1. City Council Regular Meeting Agenda

   Documents: 3-5-13 FINAL AGENDA.PDF

2. City Council Regular Meeting Packet

   Documents: 3-05-13 COUNCIL PACKET.PDF

CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, MARCH 5, 2013
7:00 P.M.

I. CALL TO ORDER -

II. ROLL CALL -

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

III. INVOCATION -

IV. PLEDGE OF ALLEGIANCE -

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

V. AGENDA APPROVAL -

VI. INTRODUCTIONS -

VII. PRESENTATION -

State of the City: Shaping Ypsilanti – Mayor Paul Schreiber

VIII. AUDIENCE PARTICIPATION -

IX. REMARKS BY THE MAYOR -

X. MINUTES -

Resolution No. 2013-040, approving the minutes of February 19, 2013.

XI. CONSENT AGENDA – Resolution No. 2013-040A

1. Resolution No. 2013-041, recognizing "The Ton-Up" as a non-profit organization operating in the City of Ypsilanti for the purpose of charitable gaming.

2. Resolution No. 2013-042, approving the Michigan Main Street Program Agreement.

3. Resolution No. 2013-043, approving Board of Review guidelines and hardship application forms.

4. Resolution No. 2013-044, supporting the efforts of Mayors Against Illegal Guns.

5. Resolution No.2013-045, supporting the CAPP Act to further spur historic preservation and economic development in the City of Ypsilanti.

XII. ORDINANCES – SECOND READING -

1. Resolution No. 2013-046, approving Ordinance No. 1186 – Fireworks Ordinance.

XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2013-047, approving purchase of one F-550 Truck Chassis from Gorno Ford.

2. Resolution No. 2013-048, approving appointments to Boards and Commissions.

XIV. LIASON REPORTS -

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

XV. COUNCIL PROPOSED BUSINESS –

XVI. COMMUNICATIONS FROM THE MAYOR –

XVII. COMMUNICATIONS FROM THE CITY MANAGER –

XVIII. AUDIENCE PARTICIPATION -

XIX. REMARKS FROM THE MAYOR –

XX. ADJOURNMENT –

A. Resolution No. 2013-049, adjourning the City Council meeting.

CITY OF YPSILANTI
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CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
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Council Member Murdock	P A	Mayor Schreiber	P A
Mayor Pro-Tem Richardson	P A		

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XVII. COMMUNICATIONS FROM THE CITY MANAGER –

XVIII. AUDIENCE PARTICIPATION -

XIX. REMARKS FROM THE MAYOR –

XX. ADJOURNMENT –

A. Resolution No. 2013-049, adjourning the City Council meeting.

Resolution No. 2013 – 040
March 5, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of February 19, 2013 be approved.

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE:

Draft

CITY OF YPSILANTI
COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, FEBRUARY 19, 2013
6:00 P.M.

I. CALL TO ORDER

The meeting was called to order at 6:07 p.m.

II. ROLL CALL

Council Member Jefferson	Present	Council Member Robb	Present
Council Member Moeller	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. AGENDA APPROVAL

Council Member Murdock made a request to add an additional 'Audience Participation' after "Presentations" to allow comment on the work session items only. On a voice vote Council approved the additional 'Audience Participation' and it was added to the agenda.

VI. WORK SESSION – Water Street (6:00 to 7:00 p.m.)

Planner Teresa Gillotti introduced the work session items stating the focus is on providing an update on the current status of Water Street.

1. Marketing Update from CBRE – Ms. Gillotti introduced Arthur Itkis, of CBRE, and he gave a marketing update, stating that his company has added new recipients to their marketing distribution, and said he has had preliminary discussions with investors in the hospitality industry and senior care industry. He said that while there has been an increase in rental and retail occupancies in Michigan, lenders are not investing in new construction but in rehabilitating existing structures.

   City Manager Ralph Lange stated that he wanted to reiterate that the financing is the bigger problem and it almost requires self-funding to accomplish.

   Council Member Murdock asked how much interest has been shown since the last marketing update.

Mr. Itkis said his contacts have been minimal.

Mayor Schreiber asked if the recreation center was a magnet to bring other businesses in to the area.

Mr. Itkis said he believes it would bring in more traffic and attract companies looking for traffic. He also said that he has been using the recreation center as a marketing tool.

2. Update on Family Dollar – Ms. Gillotti shared that there had been requests for changes to the design of the Family Dollar store, based on what had been provided with the Letter of Intent (LOI) submitted in December. She stated that staff had been in contact with the builder, Core Resources, who would the property over to Family Dollar to own and operate, and informed Council that changes affecting the company's building costs may require renegotiating the purchase price.

   Ms. Gillotti displayed the proposed options for brick and masonry material to be used on the building and asked Council to weigh in on what they prefer.

   Council Member Robb stated that brick is a "want" but not a must have, if it affects the price.

   Mayor Pro-Tem Richardson stated that she was satisfied with the masonry product.

   Mayor Schreiber shared that his primary concern was to have a quality building with future potential for a second floor. He stated that he did prefer the brick.

   Council Member Vogt agreed with Mayor Schreiber's comments and stated his preference for traditional or natural brick, over something more modern or concrete, and shared that he is not as concerned with the set back of the building but is more focused with the appearance, quality, and future potential of the structure.

   Council Member Moeller stated that she had no preference.

   Council Member Murdock stated it made no difference to him, based on the samples displayed.

   Mr. Lange asked if Council would prefer to see the building have the potential for a second floor.

   Mayor Schreiber stated that he would certainly like to see the ability for a second floor.

   Council Member Jefferson said he would like to see that as well.

   Ms. Gillotti clarified that there would not currently be a second floor; rather they were discussing the idea of reuse if Family Dollar were to sell the property to a new user.

   Council Member Jefferson stated that if the ability to add a second floor would decrease the sales price he would be comfortable staying with one floor.

   Ms. Gillotti stated that all of these changes would likely decrease the price, or at least have the potential to do so, and to keep this in mind.

   Mayor Pro-Tem Richardson said the ability to add a second floor did not matter to her.

   Council Member Robb asked, based on the way the building was laid out, if another building could be built next to it, over the parking lot.

   Ms. Gillotti stated that potentially another building could fill that spot.

Council Member Murdock stated that he does not see a benefit to the addition of a second floor because he does not feel Family Dollar will build up and if another user buys the property down the road they would be more likely to tear the building down and build something new than add a second floor.

Mayor Pro-Tem Richardson stated that it would be nice to have the ability to add a second floor but not if it would bring the price down.

Ms. Gillotti asked Council for their opinion on the additional windows along Michigan Avenue.

Council agreed that they prefer the additional windows.

Council Member Moeller stated that it does not matter to her and the reason it doesn't matter is that she did not vote for this project, so she is indifferent at this point.

Council Member Robb shared that the purchase price is not his overriding criteria and he would like to see the windows regardless of how it would impact the price.

Ms. Gillotti showed Council a display of the building with a 10 foot setback and asked for their opinions.

Mayor Pro-Tem Richardson stated that she liked the 10 foot setback from the sidewalk.

Mayor Schreiber stated that it seemed easier to have the setback and that is fine with him.

Council Members Jefferson, Vogt, and Robb agreed that the 10 foot setback was fine.

Council Member Murdock stated that he thinks the setback should be as little as possible.

Ms. Gillotti asked if there were any other items desired by Council and indicated that the purchase agreement and public hearing will come before Council on March 5th.

Mayor Schreiber asked about way-finding signs.

Ms. Gillotti said she would inquire and follow up with Council.

Mr. Lange encouraged Council to provide Ms. Gillotti with a minimum purchase price that is tolerable.

Council Member Vogt stated that part of his concern is the friendliness and the reason he prefers the windows along Michigan Avenue is because it is more welcoming and feels less industrial.

Council Member Murdock questioned how the storm water would be handled.

Ms. Gillotti said she would discuss long-term plans for the storm water with the purchaser, however, at this time the plan is to treat it on site as much as possible.

3. Update on East Side Recreation Center – Ms. Gillotti reminded Council of the LOI that was signed over a year ago and said the resolution is to reaffirm the city's commitment. She added that the current timetable is to complete the bridge in 2013, the border to border trail in 2014 and the recreation center in 2015, pending the passing of the millage proposal. She reported that the U of M School of Architecture prepared conceptual designs and public meetings were held in the community for feedback.

Ms. Gillotti stated the purpose of this update is to make sure Council and the County Parks and Recreation Commission were still on board with the project and interested in moving forward. She said the YMCA is a third partner and will be doing a marketing study very soon.

Bob Tetens, Director of Washtenaw County Parks and Recreation Commission and County Commissioner Rolland Sizemore were present.

Mayor Schreiber commented that the recreation center is the right thing to do and he feels it will be a good catalyst for the Water Street development. He added that he is looking forward to working with the County.

Ms. Gillotti explained that the resolution was simply reaffirming the previous LOI and the timeline is still intact, along with all of the other components of the letter.

City Manager Lange commented that the border to border trail design is tremendous and he is looking forward to it. He asked for a brief explanation of the original design and the relationship to what the final design would be.

Mr. Tetens said they have not reached that point yet but they will be going through a design process. He also confirmed the timeline that Ms. Gillotti had provided.

Council Member Jefferson said he still agrees with the letter of intent and allowing the project to move forward.

Council Member Vogt expressed a desire to have Council input on the final design and stated that he loved the conceptual models. He said he wants the building to have a big "wow" factor.

City Manager Lange added that the recreation facility is the catalyst for the development of the property. He said it is the centerpiece that will push people to invest. He also said he is already getting feedback from his contacts.

VII. AUDIENCE PARTICIPATION - *(Added)*

Mayor Schreiber read the rules for audience participation.

1. County Commissioner Rolland Sizemore agreed with Council Member Vogt regarding Park Street, stating that it is designed as a major entrance to the Water Street project and he doesn't want to see it look like a side street. He also said he thinks the County Parks and Recreation Commission should look at what is going to be put in on the property and he would like the County and the City to work together on this. He added that he is still a little concerned with the number of driveways coming off of Michigan Avenue.

   Commissioner Sizemore stated that along with the Recreation Center the border-to-border trail would be looked at as well as a park at Ford Lake, putting wildflowers in where a wastewater treatment plant had been torn down, and a grant to build ports to allow canoes across the lake. He stated that everyone is working very hard on this project and he wants to thank Mr. Fischer for agreeing to work with them, as his property is located near the bridge that will cross over Michigan Avenue from Riverside Park.

2. Dave Heikkinen, whose business address is 133 W. Michigan, stated that he is very much against the Family Dollar. He said that on one corner there was going to be a beautiful new Parks and Recreation Center that will attract people from all over the county and drive economic development, while on the corner will be the Family Dollar, with minimum wage employees, that will attract more low-income customers and drive away other investors. He said he feels a Family Dollar is the absolute worst thing that could be put in on that corner

and he hopes Council will reconsider it, and he will continue to do whatever he can to get Council to reconsider their decision.

3. Michael Bodary, former Council Member, 1206 Westmoorland, stated that he understands the frustration relating to the Family Dollar store, stating the original vision was a continuous line of storefronts, of the historic turn of the century type of construction, which is beautiful and represents the "flavor" of our town. He said this type of construction will bring a lot of parking lots facing Michigan Avenue, and a whole different look for the buildings. He added that this will also bring a lot of one-story businesses that do not bring in the same sort of revenue to help retire the Water Street debt. He added that the Family Dollar was not what he was hoping for or what he envisions, but he does understand the desperation, and he appreciate Mr. Itkis's marketing of the property.

   Mr. Bodary said, regarding the East Side Recreation Center, he had hoped it would have a small footprint and 9 acres was a very large site. He said it could be downsized, maybe to 5 acres or so, so that there would be more marketable land. He added that it was disappointing that this had to be delayed for the next funding cycle.

4. Kathy Bodary, 1206 Westmoorland, stated that she had a few comments about the marketing plan for CBRE. She said she does not know how the City is being presented, by CBRE, to attract the type of businesses we are hoping to attract. She shared that, as a resident of the City, she would be interesting in seeing their marketing strategy in detail and what verbiage is being used.

VIII. INTRODUCTIONS

Mayor Schreiber introduced former Ward 2 Council Member Michael Bodary, Washtenaw County Commissioner Rolland Sizemore, Downtown Association of Ypsilanti President Dave Heikkinen and Mr. Fischer, owner of Fischer-Honda.

IX. PRESENTATION

Planning Commission & Historic District Commission Annual Reports – Ms. Gillotti referenced the reports that were included in the Council packet and there were no questions or comments from Council. Ms. Gillotti reported that HDC Commissioner Jane Schmiedeke, who has been Chair since the inception of the Commission in the late 1970s has stepped down as Chair but will continue to serve on the Commission. She mentioned that SHPO was performing an evaluation of the Commission and she would report back to Council with the results.

Mayor Schreiber stated that Council should formally recognize Ms. Schmiedeke's long-serving member Historic District Commission.

The meeting recessed at 7:08 p.m. and reconvened at 7:17 p.m.

X. ORDINANCES – FIRST READING

Ordinance No. 1185

1. Ainsworth Rezoning
   A. Resolution No. 2013-022, determination ***(postponed 2/5/13)***

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the proposed ordinance entitled, "Rezoning of 5, 6, & 7 W. Ainsworth from R1 to RC & R2" be approved on First Reading.

(Original text of the ordinance is on file at the Clerk's Office)

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

Planner Teresa Gillotti gave an update on the rezoning request.

SUMMARY & BACKGROUND:

At the Feb. 5, 2013 meeting, City Council delayed the consideration of the rezoning of 5, 6, and 7 Ainsworth until the Feb. 19 meeting. Previously, several options had been considered, with the last one before tabling to be a rezoning of 5 Ainsworth from R1 to RC-residential-commercial, retaining overlay districts, and rezoning of 7 Ainsworth (the initial application) from R1 to R2 -one and two family residential.

Below is clarification on a few questions/comments that came up during the previous meeting.

1- Spot Zoning: As a reminder, spot zoning is when a single parcel is rezoned to a district/use different than other surrounding parcels. The issues around spot zoning include favoritism, the potential to set a (negative) precedent for other rezoning decisions, and can create the potential for the decision to be indefensibility in court. At the previous council meeting, City Attorney O'Jack indicated that the change of zoning that included RC to R2 to R1 (as you move south from Michigan Avenue) could be defensible in that it shows a consistent decrease in density as one moves south into the neighborhood.

2- Existing Non-conforming lots in R1 single-family residential

5 Ainsworth: non-conforming lot size in R1 or R2.
6 Ainsworth: conforming – also conforms with R2, one-two family residential
7 Ainsworth: conforming – also conforms with R2, one-two family residential

3- Change from 1 to 2 family for 5 W Ainsworth

Currently, this building is existing, legal nonconforming due to lot size (less than 6000 sq ft) and setbacks (front yard, rear yard, and side yard). Changing the zoning to either RC or R2 would lessen the degree of nonconformity, but to different degrees.

Should the lot be rezoned to RC:
The building would become an existing, lawful nonconformity due to setback requirements (rear yard, abutting a residential district). However, the use of the building could be converted from single-family to two-family, as both are permitted uses in RC, and the nonconformity of the structure would not be affected. Should the structure be altered, it may only be altered in a way that would reduce the nonconformity. However, rezoning this lot to RC provides a number of commercial redevelopment options to the current owners, who also own 707 W Michigan, the parcel which surrounds this parcel to its north and east. As was noted at the last meeting, combination of 5 Ainsworth to 707 W. Michigan would create a parcel similar in size to existing lots on the Michigan Avenue frontage.

Should the lot be rezoned to R2:
This building would become an existing, lawful nonconformity, due both to lot size (less than 5000 sq ft) and setbacks (rear yard). As two-family uses in this district require a larger lot size (6000 sq ft), the amount of nonconformity would be greater than it currently is, and a two-family use would thus be not permitted. A single-family residence with no changes to the structure would be the only use permitted in this rezoning scenario.

4- Noticing: Currently the noticing and public hearing were for the changes as depicted in the map above. Although simply removing a parcel from consideration would not trigger a need to re-notice, changing the scope or type of rezoning would. For example, choosing to consider rezoning 5 W

Ainsworth to R2 would trigger re-noticing; but choosing to remove 6 W Ainsworth from consideration would not.

Council Member Moeller asked for clarification on which properties were to be considered; she mentioned that she recalls the discussion on 5 and 7 W. Ainsworth, but she wanted clarification on what was to be done with 6 W. Ainsworth.

Ms. Gillotti said that, while the discussion at the last meeting mentioned removing the property at 6 W. Ainsworth, the original resolution included it and Council did not pass a change or amendment so all three properties are included, but 6 W. Ainsworth can be removed, if desired.

Council Member Jefferson shared with Council the signed documents sent in by neighbors near the properties voicing their opinions on the rezoning.

Council Member Vogt asked if the neighbors who signed the document were immediately adjacent to the propertied being discussed for rezoning.

Mayor Pro-Tem Richardson stated that she spoke with many people in the Ainsworth Circle residential area and none of them wanted to change the zoning. She said they are very protective of their neighborhood and its R1 status, and they have a sense of pride being one of only two areas in the City that is completely zoned as R1, and rezoning a part of the neighborhood to R2 would lead to further encroachment. The neighbors prefer to maintain their R1 status.

Council Member Vogt stated that, based on the response from the neighbors, he proposes an amendment to remove 6 W. Ainsworth from the resolution. He added that it makes sense to keep 5 W. Ainsworth in the resolution due to the support from the owner and in keeping with the long term goals of the City. He stated that it is his understanding that 7 W. Ainsworth is already, and has been, an R2 property and he wishes to keep it as an R2.

Council Member Jefferson supported the amendment and added that he would like to also amend 5 W. Ainsworth from R1 to RC & R2 to just R2.

Mayor Schreiber asked Council Member Vogt if he was on board with that as well.

Council Member Vogt stated that he was worried it would require another public hearing and he does not see it as fitting with the long term goals of the City.

