds authorized by this Ordinance.

(g) "MDEQ" means the Michigan Department of Environmental Quality.

(h) "Outstanding Senior Bonds" means the Issuer's outstanding Water Supply and Sewage Disposal System Revenue Bonds, Series 2001 in the outstanding principal amount of $940,000, outstanding Water Supply and Sewage Disposal System Revenue Bonds, Series 2002A in the outstanding principal amount of $1,100,000, outstanding Water Supply and Sewage Disposal System Revenue Bonds, Series 2002B in the outstanding principal amount of $280,000, outstanding Water Supply and Sewage Disposal System Revenue Bonds, Series 2002C in the outstanding principal amount of $3,535,000, outstanding Water Supply and Sewage Disposal System Revenue Bonds, Series 2003A in the outstanding principal amount of $1,535,000, outstanding Water Supply and Sewage Disposal System Revenue Bonds, Series 2003B in

the outstanding principal amount of $1,280,000, outstanding Water Supply and Sewage Disposal System Revenue Bonds, Series 2004A in the outstanding principal amount of $2,270,000 outstanding Water Supply and Sewage Disposal System Revenue Refunding Bonds, Series 2006 in the outstanding principal amount of $9,795,000.

(i) "Outstanding Junior Bonds" means the Issuer's outstanding Water Supply and Sewage Disposal System Revenue Bonds, Series 2003C in the outstanding principal amount of $520,000, the Issuer's outstanding Water Supply and Sewage Disposal System Revenue Bonds, Series 2003D in the outstanding principal amount of $3,490,000, the Issuer's outstanding Water Supply and Sewage Disposal System Revenue Bonds, Series 2004B in the outstanding principal amount of $4,415,000, the Issuer's outstanding Water Supply and Sewage Disposal System Revenue Bonds, Series 2007 in the outstanding principal amount of $254,000, the Issuer's outstanding Water Supply and Sewage Disposal System Revenue Bonds, Series 2008 in the outstanding principal amount of $379,000 and the Issuer's outstanding Water Supply and Sewage Disposal System Revenue Bonds, Series 2009 in the outstanding principal amount of $ 129,000.

(j) "Prior Ordinances" means Ordinances Nos. 940, 940-A, 940-B, 940-C, 940-D, 940-E, 940-H and 1052 authorizing the issuance of the Outstanding Senior Bonds and Ordinances Nos. 940-F, 940-G, 940-J, 940-K, 940-L and Amended and Restated Ordinance 940-I authorizing the Outstanding Junior Bonds.

(k) "Project" means the acquisition and construction of additions, extensions and improvements to the System consisting generally of improvements to the Factory Street Pump Station, together with all necessary appurtenances and attachments therefore as further described in plans prepared by the City's consulting engineers.

(l) "Revenues" and "Net Revenues" means the revenues and net revenues of the System and shall be construed as defined in Section 3 of Act 94, including with respect to "Revenues", the earnings derived from the investment of moneys in the various funds and accounts established by the Prior Ordinances and this Ordinance.

(m) "Series 2012 Bonds" means the Water Supply and Sewage Disposal System Revenue Bond, Series 2012, in the principal amount of not to exceed $2,900,000 issued pursuant to this Ordinance.

(n) "Sufficient Government Obligations" means direct obligations of the United States of America or obligations the principal and interest on guaranteed by the United States of America, not redeemable at the option of the issuer, the principal and interest payments upon which without reinvestment of the interest, come due at such times and in such amounts as to be fully sufficient to pay the interest as it comes due on the Series 2012 Bonds and the principal on the Bonds as it comes due whether on the stated maturity date or upon earlier redemption. Securities representing such obligations shall be placed in trust with a bank or trust company, and if any of the Series 2012 Bonds

are to be called for redemption prior to maturity, irrevocable instructions to call the Series 2012 Bonds for redemption shall be given to the agent.

(o) "System" means Water Supply and Sewage Disposal System of the Issuer, together with the Project, and all additions, extensions and improvements hereafter acquired.

