



APPROVED

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

I. CALL TO ORDER

The meeting was called to order at 7:04 p.m.

II. ROLL CALL

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

Council Member Jefferson moved, supported by Council Member Murdock to excuse the absences. On a voice vote the absences were excused.

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

Mayor Schreiber requested the appointment to the Huron Watershed be removed from Resolution No. 2013-048.

Council Member Robb requested Resolution No. 2013-042 be removed from the Consent Agenda.

Council Member Murdock requested the addition of a closed session to discuss collective bargaining.

On a voice vote the agenda was approved as amended.

VI. INTRODUCTIONS

Mayor Schreiber introduced Doug Shaw and Courtney Dugger of WSA Assessing and DDA Executive Director Tim Colbeck.

VII. PRESENTATION

State of the City: Shaping Ypsilanti – Mayor Paul Schreiber

VIII. AUDIENCE PARTICIPATION

None

IX. REMARKS BY THE MAYOR

Mayor Schreiber appreciated the audiences' attention during his State of the City address.

X. MINUTES

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

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of February 19, 2013 be approved.

OFFERED BY: Council Member Vogt

SUPPORTED BY: Council Member Jefferson

On a voice vote the motion carried.

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.

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.

- ~~2. Resolution No. 2013-042, approving the Michigan Main Street Program Agreement. (*Moved to Motions/Resolutions/Discussions*)~~

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

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.

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

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.

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

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: Council Member Vogt

SUPPORTED BY: Council Member Jefferson

On a voice vote the motion carried and the consent agenda was approved.

XII. ORDINANCES – SECOND READING

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

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.

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).

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

Council Member Robb asked what does the ordinance ban?

Attorney John Barr explained where the city's power comes from. He cited the Llewellyn case regarding preemption and said the state took the power from the cities therefore they can't impose regulations. He said Ypsilanti's ordinance mirrors the Ypsilanti Township ordinance which merely states the dates that fireworks can be used. He said the city cannot regulate the type of firework but can say when fireworks can be used and that is what the city has the power to do.

Mayor Schreiber reiterated that the definition of firework is in the state law and the city has no power to regulate because it is preempted by the state.

Council Member Robb stated that there are three classes of fireworks on the state's fact sheet. He asked Council Member Murdock what was his goal with bringing this ordinance forth.

Council Member Murdock answered to conform to state law.

Council Member Robb asked Mr. Murdock if it is his intent to ban sparklers.

Council Member Murdock answered that is okay.

On a roll call, the vote to approve Resolution No. 2013-046 (Ordinance No. 1186) was as follows:

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

VOTE:

Yes: 4 No: 1 (Robb) Absent: 1 (Moeller, Richardson) Vote: Carried

XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS

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

RESOLVED BY THE COUNCIL 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; and

RESOLVED FURTHER THAT this purchase is subject to conversion to a dual fuel system and 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: Council Member Robb

SUPPORTED BY: Council Member Jefferson

Background

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.

DPS Director Stan Kirton said this item was discussed at length during budget time. He said the vehicle replaces vehicle #112 which is a 20 year old truck and that is rusting out. He said the vehicle is used for signs, signals, hanging banners and tree removal in emergencies.

Council Member Murdock recalled the vehicle being included in the budget and asked if it is a gas vehicle.

Mr. Kirton answered yes.

Council Member Murdock asked about the ability to use alternative fuel.

Mr. Kirton said this model is not certified yet, however he can proceed with conversion once the certification comes in.

Council Member Murdock asked what the time frame is.

Mr. Kirton said he was not sure of the time frame but said he would work toward obtaining a dual fuel system for the vehicle.

Council Member Murdock moved, supported by Council Member Vogt to amend the last resolve clause as follows:

RESOLVED FURTHER THAT **this purchase is subject to conversion to a dual fuel system upon EPA certification** and 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.

Council Member Vogt asked what the cost of the conversion is.

Mr. Kirton replied \$6,000 or \$7,000.

Council Member Vogt asked if this vehicle is shared with other municipalities.

Mr. Kirton replied no and said the vehicle is used by the city for multiple uses though.

City Manager Lange said he is familiar with hydraulics and there is a limit to how long you can run them. He said it is safety sensitive piece of equipment.