Mayor Schreiber asked if there was support for Council Member Jefferson's amendment.

Council Member Robb supported the suggested amendment by Council Member Jefferson.

City Attorney John Barr asked for clarification that this was an amendment to remove the lot from the resolution and the Ordinance.

Mayor Schreiber that that was correct, it would be removing 6 W. Ainsworth.

Council Member Moeller stated that, even though the owner of 7 W. Ainsworth wants to utilize the property as R2, since so many residences in the area are R1 and want the neighborhood to remain R1 that she also believes 7 W. Ainsworth should stay R1. She added that a large part of the discussion last time revolved around the issue of "spot zoning" and that is why three properties were included in the rezoning and removing the third property means the rezoning just gets smaller and smaller, which is what they wanted to avoid. She stated that for these reasons she does not support the amendment.

Council Member Vogt stated that the reasoning is they have to change 5 W. Ainsworth to RC, which fits with the surrounding property, and the adjacent property, which is owned by the same owner, is an RC, and the property backs up to 7 W. Ainsworth which is an R2, so it would not be spot zoning.

Ms. Gillotti stated that at the last meeting Mr. O'Jack, Attorney of Counsel, stated he felt it was more defensible to decrease the zoning, moving south from the Michigan Avenue frontage, by going down from RC to R2 and then R1, rather than having 7 W. Ainsworth rezoned as R2 and being surrounded by other R1 properties.

On a roll call vote, the vote to approve Resolution No. 2013-022, as amended, was as follows:

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

VOTE:

Yes: 4 No: 3 (Moeller, Murdock, Richardson) Absent: 0 Vote: Carried

Mayor Schreiber asked for further discussion on the amended ordinance and resolution.

Mayor Pro-Tem Richardson asked if, since 6 W. Ainsworth was removed, notices regarding the rezoning would have to be sent back out.

Attorney Barr stated that this is not the first reading so the legal test is "is this a substantial change to the proposal" and in his opinion it is a substantial change. He mentioned that it could be re-noticed for the second reading and a public hearing could be held at that time.

Council Member Robb stated that if this requires re-noticing and another public hearing he would like to reconsider his vote and would like to re-vote on the amendment.

Council Member Robb moved, supported by Council Member Murdock, to reconsider the vote on Resolution 2013-022.

On a roll call vote, the vote to reconsider the vote for Resolution 2013-022, was as follows:

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

VOTE:

Yes: 4 No: 3 (Jefferson, Vogt, Schreiber) Absent: 0 Vote: Carried

On a roll call vote, the vote to approve Resolution No. 2013-022, as amended, was as follows:

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

VOTE:

Yes: 3 No: 4 (Moeller, Murdock, Richardson, Robb) Absent: 0 Vote: Failed

Mayor Schreiber stated that Council would vote on the original resolution. He asked if there was any further discussion on the matter.

Council Member Jefferson stated that he had to stand by the resident in the neighborhood and he wanted to make record of that.

On a roll call vote, the vote to approve Resolution No. 2013-022, as originally written, was as follows:

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

VOTE:

Yes: 3 No: 4 (Moeller, Murdock, Richardson, Robb) Absent: 0 Vote: Failed

Mayor Schreiber asked if Council had any additional comments.

Ordinance No. 1183A

2. Zoning Text Amendment: Food production, processing and sales
   A. Resolution No. 2012-259, determination ***(postponed 12/4/12)***

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the proposed ordinance entitled "FOOD PRODUCTION AMENDMENTS" be approved on First Reading.

(Original text of the ordinance is on file at the Clerk's Office)

OFFERED BY: Council Member Vogt
SUPPORTED BY: Council Member Murdock

Ms. Gillotti gave an overview of the request.

SUMMARY & BACKGROUND:

Changes to the zoning ordinance related to food production and processing were presented to City Council at the December 4, 2012 meeting. Council seemed interested in pursuing the changes subject to additional information. Staff worked on researching information related to the following topics:

- Right to Farm Act and its relationship to the proposed zoning changes (and other city ordinances like the property maintenance code).

- Consideration of provisions to proactively prevent nuisances in particular with gardens and hoop houses in residential areas.

- Policy for plants in median strip between sidewalk and street.

Local ordinances and the Right to Farm Act

Mr. Barr provided a memo with information regarding the history of the Right to Farm Act and how it interacts with local regulations. Based on the recent Supreme Court case in Troy, MI where local zoning was upheld in that circumstance. Mr. Barr indicated that based on this case, he also was of the opinion that the property maintenance code would be valid even with a Right to Farm claim.

Response:

To address council's concern, the revised ordinance includes the following provision:

> … the City of Ypsilanti is an urban environment, and while these provisions are intended to support the local food system, it is not the intent of these standards to create agricultural districts within the City. Additionally, if any gardening or related use invokes the State Right-to-Farm Act, then this section and related sections in this division are to become null and void.

Additionally, Mr. Barr reviewed information from the State building code regarding agricultural buildings. He is of the opinion that any greenhouse or hoop house can be considered an agricultural use and would not be subject to the building code as long as it was not a commercial building utilized by the public in some manner.

Response:

> The recommendation to limit the size of a greenhouse/hoophouse in residential areas to 720 remains in place. For parties interested in increasing the size to 1200 sf, a special use permit and site plan would be required.

Preventing Nuisance

To address concerns regarding potential nuisances around staff is proposing revisions to the ordinance which include:

- Gardens should not encroach on neighboring property.
- The property shall be maintained in an orderly and neat condition and shall not be detrimental to the physical environment or to public health and general welfare, and remains subject to compliance with the property maintenance code, noise ordinance, and related ordinances.
- The property shall be maintained so as to prevent the free flow of storm water, irrigation water, chemicals, dirt, or mud across or onto adjacent lots, properties, public streets, or alleys.
- Motorized equipment within a residential zoning district or residential planned development district shall be restricted to hours beginning at 8:00 a.m. and ending at 8:00 p.m. Equipment, such as fans, necessary for the operation of greenhouses is exempted from this provisions.
- Compost piles may only be used for waste generated on site, and are subject to 3 foot setback requirements.
- Gardens shall utilize integrated pest management techniques and best practices in accordance with Ch. 110, Act II of this ordinance (manufactured fertilizer).

Policy for plants in median strip between sidewalk and street

Staff consulted with DPS regarding planting along these strips. There is a formal policy for planting trees in this area (www.cityofypsilanti.com/trees). Similarly, residents should inquire with DPS prior to planting in City right-of-way. However, in case of street projects or other cases where there may be ROW changes, plantings may be removed and not replaced.

As a review, here is a summary of what the ordinance revision would allow:

Food production in residential lots

There has been continued interest gardening vacant lots in the City of Ypsilanti. Currently, gardening is not allowed as a principle use, and is not defined as a permitted accessory use either. To prevent issues similar to what happened in Oak Park in the summer of 2011 (raised bed garden was considered a code violation), the Planning Commission is recommending zoning ordinance changes that will allow gardening as primary and accessory uses as below:

- Gardens/community gardens allowed as permitted primary use in R1, single family and R2 one-two family residential districts.
    - Gardens as principal uses must maintain 3 foot setback on street frontages and maintain corner visibility clearance.
    - No farm stands or other sale of goods grown in gardens/community gardens is allowed on garden sites.
- Gardens/community gardens allowed as permitted accessory use in R1, R2, R3, R4 and RO.
- Community gardens allowed as permitted use in PL, Public land.
- Landscaping definition now specifically includes "edible plants" as a permitted type of landscaping as well as raised beds.

Hoop houses/greenhouses

Due to Michigan's growing season, there is increased interest in hoop houses, greenhouses and other similar structures to extend the growing season to nearly year round use. Interest is both in residential areas where homeowners and renters would like to legally have a hoophouse as an accessory structure and for those interested in larger gardens on vacant lots, to have a hoophouse as a season extension tool for garden/urban agriculture issues.

The accessory use application of the greenhouse/hoophouse was fairly simple to apply, however the committee and the Planning Commission had much deliberation regarding the location of greenhouses/hoophouses on vacant lots in R1 and R2 districts. Concerns ranged from there the lack of an immediate resident/tenant to address any possible issues with the hoophouse maintenance, worry that they may be used as a second garage, and concern that hoophouses may be so large they could exceed the size of adjacent structures or generally not fit into the character of the neighborhood. On the supportive side, the benefits of seasonal extension were discussed as well as thoughts on what size would be most appropriate to accommodate the investment necessary for micro-farms.

In practice, greenhouses/hoophouses would not require permits, except in the case of greenhouse in an approved zoning district where sales were also conducted on site, or potentially in the case where they may be used for educational trainings or other public gatherings. In cases where greenhouses may be an accessory use to a garden on a vacant lot in R1 or R2, staff is recommending a size limitation of 720 sf, which is the maximum size of a garage for a single-family lot, if setbacks and other requirements are unable to be met. For hoophouses/greenhouses between 720 sf and 1200 sf, planning commission is recommending a special use/site plan for the larger size.

Recommended changes to the zoning text are as follows:

- Greenhouses and hoophouses are defined as exclusively for the cultivation of plants.
- Greenhouses and hoophouses may be an accessory structure in R1, R2, R3, R4, RO and PL districts.
    - In cases where a greenhouse is accessory to a garden as a principle use on a vacant lot, the greenhouse is limited in size to 720 sf, unless a special use permit is obtained, in which case the size can be increased to 1200 sf.
    - In cases where a greenhouse is accessory to a garden as a principle use on a vacant lot, the greenhouse is subject to front yard setback requirements.
- Greenhouses do not require building permits unless sales occur on site or otherwise open to the public.

Food Processing

Currently, the zoning ordinance limits food production uses to manufacturing districts, while catering is allowed in several districts. In many circumstances, food production would not be more intensive than the current catering use. Planning Commission is recommending a change to the catering definition to allow more commercial space for small scale food/beverage production. Additional recommendations create more uniform definitions for manufacturing linked to retail sale food stores, with the exception that in B1, there is still a limitation on the sale of alcohol.

Recommendations:

Catering services use also include "the manufacture and processing of food products including brewing and distilling as Special use in RC, B1 and B2 and as permitted us in B4, WS, CI, M1 and M2.

Council Member Moeller asked for clarification about the size of hoophouse that would be allowed.

Ms. Gillotti answered that this was based upon a calculation where the hoophouse could be up to 30% of the square footage of the rear yard, not including the square footage of any accessory buildings occupying the property.

Mayor Schreiber clarified, for the audience, that Ms. Gillotti was going to give her presentation and accept questions from Council, and then there would be a public hearing.

Council Member Vogt asked about setbacks from the side lots and from the front.

Ms. Gillotti detailed the setbacks for R1's from side and rear yard lines.

Council Member Robb asked for clarification on the maximum square footage of accessory structures.

Ms. Gillotti explained the difference in guidelines between a hoophouse that is an accessory to a garden as a principle use and the regular setbacks and regulations for accessory structures. She further explained the difference in guidelines between lots that already have a residence on them and vacant lots.

Ms. Gillotti continued with a summary and background of the ordinance. She referenced an amendment by the State legislature to the Medical Marihuana Act and its relationship to growing medical marijuana in a hoophouse or greenhouse.

Council Member Moeller asked why exhaust fans would be allowed if no heavy machinery or tools were to be allowed after a certain time.

Ms. Gillotti answered that it was included in Detroit's ordinance and it is something Council could amend if they wished.

Mayor Pro-Tem Richardson stated that exhaust fans can also be quite loud.

Council Member Robb added that the exhaust fans would be subject to the City's Noise Ordinance.

Ms. Gillotti stated that she would come back to that topic in a moment and continued with her presentation by addressing that there were to be no farm stands or sales on-site.

Council asked for clarification on the size of a lot and the mapping software used in one of the slides presented by Ms. Gillotti and she explained the details of the lot in question as well as the GIS software used to map the representation of a hoophouse on the lot.

Council Member Robb asked for clarification on the 30% square footage based on the text of the ordinance.

Ms. Gillotti answered that gardens are exempt from the 30% area regulations and it was a good point of clarification. She further explained the regulations outlined in the ordinance and how they related to specific structures on both vacant and residential lots with a building.

Council Member Robb asked if there was a maximum square footage that was allowable.

Ms. Gillotti stated that is something Council could add to the ordinance if it was a concern. She then continued her presentation by discussing how the ordinance relates to greenhouses and hoophouses in commercial districts.

Council Member Vogt asked what the maximum size of a hoophouse on a lot with an existing residence.

Ms. Gillotti said it would vary based on the size of the rear yard lot and existing accessory structures that are on the site. She added that it would also be subject to the setback requirements.

Council Member Vogt asked what the maximum size of a hoophouse could be on a vacant lot.

Ms. Gillotti answered that it would be 720 square feet or 1200 square feet with a special use permit. She then invited Attorney Barr to address Council on the legal aspects of the ordinance.

Attorney Barr discussed the ordinance as it relates to the Right to Farm Act. He stated that if an ordinance does not directly conflict with Right to Farm Act, the ordinance is legally sound. He also added that he does not feel the Agricultural Use could preempt the City's police power.

Council Member Moeller asked if, as the ordinance is currently written, there were any zoning regulations other than those relating to setbacks.

Attorney Barr stated that Ms. Gillotti had just detailed the conditions under which hoophouses would be allowed.

Council Member Moeller asked what would happen if the hoophouses started falling apart.

Attorney Barr answered that would be under the Property Maintenance Code.

Council Member Vogt asked for clarification on some of the related court cases, specifically mentioning that the Right to Farm Act protects commercial uses and it lists no minimum sales required to be categorized as commercial use.

Attorney Barr stated that the reason for this would be for a Co-op to have more local produce. He added that as the State adds more regulations it may impair what the City is trying to accomplish.

Council Member Vogt expressed additional concern that the City would be sitting and waiting do see if and when the Department of Agriculture will pass or change their regulations.

Attorney Barr stated that a safeguard was added in the language of the ordinance that says if any of the uses outlined in a section are protected by the Right to Farm Act then the section would become void.

Council Member Vogt asked how confident Attorney Barr was that the language used as a safeguard would allow the City to back out of any future problems.

Attorney Barr stated that he could only say that he feels this is the best that could be done at this time but he feels confident that the ordinance is sound as it relates to the Right to Farm Act.

Ms. Gillotti outlined the final pages of the ordinance related to food processing.

Council Member Vogt asked about the use of the street side apron or the sidewalk.

Ms. Gillotti stated that there is no formal policy, though one could be drafted, however it is requested that people who want to plant in that area submit their plans to the Department of Public Services for review to ensure there is no obstruction.

Council Member Vogt stated he is concerned with growing food so close to the street where it may be contaminated.

Ms. Gillotti said she had not heard anyone speak directly about that issue but suggested it may be something brought up during the public hearing.

Council Member Murdock expressed a desire to better understand the difference between a smaller operation utilizing the ordinance for food processing and a larger corporation coming into the City for food processing under the ordinance.

Ms. Gillotti explained that high level food processing would still be confined to industrial areas and any processing intensive in nature would require special use permits. She added that Water Street would be a unique case as Council would have to regulate its use per the Planned Unit Development.

B. Open Public Hearing

1. Annie Hannan, 716 Oxford, who owned a nursery business and had a hoophouse that was 748 square feet, stated that hoophouses are very large and she is note sure she would want something of that size in a neighbor's backyard. She added that heating the hoophouse requires heaters that are quite loud and she would not want that next door to her home either.

2. Gary Hannan, 716 Oxford, stated hoophouses are impermeable surfaces and he would be worried, as a neighbor, about the runoff. He questioned whether agricultureal use of a hoophouse not only included growing plants but also included storing tools and supplies, what utilities would be allowed, and if permits would be required for them.

3. Kathy Bodary, 1206 Westmoorland, stated that she supports the concept of urban farming and loves seeing the raised beds and thinks farming on vacant lots deserves thoughtful consideration. She added that she has similar concerns about the hoophouses and the difficulty in conforming to all of the regulations. She feared the amount of time it would require the already overworked City staff to properly review the paperwork to ensure hoophouses were being operated legally within the City. She additionally expressed concern about maintenance of the hoophouses, safety of hoophouses, and the noise and light-pollution associated with operating utilities in a hoophouse.

4. Jamie Berlin, 223 River, stated that she has lived in the City for 13 years and, though she doesn't currently own property, ordinances like this do influence her decision to keep Ypsilanti as her permanent home. She shared that she is a community gardener and urban beekeeper. She explained that hoophouses harness the light and energy of the sun to keep the plants as opposed to using excessive amounts of electricity. She said she thinks this the kind of move that is going to keep in line with the direction we want to take the City by drawing vitality to the community.

5. Susan Nicosia, 1312 Kingwood, echoed all of the statements that were made previously about concerns with the hoophouses. She stated that in her Ward of the City the houses are very close together and it would cause conflict among

neighbors if a hoophouse of the maximum size were put in to a vacant lot. She said most of her concerns center around uses that are not necessarily relevant for a residential area. She added that 30% of a neighbor's yard could still infringe upon another neighbor's yard. She said she is also a proponent of gardening.

6. Peter Church, 1815 Witmire, stated this issue is near and dear to him and his neighbors and he asked Council if their vision for the City was to have 720 square foot hoophouses with exhaust fans all around the City and asked them to consider the impact of the ordinance in that regard. He added that he does want to see more urban farming but he feels the residential areas need to be kept for residences.

7. Stefanie Stauffer, 212 Woodward, stated that she is both an urban farmer and salsa producer so she falls in the category of both food processer and farmer. She said she feels we are ahead of the curve and this ordinance will continue that by putting Ypsilanti on the map as a city that is thinking towards the future. She added that she feels the revisions to the ordinance presented tonight help to address some of the concerns expressed by others about noise and maintenance. She also said that most of the people using hoophouses in the area grow organically and are not using pesticides or fertilizers nor do they use large scale tools like tractors.