<u>Section 2</u>. <u>Necessity; Approval of Plans and Specifications</u>. It is hereby determined to be a necessary public purpose of the Issuer to acquire and construct the Project in accordance with the plans and specifications prepared by the Issuer's consulting engineers, which plans and specifications are hereby approved. The Project qualifies for the State of Michigan State Revolving Fund financing program being administered by the MDEQ and the Authority, whereby bonds of the Issuer are sold to the Authority and bear interest at a fixed rate of not to exceed two and one-half percent (2.50%) per annum.

<u>Section 3</u>. <u>Costs; Useful Life</u>. The cost of the Project is estimated to be not to exceed Two Million Nine Hundred Thousand Dollars ($2,900,000), including the payment of incidental expenses as specified in Section 4 of this Ordinance, which estimate of cost is hereby approved and confirmed, and the period of usefulness of the Project is estimated to be not less than twenty-five (25) years.

<u>Section 4</u>. <u>Payment of Cost; Bonds Authorized</u>. To pay part of the cost of acquiring the Project, legal, engineering, financial and other expenses incident thereto and incident to the issuance and sale of the Series 2012 Bonds, the Issuer shall borrow the sum of not to exceed Two Million Nine Hundred Thousand Dollars ($2,900,000) and issue the Series 2012 Bonds therefore pursuant to the provisions of Act 94. The remainder of the cost of the Project, if any, shall be defrayed from funds on hand and legally available for such use.

Except as amended by or expressly provided to the contrary in this Ordinance, all of the provisions of the Prior Ordinances shall apply to the Series 2012 Bonds issued pursuant to this Ordinance, the same as though each of said provisions were repeated in this Ordinance in detail; the purpose of this Ordinance being to authorize the issuance of additional revenue bonds of junior and subordinate standing and priority of lien to the Outstanding Senior Bonds and of equal standing and priority of lien as to the Net Revenues with the Outstanding Junior Bonds, to finance the cost of acquiring additions, extensions and improvements to the System, additional bonds of junior and subordinate standing to the Outstanding Senior Bonds for such purpose being authorized by the provisions of the Prior Ordinances, upon the conditions therein stated, which conditions have been fully met.

<u>Section 5</u>. <u>Issuance of Series 2012 Bonds; Details</u>. The Series 2012 Bonds of the Issuer, to be designated WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM REVENUE BONDS, SERIES 2012, are authorized to be issued in the aggregate principal sum of not to exceed Two

Million Nine Hundred Thousand Dollars ($2,900,000) as finally determined by order of the purpose of paying the cost of the Project, including the costs incidental to the issuance, sale and delivery of the Series 2012 Bonds. The Series 2012 Bonds shall be payable out of the Net Revenues, as set forth more fully in Section 8 hereof. The Series 2012 Bonds shall be in the form of a single fully-registered, nonconvertible bond of the denomination of the full principal amount thereof, dated as of the date of delivery, payable in principal installments serially as finally determined by the order of the MDEQ at the time of sale of the Series the principal amount of the Series 2012 Bonds and the payment dates and amounts of principal installments of the Series 2012 Bonds shall be evidenced by execution of a Purchase Contract (the "Purchase Contract") between the Issuer and the Authority providing for sale of the Series 2012 Bonds and the Authorized Officers are authorized and directed to execute and deliver the Purchase Contract when it is in final form and to make the determinations set forth above; provided, however, that the first principal installment shall be due no earlier than October 1, 2013 and the final principal installment shall be due no later than October 1, 2034 and that the total principal amount shall not exceed $2,900,000.

The Series 2012 Bonds shall bear interest at a rate of not to exceed two and one-half percent (2.50%) per annum on the par value thereof or such other rate as evidenced by execution of the Purchase Contract, but in any event not to exceed the rate permitted by law, and the Authorized Officers shall deliver the Series 2012 Bonds in accordance with the delivery instructions of the Authority.

The Series 2012 Bonds principal amount is expected to be drawn down by the Issuer periodically, and interest on principal amount shall accrue from the date such principal amount is drawn down by the Issuer.