Council Member Murdock asked if the vehicle is precluded from use by others.

Mr. Kirton replied no.

Mr. Lange said Mr. Kirton is consistently looking for opportunities to do so.

Council Member Robb said he found conversion kits on-line for \$35,000 and \$11,000 and asked Mr. Kirton if he is sold on the costs.

Mr. Kirton said it depends on the brand and asked Council Member Robb what brand he was looking at.

Council Member Robb said he wasn't sure what brand.

Mr. Kirton explained that some brands are cheaper and are not dual systems.

On a roll call, the vote to amend Resolution No. 2013-047 was as follows:

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

VOTE:

Yes: 4 No: 1 (Robb) Absent: 2 (Moeller, Richardson) Vote: Carried

On a roll call, the vote to approve Resolution No. 2013-047 as amended was as follows:

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

VOTE:

Yes: 4 No: 1 (Robb) Absent: 2 (Moeller, Richardson) Vote: Carried

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

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:

<u>NAME</u>	<u>BOARD</u>	<u>TERM TO EXPIRE</u>
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Claudia Pettit (reappointment) 945 Sheridan St. Ypsilanti, Michigan 48197	Human Relations Commission	2/6/2016
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Steve Wilcoxon (new appointment) 1728 Whittier Ypsilanti, Michigan 48197	Huron River Watershed Council	12/2/2014
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OFFERED BY: Council Member Murdock

SUPPORTED BY: Council Member Vogt

On a roll call, the vote to approve Resolution No. 2013-048 was as follows:

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

VOTE:

Yes: 5 No: 0 Absent: 2 (Moeller, Richardson) Vote: Carried

3. **Resolution No. 2013-042, approving the Michigan Main Street Program Agreement. (Added)**

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: Council Member Vogt

SUPPORTED BY: Council Member Jefferson

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.

YDDA Executive Director Tim Colbeck was present to answer questions from Council.

On a roll call the vote to approve Resolution No. 2013-042 was as follows:

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

VOTE:

Yes: 5 No: 0 Absent: 2 (Moeller, Richardson) Vote: Carried

XIV. LIASON REPORTS

- A. SEMCOG Update - None
- B. Washtenaw Area Transportation Study - None
- C. Washtenaw Metro Alliance - None
- D. Urban County - None
- E. Freight House - None

XV. COUNCIL PROPOSED BUSINESS

Murdock

- Announced Ypsi-Pride is coming and requested that volunteers be solicited to remove graffiti that is in the public domain, i.e. on posts, etc.

Mr. Lange said he would forward the request to Ms. Gillotti.

Vogt

- Said he tried to leave a message for Mr. Lange last week regarding 1493 Ainsley whose brush was not picked up.

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XVI. COMMUNICATIONS FROM THE MAYOR

- The Mayor commented that DPS had a lot of brush to pick up last week, however his was picked-up in two days.
- Thanked DPS for their work during the recent storm and said they kept the city safe. He commended staff for a job well done.
- Reported that the Ypsilanti Housing Commission passed a resolution to hire their new Executive Director who will begin April 1, 2013.

XVII. COMMUNICATIONS FROM THE CITY MANAGER

- Mr. Lange said he would like to request an executive session on March 19th to discuss collective bargaining. He said he also hopes to bring something forth on March 19th regarding street lighting.
- Reported that a presentation on the consolidation will be made on March 19th.
- Reported that he has received a lot of City Council requests and staff is working hard on them.
- Reported that the budget process is underway and John Kaczor has finished the budget model.
- Thanked DPS Director Kirton for repairing the clock in Depot Town.

XVIII. AUDIENCE PARTICIPATION

None

XIX. REMARKS FROM THE MAYOR

Mayor Schreiber appreciated those in attendance.

XX. CLOSED SESSION - (Added)

Closed Session to discuss collective bargaining. OMA 15.268, Section 8(c)

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

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

VOTE:

Yes: 5 No: 0 Absent: 2 (Moeller, Richardson) Vote: Carried

XXI. ADJOURNMENT

A. Resolution No. 2013-049, 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 to a closed session at 8:00 p.m.