8. Nicole Sandberg, 910 Sheridan #2, stated that she wanted to express her support for the ordinance. She said she is a trained urban planner specializing in food systems. She stated that there is a large amount of research that supports the fact that urban agriculture can have a hugely positive impact on the community with little or no nuisance issues. She said there is a strong and diverse community of people that come together to grow food in the City and she feels that is part of what makes the City of Ypsilanti special and believes it should be fostered and supported by the local government.

9. Erik Nowakowski, 1125 Hawthorne, stated that while he lives in the Township he feels invested in this issue as he tries to get as much of his food locally as possible. He stated that he wanted to speak in favor of the ordinance. He stated that the concerns over noise should be lessened because of the noise ordinance. He added that if they were concerned with the amount of light, perhaps there should be a light ordinance as well. He stated he did not feel this was the correct ordinance to express concern over noise and light-pollution in the residential neighborhoods.

10. Lisa Bashert, 909 Grant, wanted to thank Ms. Gillotti, the Planning Commission, Attorney Barr, and City Council for working on this issue which she considers near to her heart. She shared her experience working with Growing Hope, the City's 2020 Task Force, and the Community Garden at the Senior Center. She said she feels this ordinance will help attract the "creative class" to the City. She added that there would not be issues with pesticides or noise that were expressed as concerns by other citizens. She said she very much supports this law as it has been proposed and looks forward to seeing how it all falls into place.

11. Jesse Tack, 1236 E. Cross St., Ypsilanti Township, said he feels this is a very important ordinance to pass and support. He stated this is a big part of localizing our food system and improving quality of life and nutrient intake. He mentioned that pesticides were not a factor for him and many of the people he works with and farms with and added that hoophouses can rely solely on the sun which would eliminate any concerns over lighting and noise.

12. Jamie Billiu, 9 N. Summit, stated that this is a large part of the local food movement and represents a consciousness in the community about locally sourced food. He added that the kind of people who would have a hoophouse and the type to be informed about environmental issues and concerns. He stated that this is not a moneymaker and he does not feel like these will be in every backyard.

13. Casey VanEst, 201 N. Normal, stated that everyone that has spoken before her expressed most of her ideas. She expressed her belief in the importance of growing your own food and the importance of having an ordinance like this, to empower people to grow food for many months out of the year. She added that growing food has a wonderful economic impact as well.

14. Susan Baskins, 2022 Washtenaw, expressed her support for the ordinance. She stated that, as she understand it, there is not currently any ordinance restricting hoophouses and without this ordinance someone could put in a large unit that doesn't comply with any of the conditions laid out in this ordinances. She added that hoophouses are not inexpensive and if someone spends the money to put one up they will also take the time to protect and maintain their investment.

15. Amanda Edmonds, 320 Garland, stated that she had sent a memo of her recommendations as well as some research relating to the concerns many people had expressed. She added that pesticides and commercial production are covered under other state laws related to agriculture. She stated that she thinks greenhouses should be handled differently than hoophouses because greenhouses may involve more ventilation and lighting, which were the primary concerns of the citizens. She also explained that she does not feel the Right to Farm Act is relevant in urban areas or in this type of instance. She added that she had outlined ways to keep the maximum size under 720 square feet and encouraged Council to look more closely at the recommendations she had made.

C. Resolution No. 2013-033, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider the proposed ordinance entitled "FOOD PRODUCTION AMENDMENTS" be officially closed.

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

On a voice vote, the vote to close the public hearing was as follows:

VOTE:

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

Council Member Vogt mentioned that no one had brought up the issue of raising food near the streets where there could be possible contamination.

An unnamed audience member responded that salt would prevent the plants from growing so closely to the road. She added that most of the people who would be doing the growing would be doing it for personal use and they would not want to grow so close to the road for fear of contaminating their own food supply.

Jeanette Golembeski, a horticulturist, added that plants would trans-locate the contaminated materials rather than taking them up as nutrients and the plant would remain uncontaminated once they were washed off of the surface.

Council Member Moeller stated that most of her neighbors had expressed concerns over the maintenance of the hoophouses and them becoming dilapidated.

Council Member Robb said that was under the Property Maintenance Code, not this ordinance.

Mayor Schreiber asked Ms. Gillotti to go over the process that would ensue if a hoophouse was not properly maintained.

Ms. Gillotti explained that this was a complaint based code and if a hoophouse was not properly maintained a PMC violation or zoning violation may occur and a citation would be issued and sent to the Administrative Hearings Bureau, as is the same process with other buildings that are not maintained.

Council Member Jefferson referenced the statement made by Amanda Edmonds about keeping the maximum allowable size of a hoophouse to 720 square feet.

Ms. Gillotti explained that for hoophouses fewer than 720 square feet a site plan could be quickly approved. She added that for hoophouses from 720-1200 square feet would require a special use permit and a formal site plan review where an architect and engineer actually draw up site plans and design the project.

Council Member Vogt asked if there were any height restrictions.

Ms. Gillotti stated that she was not sure.

Council Member Robb stated that people could grow as high as they wanted as long as the setback and visibility requirements were met.

Ms. Gillotti added that height would be limited based on growing seasons. She added that Detroit had a provision that stated all crops had to be removed by a certain date in November, but it had been removed from this ordinance. She further explained that accessory structures, like a terrace, had a height limitation of 15 feet.

Council Member Murdock asked for clarification on the site plan reviews.

Ms. Gillotti explained the process for approving the site plans and review before a planner or the Planning Commission.

Council Member Robb expressed concern over the 30% based on certain parcels in the City that have very large lots and suggested getting rid of the 30% rule.

Ms. Gillotti suggested adding a provision for a maximum square footage where the 30% would still apply, up to that maximum size.

Council Member Moeller asked if, currently, she could put a 250 square foot hoophouse in her yard without any approval, which is how she understood the current reality.

Ms. Gillotti explained that in an R1 district you can only have a garage and a shed as accessory structures and nothing else.

Council Member Vogt discussed how the ordinance stands up to the Right to Farm Act and how dependent upon state law, the City's ordinance could become void. He explained that is a risk Council takes in adopting this ordinance.

Council Member Moeller asked why hoophouses should be allowed in R1 districts.

Ms. Gillotti explained that there is general interest in the community as well as having vacant lots in R1 residential areas.

Mayor Pro-Tem Richardson asked Attorney Barr if the Chicken Ordinance passed by City Council included a requirement for neighbor consent.

Attorney Barr stated that it was discussed but not included in the ordinance as passed.

Council Member Moeller asked what would happen if R1 districts were removed from the ordinance.

Council Member Robb stated that it would be meaningless.

Ms. Gillotti explained that R1 makes up a fairly substantial percentage of the City's vacancy.

Council Member Robb confirmed with Ms. Gillotti that any hoophouses currently existing in R1 districts are illegal and are being enforced by the building department.

Ms. Gillotti agreed and stated that enforcement is based on complaints.

Council Member Robb wanted to add that the City is proactively enforcing ordinances rather than simply based on complaints. He then asked for further clarification about pulling permits for lighting in hoophouses.

Ms. Gillotti stated that they would be subject the permits but it would be further investigated.

Council Member Robb asked for clarifications on what would constitute a nuisance in relation to hoophouses and how they would be enforced since they are exempt from many building codes as they are accessory structures.

Ms. Gillotti explained that many of these provisions needed to be developed.

Mayor Schreiber asked if the suggested changes to the ordinance would be made prior to the second reading or if an amendment would be made at the present time, before the vote.

Ms. Gillotti asked if the changes would require re-noticing the public hearing.

Attorney Barr answered that, because the changes were minor, it would not be required to re-notice.

Council Member Robb asked if the square footage restriction would be a major change.

Ms. Gillotti explained the language she planned on using in the ordinance that would maintain the 30% rule, up to a limit, but subject to setback requirements.

Mayor Pro-Tem Richardson stated that she had envisioned smaller hoophouses and liked a garage-size limit.

Council Member Vogt asked the audience if there was a certain size that would be a breaking point for their purposes.

Council Member Robb stated that hoophouses were sold as kits.

Mayor Schreiber opened the floor for the audience to respond.

Amanda Edmonds stated that some of the hoophouses were not kits and were DIY efforts with a lot of construction possibilities. She added that 720 square feet is one of the smallest commercial kits that can be purchased and the maximum limits set in the ordinance would only allow small-scale operations.

An unnamed audience member added that, as a private citizen, her perspective was far different and she suggested the hoophouses in residential areas should be limited to a smaller size and anything larger should require a special use permit so that neighbors have a chance to respond. She stated this would keep the hoophouses for personal use and any individuals looking for larger scale operations would be required to go through additional steps for approval. She stated that this seems like a special interest and a special use but the ordinance would allow anyone in the City to put up a hoophouse and add an obtrusive structure in a residential setting.

Ms. Gillotti asked for clarification on the revisions Council was requesting to the ordinance.

Council Member Robb stated that his primary concern was the maximum size limit.

Council Member Moeller stated that if there are vacant lots in R1 districts that are next to other houses she feels the size should be smaller. She further asked how many illegal hoophouses there were in the City.

Ms. Gillotti stated she was not sure.

Council Member Robb asked about adding specific standards for medical marijuana.

Ms. Gillotti stated she would follow up on that. She then continued clarifying the revisions Council wanted to me made to the ordinance.

Council Member Robb stated he was concerned with grouping hoophouses and greenhouses.

Ms. Gillotti stated that they could be separated.

Council Member Murdock asked where greenhouses were currently allowed.

Ms. Gillotti listed the districts where greenhouses were allowed and pointed them out on the map.

Council discussed the options relating to the districts where greenhouses are allowed.

Mayor Schreiber confirmed that the issue of the largest concern was the size and asked for Council's opinion on the maximum size.

Council Member Murdock stated he was concerned that the ordinance was creating a single commercial use for agriculture or farming that was exempt from most of the zoning in any district.

Council Member Vogt explained some of the difficulties relating to urban agriculture and the Right to Farm Act. He stated that this topic is not very well understood or developed and encouraged audience members to talk with legislators to clarify the law as it relates to their interests.

Mayor Schreiber stated he was in favor of keeping the 30% rule, up to some sort of maximum size limit, though he was not sure what the maximum size should be. He stated that staff had recommendations for revisions to the ordinance to prepare for the second reading and asked if Council had any further comments.

Council Member Murdock proposed amending the ordinance to remove hoophouses and simply focus on the other aspects of the ordinance. He suggested staff bring back the hoophouses at a later time, once the guidelines were more clearly defined.

Council Member Murdock moved, supported by Mayor Pro-Tem Richardson, to remove hoophouses from the ordinance.

On a roll call vote, the vote to approve the amendment to the ordinance was as follows:

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

VOTE:

Yes: 2 No: 5 (Jefferson, Moeller, Robb, Vogt, Schreiber) Absent: 0 Vote: Failed

Mayor Schreiber asked the Clerk to call the roll for a vote on the original resolution, as submitted.

Council Member Moeller asked for clarification on what would happen to the ordinance now, as she thought the ordinance was being sent back to staff. She stated that she misunderstood the last vote and would like to reconsider her vote.

Council Member Moeller moved, supported by Mayor Pro-Tem Richardson, to reconsider the vote on the amendment to the ordinance.

On a roll call vote, the vote to reconsider the vote on the amendment to the ordinance was as follows:

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

VOTE:

Yes: 4 No: 3 (Jefferson, Vogt, Schreiber) Absent: 0 Vote: Carried

Council Member Vogt asked for clarification on why Council Member Murdock wished to remove hoophouses from the ordinance at this time.

Council Member Murdock explained that removing the hoophouses would make the ordinance less controversial and allow more time to deal with all of the issues surrounding the hoophouses.

Mayor Pro-Tem Richardson asked for confirmation that there would be a separate ordinance for hoophouses, in addition to the current ordinance on gardening.

Council Member Murdock confirmed.

Council Member Moeller asked for confirmation that the ordinance would be removing every reference to hoophouses.

Council Member Vogt confirmed.

Council Member Murdock stated the ordinance would now just cover community gardening and food processing.

Ms. Gillotti confirmed that was her understanding as well.

Council Member Robb stated that the reason he voted no initially is that he thought the issues with hoophouses could not be resolved in time for the next few Council meetings and he did not want to hold up the other topics on the ordinance from being passed. He asked if re-noticing would be required if the issues could be solved more quickly.

Attorney Barr stated he felt re-noticing would be required.

Mayor Schreiber asked the Clerk to call the roll on a vote approving the amendment removing all references to hoophouses and greenhouses from the ordinance.

On a roll call vote, the vote to approve the amendment to the ordinance was as follows:

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

VOTE:

Yes: 4 No: 3 (Robb, Vogt, Schreiber) Absent: 0 Vote: Carried

On a roll call vote, the vote to approve Resolution No. 2012-259 (Ordinance No. 1183A), as amended, was as follows:

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

VOTE:

Yes: 6 No: 0 Absent: 1 (Richardson, abstained) Vote: Carried

The meeting recessed at 10:14 p.m. and reconvened at 10:30 p.m.

Ordinance No. 1186

3. Fireworks Ordinance
   A. Resolution No. 2013-034, determination

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that an Ordinance regarding **the use of consumer fireworks within the City of Ypsilanti, pursuant to MCL 28.457(2) be approved on the First Reading.**

OFFERED BY: Council Member Jefferson
SUPPORTED BY: Council Member Moeller

Attorney Barr gave a brief background.

SUMMARY/BACKGROUND

In 2011, the State of Michigan passed the Michigan Fireworks Safety Act, MCL 28.451 et seq. This Act abolished the previous state-wide prohibition against consumer fireworks. Since the passing of the Act, many citizens have voiced concerns about the use of these devices. These concerns relate to the frequency of use, the time of use, and the location of use.

Section 7 of the Act allows municipalities to regulate the use of fireworks, but only for days that are not national holidays, the day before a national holiday, or the day after a national holiday. This ordinance completely prohibits their use on days that the Act allows municipalities to regulate. Any use of consumer fireworks that is in violation of this ordinance results in a misdemeanor.

To avoid issues that may result in changes to the law, or to the existence of national holidays, this ordinance refers to the appropriate state and federal statute for the requisite definition. Section 12 of the Act already proscribes certain requirements and prohibitions relating to the use of consumer fireworks. Those include requiring permission from property owners, prohibiting sales to minors, and prohibiting the use of such devises under the influence of drugs or alcohol.

Council Member Murdock asked if the current ordinance allows consumer fireworks and how it related to the state regulations.

Attorney Barr explained the background of the state law and said our ordinance mirrored theirs, giving any special permission for use of fireworks to the Fire Department.

Council Member Moeller stated that she liked this resolution and was supporting it based on her experiences and the complaints of her neighbors. She stated the noise ordinance would work if we had the staff to properly enforce it.

Council Member Jefferson shared his experience with fireworks in his neighborhood and his family's frustrations over the noise disturbing the peace within neighborhoods.

Mayor Pro-Tem Richardson stated she was in support of the ordinance however she feels it is hard to enforce as the fireworks could be done and over before the police are ever able to even go and check the nuisance.

Council Member Moeller stated that she feels the problem has gotten worse and this year was the worst yet.

City Manager Ralph Lange asked for a list of the national holidays so that the police department could be aware of when the fireworks are allowed.

Council Member Robb listed the ten national holidays.

B. Open Public Hearing

1. Susan Melke, 330 Chidester #409, expressed concern over enforcement and stated she feels the ordinance is unimportant.

2. Susan Nicosia, 1312 Kingwood, agreed that there will always be people who will set off fireworks whether or not there is a law, but she feels there are enough law abiding citizens and the ordinance will reduce the

C. Resolution No. 2013-035, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider an ordinance regarding the use of consumer fireworks within the City of Ypsilanti, pursuant to MCL 28.457(2) be officially closed.

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

On a voice vote, the vote to close the public hearing was as follows:

VOTE:

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

Council Member Robb asked Attorney Barr if the ordinance would supersede the sections of the zoning ordinance and what the definition of a firework is in the ordinance.

Attorney Barr stated the ordinance would not supersede the zoning ordinance and explained the definition of fireworks would mirror what was in the state law. He added that cities cannot define or regulate fireworks however they can ban or prohibit them.

Council Member Robb asked what the allowable hours to set off fireworks would be under the ordinance.

Attorney Barr stated that would be covered under the noise ordinance.

Council Member Robb asked that before the ordinance come back for second reading the City Manager get statistics from the Police Department about the number of complaints received for fireworks each year and how they respond to those calls. He added that he feels this ordinance would be very difficult to enforce.

Council Member Murdock stated that he doesn't feel this ordinance changes anything. He said he felt the noise ordinance is always going to be difficult to enforce, in many situations.

Mayor Schreiber stated that he also thinks this is a policy issue that will be hard to enforce but he is going to support the ordinance and he thinks Council needs to take a stand on the issue.

Mr. Lange stated that he will follow up with the Police Department and explained the strains the department is feeling due to the low number of Police Officers.

Mayor Schreiber stated again that he feels this is a policy issue but is still very important.

Council Member Vogt stated that he supports the ban because he had many family members and friends complaining about the fireworks far before the state passed their laws. He added that fireworks are a public nuisance and he wants to increase the safety as well.

Council Member Jefferson stated that he enjoys fireworks and understands the right of others to use them to celebrate but he also understand the right of neighbors and the community to have peace and quiet.

On a roll call vote, the vote to approve Resolution No. 2013-034 was as follows:

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

VOTE:

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

Council Member Jefferson moved, supported by Council Member Vogt to extend the meeting to 11:45 p.m. On a voice vote the motion carried.

XI. AUDIENCE PARTICIPATION

1. Susan Melke, 330 Chidester #409, stated she came because she wanted to know what Council is going to do about the court decision related to medical marijuana dispensaries. She stated that she is a patient and the dispensaries in the City have created a safe and trusting environment for her.

2. Will Thompson, 330 Chidester #717, stated that he is also a medical marijuana patient and feels dispensaries are a safer option and he supports them.

XII. REMARKS BY THE MAYOR

Mayor Schreiber called on Attorney Barr to give his opinion on the court ruling.