The Series 2012 Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2012 Bonds shall be payable as provided in the Series 2012 Bonds form in this Ordinance.

The Series 2012 Bonds shall be subject to optional redemption by the Issuer with the prior approval of the Authority on any interest payment date on or after April 1, 2013 at par.

The Finance Director shall record on the registration books payment by the Issuer of each installment of principal or interest or both when made and the cancelled checks or other records evidencing such payments shall be returned to and retained by the Finance Director.

Upon payment by the Issuer of all outstanding principal of and interest on the Series 2012 Bonds, the Authority shall deliver the Series 2012 Bonds to the Issuer for cancellation.

<u>Section 6</u>. <u>Execution of Series 2012 Bonds</u>. The Series 2012 Bonds shall be signed by the manual signature of the Mayor and

countersigned by the manual signature of the City Clerk and shall have the corporate seal of the Issuer impressed thereon. The Series 2012 Bonds bearing manual signatures of the Mayor and the City Clerk sold to the Authority shall require no further authentication.

<u>Section 7</u>. <u>Registration and Transfer</u>. Any Series 2012 Bonds may be transferred upon the books required to be kept pursuant to this section by the person in whose name it is registered, in person or by the registered owner's duly authorized attorney, upon surrender of the Series 2012 Bonds for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the transfer agent. Whenever any Series 2012 Bonds or Series 2012 Bonds shall be surrendered for transfer, the Issuer shall execute and the transfer agent shall authenticate and deliver a new Series 2012 Bonds or Series 2012 Bonds, for like aggregate principal amount. The transfer agent shall require payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer. The Issuer shall not be required (i) to issue, register the transfer of or exchange any Series 2012 Bonds during a period beginning at the opening of business 15 days before the day of the giving of a notice of redemption of Series 2012 Bonds selected for redemption as described in the form of Series 2012 Bonds contained in Section 14 of this Ordinance and ending at the close of business on the day of that giving of notice, or (ii) to register the transfer of or exchange any Series 2012 Bonds so selected for redemption in whole or in part, except the unredeemed portion of Series 2012 Bonds being redeemed in part. The Issuer shall give the transfer agent notice of call for redemption at least 20 days prior to the date notice of redemption is to be given.

The transfer agent shall keep or cause to be kept, at its principal office, sufficient books for the registration and transfer of the Series 2012 Bonds, which shall at all times be open to inspection by the Issuer; and, upon presentation for such purpose, the transfer agent shall, under such reasonable regulations as it may prescribe, transfer or cause to be transferred, on said books, Series 2012 Bonds as hereinbefore provided.

If any Series 2012 Bonds shall become mutilated, the Issuer, at the expense of the holder of the Series 2012 Bonds, shall execute, and the transfer agent shall authenticate and deliver, a new Bond of like tenor in exchange and substitution for the mutilated Series 2012 Bonds, upon surrender to the transfer agent of the mutilated Series 2012 Bonds. If any Series 2012 Bonds issued under this Ordinance shall be lost, destroyed or stolen, evidence of the loss, destruction or theft may be submitted to the transfer agent and, if this evidence is satisfactory to both and indemnity satisfactory to the transfer agent shall be given, and if all requirements of any applicable law including Act 354, Public Acts of Michigan, 1972, as amended ("Act 354"), being sections 129.131 to 129.135, inclusive, of the Michigan Compiled Laws have been met, the Issuer, at the expense of the owner, shall execute, and the transfer agent shall thereupon authenticate and deliver, a new Series 2012 Bonds of like tenor and bearing the statement required by

Act 354, or any applicable law hereafter enacted, in lieu of and in substitution for the Series 2012 Bonds so lost, destroyed or stolen. If any such Series 2012 Bonds shall have matured or shall be about to mature, instead of issuing a substitute Series 2012 Bonds the transfer agent may pay the same without surrender thereof.