Attorney Barr stated that marijuana is illegal under both state and Federal law, though the State of Michigan approved medical marijuana as an exception. He detailed his opinion of the recent court decision and his understanding of its implications.

Council Member Murdock stated that he feels the Attorney General has a different opinion of medical marijuana dispensaries and his understanding of the implications for the dispensaries is that it would make it very difficult for them to continue operations.

Attorney Barr stated that as long as the dispensaries abide by the medical marijuana laws he does not feel they would have to face prosecution.

XIII. MINUTES

Resolution No. 2013-036, approving the minutes of January 29 and February 5, 2013.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of January 29 and February 5, 2013 be approved.

OFFERED BY: Council Member Moeller
SUPPORTED BY: Council Member Vogt

Mayor Schreiber indicated his remarks were added to the revised minutes.

On a voice vote the minutes were approved.

XIV. RESOLUTIONS/MOTIONS/DISCUSSIONS

1. Resolution No. 2013-037, reaffirming partnership for East Side Recreation Center.

A RESOLUTION ACKNOWLEDGING A PARTNERSHIP BETWEEN THE CITY OF YPSILANTI AND THE WASHTENAW COUNTY PARKS AND RECREATION COMMISSION, TO DESIGN, BUILD AND OPERATE A COMMUNITY RECREATION CENTER IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF YPSILANTI (WATER STREET REDEVELOPMENT AREA)

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the Washtenaw County Parks and Recreation Commission, in response to survey data and citizen interest, has been considering and exploring opportunities for the development of a community recreation center to serve the residents of the greater Ypsilanti area, and;

WHEREAS, the Commission has determined that the most beneficial location for the development of a community recreation center would be within the central business district of the City of Ypsilanti, specifically on the northwest corner of the Water Street redevelopment site - adjacent to the Huron River, Michigan Avenue (US-12) and the proposed alignment of the Commissions Border-to-Border trail, and;

WHEREAS, the Commission, in consideration of the limited resources currently available for such a project, first approached the City of Ypsilanti in late 2011 and proposed a project partnership that at a minimum includes the Commission and the City of Ypsilanti, and;

WHEREAS, under the proposed partnership the City of Ypsilanti would provide the land necessary for the project; the Commission would construct and own the community recreation center, and;

WHEREAS, the Commission and the City Council both approved an initial Letter of Intent to proceed with work towards the development of the Eastside Recreation Center on January 10, 2012 (see exhibit 1), and;

WHEREAS, in early 2012 the Commission contracted for the professional services of a multidisciplinary design team from the University of Michigan's Graduate School of Architecture and Urban Planning to evaluate the merits of the proposed project; to determine the appropriateness of the site; to develop a conceptual site plan for the community recreation center at the preferred location; and to explore the opportunities and challenges for development of the remainder of the Water Street Redevelopment Area, and;

WHEREAS, to inform the public and gather the necessary input and support essential for a successful project, the conceptual study and design (including scale models) have been presented at a number of public meetings of both the Ypsilanti City Council and the Washtenaw County Parks and Recreation Commission; were formally presented at a public open house, where the plans and models were left on display for several days to allow for additional public review and comment; and have also been available online for review and comment, and;

WHEREAS, an important component of the project is the extension of the Commissions Border-To-Border Trail, which would link the City's riverside parklands now separated by multiple roads and the river, to form a non-motorized linear park throughout the City -- a broadly supported community vision first expressed over 100 years ago in a plan prepared by the Olmsted Brothers, the pre-eminent landscape design firm of that era, and;

WHEREAS, with the financial and design assistance provided by the Commission, the City has already been awarded two grants (2011 and 2012) from the Michigan Department of Natural Resources Trust Fund program to facilitate the extension of the Border-to-Border Trail, with a bridge crossing the river and connecting Riverside Park and the Water Street site near the proposed community recreation center; and then to continue an urban non-motorized trail along the river's edge through the Water Street site to Waterworks Park and further to Grove Road, with the potential to ultimately connect the City and the recreational resources of Ford Lake, and;

WHEREAS, the parties agree that the successful completion of these projects would be of significant benefit for the residents of the greater Ypsilanti area; would recognize, restore and emphasize the cultural and environmental significance of the Huron River to the quality of life

in the Ypsilanti community; and would serve as a catalyst for additional redevelopment of the Water Street site, and;

WHEREAS, the parties agree and acknowledge that resources are limited and that none could accomplish this broad community vision unilaterally; and that these projects are still in the preliminary design phase and that there are many details that will need to be resolved among the parties should there be agreement for the projects to proceed to construction;

NOW THEREFORE BE IT RESOLVED, that by way of this resolution the undersigned parties publicly demonstrate their support for this project and their commitment to provide the necessary resources and/or skills, to work together cooperatively and in good faith, in the best interests of the community, towards the completion of this ambitious effort, and;

BE IT FURTHER RESOLVED that the City of Ypsilanti agrees to provide sufficient land at the preferred site as previously agreed to in the Letter of Intent approved on January 10, 2012 to allow the Commission to confidently proceed to the design phase; that the Washtenaw County Parks and Recreation Commission agrees to proceed with the design phase for the building and further define the site plan, including determining the exact footprint of the project and the amount of land necessary, and;

BE IT FURTHER RESOLVED that the parties agree that this intergovernmental, public/private partnership demonstrates a commendable and challenging level of collaboration that should serve as a model for future efforts to improve the quality of life for residents in communities throughout Washtenaw County.

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

Ms. Gillotti explained that the resolution does not supersede the letter of intent and is only reaffirmation that the City still supports the project.

Council Member Murdock asked where the project was in terms of moving forward and asked for clarification on the terms of the letter of intent.

Ms. Gillotti stated that the next phase included the YMCA completing a formal marketing study to determine whether or not they could commit to the partnership. She added that at that time the Parks and Recreation Commission could proceed with their designs.

Council Member Robb asked if grants approved in 2011 and 2012 were tied to the Recreation Center or if construction on the bridge could begin and move forward on its own. He added that he did not want everything tied to the approval of the Recreation Center.

Ms. Gillotti stated the easement was being worked on and, once that was complete, construction on the bridge could begin this summer.

Mayor Pro-Tem Richardson asked for clarification on whether it was required to wait on the Recreation Center approval before progress could be made on the border-to-border trail or if work could begin as soon as the agreement was received.

Ms. Gillotti explained that progress on the bridge would begin in 2013 and that by the time the agreement was received and approved for the border-to-border trail it would likely be next summer before work began. She added that if everything went well work on the Recreation Center could begin in 2015.

Mr. Lange stated that this represented a rare opportunity for economic development and added that Washtenaw County Commissioners have said they are enthusiastic about the chance to invest in the City of Ypsilanti and simply want to make sure the City is still engaged and interested in the project.

Mayor Schreiber stated that it is reasonable to reaffirm commitment due to the type of monetary commitment that is being made to the project. He expressed his support for the resolution.

Council Member Robb stated that Council Member Murdock was the City's liaison to the study committee on the project and he doesn't understand how, unless Council Murdock has given them any indication that the City was not engaged and interested in moving forward, they could doubt the City's commitment to the project.

Ms. Gillotti stated that the perspective she has is that there are two political bodies trying to work on a development deal over a long period of time and it is important to confirm the City's interest and support.

Council Member Murdock stated this was simply a formality because he believed everyone was on board and interested in moving forward.

Council Member Jefferson stated that he had concerns over the County still being interested because the letter of intent was signed over a year ago.

Ms. Gillotti explained how the millage vote tied up the process on the County's end and that is why the current timeline was developed.

Mayor Schreiber said the resolution helps to move things forward and if they don't pass the resolution it could create some confusion as to what City Council wanted and whether they were committed to the project.

Mayor Pro-Tem Richardson stated that she did agree with Council Member Jefferson and stated perhaps the City needed some reaffirmation from the County as well. She added that they should now call the vote.

On a roll call vote, the vote to approve Resolution No. 2013-037 was as follows:

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

VOTE:

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

XV. LIASON REPORTS

A. SEMCOG Update – Meeting on Friday in a new building at 1001 Woodward.
B. Washtenaw Area Transportation Study – Meeting tomorrow.
C. Washtenaw Metro Alliance – No meeting this month.
D. Urban County – Have not held a meeting since last Council Meeting.
E. Freight House – Nothing to report.

XVI. COUNCIL PROPOSED BUSINESS

Mayor Pro-Tem Richardson stated that she would like to request the food ordinance be brought back for the second meeting in March as three members of Council would be absent at the next meeting. She added that she would be in DC during the first week of March and would be in contact with a number of legislators and would be willing to deliver any messages on behalf of Council.

Council Member Murdock shared a report from DTE that states Ypsilanti has the third most projects, behind Ann Arbor and Detroit, in terms of solar current projects, which puts the City at the highest per capita for solar projects.

Council Member Moeller asked if there was a way to get an ordinance enforcement report based on all of the discussion from the evening over concerns with ordinance enforcement. She also added that neighbors had asked for a street sign at Kingwood and Cambridge as the sign is no longer there.

Council Member Vogt stated he had an inquiry for Mr. Lange about the status of a previous request for speed-bumps but stated it was not a high priority.

Council Member Jefferson stated that he liked the locks and reinforced doors that had been added to the first floor of City Hall, as well as the updated decor. He said it made the lobby much more comfortable.

XVII. COMMUNICATIONS FROM THE MAYOR

Nominations:

Human Relations Commission
Claudia Pettit (reappointment)
945 Sheridan St.
Ypsilanti, Michigan 48197
Expires: 2/6/2016

Huron River Watershed Council
Steve Wilcoxen (new appointment, replacing Sally Lusk)
1728 Whittier
Ypsilanti, Michigan 48197
Expires: 12/2/2014

Discussion:

Mayors Against Illegal Guns

- MAIG Coalition letter in support of assault weapons ban
- MAIG Coalition letter in support of gun trafficking bills
- http://www.demandaplan.org/

Creating American Prosperity through Preservation (CAPP) Act

- CAPP bill facts for expanding federal historic preservation tax credits

XVIII. COMMUNICATIONS FROM THE CITY MANAGER

Mr. Lange stated that he was going to have City Clerk Frances McMullan speak about the Clerk and Treasurer Office consolidation however time was running short and he suggested she speak about it at a later date, to which she agreed.

He made a note that he had planned on discussing a Council Retreat to discuss ways of being more effective, but suggested following up on that at a later time.

He discussed the continuous need for collaboration and proposed a collaboration committee of the City of Ypsilanti, Ypsilanti Township, and Eastern Michigan University. Council Member Vogt volunteered to be a part of the committee.

XIX. AUDIENCE PARTICIPATION

None

XX. REMARKS FROM THE MAYOR

None

XXI. ADJOURNMENT

A. Resolution No. 2013-039, 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 11:44 p.m.

REQUEST FOR LEGISLATION
February 28, 2013

FROM: Frances McMullan, City Clerk

SUBJECT: Request from "The Top-Up" for Recognition of Nonprofit Status to Obtain Charitable Gaming License

SUMMARY & BACKGROUND:

The Top-Up intends to apply to the State of Michigan for a charitable gaming license. The license would permit the organization to conduct raffles at their annual motorcycle and music festival throughout the year.

RECOMMENDED ACTION:

Approval

ATTACHMENTS: Resolution
Supporting Documentation

COUNCIL AGENDA DATE: March 5, 2013

CITY MANAGER COMMENTS:

CITY MANAGER APPROVAL: ______________________________

FINANCE DIRECTOR APPROVAL: ______________________________

Resolution No. 2013 - 041
March 5, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, "The Ton-Up" intends to apply to the State of Michigan for a Charitable Gaming License; and

WHEREAS, this license would permit them to conduct raffles at their annual motorcycle and music festivals throughout the year; and

WHEREAS, "The Ton-Up" has a 501(c)(3) tax exempt status.

NOW THEREFORE BE IT RESOLVED THAT the City Council recognizes "The Ton-Up" as a nonprofit organization operating in the City of Ypsilanti for the purpose of obtaining charitable gaming license.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

From: Ton-Up Ypsi [mailto:tonupypsi@gmail.com]
Sent: Sunday, February 17, 2013 12:09 PM
To: brobb@cityofypsilanti.com; pmurdock@cityofypsilanti.com
Subject: Local Civic Organization Resolution

Councilmembers Robb and Murdock,

I am writing to you on behalf of The Ton-Up, a 501(c)(3) nonprofit based in Depot Town. We are asking for your help in introducing a resolution to recognize our organization as a "local civic organization" for purposes of obtaining a Michigan Charitable Gaming License, which will allow us to conduct raffles at our annual motorcycle and music festival and throughout the year.

By way of background, we are in our fourth year of putting on a summer motorcycle and music festival in Riverside Park. Our charitable purposes include promoting historic preservation and the industrial arts as related to vintage motorcycle preservation and restoration, as well as promoting local music. Last year, we transitioned from a Michigan nonprofit to a full 501(c)(3). As such, we now have the ability to conduct raffles to raise money for our organization and related causes. However, in order to obtain a license to conduct raffles, state law requires us to obtain passage of a resolution from our local municipality verifying that we are a "local civic organization." We would appreciate if you could assist in introducing and passing this resolution.

Our registered address is at 10 E. Cross St,, in Depot Town, where we are generously hosted by Cafe Racer, a vintage motorcycle repair shop. We are strong supporters of Ypsilanti and look forward to putting on this festival for years to come. Our event brings over 2,000 people to the city and local businesses have confirmed a substantial increase in customers surrounding our festival. It goes without saying that fundraising for a nonprofit is challenging, and the ability to raffle off prizes such as motorcycles, safety gear, etc., will both promote festival attendance and defray costs.

Attached is a draft resolution on a form provided by the state. If you need additional information (such as "whereas" clauses) describing our organization, I can provide that. Also attached for background are our Articles of Incorporation, bylaws, and IRS 501(c)(3) letter. The applicable state law is MCL 432.103(g) and (k)(ii). The state form was found here:
http://www.michigan.gov/cg/0,4547,7-111-1171---,00.html

Please let me know if you will be able to support this. I am happy to answer any questions you may have or provide additional information.

Sincerely,

Chris Frost
Chairperson, The Ton-Up
(734) 645-7862

MICHIGAN LOTTERY
Charitable Gaming Division
Box 30023, Lansing, MI 48909
OVERNIGHT DELIVERY:
101 E. Hillsdale, Lansing MI 48933
(517) 335-5780
www.michigan.gov/cg

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL.432.103(K)(ii))

At a ______________ (REGULAR OR SPECIAL) meeting of the ______________ (TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD)

called to order by ______________ on ______________ (DATE)

at ______________ (TIME) a.m./p.m. the following resolution was offered:

Moved by ______________ and supported by ______________

that the request from The Ton-Up (NAME OF ORGANIZATION) of Ypsilanti (CITY),

county of Washtenaw (COUNTY NAME), asking that they be recognized as a

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for approval (APPROVAL/DISAPPROVAL).

APPROVAL		DISAPPROVAL	
Yeas:	______	Yeas:	______
Nays:	______	Nays:	______
Absent:	______	Absent:	______

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

adopted by the ______________ (TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD) at a ______________ (REGULAR OR SPECIAL)

meeting held on ______________ (DATE).

SIGNED: ______________
TOWNSHIP, CITY, OR VILLAGE CLERK

____
PRINTED NAME AND TITLE

____
ADDRESS

COMPLETION: Required.
PENALTY: Possible denial of application.

BSL-CG-1153(R6/09)

BCS/CD-900 (Rev. 04/11)

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF COMMERCIAL SERVICES
CORPORATION DIVISION

MICH-ELF COVER SHEET

Fax Completed Form and Document to (517) 636-6437 -or- email to cdfilings@michigan.gov

Submitter's MICH-ELF Filer Number
117116

Attn: (Add examiner's name if this is a replacement)			
Submitter's Name The Ton-Up		Submitter's Phone Number (734) 879-1201	
If there are questions about this filing, please contact: Christopher Frost		Phone (734) 645-7862	
Name and/or ID Number appearing on document(s) The Ton-Up - ID # 70606Y			
Title of document(s) Restated Articles of Incorporation			
Total pages including cover sheet (if greater than 11, mail your document) 7	Number of pages in document(s) 5	Expected fee $ 10	Approved up to $ 10
Special Instructions			

First time MICH-ELF users requesting expedited service must obtain a MICH-ELF filer number prior to submitting a document for expedited service. Use form BCS/CD-901 to request a filer number.

Changes to information on MICH-ELF user's account must be submitted before requesting expedited service.

When a document is filed by the Bureau it is endorsed with the word "Filed" and the date of filing. For documents submitted via MICH-ELF the endorsement is on an endorsement page. After filing, the document and the endorsement page are returned to the customer and should be retained as the "original" document. To request an additional copy or certificate, complete the following:

Copies Requested (check box). Your credit card will be billed the appropriate fee. If an expedited service request is included (form BCS/CD 272) a 25% surcharge is added to the copy/certification fees for any copies and/or certificates requested.

- ☐ Certified Copies - minimum fee is $16.00; seven pages or more $1.00 additional per page.
- ☐ Certificate of Good Standing - $10.00
- ☐ Certificate of Limited Partnership not canceled - $10.00

BCS/CD-511 (Rev. 04/11)

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF COMMERCIAL SERVICES

Date Received	(FOR BUREAU USE ONLY)
	This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.

Name		
Malisa Hinderliter		
Address		
10 E. Cross St.		
City	State	ZIP Code
Ypsilanti	MI	48198

EFFECTIVE DATE:

Document will be returned to the name and address you enter above.
If left blank, document will be returned to the registered office.

RESTATED ARTICLES OF INCORPORATION
For use by Domestic Nonprofit Corporations

(Please read information and instructions on the last page)

Pursuant to the provisions of Act 162, Public Acts of 1982, the undersigned corporation executes the following Restated Articles:

1. The present name of the corporation is:

   The Ton-Up

2. The identification number assigned by the Bureau is: 70606Y

3. All former names of the corporation are:

4. The date of filing the original Articles of Incorporation was: February 1, 2010

The following Restated Articles of Incorporation supersede the Articles of Incorporation as amended and shall be the Articles of Incorporation for the corporation:

RESTATED ARTICLES OF INCORPORATION
OF
THE TON-UP

In accordance with Section 642 of the Michigan Nonprofit Corporations Act, Act 162, Public Acts of 1982 (the "Act"), as amended, the directors of The Ton-Up have duly adopted these restated articles of incorporation. The original articles of incorporation of The Ton-Up were filed on February 1, 2010.

ARTICLE I
NAME

The name of the nonprofit corporation is The Ton-Up (the "Corporation").

ARTICLE II
PURPOSE

The Corporation is a nonprofit corporation organized for the benefit of the public and is not organized for the benefit of any private interest. The Corporation is organized exclusively for charitable, scientific, educational, and literary purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (or the corresponding provision of any future United States internal revenue law) ("IRC 501(c)(3)"), including for the purpose of making distributions to organizations that qualify as exempt organizations under IRC 501(3)(c). The purposes of the Corporation include promoting and educating the public about motorcycle safety; promoting and educating the public about the industrial and decorative arts, including metal-working, fabrication, and painting; promoting and educating the public about preservation and restoration of historic vehicles; and promoting and educating the public in the performing and musical arts.

ARTICLE III
ORGANIZATION, ASSETS, AND FUNDING

The Corporation is organized on a nonstock, directorship basis. The Corporation possesses the following assets:

Real property:	None
Personal property:	None

The Corporation is to be substantially financed under the following general plan: donations from the general public and income derived from the conduct of activities in furtherance of the Corporation's purposes.

ARTICLE IV
REGISTERED AGENT

The name of the resident agent and address of the registered office is:

Malisa Hinderliter
10 E. Cross St.
Ypsilanti, MI 48198

ARTICLE V
LIMITATIONS ON CORPORATE ACTIVITY

No part of the net earnings of the Corporation shall inure to the benefit of or be distributable to its directors, officers, or other private persons. However, the Corporation shall be authorized to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in article II. No substantial part of the activities of the Corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation. The Corporation shall not participate in, or intervene in (including the publishing and distribution of statements), any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, the Corporation shall not carry on any other activities not permitted to be carried on (1) by a corporation exempt from federal income tax under IRC 501(c)(3) or the corresponding section of any future federal tax code or (2) by a corporation whose contributions are deductible under section 170(c)(2) of the Internal Revenue Code of 1986, as amended (or the corresponding section of any future federal tax code).

ARTICLE VI
DISSOLUTION

On dissolution of the Corporation, after paying or providing for the payment of all of the liabilities of the Corporation, the Corporation's assets shall be distributed (1) for one or more exempt purposes within the meaning of IRC 501(c)(3), or the corresponding section of any future federal tax code or (2) to the federal government, or to a state or local government, for a public purpose. Any assets not disposed of shall be disposed of by the circuit court of the county in which the principal office of the Corporation is then located, exclusively for such purposes or to such organization or organizations that the court shall determine and that are organized and operated exclusively for such purposes.

ARTICLE VII
COMPROMISE OF CREDITORS

Consistent with Section 204 of the Act (MCL 450.2204), when a compromise, arrangement, or plan of reorganization is proposed between the Corporation and its creditors, a court of equity jurisdiction within this state may order a meeting of the affected creditors. The Corporation, a creditor of the Corporation, or a receiver appointed for the Corporation may apply to the court for a meeting. The meeting shall be summoned in such manner as the court directs. If a majority in number representing 3/4 in value of the affected creditors agree to a compromise or arrangement, the compromise, arrangement, or reorganization of the Corporation resulting from the compromise or arrangement, if approved by the court, shall be binding on all the creditors and also on the Corporation.

ARTICLE VIII
LIABILITY OF VOLUNTEER DIRECTORS AND OFFICERS

Consistent with Section 209 of the Act (MCL 450.2209), no member of the board of directors of the Corporation who is a volunteer director, as that term is defined in the Michigan Nonprofit Corporation Act (the Act), or a volunteer officer shall be personally liable to the Corporation for monetary damages for a breach of the director's or officer's fiduciary duty; provided, however, that this provision shall not eliminate or limit the liability of a director or officer for any of the following:

1. A breach of the director's or officer's duty of loyalty to the Corporation.

2. Acts or omissions not in good faith or that involve intentional misconduct or a knowing violation of law.

3. A violation of Section 551(1) of the Act.

4. A transaction from which the director or officer derived an improper personal benefit.

5. An act or omission occurring before the filing of these restated articles of incorporation.

6. An act or omission that is grossly negligent.

The Corporation assumes all liability to any person, other than the Corporation, for all acts or omissions of a volunteer director, as defined in the Act, or a volunteer officer incurred in the good-faith performance of the director's or officer's duties. However, the Corporation shall not be considered to have assumed any liability to the extent that such assumption is inconsistent with the status of the Corporation as an organization described in IRC 501(c)(3).

If any law is passed, amended, or adopted after the filing of these articles of incorporation to authorize the further elimination or limitation of the liability of directors or officers of nonprofit corporations, the liability of members of the board of directors or officers, in addition to that described in this article, shall be assumed by the Corporation or eliminated or limited to the fullest extent permitted by such law. Such an elimination, limitation, or assumption of liability is not effective to the extent that it is inconsistent with the status of the Corporation as an organization described in IRC 501(c)(3). No amendment or repeal of this article shall apply to or have any effect on the liability or alleged liability of any member of the board of directors or officer of the Corporation for or with respect to any acts or omissions occurring before the effective date of any such law.

These Restated Articles of Incorporation were duly adopted by the board of directors in accordance with Section 642 of the Act on April 10, 2012.

Date: April 10, 2012

/s/ [redacted]
Stephen Brown, President

BCS/CD-511 (Rev. 04/11)

Preparer's Name Christopher Frost

Business telephone number (734) 879-1201

INFORMATION AND INSTRUCTIONS

1. The Articles of Incorporation cannot be restated until this form, or a comparable document, is submitted.
2. Submit one original of this document. Upon filing, the document will be added to the records of the Bureau of Commercial Services. The original will be returned to your registered office address, unless you enter a different address in the box on the front of this document.

   Since this document will be maintained on electronic format, it is important that the filing be legible. Documents with poor black and white contrast, or otherwise illegible, will be rejected.
3. This document is to be used pursuant to the provisions of Act 162, P.A. of 1982 for the purpose of restating the Articles of Incorporation of a domestic nonprofit corporation. Restated Articles of Incorporation are an integration into a single instrument of the current provisions of the corporation's Articles of Incorporation, along with any desired amendments to those articles.
4. Item 2 - Enter the identification number previously assigned by the Bureau. If this number is unknown, leave it blank.
5. Item 5 - Restated Articles of Incorporation which do not amend the Articles of Incorporation may be adopted by the Board of Directors without a vote of the shareholders by completing Item 5(a). Restated Articles of Incorporation which amend the Articles of Incorporation required adoption by the shareholders, by the members, or by the Board of Directors if organized on a nonstock directorship basis by completing Item 5(b). A nonprofit corporation organized on a nonstock directorship basis as authorized by Section 302 of the Act may or may not have members, but if it does, the members are not entitled to vote.
6. This document is effective on the date endorsed "filed" by the Bureau. A later effective date, no more than 90 days after the date of delivery, may be stated.
7. This document must be signed by: (COMPLETE Item 5(a) or 5(b), BUT NOT BOTH)
   Item 5(a): must be signed in ink by an authorized officer or agent.
   Item 5(b): must be signed in ink by the president, vice-president, chairperson or vice-chairperson of the corporation.
8. **NONREFUNDABLE FEE:** Make remittance payable to the State of Michigan. Include corporation name and identification number on check or money order.. **$10.00**

Submit with check or money order by mail:

Michigan Department of Licensing and Regulatory Affairs
Bureau of Commercial Services
Corporation Division
P.O. Box 30054
Lansing, MI 48909

To submit in person:

2501 Woodlake Circle
Okemos, MI
Telephone: (517) 241-6470

Fees may be paid by check, money order, VISA or Mastercard when delivered in person to our office.

MICH-ELF (Michigan Electronic Filing System):

First Time Users: Call (517) 241-6470, or visit our website at http://www.michigan.gov/corporations
Customer with MICH-ELF Filer Account: Send document to (517) 636-6437

THE TON-UP

BYLAWS

ARTICLE I
ORGANIZATION

The Ton-Up (the "Corporation") is a nonprofit corporation, organized as a directorship under the Michigan Nonprofit Corporation Act (Act 162 of 1982, MCL 450.2101 et seq.) (the "Act").

ARTICLE II
OFFICES

2.01 *Principal Office.* The principal office of the Corporation shall be at such place within the state of Michigan as the board of directors may determine from time to time.

2.02 *Other Offices.* The board of directors may establish other offices in or outside the state of Michigan.

ARTICLE III
BOARD

3.01 *General Powers.* The business, property, and affairs of the Corporation shall be managed by the board of directors.

3.02 *Number.* The number of directors on the board shall be set by the board of directors, but in no case shall be fewer than three (3).

3.03 *Tenure.* Each director shall serve on the board for a term of three (3) years or until the director's death, resignation, or removal. If a director's term expires and no successor has been appointed, then that director shall continue to serve until a new director is appointed. Directors whose terms have expired may be reappointed. Directors' terms shall be staggered such that one director's term expires each year.

3.04 *Resignation.* A director may resign at any time by providing written notice to the Corporation. A resignation shall be effective on receipt of the notice or at a later time designated in the notice.

3.05 *Removal.* A director may be removed with cause by a majority of the directors currently serving on the board.

3.06 *Board Vacancies.* A vacancy on the board shall be filled with a person selected by the affirmative vote of a majority of the remaining directors.

3.07 *Annual Meeting.* An annual meeting shall be held each year at 12pm on the first Saturday of February. If the annual meeting is not held at that time, the board shall cause the meeting to be held as soon thereafter as is convenient.

3.08 *Regular Meetings.* Regular meetings of the board may be scheduled for each calendar year at such times and places as determined by resolution of the board. Upon adopting such a resolution and recording it in the minutes, regular meetings may proceed without notice.

3.09 *Special Meetings.* Special meetings of the board may be called by any two directors at a time and place as determined by those persons authorized to call special meetings. Notice of the time and place of special meetings shall be transmitted to each director at least 18 hours before the meeting.

3.10 *Statement of Purpose.* Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board need be specified in the notice for that meeting.

3.11 *Waiver of Notice.* The attendance of a director at a board meeting shall constitute a waiver of notice of the meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. In addition, the director may submit a signed waiver of notice that shall constitute a waiver of notice of the meeting.

3.12 *Meeting by Telephone or Similar Equipment.* A director may participate in a meeting by conference telephone or other means of remote communication through which all persons participating in the meeting can communicate with each other. Participation in a meeting pursuant to this section constitutes presence in person at the meeting.

3.13 *Quorum.* A majority of the directors then in office constitutes a quorum for the transaction of any business at any meeting of the board. Actions voted on by a majority of directors present at a meeting where a quorum is present shall constitute authorized actions of the board.

3.14 *Consent to Corporate Actions.* Any action required or permitted to be taken pursuant to authorization of the board may be taken without a meeting if, before or after the action, all directors consent to the action in writing or by electronic communication. Written consents shall be filed with the minutes of the board's next meeting.

3.15 *Compensation.* The board of directors of the Corporation shall serve as volunteers without compensation, except that the board may authorize reasonable per diem compensation and reimbursement for actual, reasonable, and necessary expenses incurred by a director in his or her capacity as a director.

ARTICLE IV
COMMITTEES

4.01 *General Powers.* The board may designate one or more committees, each committee consisting of one or more directors. The board may also designate one or more directors as alternate committee members who may replace an absent or disqualified member at a committee meeting. If a committee member is absent or disqualified from voting, members present at a meeting who are not disqualified from voting may, whether or not they constitute a quorum, unanimously appoint an alternate committee member to act at the committee meeting in place of the absent or disqualified member. All committees designated by the board shall serve at the pleasure of the board.

A committee designated by the board may exercise any powers of the board in managing the Corporation's business and affairs to the extent provided by resolution of the board. However, no committee shall have the power to:

(a) Amend the articles of incorporation.

(b) Adopt an agreement of merger or consolidation.

(c) Amend the bylaws of the Corporation.

(d) Fill vacancies on the board.

(e) Fix compensation of the directors for serving on the board or on a committee.

4.02 *Meetings.* Committees shall meet as directed by the board, and their meetings shall be governed by the rules provided in article III for meetings of the board. Minutes shall be recorded at each committee meeting and shall be presented to the board.

4.03 *Consent to Committee Actions.* Any action required or permitted to be taken pursuant to authorization of a committee may be taken without a meeting if, before or after the action, all members of the committee consent to the action in writing or by electronic transmission. Written consents shall be filed with the minutes of the committee's proceedings.

ARTICLE V
OFFICERS

5.01 *Number.* The officers of the Corporation shall be appointed by the board. The officers shall be a president, a secretary, and a treasurer. The board may also appoint a chairperson, vice president(s), and such other officers as the board deems appropriate. All officers shall be voting members of the board unless otherwise prescribed by the board. Two or more offices may be held by the same person, but such person shall not execute, acknowledge, or verify an instrument in more than one capacity if the instrument is required by law or by the president or by the board to be executed, acknowledged, or verified by two or more officers.

5.02 *Term of Office.* Each officer shall hold office for the term appointed and until a successor is appointed and qualified, or until the resignation or removal of the officer. An officer may resign at any time by providing written notice to the Corporation. Notice of resignation is effective on receipt or at a later time designated in the notice.

5.03 *Removal.* An officer appointed by the board may be removed with or without cause by vote of a majority of the board. The removal shall be without prejudice to the person's contract rights, if any. Appointment to an office does not of itself create contract rights.

5.04 *Vacancies.* A vacancy in any office for any reason may be filled by the board.

5.05 *President.* The president shall be the chief executive officer of the Corporation and shall have authority over the general management and affairs of the Corporation, subject to the direction of the board and applicable law. Unless otherwise directed by the board or applicable law, the President may delegate any of his/her powers or duties to any other officer of the Corporation. With the consent of the board, the president may appoint or discharge employees, agents, or independent contractors, determine their duties, and fix their compensation. The president shall see that all actions of the board are executed, and may sign documents on behalf of the Corporation and take all other necessary and proper steps to effect such actions unless otherwise provided by law, the Corporation's governing documents, or the board.

5.06 *Vice President.* The board may appoint one or more vice presidents, who shall have all powers and duties permitted by law and all duties assigned by the president or the board.

5.07 *Chairperson.* The board may appoint a chairperson, who shall preside at all board meetings and decide points of order. The chairperson shall have the power to perform duties as may be assigned by the board.

5.08 *Secretary.* The secretary shall (a) keep minutes of board meetings; (b) be responsible for providing notice to each director as required by law, the articles of incorporation, or these bylaws; (c) be the custodian of corporate records; (d) keep a register of the names and addresses of each officer and director; and (e) perform all other duties assigned by the president or the board.

5.09 *Treasurer.* The treasurer shall (a) have charge and custody over corporate funds and securities; (b) keep accurate books and records of corporate receipts and disbursements; (c) deposit all funds and securities received by the Corporation at such depositories in the Corporation's name that may be designated by the board; (d) disburse funds or securities as directed by the board; (e) complete all required corporate filings; and (e) perform all duties assigned by the president or the board. The treasurer shall have the authority to sign on behalf of the Corporation all documents necessary to fulfill his/her duties. If the president is absent or unable to perform his or her duties, the treasurer shall perform the president's duties until the board directs otherwise.

ARTICLE VI
CORPORATE DOCUMENT PROCEDURE

No corporate documents (including stocks, bonds, agreements, insurance and annuity contracts, qualified and nonqualified deferred compensation plans, checks, notes, disbursements, loans, and other debt obligations) shall be signed by any officer, designated agent, or attorney-in-fact unless authorized by the board or by these bylaws.

ARTICLE VII
INDEMNIFICATION

7.01 *Nonderivative Actions.* At the discretion of the board, and subject to all of the other provisions of this article, the Corporation shall have the power to indemnify any person who was or is a party, or is threatened to be made a party to, any threatened, pending, or completed action, suit, or proceeding. This includes any civil, criminal, administrative, or investigative proceeding, whether formal or informal, other than an action by or in the right of the Corporation. Such indemnification shall apply only to a person who was or is a director or officer of the Corporation or who was or is serving at the request of the Corporation as a director, officer, partner, trustee, employee, or agent of another foreign or domestic corporation, partnership, joint venture, trust, or other enterprise, whether for profit or not for profit. The person may be indemnified and held harmless against expenses including attorney fees, judgments, penalties, fines, and amounts paid in settlement actually and reasonably incurred by the person in connection with such action, suit, or proceeding, if the person acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interests of the Corporation. With respect to any criminal action or proceeding, the person must have had no reasonable cause to believe his or her conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, or conviction or on a plea of *nolo contendere* or its equivalent, shall not by itself create a presumption that (a) the person did not act in good faith and in a manner the person reasonably believed to be in or not opposed to the best interests of the Corporation, or (b) with respect to any criminal action or proceeding, the person had reasonable cause to believe that his or her conduct was unlawful.

7.02 *Derivative Actions.* At the discretion of the board, and subject to all of the provisions of this article, the Corporation shall have the power to indemnify any person who was or is a party to, or is threatened to be made a party to, any threatened, pending, or completed action or suit by or in the right of the Corporation to procure a judgment in its favor because (a) the person was or is a director or officer of the Corporation or (b) the person was or is serving at the request of the Corporation as a director, officer, partner, trustee, employee, or agent of another foreign or domestic corporation, partnership, joint venture, trust, or other enterprise, whether or not for profit. The person may be indemnified and held harmless against expenses, including actual and reasonable attorney fees, and amounts paid in settlement incurred by the person in connection with the action or suit if the person acted in good faith and in a manner the person reasonably believed to be in or not opposed to the best interests of the Corporation. However, indemnification shall not be made for any claim, issue, or matter in which the person has been found liable to the Corporation unless and only to the extent that the court in which the action or suit was brought has determined on application that, despite the adjudication of liability but in view of all circumstances of the case, the person is fairly and reasonably entitled to indemnification for the expenses that the court considers proper.