Section 8. Payment of Bonds; Security; Priority of Lien. Principal of and interest on the Series 2012 Bonds shall be payable from the Net Revenues. There is hereby recognized the statutory lien upon the whole of the Net Revenues created by this Ordinance which shall be a lien that is of junior standing and subordinate only as to the lien on the Outstanding Senior Bonds created by the Prior Ordinances and any bonds hereafter issued by the City of equal standing and priority of lien with the Outstanding Senior Bonds; such lien to continue until payment in full of the principal of and interest on all Series 2012 Bonds and all Outstanding Junior Bonds payable from the Net Revenues, or until sufficient cash or Sufficient Government Obligations have been deposited in trust for payment in full of all Series 2012 Bonds of a series then outstanding, principal and interest on such Series 2012 Bonds to maturity, or, if called for redemption, to the date fixed for redemption together with the amount of the redemption premium, if any. Upon deposit of cash or Sufficient Government Obligations, as provided in the previous sentence, the statutory lien shall be terminated with respect to the Series 2012 Bonds and the holders thereof shall have no further rights under the Prior Ordinances or this Ordinance, except for payment from the deposited funds, and the Series 2012 Bonds shall no longer be considered to be outstanding under the Prior Ordinances or this Ordinance.

Section 9. Junior Lien Bond and Interest Redemption Fund. There has been established and maintained pursuant to Ordinances Nos. 940-F, 940-G, 940-J, 940-K, 940-J and Amended and Restated Ordinance No. 940-I a separate depository fund designated "Junior Lien Bond and Interest Redemption Fund" (the "Junior Lien Fund"), the moneys on deposit therein from time to time to be used solely for the purpose of paying the principal of, redemption premiums (if any) and interest on the outstanding Junior Bonds and any bonds of equal standing with the outstanding Junior Bonds. The moneys in the Junior Lien Fund (including the Junior Lien Reserve Account) shall continue to be kept on deposit with the Transfer Agent.

Out of the Net Revenues remaining in the Receiving Fund after provision has been made for the Operation and Maintenance Fund and only after provision has been made for the Redemption Fund, there shall be set aside monthly in the Junior Lien Fund a sum proportionately sufficient to provide for the payment when due of the current principal of and interest on the Outstanding Junior Bonds and Series 2012 Bonds, less any amount in the Junior Lien Fund representing accrued interest on the Series 2012 Bonds. Commencing on October 1, 2012, the amount set aside each month for interest on the Series 2012 Bonds shall be 1/6 of the total amount of interest on the Series 2012 Bonds next coming due. The amount set aside each month for principal on the Series 2012 Bonds, commencing October 1,

2013 shall be 1/12 of the amounts of principal next coming due. If there is any deficiency in the amounts previously set aside, that deficiency shall be added to the next succeeding months' requirements.

No moneys shall be set aside and credited to the Junior Lien Fund unless and until the City is current with respect to all required transfers to all other funds under the Outstanding Ordinances and there is no default in any payments or requirements under the Outstanding Ordinances.

<u>Section 10</u>. <u>Management</u>. The operation, repair and management of the System and the acquiring of the Project shall continue to be under the supervision and control of the City Council and the Ypsilanti Community Utilities Authority.

<u>Section 11</u>. <u>Rates and Charges; No Free Service</u>. The rates and charges for service furnished by the System and the methods of collection and enforcement of the collection of the rates shall be those in effect on the date of adoption of this Ordinance. No free service or use of the System, or service or use of the System at less than cost, shall be furnished by the System to any person, firm, or corporation, public or private, or to any public agency or instrumentality, including the Issuer and the rate covenant contained in the Outstanding Ordinances relative to the Outstanding Senior Bonds is hereby made specifically not applicable to the Series 2012 Bonds.

<u>Section 12</u>. <u>Junior Lien Bond Reserve Account</u>. There has been created pursuant to Ordinances Nos. 940-F, 940-G, 940-J, 940-K, 940-J and Amended and Restated Ordinance No. 940-I a separate Reserve Account in the Junior Lien Bond and Interest Redemption Fund, as established pursuant to Section 9 above, entitled "Junior Lien Reserve Account" (the "Account") which is to be additionally funded by an amount equal to the lesser of (a) the highest annual debt service requirements on the Outstanding Junior Bonds and Series 2012 Bonds, (b) 10% of the principal amount of the Outstanding Junior Bonds and Series 2012 Bonds, or (c) 125% of the average annual debt service requirements on the Outstanding Junior Bonds and Series 2012 Bonds. To provide said additional funds for the Account, there shall be deposited into said Account from funds of the System legally available therefore, a sum of moneys sufficient to meet such requirements in twenty (20) equal quarterly payments commencing October 1, 2012 and on each January 1, April 1, July 1 and October 1 thereafter until said Account is fully funded. Except as herein provided, the moneys credited to the Account shall be used solely for the payment of the principal of, redemption premiums (if any) and interest on the Series 2012 Bonds and Outstanding Junior Bonds as to which there would otherwise be a default. If at any time it shall be necessary to use moneys credited to the Account for such payment, then the moneys so used shall be replaced from the Net Revenues first received thereafter which are not required for current principal and interest requirements or used for the Replacement and Improvement Fund. Any deficit in the

Account shall be restored within two years to the amount of the Account at the time it was used for such payment.

<u>Section 13</u>. <u>Bond Proceeds.</u> The proceeds of the sale of the Series 2012 Bonds as received by the Issuer shall be deposited in a separate account in a bank or banks qualified to act as depository of the proceeds of sale under the provisions of Section 15 of Act 94 designated WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM REVENUE BONDS CONSTRUCTION FUND (the "Construction Fund"). Moneys in the Construction Fund shall be applied solely in payment of the cost of the Project and any engineering, legal and other expenses incident thereto and to the financing thereof.

<u>Section 14</u>. <u>Bond Form</u>. The Series 2012 Bonds shall be in substantially the following forms, with such changes or completion as necessary or appropriate to give effect to the intent of this Ordinance:

5. Resolution No. 2012-151, approving a contract with Washtenaw County for Master Plan and Zoning updates.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The Ypsilanti City Council has repeatedly identified the need to revise the City's Master Plan and zoning ordinance; and

WHEREAS, Washtenaw County, in cooperation with the City, applied for and received the HUD Community Challenge grant with $180,000 designated for the City of Ypsilanti to revise the Master Plan and zoning ordinance;

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council approve the attached contract between the City of Ypsilanti and Washtenaw County for development of Master Plan and zoning ordinance revision over 30 months; and

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

6. Resolution No. 2012-152, approving City enforcement of MDOT Sidewalk Café standards on trunk lines.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City regulates persons, firms and corporations who sell, offer to sell, buy, or offer to buy goods, wares, produce, fruit, vegetables or merchandise upon any public right-of-way in the City pursuant to Ypsilanti City Code Chapter 94-193; and

WHEREAS, said state trunk line highways within the city are under the jurisdiction of the Michigan Department of Transportation (hereinafter referred to as "MDOT"); and

WHEREAS, Public Act 1 of 2005 requires that certain businesses, such as sidewalk cafés, must receive a permit from MDOT to conduct such activities within the right-of-way of any state trunk line; and

WHEREAS, MDOT requires under the Act that the City pass a Resolution supporting the activities described above and committing to enforcing MDOT sidewalk café permit

NOW THEREFORE BE IT RESOLVED, by the Ypsilanti City Council, authorizing persons, firms and corporations to sell or offer for sale or display or attempt to display for sale goods, wares, produce, fruit, vegetables or merchandise upon any state trunk line highway in the City so long as said person, firm or corporation has secured a permit for such activities from MDOT and the same comply with the City of Ypsilanti code sections, set forth above.

FURTHER RESOLVED, that the City shall enforce compliance with the MDOT Sidewalk Café permit;

FURTHER RESOLVED, that the authorization, set forth above, shall remain in force and effect so long as the permitted activities do not create an unsafe situation and do not interfere with the transportation along any state trunk line highway in the City of Ypsilanti pursuant to Public Act 1 of 2005.

7. Resolution No. 2012-153, approving the amended CDBG Grant Senior Center Improvements.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Ypsilanti City Council approved the Community Development Block Grant (CDBG) expenditures dedicated to Ypsilanti through the Washtenaw Count y Urban County on January 12, 2010 and a updated 2 year plan on February 21, 2012; and

WHEREAS, one of the projects identified for 2010-2011, and 2012-2013 CDBG expenditures is commercial kitchen upgrades at the Senior Center;

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council approves the attached amended contract with Washtenaw County for expenditure of CDBG funds for the Senior Center kitchen upgrades; and

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

8. Resolution 2012-154, approving Friends of Ypsilanti Police Department as a recognized non-profit organization operating in the City of Ypsilanti.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the Friends of the Ypsilanti Police Department intends to apply to the State of Michigan for a Charitable Gaming License; and

WHEREAS, this license would permit the Friends of the Ypsilanti Police Department to hold fundraising events; and

WHEREAS, the Friends of the Ypsilanti Police Department has a 501(c)(3) tax exempt status

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council recognizes the Friends of the Ypsilanti Police Department as a nonprofit organization operating in the City of Ypsilanti for the purpose of obtaining a charitable gaming license.

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

On a voice vote, the vote to approve Resolution 2012-146 (Consent Agenda) was unanimous.

XIII. <u>RESOLUTIONS/MOTIONS/DISCUSSIONS</u> –

1. Resolution No. 2012-155, adopting Municipal Employees' Retirement System (MERS) of Michigan Defined Benefit Program for City Manager.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City Council at its Special meeting of June 29, 2012 approved an Employment Agreement ("the Agreement") between the City and Mr. Ralph A. Lange to serve as City Manager; and

WHEREAS, the Agreement included a provision that requires the City to execute all necessary documents to provide for participation by Mr. Lange in a Defined Benefit Plan ("the Plan") of the Municipal Employees' Retirement System ("MERS") of Michigan; and

WHEREAS, in order to create the subject Plan for Mr. Lange, the City Council must adopt the attached MERS Resolution.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council does hereby approve and adopt the MERS Resolution for Adopting Municipal Employees' Retirement System of Michigan Defined Benefit Program, attached hereto and made a part hereof, and does further authorize

and direct the Mayor and City Clerk to execute the subject MERS Resolution on behalf of the City.

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

On a roll call vote, the vote to approve Resolution No. 2012-155 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	Absent		

VOTE:

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

2. Resolution No. 2012-156, supporting revocation of Brandy's Party Store Liquor License.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, Brandy's Liquor Shoppe (Brandy's) is located 902 West Michigan Avenue, Ypsilanti Michigan, 48197, and has been in operation selling liquor and sundries for a number of years; and

Whereas, in the past several years many neighbors and citizens of the community have complained to the Ypsilanti Police Department and Ypsilanti City Council, reporting illegal activity at Brandy's including fights, drunkenness, loitering, profanity, gunfire in the area, urination in public, prostitution, and illegal drug sales; and

Whereas, the city made good faith efforts to work with Brandy's to correct the problem, without success, and finally brought a nuisance action against Brandy's in Circuit Court; and

Whereas, Brandy's and the city entered into a consent agreement in 2009 to allow Brandy's to remain open provided they hired private security services on the premises, maintained operational surveillance video cameras, joined neighborhood associations, barred any consumption of alcohol on the premises, maintained proper lighting, discouraged loitering, and sold no drug paraphernalia; and

Whereas Brandy's failed to honor the terms of the consent agreement; and

Whereas, the city went back to court and presented facts resulting from a joint criminal investigation between the Ypsilanti Police Department and the Michigan State Police showing Brandy's employees purchased stolen liquor and put it with regular stock for sale, made the sale of stolen liquor, made illegal sale of cigarettes, and allowed illegal activities including prostitution, drug activity, urination in public, fights and gunfire in the neighborhood;

Whereas, the Washtenaw County Circuit Court entered an order on August 3, 2011, closing Brandy's for a period of one year from August 3, 2011 to August 4, 2012; and

Whereas, the closing of Brandy's has dramatically reduced the number of police calls and has lead to a better quality of life for the neighborhood and community overall; and

Whereas, the City Council understands that the liquor license of Brandy's is in escrow and the Michigan Liquor Control Commission is considering at least seven Michigan Liquor law infractions concerning Brandy's and has the power to revoke Brandy's liquor license; and

Whereas, the Ypsilanti City Council finds that it is in the best interest of the City of Ypsilanti that Brandy's liquor license be revoked.

Now Therefore, the Ypsilanti City Council respectfully requests that the Michigan Liquor Control Commission (MLCC) <u>permanently</u> revoke the liquor license of Brandy's Party Store and any affiliations associated with Brandy's Party Store located at 902 W. Michigan Avenue in the city of Ypsilanti, Michigan, and not allow Brandy's or any person or associated with Brandy's to receive a liquor license in the city of Ypsilanti.

OFFERED BY: Council Member Jefferson
SUPPRTED BY: Mayor Pro-Tem Richardson

On a roll call vote, the vote to approve Resolution No. 2012-156 was as follows:

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

VOTE:

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

XIV. <u>LIASON REPORTS</u>

A. SEMCOG Update (Richardson) - Meeting Thursday July 26th, 2012 at 1:00 p.m.
B. Washtenaw Area Transportation Study (Murdock)- Meeting July 18th, 2012.
C. Washtenaw Metro Alliance- (Robb) – no report
D. Urban Counties (Schreiber) - No meeting this month.
E. Freight House (Murdock)- New members meeting will be held July 19, 2012.

XV. <u>COUNCIL PROPOSED BUSINESS</u>

Mayor Pro-Tem Richardson commented about the trip that was taken with new City Manager Ralph Lange and Council Member Murdock to Ghana, Ohio. She said the trip was to take a look at a property OHM developed that was similar to the city's Water Street property. In addition she said that the property was beautiful with businesses, condos and a convention center.

Mayor Pro-Tem Richardson commented that weeds are blocking resident's vision when you are coming off E. Ferris.

Mayor Pro-Tem Richardson commented residents at 302 East Ainsworth are complaining about tree roots that are pushing up through the sidewalk. She said she has personally seen this and someone could trip and fall if walking in the dark.

Council Member Murdock received a memo from DDA Director Tim Colbeck which stated that the streetscape improvements will begin in the Fall.

Council Member Murdock commented on the new fireworks law and said the city should look at how we can regulate and restrict them.

Mayor Schreiber asked Attorney John Barr to look at the new firework law and give his assessment.

Council Member Vogt commented that because of the new law, the city needs to place some time limits on when fireworks can be used. He said the volume of these new explosives is very loud.

Council Member Bodary commented about a complaint he received regarding the city hall elevator. He said the resident said the elevator is not working properly and everyone cannot take the stairs. He asked that the elevator be serviced on a consistent basis so that it works properly.

Interim City Manager Frances McMullan commented that maintenance is done on the elevator regularly. She said she spoke with DPS Director Stan Kirton and he indicated the elevator needs replacing but the city does not have the money to replace it at this time.

Council Member Jefferson commented that he agrees the fireworks issue should be looked at.

Council Member Jefferson commented that residents are complaining about a lot of pit bulls in the area.

Council Member Jefferson commented there is an overgrown bush at 1044 Madison that needs trimming because it blocks residents view.

XVI. <u>COMMUNICATIONS FROM THE MAYOR</u>

Mayor Schreiber asked City Council if they would be in support of a Citizens United Resolution.

City Council responded yes, they would support a Citizens United Resolution.

Mayor Schreiber commented he usually doesn't get involved in these kinds of resolutions but he thinks this is necessary.

Mayor Schreiber nominated Council Member Bodary to the YCUA Board.

Mayor Schreiber nominated Tony Bedogne to the Zoning Board.

Tony Bedogne commented he has been a resident of Ypsilanti since 1994. He said he graduated from EMU and has been working for Janice Bobrin at the Water Resources Commission. He said he is interested in doing more volunteering and thinks he will perform well on the Zoning Board.

XVII. COMMUNICATIONS FROM THE CITY MANAGER

Interim City Manager McMullan commented that new voter registration cards have gone out to all residents via a county mailing because of the recent census and redistricting. She said that this mailing will aide the Clerk's office in cleaning up its voter rolls. She thanked residents who have contacted the Clerk's office with voter information that may be inaccurate.

Interim City Manager McMullan commented that beginning with the August Primary, Precincts 2-2 and 2-4 will have a new location, Ypsilanti Middle School located at 105 N. Mansfield.

Council Member Murdock commented that this is a long distance for residents in 2-2- and 2-4.

Interim City Manager McMullan commented the other option was EMU Student Center and the parking would have been more of an issue.

Mayor Pro-Tem Richardson asked had any churches been looked at for possible polling locations.

Interim City Manager McMullan commented that schools and churches had been considered. She said the process of finding a polling location has gone on for awhile since the Clerk's office knew Fletcher School would be unavailable for use. She said she is open to continue looking for locations.

Council Member Murdock commented that Ward 2, Precinct 4 has a concentration of students and it tends to be a highly democratic ward.

Council Member Murdock asked is Ypsilanti Middle School even in the city.

Interim City Manager McMullan commented that part of the school is in the City and the other half in the Township but that it has been approved as a polling location for the City of Ypsilanti and has been used in the past.

Mayor Pro-Tem Richardson commented that the location is a long distance.

XVIII. AUDIENCE PARTICIPATION

Leonardo Christian, 7 S. Normal, suggested Old Chapell school as a voting location.

Mayor Pro-Tem Richardson asked is Ypsilanti Middle School in Ypsilanti Township.

Interim City Manager McMullan commented one side of the school is in the township and the other side is in the city.

Mayor Pro-Tem Richardson asked about Hoyt Conference Center as an option.

Interim City Manager McMullan answered Hoyt was not an option given by EMU.

XIX. REMARKS FROM THE MAYOR

None

XX. REPORTS SUBMITTED

None

XXI. CLOSED SESSION

Closed Session to discuss pending litigation - OMA 15.268, Section 8(e).

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

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

VOTE:

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

Council reconvened to open session at 9:34 p.m.

Council Member Murdock moved, supported by Mayor Pro-Tem Richardson to approve Resolution No. 2012-158.

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

WHEREAS the Ann Arbor Center for Independent Living, sued the City of Ypsilanti for alleged sidewalk violations of the Americans with Disabilities Act; and

WHEREAS the parties worked out a settlement and reduced the settlement to court order(s) and a Third Consent Decree was entered with the Court on November 11, 2007, requiring the City to complete r retrofitting 1,054 corners with two ramps within ten years; and

WHEREAS because of lack of funds the City will be unable to meet these obligations; and

WHEREAS the parties have reviewed the progress of work to date, viewed the work, negotiated the terms and agreed to a Fourth Consent Decree that gives the city more time by allowing the City to spend a designated amount of money each year for retrofitting work, instead of requiring a certain number of curb ramps be retrofitted each year; and

WHEREAS the City has spent $100,000 a year on this project through grant funding; and

WHEREAS because of federal law the city is required by law, to pay Plaintiffs attorney fees, and they have submitted an invoice for $12,712.81 in legal costs, which includes a negotiated 10 percent discount; and

WHEREAS the Ypsilanti City Attorney recommends that the City approve this Fourth Consent Decree, to avoid further litigation and stretch out the work required, now therefore:

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI That the City does approve the proposed Fourth Consent Decree and authorizes John M. Barr, Ypsilanti City Attorney to sign the Consent Decree on behalf of the City.

IT IS FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI That Plaintiff's legal costs of $12,712.81 be paid by the City of Ypsilanti to Heberle & Finnegan, PLLC.

On roll call, the vote to approve Resolution No. 2012-158 was as follows:

Council Member Robb	Absent	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: 6 No: 0 Absent: 1 (Robb) Vote: Carried

XXII. ADJOURNMENT

1. Resolution 2012-157, adjourning the City Council meeting.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

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

On a voice vote the motion carried and the meeting adjourned at 9:37 p.m.