7.03 *Expenses of Successful Defense.* To the extent that a person has been successful on the merits or otherwise in defense of any action, suit, or proceeding referred to in sections 7.01 or 7.02 of this article, or in defense of any claim, issue, or matter in the action, suit, or proceeding, the person may, at the discretion of the board, be indemnified against expenses, including actual and reasonable attorney fees, incurred in connection with the action and in any proceeding brought to enforce the mandatory indemnification provided by this section.

7.04 *Determination That Indemnification Is Proper.* Any indemnification under sections 7.01 or 7.02 of this article (unless ordered by a court) shall be made by the Corporation only as authorized in the specific case. The Corporation must determine that indemnification of the person is proper in the circumstances because the person has met the applicable standard of conduct set forth in sections 7.01 or 7.02, whichever is applicable. The determination shall be made in any of the following ways:

(a) By a majority vote of a quorum of the board consisting of directors who were not parties to such action, suit, or proceeding.

(b) If the quorum described in clause (a) above is not obtainable, by a committee of directors who are not parties to the action. The committee shall consist of not less than two disinterested directors.

(c) By independent legal counsel in a written opinion.

7.05 *Proportionate Indemnity.* Under section 7.01, 7.02, and 7.03, the Corporation may elect to indemnify a person for the portion of the expenses, judgments, penalties, fines, or amounts paid in settlement for which the person is entitled to be indemnified.

7.06 *Expense Advance.* Expenses incurred in defending a civil or criminal action, suit, or proceeding described in sections 7.01 or 7.02 of this article may be paid by the Corporation in advance of the final disposition of the action, suit, or proceeding, on receipt of an undertaking by or on behalf of the person involved to repay the expenses, if it is ultimately determined that the person is not entitled to be indemnified by the Corporation. The undertaking shall be an unlimited general obligation of the person on whose behalf advances are made, but it need not be secured.

7.07 *Nonexclusivity of Rights.* The indemnification or advancement of expenses provided under this article is not exclusive of other rights to which a person seeking indemnification or advancement of expenses may be entitled under a contractual arrangement with the Corporation. However, the total amount of expenses advanced or indemnified from all sources combined shall not exceed the amount of actual expenses incurred by the person seeking indemnification or advancement of expenses.

7.08 *Indemnification of Employees and Agents of the Corporation.* At the discretion of the board, the Corporation may grant rights to indemnification and to the advancement of expenses to any employee or agent of the Corporation to the fullest extent of the provisions of this article with respect to the indemnification and advancement of expenses of directors and officers of the Corporation.

7.09 *Former Directors and Officers.* The indemnification provided in this article continues for a person who has ceased to be a director or officer and shall inure to the benefit of the heirs, executors, and administrators of that person.

7.10 *Insurance.* The Corporation may purchase and maintain insurance on behalf of any person who (a) was or is a director, officer, employee, or agent of the Corporation or (b) was or is serving at the request of the Corporation as a director, officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise. The insurance may protect against any liability asserted against the person and incurred by him or her in any such capacity or arising out of his or her status as such, whether or not the Corporation would have power to indemnify against liability under this article or the laws of the state of Michigan.

7.12 *Changes in Michigan Law.* If there are any changes in the Michigan statutory provisions applicable to the Corporation and relating to the subject matter of this article, the indemnification to which any person shall be entitled shall be determined by the changed provisions, but only to the extent that the change permits the Corporation to provide broader indemnification rights than the provisions permitted the Corporation to provide before the change.

ARTICLE VIII
FISCAL YEAR

8.01 *Fiscal Year*. The fiscal year of the Corporation shall end on December 31.

8.02 *Annual Report*. Each year the Corporation shall produce a report for the preceding year to be presented at the annual meeting. The report shall include the Corporation's year-end statement of assets and liabilities, including trust funds, and the principal change in assets and liabilities during the year preceding the date of the report and, if prepared by the Corporation, its source and application of funds and any other information required by the Act. The report may be distributed electronically.

ARTICLE IX
DISTRIBUTION OF ASSETS UPON DISSOLUTION

Upon dissolution of the organization, after paying or providing for the payment of all liabilities of the corporation, all assets, real property, and personal property shall revert to the benefit of the City of Ypsilanti.

ARTICLE X
AMENDMENTS

The board of directors at any regular or special meeting may amend or repeal these bylaws, or adopt new bylaws by vote of a majority of the directors, if notice setting forth the terms of the amendment or repeal has been given in accordance with any notice requirement for the meeting of the board.

Adopted on December 17, 2012

/s/ [redacted]
Stephen Brown, President

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: JUN 26 2012

THE TON-UP
C/O CAFE RACER
10 E CROSS ST
YPSILANTI, MI 48198

Employer Identification Number:
38-3809923
DLN:
17053131316002
Contact Person:
FELICIA JOHNSON ID# 31287
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990 Required:
Yes
Effective Date of Exemption:
February 1, 2010
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

THE TON-UP

Sincerely,

[redacted]

Holly O. Paz
Director, Exempt Organizations
Rulings and Agreements

Enclosure: Publication 4221-PC

Barr, Anhut & Associates, P.C.
ATTORNEYS AT LAW

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Ypsilanti, MI 48197
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John M. Barr
Karl A. Barr
~~~~~~~

Jesse O'Jack ~ Of Counsel
William F. Anhut ~ Of Counsel – Retired
Jane A. Slider ~ Legal Assistant

REQUEST FOR LEGISLATION

DATE:

FROM: John M. Barr

SUBJECT: Renewal of Main Street Program

SUMMARY/BACKGROUND

Council approved the DDA participation in the Michigan Main Street Program contract by Resolution 2010-063, dated April 20, 2010. The Main Street Program provides an organizational model to support downtown and traditional commercial districts.
The contract is up for renewal. Tim Colbeck of the YDDA will be present to answer questions, and is requesting the council again approve the program.

ATTACHMENTS: Michigan Main Street Program Agreement

RECOMMENDED ACTION: Request council again approve the Michigan Main Street Program contract.

DATE RECEIVED:________________ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF:____________ FINANCE DIR. APPROVAL
~~~~~~~

Resolution No. 2013-042
March 5, 2013

RESOLUTION TO APPROVE MICHIGAN MAIN STREET PROGRAM AGREEMENT

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

The Michigan main Street Program Agreement is approved for the city to continue as an associate member of the Michigan Main Street Program as administered by the Ypsilanti Downtown Development Authority.

The Mayor and City Clerk are authorized to sign the agreement, subject to the approval of the City Attorney.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

Michigan Main Street Program
Community Requirements and Expectations Agreement

Associate Level

THIS AGREEMENT is entered into and executed by the Michigan Main Street (MMS) Program, whose address is 735 East Michigan Avenue, Lansing, MI 48909, and the **Community** of ___________________, County of _____________, State of Michigan (the "Community") whose address is ____________________________________, for the purpose of educating the Community on the National Main Street Four-Point Approach® and the MMS Program.

WHEREAS, the MMS Program has entered into a contract with the National Trust for Historic Preservation, National Main Street Center, Washington, D.C. (the "NTHP NMSC"), to provide technical expertise, training and services to designated Michigan communities;

WHEREAS, this agreement is for the purpose of setting forth the MMS Program requirements and expectations for the Community, pursuant to its designation as an Associate Michigan Main Street Community and pursuant to contractual arrangements between the NTHP NMSC and the MMS Program, so as to assist in the revitalization of the designated Community's traditional commercial district;

WHEREAS, the Community has attended the MMS Program Orientation Webinar and understands, in general, the intent of the Michigan Main Street Program and the upcoming training schedule for the Associate Level;

NOW THEREFORE, in consideration of the foregoing mutual covenants and agreements contained herein, the parties have agreed to do as follows:

SECTION I. The Community agrees to these Minimum Participation Standards:

1. The Community is required to participate in all scheduled MMS Program services within the term of this Agreement, including :
   - Main Street Basic Training
   - Main Street in Practice Training
   - MMS Overview Presentation (in the Community)

   Travel expenses are the sole responsibility of the Community.

2. Attendance is defined by the MMS Program as:
   A. At minimum, one (1) individual from the Community must be present for the entirety of the provided service. It is acceptable for two (2) individuals to divide the time between them, as long as the Community is represented for the entirety of the provided service.

B. Time commitments for the services as listed in #1 are:
   i. Main Street Basic Training ....One (1) Day
   ii. Main Street in Practice Training................................One (1) Day

C. Day-long services typically begin at 8:30am and end by 4:00pm. The MMS Program reserves the right to change the schedule if necessary. Any changes to the schedule will be communicated to the Community contact on file with the MMS Program Coordinator.

3. Submit biannual reports to the MMS Program by June 13 and September 14 of the program year. Reports are to state the Community's activities in furthering their education in the National Main Street Four-Point Approach®, steps and/or discussion the community has taken to prepare for making an application to become a Selected MMS community, the MMS Program, and activities in other downtown revitalization areas.

4. Understand the Community is not allowed to use the MMS Program name or logo until it has been designated a Selected Michigan Main Street Community. The MMS Program name and logo are trademark protected. See Section III, Number 3, of this Agreement.

5. Understand the Community must successfully complete all requirements and expectations of the Associate Level before applying to the Selected Level.

6. Understand all requirements of this Agreement must be met regardless of changes within the Community. If requirements of this Agreement are not met, MMS Program services will be suspended and a written warning to the Community will be issued requesting an explanation. Once requirements are met, MMS Program services will be reinstated. If requirements continue to not be met, this Agreement will be terminated and all rights associated with the Community's participation in the MMS Program will be revoked.

7. Assume full responsibility for all costs and expenses associated with the performance of the Community and its rights and responsibilities under this Agreement. The Community further acknowledges that the MMS Program is not responsible to the Community for any costs associated with this Agreement or the services provided under this Agreement, including but not limited to those costs or expenses incurred as a result of anticipated or actual participation in the MMS Program, the NTHP NMSC Program or pursuant to the Community's selection or participation as a Michigan Main Street Community.

SECTION II. The MMS Program agrees to provide these services:

1. Provide one (1) year of program training as outlined in Section 1, #1 to each Associate Michigan Main Street Community. Training may be modified by the MMS Program, in its sole discretion, to meet programmatic needs:

2. Provide advice, information, and additional on-site assistance to the Community upon request and subject to MMS Program schedule, program constraints, staff availability, and costs associated with the request. The MMS Program may request the assistance of other State or Federal agencies.

SECTION III. The PARTIES hereto otherwise agree as follows:

1. **TERM OF THE AGREEMENT**. The term of this agreement shall be for a period of seven (7) months, beginning March 8, 2012 and ending September 28, 2012.

2. **CONFIDENTIAL INFORMATION**. Except for information provided to the MMS at its request or as part of this Agreement, the Community, its employees, agents, and representatives shall not disclose, other than to the extent required by law, including without limitation, the Freedom of Information Act, any information or data, including but not limited to all materials furnished to the Community by MMS ("Confidential Information") without the written consent of MMS. Confidential information does not include information that is already in the possession of, or is independently developed by, the Community; becomes publicly available other than through breach of this Section; or is received by the Community from a third party with authorization to make such disclosures or is released with MMS's prior written consent.

3. **LICENSING OF CERTAIN MARKS**. MMS does NOT grant to the Community a license to utilize the MMS Program trade names, trademarks, logo, and/or service marks ("MMS Program Marks").

4. **INTELLECTUAL PROPERTY RIGHTS**. The Community acknowledges that MMS owns all rights, title and interest in and to the MMS Program Marks and that it will do nothing inconsistent with MMS's ownership of the Program Marks.

5. **INSURANCE**. The Community shall provide and maintain its own general liability, property damage, and workers compensation insurance, which shall be written for not less than any limits of liability required by law.

6. **TOTAL AGREEMENT**. This Agreement contains the entire agreement between the parties superseding any prior or concurrent agreements as to the services being provided, and no oral or written terms or conditions which are not

contained in this Agreement shall be binding. This Agreement may not be changed except by mutual agreement of the parties, reduced to writing and signed.

7. **ASSIGNMENT/TRANSFER/SUBCONTRACTING.** Except as contemplated by the Agreement, the Community shall not assign, transfer, convey, subcontract, or otherwise dispose of any duties or rights under this Agreement without the prior specific written consent of MMS. Any future successors of the Community will be bound by the provisions of this Agreement unless MMS otherwise agrees in a specific written consent.

8. **COMPLIANCE WITH LAWS.** The Community is not, and will not during the term of this Agreement, be in violation of any laws, ordinances, regulations, rules, orders, judgments, decrees or other requirements imposed by any governmental authority to which it is subject, and will not fail to obtain any licenses, permits or other governmental authorizations necessary to carry out its duties hereunder.

9 **WAIVER.** A failure or delay in exercising any right with respect to this Agreement will not be presumed to operate as a waiver unless otherwise stated in this Agreement, and a single or partial exercise of any right will not be presumed to preclude any subsequent or further exercise of that right, or the exercise of any other right.

10. **NOTICES.** Any notice, approval, request, authorization, direction or other communication under this Agreement shall be given in writing and shall be deemed to have been delivered and given for all purposes (i) on the delivery date if delivered by electronic mail or by confirmed facsimile; (ii) on the delivery date if delivered personally to the Party to whom the same is directed; (iii) one (1) business day after deposit with a commercial overnight carrier, with written verification of receipt; or (iv) three (3) business days after the mailing date, whether or not actually received, if sent by U.S. mail, return receipt requested, postage and charges prepaid, or any other means of rapid mail delivery for which a receipt is available. The notice address for the Parties shall be the address as set forth in this Agreement, with the other relevant notice information, including the recipient for notice and, as applicable, such recipient's fax number or e-mail address, to be as reasonably identified by notifying Party. The MMS and the Community may, by notice given hereunder, designate any further or different addresses to which subsequent notices shall be sent.

11. **NON-DISCRIMINATION AND UNFAIR LABOR PRACTICES.** In connection with this Agreement, the Community shall not discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, gender, height, weight, marital status or handicap. In connection with this Agreement, the Community shall not violate 1980 Public Act 278, as amended, MCL 423.321, et seq, by entering into a sub-contract with any individual person, firm or entity who

has been found in contempt of court by a Federal Court of Appeals on not less than three (3) occasions involving different violations during the preceding seven (7) years for failure to correct an unfair labor practice as prohibited by Section 8 of Chapter 372 of the National Labor Relations Act. Violations of the law after the beginning date of this Agreement may result in its termination.

12. **SEVERABILITY.** The invalidity or unenforceability of a particular provision of this Agreement shall not affect the validity or enforceability of any other provision of this Agreement, provided that the principal intent of this Agreement can be preserved.

13. **GOVERNING LAW AND JURISDICTION.** This Agreement is made and entered into in the State of Michigan and shall in all respects be interpreted, enforced and governed under the laws of the State of Michigan. The parties agree that any legal actions concerning this Agreement shall be brought in the Ingham County Circuit Court in Ingham County, Michigan, USA. The terms of this provision shall survive the termination of the cancellation of this agreement.

14. **NO EMPLOYMENT, PARTNERSHIP OR AGENCY RELATIONSHIP.** The MMS Program is limited to furnishing its technical services to the Community and thus nothing contained herein shall create any employer-employee relationship. Further, this Agreement does not create a partnership relationship.

15. **NO THIRD PARTY BENEFICIARIES.** There are no express or implied third party beneficiaries to this Agreement.

16. **COUNTERPARTS.** This Agreement may be executed in one or more counterparts and by facsimile, each of which shall constitute an original, and all of which together shall constitute one and the same instrument.

17. **TERMINATION OR CANCELLATION.**

A. This Agreement may be terminated by MMS by providing written notice of default and termination to the Community ("Notice of Default and Intent to Terminate") upon the occurrence of any of the following events or conditions ("Event of Default"):

i. any representation or covenant made by the Community is determined by MMS, in its reasonable judgment, to be incorrect at the time that such representation or covenant was made in any material respect, including, but not limited to, the Reports and compliance with laws as required under this Agreement;

ii. the Community's failure to comply with any of the covenants of this Agreement;

iii. use of the program training, technical assistance, and resources provided pursuant to this Agreement for purposes other than as set forth in this Agreement.

B. This Agreement may be terminated by the Community by providing written notice of termination to the MMS program. Written notice needs to be provided by the local organization that is looking to carry out the mission of the Main Street Four-Point Approach.

C. Notwithstanding the foregoing, the Community acknowledges that MMS's performance of its obligations under this Agreement is dependent upon the continued approval of funding and/or the continued receipt of state funding. In the event that the State Legislature, the State Government or any State official, public body corporate, commission, authority, body or employees, or the federal government (a) takes any legislative or administrative action, which fails to provide, terminates or reduces the funding or programmatic support necessary for this Agreement, or (b) takes any legislative or administrative action, which is unrelated to the source of funding or programmatic support for this Agreement, but which affects the MMS's ability to fund and administer the MMS Program, then the MMS may cancel this Agreement by providing notice to the Community of cancellation. Cancellation may be made effective immediately, upon delivery of notice to the Community, or with such other time period as the MMS, in its sole discretion, deems reasonable.

D. In addition to the above, either party may terminate its obligations under this Agreement without cause by giving the other party a 30-calendar day written notice of such termination.

E. In the event that this Agreement is terminated, neither the MMS nor the Community shall have any further obligation to perform under this Agreement. The Community shall, unless otherwise directed by the MMS in writing, immediately take all reasonable steps to terminate operations under this Agreement.

18. **RESERVATIONS**. MMS reserves the right to modify services provided to the Community as necessary.

19. **AUTHORITY TO EXECUTE THIS AGREEMENT**. The signatories below warrant that they are empowered to enter into this Agreement.

20. **Failure to sign and submit this agreement to the MMS Program on or before ______________, 2013 will result in the termination of the Community's participation in the MMS Program.**

IN WITNESS WHEREOF, the parties have executed this agreement.

The COMMUNITY

BY: ______________________________ ______________________________
(City Manager or Village President) (Date)

______________________________, Michigan
(City or Village)

LOCAL ORGANIZATION seeking to use the Main Street Four-Point Approach®

BY: ______________________________ ______________________________
(Local Organization Representative) (Position Held)

______________________________ ______________________________
(Local Organization Name) (Date)

MICHIGAN MAIN STREET PROGRAM

BY: ______________________________ ______________________________
(Director) (Date)

REQUEST FOR LEGISLATION
March 5, 2013

To: Mayor and Council

From: Assessing Department

Subject: Board of Review Hardship Application

SUMMARY & BACKGROUND: The Assessing Department has created a new Hardship Application for use at the future March, July and December Board of Review meetings. The new application states that the household income shall meet the Federal Poverty Income Standards, that the household income will be determined after deducting for any health care costs including prescription medicine not covered by insurance, in cases where the household income of a property exceeds $10,000 but meets the federal standard, the assessment shall be adjusted so the out of pocket property tax , estimated based on the previous year's millage rate and after deducting the applicable state property tax refund, equals ten percent (10%) of the household income. In cases where the household income meets federal standard but is less than $10,000, the assessment shall be adjusted so the out of pocket property tax estimated based on the previous year's millage rate after deducting applicable state property tax refunds, equals five (5%) of the household income.

RECOMMENDED ACTION: Approve the new Hardship Application guidelines to use at the future Board of Review Meetings.

ATTACHMENTS: Approval from John Barr, City Attorney, Hardship application, Michigan State Legislative.

CITY MANAGER APPROVAL: ____________________ COUNCIL AGENDA DATE: 3-5-13

CITY MANAGER COMMENTS: ____________________

FISCAL SERVICES DIRECTOR APPROVAL: ____________________

Resolution No. 2013 - 043
March 5, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the Michigan General Property Tax Act, Act 206 of 1893 as amended, in section 211.7u provides for a poverty hardship exemption of the principle residence; and

WHEREAS, the Act provides that the local governing body shall determine and make available to the public guidelines the local assessing unit uses to grant exemptions; and

WHEREAS, the Act provides that the Board of Review shall follow the guidelines,

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI THAT the guidelines and hardship application forms presented by the City Assessor are hereby approved.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

Barr, Anhut & Associates, P.C.
ATTORNEYS AT LAW

105 Pearl Street
Ypsilanti, MI 48197
(734) 481-1234
Fax (734) 483-3871
www.barrlawfirm.com
e-mail: info@barrlawfirm.com

John M. Barr
Karl A. Barr
~~~~~~~~

Jesse O'Jack ~ Of Counsel
William F. Anhut ~ Of Counsel – Retired

To: Courtney Dugger, City Assessor [redacted]
From: John M. Barr
Date: 2/20/2013
Re: Poverty Hardship Guidelines and Application

I have reviewed the hardship provisions of the Michigan Property Tax Act, PA 206 of 1893, (Act 206) MCL 211.7u, and your proposed Board of Review Guidelines for Hardship Appeals and Application Form. The Guidelines and Application conform to the statue and I approve them as to form.

Enclosed is a draft resolution for consideration by city council. Also a copy of MCL 211.7u.

The finished packet of the RFL, proposed guidelines and application and draft resolution should go to the city clerk to include in the agenda packet.
~~~~~~~~

Section 211.7u

friendly link Printer Friendly

THE GENERAL PROPERTY TAX ACT (EXCERPT)
Act 206 of 1893

211.7u Principal residence of persons in poverty; exemption from taxation; applicability of section to property of corporation; eligibility for exemption; application; policy and guidelines to be used by local assessing unit; duties of board of review; appeal of property assessment; "principal residence" defined.

Sec. 7u.

(1) The principal residence of persons who, in the judgment of the supervisor and board of review, by reason of poverty, are unable to contribute toward the public charges is eligible for exemption in whole or in part from taxation under this act. This section does not apply to the property of a corporation.

(2) To be eligible for exemption under this section, a person shall do all of the following on an annual basis:

(a) Be an owner of and occupy as a principal residence the property for which an exemption is requested.

(b) File a claim with the supervisor or board of review on a form provided by the local assessing unit, accompanied by federal and state income tax returns for all persons residing in the principal residence, including any property tax credit returns, filed in the immediately preceding year or in the current year. Federal and state income tax returns are not required for a person residing in the principal residence if that person was not required to file a federal or state income tax return in the tax year in which the exemption under this section is claimed or in the immediately preceding tax year. If a person was not required to file a federal or state income tax return in the tax year in which the exemption under this section is claimed or in the immediately preceding tax year, an affidavit in a form prescribed by the state tax commission may be accepted in place of the federal or state income tax return. The filing of a claim under this subsection constitutes an appearance before the board of review for the purpose of preserving the claimant's right to appeal the decision of the board of review regarding the claim.

(c) Produce a valid driver's license or other form of identification if requested by the supervisor or board of review.

(d) Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested if required by the supervisor or board of review.

(e) Meet the federal poverty guidelines updated annually in the federal register by the United States department of health and human services under authority of section 673 of subtitle B of title VI of the omnibus budget reconciliation act of 1981, Public Law 97-35, 42 USC 9902, or alternative guidelines adopted by the governing body of the local assessing unit provided the alternative guidelines do not provide income eligibility requirements less than the federal guidelines.

(3) The application for an exemption under this section shall be filed after January 1 but before the day prior to the last day of the board of review.

(4) The governing body of the local assessing unit shall determine and make available to the public the policy and guidelines the local assessing unit uses for the granting of exemptions under this section. The guidelines shall include but not be limited to the specific income and asset levels of the claimant and total household income and assets.

(5) The board of review shall follow the policy and guidelines of the local assessing unit in granting or denying an exemption under this section unless the board of review determines there are substantial and compelling reasons why there should be a deviation from the policy and guidelines and the substantial and compelling reasons are communicated in writing to the claimant.

(6) A person who files a claim under this section is not prohibited from also appealing the assessment on the property for which that claim is made before the board of review in the same year.

(7) As used in this section, "principal residence" means principal residence or qualified agricultural property as those terms are defined in section 7dd.

History: Add. 1980, Act 142, Imd. Eff. June 2, 1980 ;-- Am. 1993, Act 313, Eff. Mar. 15, 1994 ;-- Am. 1994, Act 390, Imd. Eff. Dec. 29, 1994 ;-- Am. 2002, Act 620, Imd. Eff. Dec. 23, 2002 ;-- Am. 2003, Act 140, Eff. Jan. 1, 2004 ;-- Am. 2012, Act 135, Imd. Eff. May 16, 2012.
Popular Name: Act 206

City of Ypsilanti
Board of Review Guidelines
For Hardship Appeals

To be eligible for a poverty exemption, a person shall annually:

1. Own and occupy the property as a homestead as required by law.

2. File the approved form provided by the City.

3. Provide evidence of ownership.

4. Submit copies of FEDERAL and STATE income tax returns for **all person(s)** residing in the homestead as well as copies of any property tax credit returns, as required by law.

5. The Board of Review may require proof of identification if it feels it is necessary.

6. The household income (including all persons residing in the homestead) shall meet the federal poverty income standards as defined and determined annually by the United States Office of Management and Budget. Household income will be determined after deducting for any health care cost including prescription medicine not covered by insurance. In cases where household income of a property as herein defined exceeds \$10,000, but meets the federal standard, the assessment shall be adjusted so the out-of-pocket property tax, as best estimated based on the previous year's millage rate and after deducting the applicable state property tax refund, equals ten percent (10%) of the household income. In cases where the household income meets the federal standard but is less than \$10,000, the assessment shall be adjusted so the out-of-pocket property tax, as best estimated based on the previous year's millage rate and after deducting applicable state property tax refunds, equals five percent (5%) of the household income.

7. Household income shall be from any and all sources and shall include all dependents and occupants income not limited to types such as salary, state or federal aid, alimony, social security, pension and insurance benefits, return on investments, savings, and any other forms of compensation received.

8. The total of all household assets, not including the homestead shall not exceed \$25,000.

9. The Board of Review may waive the income limits for a household with greater incomes but who have expenses beyond the ordinary scope of expected costs which are severe and unavoidable, such as unusually high health care costs not covered by insurance. In such catastrophic scenarios, the state equalized value may be reduced to zero (0).

10. In cases where the Board of Review deviates from the income limits for substantial and compelling reasons, such as described above in number 9, these reasons will be noted on the petition and communicated in writing to the claimant. Such reasons will be properly documented.

11. In no case will the Board of Review approve an assessment reduction without the necessary and required documentation.

12. In the case of hardship appeal, a copy of the petition and supporting documentation will be kept in a separate file and provided on request to an interested member or the public.

INCOME LIMITATIONS

Income limitations shall be those established by the federal poverty income standards in adherence with Public Act 390 of 1994. For tax year 2013, applicable income limitations are as
Follows:
Family of 1: Combined Household Income may not exceed $11,170/yr.
Family of 2: Combined Household Income may not exceed $15,130/yr.
Family of 3: Combined Household Income may not exceed $19,090/yr.
Family of 4: Combined Household Income may not exceed $23,050/yr.
Family of 5: Combined Household Income may not exceed $27,010/yr.
Family of 6: Combined Household Income may not exceed $30,970/yr.
Family of 7: Combined Household Income may not exceed $34,930/yr.
Family of 8: Combined Household Income may not exceed $38,890/yr.
For each additional person add $3,960.

City of Ypsilanti
1 S. Huron
Ypsilanti, MI 48197
Telephone: (734)483-7117
FAX: (734) 483-7324

2013 CITY OF YPSILANTI

Hardship Application

FOR OFFICE USE ONLY:		
Parcel#	School District	Petition No.
Assessed Value	Taxable Value	HS

PETITIONER INFORMATION

DATE OF BIRTH ________ Phone

Yourself: ______________________ Daytime: ________
Spouse: Evening:
____

Marital Status

Married _yrs._yrs. Separated _yrs.
Widowed Divorced _yrs. **A copy of your judgment of divorce is required.*
Single

Property Address for Which Relief is being Sought: How

Many Years Have You Resided at This Address?

OTHER OCCUPANTS/CO-OWNER INFORMATION

List each individual currently living in your household *other than yourself and your spouse;* **also list any co-owners** who are not living in your household:

Name				
Age				
Relationship				
Occupation				
201 2 Income	$	$	$	t ♦
Household Contribution?	a Yes a No	a Yes a No	a Yes a No	a Yes a No
Claimed as a Dependent?	a Yes a No	a Yes a No	a Yes a No	a Yes a No

EMPLOYMENT INFORMATION (If not currently employed, indicate most recent employment)

Occupation (Yourself): ____

Employer:____________________________________ Ph: ____________

Address:

D Employed Full-time # of Years: D

Employed Part-time # of Years:

__ Average number of Hours Worked per Week:_____

0 Retired # of Years:_____

Are you receiving Social Security? Yes No

Pension? Yes

No

Disabled # of Years: _____

Are you receiving S.S.I, or other Disability Benefits? Yes No

Laid-Off # of Years:_____

Anticipated Call Back Date (if known):___________

Unemployed # of Years: ________

Are you receiving Unemployment Compensation? When Yes No

do the Unemployment Benefits Expire? _

Occupation (Spouse):

Employer: _________

Ph:

Address: __________

D Employed Full-time # of Years: D

Employed Part-time # of Years:

_____ Average number of Hours Worked per Week:

Of Years:

Are you receiving Social Security? Yes No

Pension? Yes

Of Years:

Are you receiving S.S.I, or other Disability Benefits? Yes No

Of Years:

Anticipated Call Back Date (if known):___________

# of Years:

Are you receiving Unemployment Compensation? When Yes No

D Retired

does this Unemployment Benefits Expire?

No

Q Disabled

D Laid-Off

D Unemployed

HEALTH INFORMATION

Describe any disabilities or health problems that impact your employment &/or financial situation:

ASSET INFORMATION

What are the current assets of all individuals living in your household, as **well as any co-owners who are not living in your household?**

ENTER $0 IF NONE

Cash	$
Checking Accounts	$
Saving Accounts/Certificates of Deposit/Money Market Accounts	$
Stocks/Bonds/Treasury Bills/Mutual Funds	$
IRA's/Keoghs/Annuities/401K's/Deferred Compensation Plans	$
Life Insurance (Cash Value)	$
Vacation Property/Rental Property/Co-Owner's Home	$
Personal Property Held as an Investment (i.e. Jewelry, Coins, etc.)	$
Other	$

Cars/Boats/RV's/etc.	#1	#2	#3
Make/Model			
Year			
Estimated Value			
Balance Owed			

LIABILTY INFORMATION

What are the current liabilities of a]| individuals living in your household? And to who are they paid? (Indicate the average monthly bill.)

ENTER $0 IF NONE

Mortgage Payment (A copy of your mortgage payment coupon or land contract is required)	$
Car Payment	$
Medical Bills	$
Telephone	$
Heat	$
Electrical	$
Cable	$
Water	$
Other	$

<u>If you purchased this home in the past five years,</u> do you have a Mortgage? ( ) Yes () No

"IMPORTANT: If the answer is YES, <u>a copy of your "Uniform Residential Loan Application" is required.</u>

(This document should have been provided to you at your closing. If you are unable to locate it, you will need to obtain a copy from your mortgage company.)

INCOME SUMMARY Include all taxable and nontaxable income for all individuals living in your Household as well as any co-owners who are not living in your household. (Please use a separate line for each person's figures.)

	2013 Anticipated	Current 2012 Total	Monthly Amount
Wages, Salaries, Tips, etc.	$	$	$
	$	$	$
	$	$	$
Pensions	$	$	$
	$	$	$
	$	$	$
Social Security Benefits	$	$	$
	$	$	$
	$	$	$
S.S.I. Benefits	$	$	$
	$	$	$
	$	$	$
F.I.P./D.H.S. Benefits	$	$	$
	$	$	$
	$	$	$
Unemployment Compensation	$	$	$
Disability Benefits (other than S.S.I.)	$	$	$
Workmen's Compensation	$	$	$
Alimony	$	$	$
Child Support	$	$	$
	$	$	$
	$	$	$
Other Income or Financial Assistance	$	$	$
of Any Kind (Specify the Source)	$	$	$
	$	$	$
	$	$	$
	$	$	$
	$	$	$
	$	$	$

ADDITIONAL INFORMATION

Describe what other forms of financial assistance you have attempted to obtain, specifically, what other charitable organizations have you sought relief from?

FINAL COMMENTS

If there is any other information you would like the Board to be aware of, please use this space:

IMPORTANT*

INCOME & ASSET VERIFICATION

Attach photocopies of the following documents for each individual currently residing in the household, as well as any co-owners who are not residing in the household:

Most recent Statement of Account for *every* asset accounts each individual has (Checking, Savings, IRA's, Investments, etc.)

2012 Michigan Homestead Property Tax Credit Claim* (MI1040CR or 1040CR-2)
2012 Michigan Income Tax Return* (MM 040)
2012 Federal Income Tax Return* (Federal 1040 or 1040A)

*You must also provide the documents that substantiate each of the dollar figures listed on the above tax forms, such as:

W-2 Forms, Social Security Benefit Statements, FIA Benefit Statements, Workmen's Compensation Benefit Statements, Interest Income Statements, Dividend Income Statements, Pension Benefit Statements, SSI Benefit Statements, Public Assistance Benefit Statements, General Assistance Benefit Statements, Child Support Documentation, Alimony Documentation, etc.

THE APPLICATION PROCESS

1) Bring your completed application to the Assessor's Office no later than the deadline date mentioned on the cover letter you received.

2) Your application will not be considered *complete* unless you have provided all required supporting documentation, as referred to in the gray shaded areas on this application. (Photocopying service is available at the Assessor's Office.)

3) After we have received your completed application, an appointment will be scheduled for you to appear before the Board of Review.

4) All applicants must appear before the Board of Review in person, unless a written medical excuse is provided by their doctor at the time their application is submitted.

PLEASE READ CAREFULLY:

I/We, am/are unable to pay the full property taxes on the above described property in accordance with section 211.7u Michigan Compiled Laws. I/We have read this application and fully understand the contents thereof. I/We declare that the statements made herein are complete, true, and correct to the best of my/our knowledge. I/We further understand that if any information contained herein is found to be false or incomplete, any and all relief granted by this application will be forfeited and placed back on the assessment roll with penalties and interest occurring on the additional tax liability in accordance with Section 211.119 Michigan Compiled Laws.

*** WARNING: A person making a false statement on this affidavit is guilty of perjury.

Relative to the above stated acknowledgment, I request the City of Ypsilanti Board of Review grant this poverty exemption.

PETITIONER(S)

____
____
____

BOARD OF REVIEW MEMBER(S)

____
____
____

APPROVED __________
DENIED __________

Resolution No. 2013-044
March 5, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS**,** Mayors Against Illegal Guns (MAIG) is a bipartisan coalition of more than 850 mayors from across the country; and

WHEREAS, MAIG is committed to the common goal of closing deadly gaps in gun laws; and

WHEREAS, MAIG is committed to ensuring that law enforcement agencies have the tools they need to keep our communities safe; and

WHEREAS, MAIG supports mandatory background checks for all gun sales. Currently, up to 40% of gun sales are private transactions with no background checks; and

WHEREAS, MAIG supports reducing the capacity of ammunition magazines. High capacity guns have accounted for 28 percent of the mass shootings in the last four years; and

WHEREAS, MAIG supports making gun trafficking a federal crime. Currently, prosecutors are forced to rely upon a weak law that carries the same punishment as trafficking chicken or livestock. The proposed federal law would carry a punishment of up to 20 years in prison.

NOW, THEREFORE, BE IT RESOLVED THAT Ypsilanti City Council supports the efforts of Mayors Against Illegal Guns including: mandatory background checks for all gun sales, reducing the capacity of ammunition magazines, and making gun trafficking a federal crime.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

Resolution No. 2013-045
March 5, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS**,** Ypsilanti has the seventh largest historic district in the state of Michigan with 810 historic structures and only Detroit (2,900), Grand Rapids (1,311) Ann Arbor (917), and Kalamazoo (904) have more historic structures; and

WHEREAS, Ypsilanti's historic architecture is a major attraction and spurs economic development; and

WHEREAS**,** since 1982 the Federal Historic Rehabilitation Tax Credit has proven to be one of the nation's most effective federal programs to promote urban and rural revitalization; and

WHEREAS, in the past ten years seven historic preservation projects in the City of Ypsilanti have totaled around $6 million in development expenditures with the help of the Federal Historic Rehabilitation Tax Credit; and

WHEREAS, the Creating American Prosperity through Preservation (CAPP) Act, H.R. 2479 in the House and S. 2074 in the Senate, is a bill that proposes strategic adjustments to the Federal Historic Rehabilitation Tax Credit that would generate even greater economic benefits.; and

WHEREAS, the CAPP Act encourages non-profit and government agencies to sponsor the rehabilitation or leasing of historic properties especially in low-income areas to
create affordable housing, community health centers, and other projects of community benefit; and

WHEREAS, CAPP provisions would increase the historic credit amount by two percentage points for historic rehabilitation projects that achieve 30 percent or greater savings in energy consumption; and

WHEREAS, the CAPP Act would change the required building age to fifty years or older and apply to post-World War II buildings.

NOW, THEREFORE, BE IT RESOLVED THAT Ypsilanti City Council supports the CAPP Act to further spur historic preservation and economic development in the City of Ypsilanti.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

Resolution No. 2013-046
March 5, 2013

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that an Ordinance regarding the use of consumer fireworks within the City of Ypsilanti, pursuant to MCL 28.457(2) be approved on Second and Final Reading.

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

Yes: No: Absent: Vote:

CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1186

An ordinance to regulate the use of consumer fireworks within the City of Ypsilanti, pursuant to MCL 28.457(2).

1. THE CITY OF YPSILANTI ORDAINS That Section 74-93 of the Ypsilanti City Code be added with the following language:

74-93. Discharge of fireworks.

It shall be unlawful for a person to ignite, discharge or use consumer fireworks within the City of Ypsilanti on any day of the year which is not a national holiday, the day before a national holiday, or the day after a national holiday. For the purposes of this section, national holidays are determined by 5 U.S.C. 6103, consumer fireworks are defined by MCL 28.452(f).

2. <u>Severability.</u> If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

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

4. <u>Savings Clause.</u> The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the Ypsilanti Courier. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS ________ DAY OF ______________, 2013.

____
Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. _________ was published in the Ypsilanti Courier on the _________ day of ________________, 2013.

____
Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the ________ day of ___________________, 2013.

____
Frances McMullan, City Clerk

Notice Published: __January 24, 2013____________

First Reading: __February 19, 2013______________

Second Reading: __March 5, 2013________________

Published: ___________________________________

Effective Date: ______________________________

REQUEST FOR LEGISLATION

FROM: Stan Kirton, Director of Public Services DATE: March 5, 2013

SUBJECT: Purchase of One (1) F-550 Truck Chassis outfitted with Aerial Lift Platform

The 2012-2013 fiscal year budget includes funds of $98,000 to purchase and outfit a 2013 Ford F-550 C/C XL truck chassis. The chassis will be purchased from Gorno Ford through the MIDeal state purchase program for $28,860.00. Cannon Truck Equipment will outfit the chassis with a Versalift T-30I Insulated, end mounted 30' telescopic aerial platform lift, Dakota service body with dual wheel service body, a post driver and etc. This truck will be used primarily by the signal/sign division for sign replacement, signal maintenance, hanging banners and other functions requiring an aerial lift. In the event of a major storm, this truck may assist with storm damaged tree/branch removals.

This truck will replace vehicle #112, a 1993 Ford Van with a boom and bucket put in service in 1993, with 51,000 odometer miles.

The Department of Public Services has received a purchase proposal of $28,860.00 (state purchase price) from Gorno Ford, Government & Fleet Sales, 22025 Allen Road, Wood Haven, MI 48183 for a 2013 F-550 C/C XL Ford 4X2 Chassis. Cannon Truck Equipment, 51761 Danview Technology Ct., Shelby Twp., MI 48315, will outfit the chassis with a Versalift T-30I, insulated, end mounted 30' telescopic aerial platform lift, Dakota service body with dual wheel service body, amber strobe light, a two inch rear hitch and a post driver for a cost of $62,270.00. The total cost for this will be $91,130.00. This purchase will be expended from account # 641-7-9320-987-10.

ATTACHMENTS: Resolution, Gorno Ford Chassis Purchase Proposal/Invoice, Proposal from Cannon Truck Equipment to outfit chassis

RECOMMENDATION: APPROVAL

==

DATE RECEIVED: February 26, 2013 AGENDA ITEM NO:____________

CITY MANAGER COMMENTS: ____

FINANCE DIRECTOR APPROVAL:____

FOR AGENDA OF: March 5, 2013

COUNCIL ACTION TAKEN:____

Resolution No. 2013-047
March 5, 2013

A RESOLUTION OF THE CITY OF YPSILANTI:

WHEREAS, a state purchase proposal was received from Gorno Ford Government and Fleet Sales, 22025 Allen Road, Wood Haven, Michigan for the purchase of a 2013 F-550 C/C XL 4X2 Ford Truck Chassis for use in the Department of Public Works- Signal/ Sign Division for the amount of $28,860.00; and

WHEREAS, a proposal was received from Cannon Truck Equipment, 51761 Danview Technology Ct., Shelby Twp., MI 48315, to outfit the chassis with a Versalift T-30 I aerial device, insulated, telescopic aerial platform lift, Dakota service body with curbside sign box, 20" tread plate rear bumper, amber strobe light, 2" rear hitch and a post driver for a cost of $62,270.00; and

NOW THEREFORE, BE IT RESOLVED THAT, the Ypsilanti City Council approves the purchase of one 2013 F-550 C/CL XL 2X4 Ford Truck Chassis from Gorno Ford and the truck chassis be outfitted by Cannon Truck Equipment for the total amount of $91,130.00; and

FURTHER, that the $91,130.00 to purchase and outfit this vehicle be expended from the $98,000 budgeted in account 641-7-9320-987-10;

THAT the Mayor and the City Clerk is authorized to sign the purchase proposal and any change orders, subject to approval by the City Attorney, to complete the purchase of this vehicle.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

GORNO FORD
22025 ALLEN ROAD
WOODHAVEN, MI 48183

DATE: 1/12/13 (REV. 2.18.13) (REV. 2.21.13)

TO: STAN KIRTON, CITY OF YPSILANTI
734-483-1421 (DIRECT) skirton@cityofypsilanti.com

FROM: JIM AGNEY, GORNO FORD, GOVERNMENT & FLEET SALES
734-671-4033 (DIRECT) (FAX) 734-676-7647 jagney@gornoford.com

RE: **MiDEAL # 3958-0110** w/F-550 Upgrade **2013MY FORD F-550 C/C XL, 4x2, DRW, REG. CAB, 165"WB, 84"CA, 6.8L V-10 GAS, 5spd.A/TwO/D, OXFORD WHITE/STEEL VINYL, A/C, AM/FM/CDw/CLOCK, LT225/70x19.5 AS, 4.88 LTD. SLIP, 19,500#GVWR, ENG. BLOCK HTR., TILT/CRUISE, PAYLOAD PKG. UPGRADE, FRNT. TOW HOOKS, DISC BRKS.w/ABS, AIR BAGS, SAFETY ROOF MARKER-LIGHTS, DRL's, BLACK MOLDED RUNNING BOARDS**

F.O.B. DELIVERED TO: YPSILANTI, MI $28,860.00
(MSRP = $38,870.00)

CANNON EQUIPMENT PER QUOTE# J26157 (2.21.13) $59,675.00

TOTAL (SINGLE INVOICE) $88,535.00

OPTIONAL STANLEY PD45 POST POUNDER.. $ 2,595.00
14 – 16 week delivery

total $91,130

Please review, sign and e-mail/fax back or e-mail/fax Purchase Order to Jim Agney.

Customer Signature: ________________________________

Thank you,

Jim Agney

1) VERSALIFT MODEL T30I AERIAL DEVICE

- -PLATFORM CAPACITY 350 LBS
- -PLATFORM MOUNTED UNITROL SINGLE LEVE CONTROL INCLUDING SAFETY TRIGGER, DUMP VALVE AND TOOL SELECTOR.
- -HYDRAULIC PLATFORM ROTATOR
- -FULL PRESSURE TURRET MOUNTED LOWER CONTROLS WITH OVERRIDE
- -ENGINE START/STOP FROM PLATFORM AND LOWER CONTROLS
- -CONTINUOUS ROTATION INCLUDING ONE PASS SLIP RING FOR START/STOP SYSTEM
- -SIX GPM (22.7 LPM) OPEN CENTER HYDRAULIC SYSTEM AT 3000 PSI (210KG/CM2)
- -TELESCOPIC UPPER BOOM ALLOWS FOR LOW STOWED PLATFORM. FIBERGLASS INNER BOOM AND PATENTED ELECTROGARD PROVIDE INSULATION GAP FULLY RETRACTED MEETING ANSI A92.2 REQUIREMENTS FOR CATEGORY C46KV AND BELOW.
- -ELECTROGARD AND INNER BOOM FINISHED WITH WHITE URETHANE PAINT OVER WHITE GEL COAT.
- -NON-LUBE BEARINGS USED THROUGHOUT. ONE SET OF HYDRAULIC TOOL OUTLETS AT PLATFORM WITHOUT QUICK DISCONNECT FITTINGS (THROTTLE CONTROL RECOMMENDED).
- -INCLUDES ADJUSTABLE PRESSURE LIMIT.
- -INTEGRAL HYDRAULIC OIL RESERVOIR WITH DUAL SIGHT GAUGES AND 17 GALLON CAPACITY. BOTTOM SUCTION WITH A GATE VALVE IS PROVIDED.
- -MASTER/SLAVE HYDRAULIC LEVELING WITH UPPER AND LOWER CONTROL TO TILT FOR CLEANOUT OR RESCUE
- -UPPER BOOM STORAGE CRADLE WITH RATCHET TYPE TIE DOWN STRAP AND TUBULAR RUBBER PLATFORM SUPPORT.
- -STANDARD WHITE URETHANE PAINT.
- -TWO OPERATOR'S MANUALS AND TWO SERVICE MANUALS
- -ANSI A92.2 DATA PLATE
- -TWO SLOPE INDICATORS WITH DECALS.

OPTIONS INCLUDED:

- -RIGHT HAND SINGLE STICK CONTROLS PLATFORM SUPPORT INCLUDING 180 DEGREE PLATFORM ROTATOR
- -ONE SET OF HYDRAULIC TOOOL OUTLETS AT PLATFORM WITHOUT QUICK DISCONNECT FITTINGS, INCLUDING PRESSURE LIMIT
- -TWO STEPS ON CLOSED 24X30X42 FIBERGLASS PLATFORM ON CURBSIDE
- -NYLON/VINYL PLATFORM COVER 24X30
- -PLATFORM LINER 24X30X42
- -MANLIFT PLATFORM CAPACITY OF 400LBS
- -EMERGENCY POWER INSULATED 12V DC HYDRAULIC SYSTEM
- -5 PASS COLLECTOR RIN
- -HYDRAULIC TOOL POWER VALVE FOR GROUND CONTROLS, INCLUDING PRESSURE AND FLOW LIMIT (W/O QUICK DISCONNECTS)
- -PLATFORM REST/SUPPORT
- -FULL BODY HARNESS AND LANYARD
- -FRONT TORSION BAR
- -REAR TORSION BAR

1) DAKOTA SERVICE BODY TO INCLUDE THE FOLLOWING:

- -150"LONG X 96"WIDTH
- -ALL COMPARTMENTS KEYED ALIKE
- -CHAIN TYPE STOPS FOR ALL HORIZONTAL DOORS
- -NITROGEN STRUT DOOR HOLDERS FOR VERTICAL DOORS
- -PAINT BODY WHITE TO MATCH CAB
- -INTERIOR COMPARTMENTS PAINTED WHITE
- -CURBSIDE FRONT O & A COMPARTMENT WITH HOSE REEL
- -20" TREADPLATE REAR BUMPER
- -2" RECIEVER TUBE LOCATED 10" IN FROM CURBSIDE (FOR VISE MOUNT)
- -2"RECIEVER HITCH
- -PM87 DROP PLATE
- -BH8-2000 PINTLE COMBINATION HITCH
- -7 PIN TRAILER PLUG
- -WHEEL CHOCK HOLDER # RH PN 21032 CONSTRUCTED OF 16 GA GALVANNEAL RECESSED INTO FENDER PANEL
- -1" OD GRAB RAIL AT STREETSIDE REAR PN 20251
- -RUBBER FENDERETTES
- -ECCO 505 BU ALARM
- -110V OUTLET LOCATED CURBSIDE PLATFORM OUTER RAIL (EXACT LOCATION TBD)

1) ALL LIGHTING:
-ALL REAR LIGHTING TO BE LED INCLUDING BACK UP LIGHTS AND MARKERS
-2 AMBER LED WARNING LIGHTS EP2SSMDB (A) ONE PER SIDE REAR OF BODY
-4 AMBER LED WARNING LIGHTS EP2SSMDB (A) 2 PER SIDE LOCATED 2 TWORD THE FRONT AND 2 TWORD THE REAR.
-LED 3 MINIBAR ON CAB ROOF (ELM3BP+AC) SOUND OFF

-SOUND OFF LED CAGO LIGHTS IN ALL COMPARTMENTS (SEE SPEC FOR DETAILS)

1) HYDRAULIC SYSTEM TO INCLUDE THE FOLLOWING;
-CLUTCH PUMP
-10 MICRON SPIN ON RETURN FILTER
-REAR CURBSIDE TOOL CIRCUIT W/ COUPLERS
-SIDE TOOL CIRCUIT WITH QUICK DISCONNECTS (SET AT 8-9 GPM)
-INSTALL PARK BRAKE INTERLOCK FOR PTO USE

1) TSD CONTROL PANEL
-COLE HEARSE SOLENOID
-60A MANUAL RESET BREAKER
-IGNITION ACTIVATED
-ALL FUNCTIONS TO HAVE THERMAL RESET BREAKERS
-10 GA MAIN GROUND WIRE AND 14 GA GROUND TO EACH COMPONENT
-SEALED JUNCTION BOX AT REAR W/SEALED CONNECTORS
-ALL WIRING CLAMPED EVERY 18" MIN

OPTIONAL.....
1) STANLEY PD45 POST POUNDER
-WITH SQUARE ADAPTER

1) MILLER BLUE STAR MODEL 185 DX GENERATOR/WELDER
-6000 WATTS PEAK POWER/5500 WATTS CONTINUOUS
-KOHLER CS-13 ENGINE
-5 GALLON FUEL TANK
-ELECTRIC START

Resolution No. 2013 – 048
March 5, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

NAME	BOARD	TERM TO EXPIRE
Claudia Pettit (reappointment) 945 Sheridan St. Ypsilanti, Michigan 48197	**Human Relations Commission**	2/6/2016
Steve Wilcoxen (new appointment) 1728 Whittier Ypsilanti, Michigan 48197	**Huron River Watershed Council**	12/2/2014

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE:

Statement by Claudia Pettit:
I currently work for Michigan Rehabilitation Services assisting individuals with disabilities to obtain self sufficiency through employment. I have worked in the field of disability for over 18 years and I am a strong advocate for all individuals who need assistance overcoming barriers. I have a Master's degree in Rehabilitation Counseling from Michigan State University and I am a Certified Rehabilitation Counselor and Licensed Professional Counselor. I currently serve on several boards including The Michigan Rehabilitation Association, The Michigan Rehabilitation Counselors and Educators Association, The Normal Park Neighborhood Association and The Ypsilanti Heritage Foundation.

I believe my professional and community work has provided a good background for working with the Human Relations Commission. My personal goals for working on the commission would include:

- To assist with any City related issues regarding discrimination or prejudice that arise by providing solution focused guidance to City Council that will foster healthy relationships between the City of Ypsilanti, its residents, businesses and visitors

- To promote a strong inclusive environment within the City of Ypsilanti that supports all individuals and groups operating and living within the City of Ypsilanti.

- To work towards a common goal of full participation in the Ypsilanti community of all individuals by assisting with the removal of physical, environmental and attitudinal barriers

Statement by Steve Wilcoxen:
Dear Mayor Schreiber,
…
As we discussed, I have been a resident of Ypsilanti since 1990. I have been active in the community. I was a member of the Ypsilanti School District Sex Education Planning Committee. I have been on the board of a number of organizations over the years. However, the most relevant was six years on the Board of the Ecology Center, the last year and a half of which I served as the board president.

I obtained a Masters degree in Environmental Health (Water Quality) from the University of Michigan. My thesis looked at the phototoxic effects of polyaromatic hydrocarbons on benthic invertebrates. This was done through the Great Lakes Environmental Research Laboratory/NOAA (Ann Arbor). I spent a fair share of time wading in the Huron River and tributaries for samples.

Currently, I am the Biochemistry Quality Control Manager for Cayman Chemical. Cayman is a small company, located in Pittsfield Township, focused on supplying research grade chemicals to research laboratories. Prior to Cayman, I managed a pulmonary research laboratory at the University of Michigan/VA Medical Center for over fifteen years. Projects there focused on ventilator induced pneumonia and lung failure in immunodef.

Goal statement: I intend to use my training in Environmental Health/Water Quality and experience on previous boards to advance Ypsilanti's perspective within the watershed and advance the Huron River's stature within Ypsilanti.

Resolution No. 2013-049
March 5, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE: