1. City Council Regular Meeting Agenda

   Documents: 06-04-13 AGENDA.PDF

2. City Council Regular Meeting Packet

   Documents: 06-04-2013 PACKET.PDF

DRAFT – 5/30/13

CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, JUNE 4, 2013
6:00 P.M. – CLOSED SESSION
7:00 P.M. – OPEN SESSION

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. INTRODUCTIONS –

VI. AGENDA APPROVAL –

VII. CLOSED SESSION (6:00 to 7:00 p.m.) –

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

VIII. PRESENTATIONS –

1. Proclamation honoring the Behavior Workshop of Ypsilanti's CAPS Student Tutors and Junior Computer Technicians – Mayor Schreiber

2. History/Synopsis of Medical Marijuana – John Evans

3. Presentation - PSO Facts vs Myths, Ken Hobbs President City of Ypsilanti Fire Fighters
Mark Docherty, President Michigan Professional Fire Fighters Union
Monty Nye, Chair MPFFU PSO Committee

IX. ORDINANCES FIRST READING-

Ordinance No. 1188

1. An emergency ordinance to impose a moratorium on the issuance of permits and licenses under Chapter 22, Medical Marijuana Dispensary/Growing Facility Licensing medical marijuana within the City of Ypsilanti for a period of 60 days. **(*Tabled 5-21-13)***

   A. Resolution No. 2013-077, determination

Ordinance No. 1189

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

   A. Resolution No. 2013-081 determination.
   B. Open the public hearing.
   C. Resolution No. 2013-082, close public hearing.

Ordinance No. 1190

3. An ordinance entitled "2013-2014 Tax Levy Ordinance".

   A. Resolution No. 2013-083 determination.
   B. Open the public hearing.
   C. Resolution No. 2013-084, close public hearing.

X. AUDIENCE PARTICIPATION-

XI. REMARKS BY THE MAYOR –

XII. MINUTES –

Resolution No. 2013-085, approving minutes of May 14 and May 21, 2013

XIII. CONSENT AGENDA Resolution No. 2013-086

1. Resolution No. 2013-087, approving appointments to Boards and Commissions.

2. Resolution No. 2013-088, authorizing City Clerk to apply for MDOT annual permit and authorizing persons to apply for MDOT activity permits.

3. Resolution No. 2013-089, supporting HB 4742, a bill to repeal PA 297 of 2011 that prohibits Public Employers from providing medical benefits to domestic partners.

XIV. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2013-091, approving contract with DTE for LED streetlight conversions.

2. Resolution No. 2013-090, approving MDOT Contract for Grove Reconstruction.

XV. LIASON REPORTS -

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

XVI. COUNCIL PROPOSED BUSINESS –

XVII. COMMUNICATIONS FROM THE MAYOR –

XVIII. COMMUNICATIONS FROM THE CITY MANAGER –

XIX. AUDIENCE PARTICIPATION -

XX. REMARKS FROM THE MAYOR –

XXI. CLOSED SESSION

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

XXII. ADJOURNMENT –

Resolution No. 2013-092, adjourning the City Council meeting.

DRAFT – 5/30/13

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Mayor Pro-Tem Richardson	P A		

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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: May 10, 2013

FROM: John M. Barr, Ypsilanti City Attorney

SUBJECT: Moratorium Medical Marijuana

SUMMARY/BACKGROUND

Councilmembers Jefferson and Richardson have requested that no more permits/licenses be granted for medical marijuana until staff reviews the present density of licenses already granted.

There are presently several bills in the legislature concerning medical marijuana and several court cases in the higher courts that could have an effect on medical marijuana.

I recommend a moratorium on permits/licenses for medical marijuana until staff can review and matter and make recommendations.

City charter section 2.11 allows for an emergency ordinance on first reading that could impose a moratorium for 60 days. I recommend that council consider and pass such an ordinance. Note that a 4/5 vote of the council members present is needed for passage.

ATTACHMENTS: Proposed Ordinance

RECOMMENDED ACTION: Adoption of the ordinance

CITY MANAGER APPROVAL: ________________________ COUNCIL AGENDA DATE: June 4, 2013

CITY MANAGER COMMENTS: ________________________

FISCAL SERVICES DIRECTOR APPROVAL: ____________________________________
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City of Ypsilanti
Planning and Development Department

Memo

To: Ralph A. Lange
From: Teresa Gillotti, Planner II
Date: May 14, 2013

Subject: Medical Marijuana Dispensaries and Growing Facilitates – current status

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You had requested a summary of existing conditions related to current medical marijuana ordinances in place, as well as an idea of then number of potential future facilities of either type in the City to assist City Council in making a decision about the future of medical marijuana facilities in the City.

Summary of Ordinances
The City of Ypsilanti adopted two ordinances, one regarding zoning of medical marijuana facilities and another determining the licensing process for medical marijuana dispensaries, growing facilities and home occupations (for growing only).

The intent with the zoning ordinance was to permit dispensaries in such a way that they were dispersed through the various business districts rather than clustered into one particular district (Downtown vs. Depot Town for example). Additionally, it was felt that the dispensaries should be 1,000 feet from a school and that no two dispensaries, growing facilities or combination thereof, be within 500 feet of one another. There are many other requirements that can be found in the ordinances and fact sheets located here: www.cityofypsialnti.com/mmma. A brief summary follows:

Dispensaries

- Dispensaries may only be located within the B2, Community Business; B3, Central Business; or B4, General Business zoning districts.
- Dispensaries must be located at least 1,000 feet from a school, as measured from the parcel boundaries.
- Dispensaries must be located at least 500 feet from medical marijuana growing/manufacturing facilities or other dispensaries, as measured from the parcel boundaries.
- Growing, smoking, or other use of medical marijuana at a dispensary is prohibited.
- All activities related to the dispensary shall be done indoors.

- The dispensary shall maintain a log book and/or database identifying the amount of medical marijuana on the premises for each qualifying patient/caregiver, and shall be available to law enforcement or code officials at any time.
- Dispensary drive-through facilities are prohibited.
- The premise will be open for inspection by the Building Official, the Fire Department, and law enforcement officials for compliance with all applicable laws and rules.

Growing Facilities

- Growing/Manufacturing facilities may only be located within the M1, Light Manufacturing; M2, General Manufacturing; and CI, Commercial Industrial zoning districts.
- Growing/Manufacturing facilities must be located at least 1,000 feet from a school, as measured from the parcel boundaries.
- Growing/Manufacturing facilities must be located at least 500 feet from medical marijuana dispensaries or other growing/manufacturing facilities, as measured from the parcel boundaries.
- A maximum of five (5) primary caregivers may operate at one growing/manufacturing facility.
- Use of medical marijuana at a growing/manufacturing facility is prohibited.
- All activities related to the growing/manufacturing facility shall be done indoors.
- There shall be no other accessory uses permitted within the same building, including dispensaries.
- The facility shall maintain a log book and/or database identifying the amount of medical marijuana on the premises for each qualifying patient/caregiver, and shall be available to law enforcement or code officials at any time.
- All plants shall be contained within the main building in accordance with the Michigan Medical Marijuana Act, as amended.
- The premise will be open for inspection by the Building Official, the Fire Department, and law enforcement officials for compliance with all applicable laws and rules.

Existing and potential future facilities

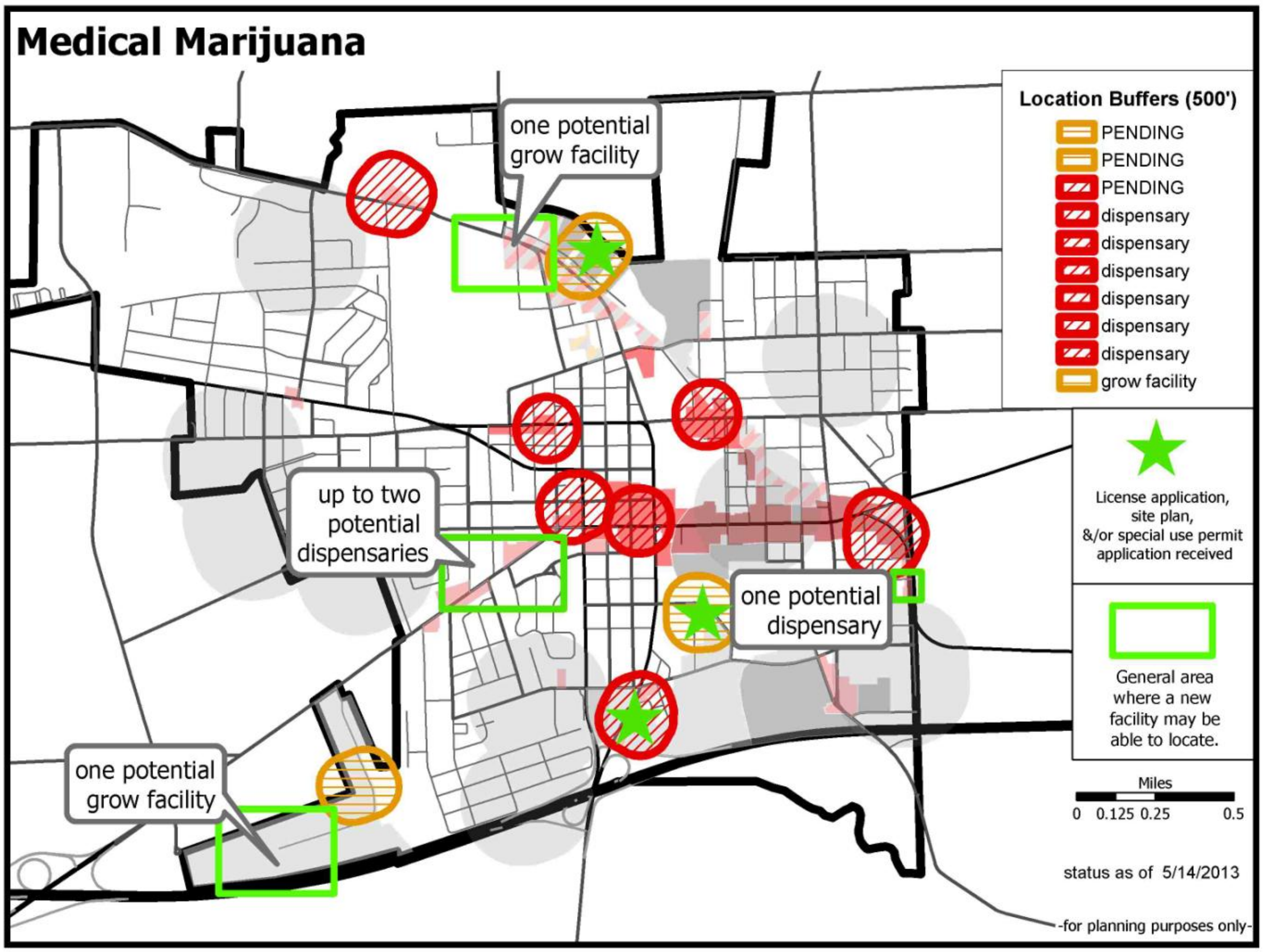
Dispensaries

Currently there are 6 licensed dispensaries, and one potential dispensary that has submitted an application but not the required site or building plans. Based on the zoning and distance requirements and the location of the pending application, there appear to be 2 likely locations for additional dispensaries in the City. "Likely" is based on countless staff conversations with location seekers, applicants, and potential landlords. There are additional areas where a dispensary can theoretically be located, but based on the existing uses as well as other factors, staff feels that the existing use is un-likely to change. Those locations include: former Taco Bell on Ecorse, 800-900 block of W. Michigan, and potentially the 500-600 block of W. Michigan although this is less likely based on the existing landlords and businesses.

Grow Facilities

There is one operating growing facility with two others pending final approval, due to the City's requirement for special use permit/site plan review. A facility on Railroad Street has applied for a license and the approval is pending site plan approval/construction. A proposed facility on Catherine Street has received the special use permit and site plan approvals. Work is currently underway on the site and building including sidewalk expansion, storm water management and building improvements. This owner had decided to wait to submit a license application, as there is a provision in the city's ordinance noting that the applicant has only 60 days to receive a certificate of occupancy (all site and building work completed), once the license has been issued.

There is potential for approximately 2 more growing facilities: one in the Industrial park and another at the former Wooden Nickel on Huron River Drive.Distribution



Dispensaries and growing facilities are fairly well distributed in the City between wards 1 and 3, where the majority of the business districts are located.

Ward 1 – 2 dispensaries, 1 potential dispensary, 1 grow facility and 1 potential grow facility
Ward 2 – 1 dispensary
Ward 3 – 3 dispensaries & 1 potential grow facility

Moratorium concerns

I understand that the City Manager's office is requesting feedback from the City Attorney regarding any legal issues related to potential vested rights related to the three facilities currently in the process of approval to see if that would pose an issue related to the proposed moratorium.

Ordinance No. 1188

An ordinance to impose a moratorium on the issuance of permits and licenses under Chapter 22, Medical Marijuana Dispensary/Growing Facility Licensing medical marijuana within the City of Ypsilanti for a period of sixty days

WHEREAS Ordinance 1145 of 2011, Chapter 22 of the Ypsilanti City Code provides for Medical Marijuana Dispensary/Growing Facility licensing, and

WHEREAS, several licenses have been granted, and

WHEREAS, the Michigan courts have issued several opinions and court orders concerning medical marijuana and a number of other cases are moving through the court system, and

WHEREAS, there is legislation proposed in the State legislature that could have an impact on Michigan medical marijuana, and

WHEREAS, the city desires to review the number of permits and licenses to be allowed in the city, and

WHEREAS The City desires to ascertain the best and safest path to continuing compliance with the Michigan Medical Marijuana Act, Being PA 2008; MCL 333.26423(d) in order to protect the public health, safety, and welfare; and

WHEREAS the City Council determines that it is desirable to immediately and temporarily suspend the issuance of permits and licenses under Chapter 22 for the cultivation, use, sale, or dispensation of medical marijuana until further study is done, and

WHEREAS Council is empowered to enact ordinances with immediate necessity for the public health, safety, and welfare, and to be adopted at a session at which it is first introduced and the City Council determines that the following ordinance satisfies that requirement, and

WHEREAS, Council declares this ordinance to be an emergency ordinance necessary for the immediate preservation of the public peace, health, safety or welfare for the facts and circumstances set forth above:

1. THE CITY OF YPSILANTI ORDAINS That a moratorium is hereby imposed on the issuance of any and all permits and licenses under Chapter 22, or otherwise for the sale or dispensing of medical marijuana for a period of sixty days.

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. A complete copy of the ordinance is also available for inspection on the City's website, www.cityofypsilanti.com.

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 publication of record. 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. 1188 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 4th day of June, 2013.

____
Frances McMullan, City Clerk

First and Final Reading: June 4, 2013

Published: _________________________

Effective Date: Immediate

Resolution No. 2013-077
June 4, 2013

RESOLUTION ADOPTING EMERGENCY MORITORIUM PROHIBITING

ISSUANCE OF PERMITS AND LICENSES UNDER CHAPTER 22 FOR SIXTY DAYS

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, City Council determines that further study of the medical marijuana ordinance, Chapter 22 of the city code is necessary, and

WHEREAS, City Council determines that an emergency moratorium prohibiting permits or licenses for sixty days is necessary for the public peace, health, safety and welfare, and

WHEREAS, City Council determines that the moratorium should be given immediate effect as an emergency ordinance under City Charter Section 2.11,

NOW THEREFORE BE IT RESOLVED that an ordinance entitled **An ordinance to impose a moratorium on the issuance of permits and licenses under Chapter 22, Medical Marijuana Dispensary/Growing Facility Licensing medical marijuana within the City of Ypsilanti for a period of sixty days** is adopted and given immediate effect.

OFFERED BY:____

SUPPORTED By:____

YES: NO: ABSENT: VOTE:

REQUEST FOR LEGISLATION
June 4, 2013

From: Ralph A. Lange, City Manager

Subject: FY 2012-2013 & FY 2013-2014 Amended Budgets and Millage Rate for FY 2013-2014

<u>**Summary & Background:**</u> Pursuant to the City Charter, the amended budgets for FY 2012-2013 and FY 2013-2014 that were presented to City Council in on April 30, 2013. City Council held three budget work sessions in May 2013 to examine the budget in detail with Department Directors and Staff.

Staff made the following modifications for the amended FY 2012-2013 based on the data available after the budget had been presented to City Council:

General Fund (101):
<u>Expenditures</u>
City Clerk Professional Development Account # 101-7-2150-864-02 - increase account from $300 to $1,000.

Downtown Development Authority (413):
<u>Expenditures</u>
TIF Project Account # 413-7-7231-820-00 - increase MNRTF Heritage Bridge Contribution from $0 to $12,500 for the 50% of the $25,000 DDA share.

Staff made the following modifications for the amended FY 2013-2014 based on the data available after the budget had been presented to City Council:

General Fund (101):
<u>Expenditures</u>
Contribution to Public Transit Account # 101-7-9670-999-25 - decrease from $46,243 to $0.

Depot Town DDA (275):
<u>Expenditures</u>
TIF Projects West Cross account # 275-7-7271-820-00 – increase for bike racks $900 and 14% of $20,000 for the public transit millage shortfall of $2,800 for AATA Grant.

TIF Projects East Cross Account # 275-7-7291-974-01 – increase TIF development plan renewal for $20,000, bike racks $900, and 16% of $20,000 for the public transit millage shortfall of $3,200 for AATA Grant.

Downtown Development Authority (413):
<u>Expenditures</u>

TIF Project Account # 413-77231-820-00 - increase MNRTF Heritage Bridge Contribution from $0 to $12,500 for the second half of the $25,000 DDA share, bike racks of $900, and 70% of $20,000 for the public transit millage shortfall of $14,000 for AATA Grant.

Waste Management Account # 413-7-7231-820-03 – increase by $2,000 from $15,900 to $17,900.

According to the City Charter, City Council must adopt the general fund and special revenue funds budgets by resolution and ordinance. Hence, an ordinance and a resolution is proposed for your approval to amend the FY 2012-13 and FY 2013-14 budgets. City Council must also adopt a tax levy ordinance, which sets the millage rate for Fiscal Year 2013-2014 at 36.4947 mills.

Recommended Action: It is recommended that City Council approves the amended budgets for FY 2012-2013 and FY 2013-2014, and the proposed millage rate for FY 2013-2014 with the budget amendments as attached.

Attachments: Amended FY 2012-2013 and FY 2013-2014 budgets ordinance and resolution, four budget amendments worksheets, and proposed tax levy ordinance and resolution.

CITY MANAGER APPROVAL: ____________________ COUNCIL AGENDA DATE: ________

CITY MANAGER COMMENTS: ____________________

FISCAL SERVICES DIRECTOR APPROVAL: ____________________

Resolution No. 2013 - 081
June 4, 2013

AMEND 2012-2013 & 2013-2014
FISCAL YEARS OPERATING BUDGET

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

Description	Fund	AMENDED FY 2012-2013 Revenue	AMENDED FY 2012-2013 Expenditures	AMENDED FY 2013-2014 Revenue	AMENDED FY 2013-2014 Expenditures
General Fund	101	13,252,790	13,252,790	14,165,804	14,165,804
Major Street Fund	202	1,744,930	1,744,930	1,227,296	1,227,296
Local Street Fund	203	462,349	446,468	496,595	496,595
Street Lighting Fund	219	-	-	740,000	740,000
Garbage & Rubbish Collection Fund	226	1,096,190	1,096,190	990,317	990,317
Community Development Block Grant Fund	252	12,545	11,556	16,845	15,983
Police Special Revenue Fund	265	247,931	247,931	249,540	249,540
Depot Town DDA Fund	275	174,606	174,606	160,052	160,052
2010 General Obligation Unlimited Tax Ref. Bonds $3.83 M	303	710,977	690,225	701,160	687,725
2002 General Obligation Capital Imp. Debt Fund $400,000	316	38,105	38,105	36,890	36,890
2003 General Obligation Unlimited Tax Debt Fund $8.465 M	341	749,098	741,405		
2012 UTGO Refunding Bond	342	4,247,721	4,158,616	677,379	663,839
2002B Water & Sewer Debt Fund $485,000 DWRF	364	32,094	32,094	31,447	31,447
2001 Water & Sewer Debt Fund $4 M	365	116,705	116,705	128,040	128,040
2002A Water & Sewer Bonds Debt Fund $5 M	366	154,381	154,381	169,179	169,179
2002C Water Supply & Sewage Disposal Revenue $8.66 M	367	435,215	435,215	438,407	438,407
2003A Water Supply & Sewage Fund $4.8 M	368	573,785	573,785	543,561	543,561
Land Revolving Fund	412	65,095	64,395	690	-
Downtown Development Authority Fund	413	414,970	414,970	409,661	409,661
Capital Improvement Fund	414	241,237	239,437	965,311	963,811

Economic Development Corporation Fund	415	1,460	1,460	998	998
2003D Water Supply & Sewage Const. Fund $5.3 M DWRF	469	342,163	342,163	340,525	340,525
2003B Water Supply & Sewage Construction Fund $1.5 M	470	90,260	90,260	93,725	93,725
2003C Water Supply & Sewage $785,000 DWRF	471	52,959	52,959	51,934	51,934
2004A Water & Sewer Revenue $2.7 M	472	164,745	164,745	162,212	162,212
2004A DDA Construction Fund $995,000	473	83,013	82,973	81,103	81,073
2004B Water Supply & Sew $6.33M DWRF	474	394,580	394,580	392,931	392,931
2006 GO LTD Taxable Capital Refunding $15.74 M	477	1,308,618	1,308,618	1,341,778	1,341,778
2006 Water Supply & Sewage Refunding $9.85 M	478	421,025	421,025	420,056	420,056
2007 W & S Revenue DWRF $375,000	479	20,232	20,232	19,913	19,913
2008 W & S DISP. REV $435,000	480	29,231	29,231	28,731	28,731
2009 W & S Bonds 7249-01 $260,000	481	8,163	8,163	8,038	8,038
2012 W & S Factory Pump Station	482	1,557,126	1,553,135	1,407,889	1,407,889
Sidewalk Improvement Fund	495	111,397	111,397	113,618	113,618
Public Transit	588	308,884	308,884	274,812	274,812
Motorpool Fund	641	1,557,137	1,557,137	1,520,160	1,520,160
Workers Compensation Fund	677	200,770	200,770	260,316	260,316
Fire and Police Pension Fund	732	4,572,218	4,021,832	4,139,891	4,139,891
Retiree Health Care Fund	736	1,286,199	1,286,199	1,554,775	1,469,970
Totals	**All**	**37,280,904**	**36,589,567**	**34,361,579**	**34,246,717**

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

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

Ordinance No. 1189

AN ORDINANCE TO AMEND BUDGET APPROPRIATIONS BY DEPARTMENT AND MAJOR ORGANIZATIONAL UNIT FOR THE FISCAL YEARS 2012 – 2013 AND 2013 - 2014

THE CITY OF YPSILANTI ORDAINS:

1. Pursuant to the City Charter Section 5.06 (a), budget appropriations by department and major organizational unit are hereby approved as recommended by the Administration, as approved by City Council, and as shown below by fund and summary of amendments for the General Fund and other funds.

		AMENDED FY 2012-2013	AMENDED FY 2012-2013	AMENDED FY 2013-2014	AMENDED FY 2013-2014
Description	**Fund**	**Revenue**	**Expenditures**	**Revenue**	**Expenditures**
General Fund	101	13,252,790	13,252,790	14,165,804	14,165,804
Major Street Fund	202	1,744,930	1,744,930	1,227,296	1,227,296
Local Street Fund	203	462,349	446,468	496,595	496,595
Street Lighting Fund	219	-	-	740,000	740,000
Garbage & Rubbish Collection Fund	226	1,096,190	1,096,190	990,317	990,317
Community Development Block Grant Fund	252	12,545	11,556	16,845	15,983
Police Special Revenue Fund	265	247,931	247,931	249,540	249,540
Depot Town DDA Fund	275	174,606	174,606	160,052	160,052
2010 General Obligation Unlimited Tax Ref. Bonds $3.83 M	303	710,977	690,225	701,160	687,725
2002 General Obligation Capital Imp. Debt Fund $400,000	316	38,105	38,105	36,890	36,890
2003 General Obligation Unlimited Tax Debt Fund $8.465 M	341	749,098	741,405		
2012 UTGO Refunding Bond	342	4,247,721	4,158,616	677,379	663,839
2002B Water & Sewer Debt Fund $485,000 DWRF	364	32,094	32,094	31,447	31,447
2001 Water & Sewer Debt Fund $4 M	365	116,705	116,705	128,040	128,040
2002A Water & Sewer Bonds Debt Fund $5 M	366	154,381	154,381	169,179	169,179
2002C Water Supply & Sewage Disposal Revenue $8.66 M	367	435,215	435,215	438,407	438,407
2003A Water Supply & Sewage Fund $4.8 M	368	573,785	573,785	543,561	543,561

Land Revolving Fund	412	65,095	64,395	690	-
Downtown Development Authority Fund	413	414,970	414,970	409,661	409,661
Capital Improvement Fund	414	241,237	239,437	965,311	963,811
Economic Development Corporation Fund	415	1,460	1,460	998	998
2003D Water Supply & Sewage Const. Fund $5.3 M DWRF	469	342,163	342,163	340,525	340,525
2003B Water Supply & Sewage Construction Fund $1.5 M	470	90,260	90,260	93,725	93,725
2003C Water Supply & Sewage $785,000 DWRF	471	52,959	52,959	51,934	51,934
2004A Water & Sewer Revenue $2.7 M	472	164,745	164,745	162,212	162,212
2004A DDA Construction Fund $995,000	473	83,013	82,973	81,103	81,073
2004B Water Supply & Sew $6.33M DWRF	474	394,580	394,580	392,931	392,931
2006 GO LTD Taxable Capital Refunding $15.74 M	477	1,308,618	1,308,618	1,341,778	1,341,778
2006 Water Supply & Sewage Refunding $9.85 M	478	421,025	421,025	420,056	420,056
2007 W & S Revenue DWRF $375,000	479	20,232	20,232	19,913	19,913
2008 W & S DISP. REV $435,000	480	29,231	29,231	28,731	28,731
2009 W & S Bonds 7249-01 $260,000	481	8,163	8,163	8,038	8,038
2012 W & S Factory Pump Station	482	1,557,126	1,553,135	1,407,889	1,407,889
Sidewalk Improvement Fund	495	111,397	111,397	113,618	113,618
Public Transit	588	308,884	308,884	274,812	274,812
Motorpool Fund	641	1,557,137	1,557,137	1,520,160	1,520,160
Workers Compensation Fund	677	200,770	200,770	260,316	260,316
Fire and Police Pension Fund	732	4,572,218	4,021,832	4,139,891	4,139,891
Retiree Health Care Fund	736	1,286,199	1,286,199	1,554,775	1,469,970
Totals	**All**	**37,280,904**	**36,589,567**	**34,361,579**	**34,246,717**

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

2. 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 business hours.

3. 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 4th day of June, 2013.

____
Frances McMullan, City Clerk

ATTEST

I do hereby confirm that the above Ordinance No. 1189 was published in the Ypsilanti Courier on the 9th day of May, 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 _4th_ day of June, 2013.

____
Frances McMullan, City Clerk

Resolution No. 2012 - 082
June 4, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE:

BUDGET AMENDMENTS									
FY 2012-2013 & FY 2013-2014									
5/21/2013									
	FY	**ACCT #**	**AMENDED BUDGET PRESENTED TO COUNCIL 5-1-2013**	**PROPOSED BUDGET CHANGES 5-7-2013**	**PROPOSED BUDGET CHANGES 5-14-13**	**PROPOSED BUDGET CHANGES 5-21-13**	**NET CHANGES FY 2012-13**	**NET CHANGES FY 2013-14**
GENERAL FUND (101)								
FUND BALANCE APPROPRIATION				**-**			**878,483.00**	**549,345.00**
ADJUSTMENTS:								
EXPENDITURES:								
CITY CLERK (2150)								
PROFESSIONAL DEVELOPMENT	2013-14	101-7-2150-864-02	300.00	1,000.00			700.00	
TRANSFERS & CONTRIBUTIONS OUT								
CONTRIBUTION TO PUBLIC TRANSPORTATION	2013-14	101-7-9670-999-25	46,243.00	-				(46,243.00)
TOTAL BUDGET AMENDMENTS							**700.00**	**(46,243.00)**
EXCESS OF REVENUES OVER EXPENDITURES AFTER ADJUSTMENTS							**879,183.00**	**503,102.00**
E:\[BUDGET AMENDMENTS FY 2012-13 & FY 2013-14 for June 2013 MEETING .xls]PUBLIC TRANSIT (588)								
5/28/13 1:37 PM								

BUDGET AMENDMENTS FY 2012-2013 & FY 2013-2014 6/19/2012	FY	ACCT #	AMENDED BUDGET PRESENTED TO COUNCIL 5-1-2013	PROPOSED BUDGET CHANGES 5-7-2013	PROPOSED BUDGET CHANGES 5-14-13	PROPOSED BUDGET CHANGES 5-21-13	NET CHANGES FY 2012-13	NET CHANGES FY 2013-14
DEPOT TOWN DDA (275)								
FUND BALANCE APPROPRIATION				-			50,232.00	14,704.00
ADJUSTMENTS:								
EXPENDITURES:								
TIF- WEST CROSS BIKERACKS & AATA GRANT	2013-14	275-7-7271-820-00	-			3,700.00		3,700.00
TIF PROJECTS -EAST CROSS- TIF PLAN RENEWAL, BIKERACKS & AATA GRANT	2013-14	275-7-7291-974-01				24,100.00		24,100.00
TOTAL BUDGET AMENDMENTS							-	27,800.00
ADJUSTED FUND BALANCE APPROPRIATION							50,232.00	42,504.00
E:\[BUDGET AMENDMENTS FY 2012-13 & FY 2013-14 for June 2013 MEETING .xls]PUBLIC TRANSIT (588)								
5/28/13 1:37 PM								
Unmark budget changes -to be decided by Council on 6/5/2012								

BUDGET AMENDMENTS									
FY 2012-2013 & FY 2013-2014									
6/19/2012									
	FY	**ACCT #**	**BUDGET PRESENTED TO COUNCIL 5-1-2012**	**PROPOSED BUDGET CHANGES 5-7-2013**	**PROPOSED BUDGET CHANGES 5-14-13**	**PROPOSED BUDGET CHANGES 5-21-13**	**NET CHANGES FY 2012-13**	**NET CHANGES FY 2013-14**
DOWNTOWN DEVELOPMENT AUTHORITY (413)								
FUND BALANCE APPROPRIATION							88,581.00	33,836.00
ADJUSTMENTS:								
EXPENDITURES:			-					
TIF PROJECTS-MDNRTF HERITAGE BRIDGE	2012-13	413-7-7231-820-00	780.00			13,280.00	12,500.00	
TIF PROJECTS-MDNRTF HERITAGE BRIDGE & AATA GRANT	2013-14	413-7-7231-820-00	-			27,400.00		27,400.00
WASTE MANAGEMENT	2013-14	413-7-7231-820-03	15,900.00			17,900.00		2,000.00
TOTAL BUDGET AMENDMENTS							**12,500.00**	**29,400.00**
ADJUSTED FUND BALANCE APPROPRIATION							**101,081.00**	**63,236.00**
E:\[BUDGET AMENDMENTS FY 2012-13 & FY 2013-14 for June 2013 MEETING .xls]PUBLIC TRANSIT (588)								
5/28/13 1:37 PM								

BUDGET AMENDMENTS
FY 2012-2013, & FY 2013-2014
6/19/2012

	FY	ACCT #	BUDGET PRESENTED TO COUNCIL 5-1-2012	PROPOSED BUDGET CHANGES 5-7-2013	PROPOSED BUDGET CHANGES 5-14-13	PROPOSED BUDGET CHANGES 5-21-13	NET CHANGES FY 2012-13	NET CHANGES FY 2013-14
PUBLIC TRANSIT (588)								
FUND BALANCE APPROPRIATION							32,156.00	-
ADJUSTMENTS:								
EXPENDITURES:								
CONTRIBUTION FROM GENERAL FUND	2013-14	588-4-0000-699-01	46,243.00		-			46,243.00
CONTRACTUAL SERVICES - AATA POSA	2013-14	588-7-9000-818-00	319,888.00			273,645.00		(46,243.00)
TOTAL BUDGET AMENDMENTS							-	-
ADJUSTED FUND BALANCE APPROPRIATION							**32,156.00**	-
ADJUSTED CONTRIBUTION FROM GENERAL FUND								

E:\[BUDGET AMENDMENTS FY 2012-13 & FY 2013-14 for June 2013 MEETING .xls]PUBLIC TRANSIT (588)
5/28/13 1:37 PM

May 30, 2013

Mayor and City Council

From Councilmember Pete Murdock

Proposed Budget Amendments for Tuesday's Meeting

Here are several budget amendments I will be offering at Tuesday's meeting. The numbers are all based upon information provided to us by staff, especially the Fund Balance information provided at the last meeting. I have discussed these all with the City Manager.

If you have any questions call me at 485-7799.

BUDGET AMENDMENTS (FY 2012-13)

- Reallocate $100,000 from S. Grove Rd. Paving to N Prospect St Design Engineering

Prospect Street is in horrible shape and has the lowest paser rating of all our Major Streets. It is the next street on our list of WATS eligible Major Streets (see attached). The estimated cost of this project approaches $1M There is no dedicated funding source at this time. But we have been successful in the past at taking advantage of excess road money that becomes available when other municipalities do not follow through on their projects. Because we had projects designed and ready to go we were able to take advantage of the American Recovery and Re-Investment Act (AARA) to accelerate the construction of College Pl, and East and West Cross streets and we used other turned back funds to move Grove Road up from 2015 to this year.

In this year's (2012-13) budget we have allocated $ 100,000 for Grove Road out of the general Fund. We no longer need that money for Grove Road because additional funds were secured from reallocated WATS funds. I would recommend that we reassign the $ 100,000 to Prospect St for design engineering and complete it as soon as possible by adding it on the proposed contract with Orchard, Hiltz and McCliment (OHM) for updating paser ratings and developing an asset management plan. This will give us a street project in the hopper and ready to go in the event that additional funds become available or we rearrange and/or combine the projected WATS funding to get us the total funding needed. As an added note the Governor and legislature have just targeted an additional $350M of surplus revenue for roads. Some of this may trickle down for our use.

BUDGET AMENDMENTS (FY 2013-14)

1. - Reinstate the Downtown Development Area Police officer ($30,150)

Three years ago we partnered with the Downtown Development Authority (DDA) in funding a dedicated police office to patrol the DDA commercial areas. The costs of this police officer were split 50/50. The police officer provided a visible presence in the commercial areas. The program was well received by the merchants and residents and was successful in dealing with problem issues. Unfortunately, our reduction in police personnel in the last year has not allowed this position to be filled. The DDA is still supportive of the program and has budgeted funds in 2013-14 for their share of the costs of the police officer. I would recommend that we continue this position by providing our half of the funding.

2. Playground Equipment at Candy Cane Park and Charles Street Lot ($6,000)

This year we spent ~$8,000 on playground equipment in Parkridge Park and moved some of the older equipment to Candy Cane Park. In the process because of safety regulations some swing equipment was not replaced in Candy Cane Park. In addition, a climber was removed from the Charles Street Tot Lot, again for safety concerns. Both Candy Cane Park and the Charles Street Lot have active Adopt-A-Park groups that do great jobs maintaining the Adopted Parks. I would like to at least work with them to replace the equipment in those two parks. An additional $6,000 should cover the replacement for both parks.

3. Become a "Parkridge Partner" of Parkridge Community Center ($2,740)

We currently support the Parkridge Community Center by picking up half of the utilities and janitorial services. The full budgeted cost of these items - utilities ($14,000) and Janitorial Services ($5,040) - totals $19,040. We pick up half of that for $ 9,520.

Mr. Barfields request is to fund 3 months of operations ($15,000) annually beginning in Jan. 1, 2014. If we agreed to this request in this budget year we would contribute a half year of agreed upon utility and janitorial costs ($ 4,760) plus $7,500 for the second half year for a total FY 2013-14 budget amount of $12, 260. – An increase of $ 2,740. In following budget years we would be committing ourselves to $15,000 annually unrelated to specific costs as part of Mr. Barfield's
"Parkridge Partner" funding plan.

4. Contribution to the Washtenaw Health Initiative ($1,000)

Last Year we contributed $1,000 to this support the Washtenaw Health Initiative's effort to improve the health of low-income, uninsured and Medicaid recipients in Washtenaw County by bringing together organizations to coordinate and leverage resources, generate innovative ideas and consider opportunities to work together. This year with the further implementation of the Affordable Health Act scheduled to go into effect and the failure of the State Legislature to expand Medicare, the need is even greater. The City of Ann Arbor recently amended their budget to contribute $10,000 for this year. Here is a link to a story on last year's council action.

http://washtenawhealthinitiative.org/2012/07/ypsilanti-asked-to-commit-1000-join-washtenaw-health-initiative/
I would recommend a $1,000 contribution for this fiscal year.

5. Improvements to the Electrical System in Riverside Park ($5,000)

There have been on going complaints about the inadequacies of the electrical system in Riverside Park. I asked for description and cost estimates but haven't received any. We need to correct theses deficiencies, possibly partnering with the VCB or event sponsors to fix the problems. I recommend an allocation of $5,000 to see what we can do.

6. Elimination of General Transfer to Public Transit (AATA) (-$46,243)

The amount for Public Transit is limited to the amounts raised by the public transit charter millage.

The total amount of additions $44,890 is offset by the reductions of $46,243

FUND BALANCE DESIGNATIONS – General Fund

Information on Fund Balances was distributed at the last Council Meeting and I am relying on it for the basis of these recommendations

1. Committing a Portion of Fund Balance for Future Water Street debt payments

Over the past several years we have designated a portion of the fund balance as committed for future Water Street Debt payments. This year's proposal eliminates that practice and even zeroed out an existing committed balance. The amount we have committed or reserved in the past has been equal to two or three year's payments. At June 30, 2012 there was $2,647,222 of Fund Balance reserved (committed) for Water Street Debt. By committing a portion of the Fund Balance for Water Street debt we provide a hedge or cushion to provide for the near term debt without drastically reducing services. Since our five year projection contains deficits throughout, there will be a need for fund balance transfers for the debt payments in the foreseeable future By reserving these funds it would give us more accurate picture of our finances. In addition any tax revenue from development at Water Street would take two years to materialize if the project were given the go ahead today. I would suggest we continue that practice and restrict an amount equal to what is needed to get us through FY 2015-16. At that time we will be refinancing the bonds and can reevaluate and possibly use any unused funds to further reduce future debt payments. The amount to be committed to Water Street Debt would be $3,300,588 This consists of $549,345 an amount equal to the fund balance transfer in the FY 13-14 budget and the amount of Water Street debt payments in FY 2014-15

($1,375,140) and FY 2015-16 ($1,376,103). This will leave us $2,750,281 in unassigned fund balance at the end of FY 2013-14, close to double our 10% requirement.

2. Peninsular Dam Inspection and Repair ($100,000)

As part of being the proud owner of a dam, we need to do periodic inspections. We had the DNR do our last inspection in 2010 at no cost. But we need to do a more extensive inspection of the dam to include the submerged parts. We placed this amount in the budget as placeholder to do the inspection (estimate cost $25-$30,000) and do any repairs that may be required. This inspection is mandated to be done by 2015, but we may want to do it sooner if some interest materializes on reestablishing hydro-electric generation at the dam. Hydro-electric power generation has always been the City's goal for this dam and we recently have been contacted by a company that wants to explore that possibility. There is no action needed since it is in the proposed budget, but the question came up as to what it was for.

FUND BALANCE DESIGNATIONS – Motor Pool

I have raised a series of questions regarding the use of the Motor Pool fund to balance our general fund and other budgets. We are using the Motor Pool fund to the tune of ~$1M a year to absorb vehicle and equipment operation and maintenance costs of the general and other funds. In addition, by doing this, we are eating into the cash reserves that have been set aside for vehicle and equipment replacement. The recent Motor Pool report shows that at the end of FY 2013-14 we should have $4,222,170 available for replacement of vehicles and equipment, but will only have $2,430,067 available cash for that purpose. There is proposed another subsidy of the general fund in the FY 2014-15 that would further deplete this fund. We are in the process of reevaluating the rental structure and fees charged to the various departments by Motor Pool as well as an assessment of the vehicle and equipment needs of our departments with an eye to reducing the vehicles and equipment in our inventory. But I would like to set a floor of what we are willing to allow this fund to fall to. I would recommend that we restrict $2.5 million of the Fund Balance to future vehicle and equipment replacement. This would not impact the budget in FY 2012 -13 or FY 2013-14 but it would stop the subsidy of other funds in FY 2014-15 and reduce our available cash for equipment and vehicle purchases by 60% of what was projected to be needed. This could be possible with a reduction in the equipment and vehicles carried after the analysis is complete this year. If you remember last year when we adopted the two year budget, we had removed the motor pool subsidy from FY 2013-14 with expectation that review and analysis would be complete by this year. It hasn't been accomplished so we are continuing the subsidy in FY 2013-14 but this action we end that practice by FY 2014-15.

City of Ypsilanti - Major Road Summary
March 26, 2013

	SEMCOG		LIMITS				Construction Cost Share		Est Engineering		Total	Total	Total
PASER*	LRP ID #	PROJECT NAME	South / West FROM	North / East TO	Projected Construction	Estimated Paving Costs	Federal Portion	City Portion	Design	Construction	Paving Cost	City Cost	Federal Cost
N/A	2471	Prospect Bridge**	Over Conrail RR North of Michigan Ave		2014	$239,000	$228,000	$12,000	$29,000	$41,000	$310,000	$82,000	$228,000
3	6243	Grove	Emerick	I-94 Overpass	2014	$580,000	$464,000	$116,000	$70,000	$105,000	$755,000	$291,000	$464,000
2	2434	Prospect	Cross	Holmes		$698,000	$559,000	$140,000	$84,000	$119,000	$902,000	$343,000	$559,000
2.5	2308	Cornell	Washtenaw	Huron River Drive		$1,139,000	$912,000	$228,000	$137,000	$194,000	$1,471,000	$559,000	$912,000
3	2034	Adams	Michigan	Cross		$496,000	$397,000	$100,000	$60,000	$85,000	$642,000	$245,000	$397,000
3	2202	Huron	Cross	Lowell		$858,000	$687,000	$172,000	$103,000	$146,000	$1,108,000	$421,000	$687,000
3	2202	Huron River Drive	Cornell	Lowell		$1,540,000	$1,232,000	$308,000	$185,000	$262,000	$1,987,000	$755,000	$1,232,000
3	4333	Cross W	Courtland	Mansfield		$498,000	$399,000	$100,000	$60,000	$85,000	$644,000	$245,000	$399,000
3	4333	Cross W***	Mansfield	Wallace		$406,000	$244,000	$163,000	$49,000	$70,000	$526,000	$282,000	$244,000
3.5	2206	River	Michigan	Forest		$728,000	$583,000	$146,000	$88,000	$124,000	$941,000	$358,000	$583,000
4	2473	Spring Street	Huron St	Chidester		$381,000	$305,000	$77,000	$46,000	$65,000	$493,000	$188,000	$305,000
4	2468	Cross E	Prospect	East City Limit		$422,000	$338,000	$85,000	$51,000	$72,000	$546,000	$208,000	$338,000
4	2473	Factory	Stewart	Grove		$345,000	$276,000	$69,000	$42,000	$59,000	$446,000	$170,000	$276,000
4	2473	Factory	Grove	Prospect		$209,000	$168,000	$42,000	$26,000	$36,000	$272,000	$104,000	$168,000
4		Harriett***	First	Hamilton		$686,000	$494,000	$193,000	$83,000	$117,000	$887,000	$393,000	$494,000
4	2309	Harriett	Hamilton	Huron		$410,000	$328,000	$82,000	$50,000	$70,000	$530,000	$202,000	$328,000
4	2472	Prospect	Grove	Cross		$1,425,000	$1,140,000	$285,000	$171,000	$243,000	$1,839,000	$699,000	$1,140,000
4	2473	Spring Street	Chidester	Catherine		$246,000	$197,000	$50,000	$30,000	$42,000	$319,000	$122,000	$197,000
5	2431	Congress	S. Congress	Ballard		$944,000	$756,000	$189,000	$114,000	$161,000	$1,220,000	$464,000	$756,000
5		Hamilton Street	Washtenaw	Forest		$441,000	$353,000	$89,000	$53,000	$75,000	$570,000	$217,000	$353,000
5	2431	S. Congress	Mansfield	Congress		$357,000	$286,000	$72,000	$43,000	$61,000	$462,000	$176,000	$286,000
5	2433	Forest	Huron St	Prospect		$974,000	$780,000	$195,000	$117,000	$166,000	$1,258,000	$478,000	$780,000
7	2312	Maus***	Prospect	Emerick		$482,000	$290,000	$193,000	$58,000	$82,000	$623,000	$333,000	$290,000

* PASER Rating is a road condition rating from one to ten, with ten being new pavement
** Bridge Program
*** Parking lanes are 100% local responsibility

Resolution No. 2013 – 083
June 4, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the proposed ordinance entitled "2013-2014 Tax Levy Ordinance", be approved on First Reading.

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE:

Ordinance No. 1190

2013-2014 TAX LEVY ORDINANCE

THE CITY OF YPSILANTI ORDAINS THAT:

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

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

GENERAL OPERATING	19.0211
POLICE & FIRE PENSION	8.9229
SANITATION	2.7814
STREET IMPROVEMENT (Voted debt 2001 bonds and refunded in 2010)	2.4368
STREET IMPROVEMENT (Voted debt 2003 bonds and refunded in 2012)	2.3536
PUBLIC TRANSIT	0.9789
TOTAL	**36.4947**

Made, passed and adopted by the Ypsilanti City Council this 4th day of June, 2013.

____
Paul Schreiber, Mayor

____
Frances McMullan, City Clerk

Ordinance No. 1190

2013-2014 TAX LEVY ORDINANCE

ATTEST

I do hereby confirm that the above Ordinance No. 1190 was published in the Ypsilanti Courier on the 9th day of May, 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 4th day of June, 2013.

____
Frances McMullan, City Clerk

Public Hearing Notice
Publish in the Ypsilanti Courier in the May 9, 2013 edition.

Resolution No. 2012 - 084
June 4, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Public Hearing to consider an ordinance entitled "2013-2014 Tax Levy Ordinance", be officially closed.

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE:

Resolution No. 2013 – 085
June 4, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of May 14 and May 21, 2013 be approved.

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE:

Draft

CITY OF YPSILANTI
COUNCIL BUDGET SESSION MINUTES
COUNCIL CHAMBERS
ONE SOUTH HURON STREET
TUESDAY, MAY 14, 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(6:20)	Present	Council Member Robb	Present
Council Member Moeller (6:17)	Present	Council Member Vogt	Present
Council Member Murdock	Present	Mayor Schreiber	Present
Mayor Pro-Tem Richardson	Present		

Mayor Pro-Tem Richardson moved, supported by Council Member Vogt to excuse the absences of Council Members Jefferson and Moeller. On a voice vote the motion carried and 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-

On a voice vote, the agenda was approved as submitted.

VI. AUDIENCE PARTICIPATION -

VII. REMARKS FROM THE MAYOR -

VIII. PRESENTATIONS OF DEPARTMENT BUDGETS –

1. **6:00 – 7:00 p.m.** - Overview of 5 Year Plan – City Manager Ralph Lange, John Kaczor, Municipal Analytics and Finance Director Marilou T. Uy

City Manager Lange gave an overview of the following:

- General Fund Transfers and Contributions
- General Fund Revenues (FY 2013-2014 Amended)
- General Fund Expenditures
- General Fund Pass-Through Revenues and Expenditures
- General Fund Expenditures (FY 2013-2014)
- Net Operating Revenues, Net Operating Expenses and Operating Surplus

Mr. Lange indicated that there are no budgeted transfers in the fiscal year 2013-2014 budget for Motor Pool, Police Special Revenue Fund, Workers' Compensation Fund and Major and Local Streets.

John Kaczor, Municipal Analytics, gave an overview of the 6-Year budget projections:

Revenue Assumptions:

- Taxable valuation increases 0.87% in 14-15, then 2% each year after
- Grant revenues included only if already awarded (potential for additional grant funds)
- No assumed increase in Act 51 funding
- No revenue assumed from sale of City property
- GF no longer receiving revenues from Police Special Revenue Fund, effective FY 14-15
- Anticipate $50,000 reduction in Fire Protection Grant, beginning FY 14-15

Primary Personnel Assumptions:

- Assumes 88.85 FTE regular employees
- All new hires receive Tier 2 benefits
- No wage increases through FY 18-19
- POAM employee compensation based on recently approved contract terms
- No change in AFSCME or COAM contracts (under negotiation)
- Savings from employee turnover not included

Other Expenditure Assumptions:

- Does not include refinancing Water Street debt
- GF contributions to Motor Pool limited to $250,000, beginning FY 15-16
- GF contributions to Capital Improvement Fund estimated to average $267,000/yr for 5 years
- Police Special Revenue Fund will require GF support, effective FY 14-15 (estimated net GF impact: $243,000)
- Worker's Comp contribution eliminated 2 yrs, then reinstated FY 15-16
- GF Street Lighting costs reduced to avg. $114,000/yr

General Fund Outlook:

- City will continue to rely on fund balance to fund operations and debt
- Fund balance estimated to decline from $8.6M to $2.2M by 2019
- GF expenditures expected to reach $15M by FY 18-19
- Water Street debt service is driving force of budget imbalance

Street Funds Outlook:

- Local Streets will require annual operating subsidy from Major Streets for foreseeable future
- No Local Streets construction planned
- Future year expenditures reflect maintenance only
- Major Streets Fund construction in future years significantly less
- Construction will be limited to funds available in either Streets Fund
- Leverage available resources to procure grants for street improvements

Garbage Fund Outlook:

- Fund requires significant effort to be self-sustaining
- Motor Pool contributions to Garbage Fund planned to be 50% of current funding in FY 14-15, then fully eliminated in FY 15-16
- Waste hauling contract must be renegotiated
- Other cost reductions will be required
- May explore other funding options

Motor Pool Fund:

- Significant fund reserves will be utilized to minimize required GF contributions for 5 years
- Capital purchases will be limited to $300,000 average per year
- Fire engine may be required, but not included at this time

- City undertaking an evaluation of rolling stock inventory

Savings will be realized if inventory can be reduced (capital, maintenance, insurance, operating costs)

- Fund outlook expected to change when study is completed

2. General and Non-General Fund Expenditures Review/Questions (FY 2012-13, 2013-2014)

Police Chief Amy Walker:

- Police Services (Administration, Field Services, Bullet proof Vest Grant, Jaq Grant, COPS Grant, Parking Enforcement, Lawnet, Jaq DJBX 1476) – Pages 20 thru 24
- Special Events – Pages 30 & 31
- Police Special Revenue Fund (265) – Pages 72 to 74

The Police Chief will continue to focus efforts on moving toward a Police and Fire Hybrid Model and increasing sworn personnel. The current FY 2012-2013 operating with 26 sworn and 4 civilians=30 FTE. Budget reflects 31 (one current police officer vacancy). The amended FY 2013-2014 includes an additional 3 new police officers and 2 part time police officers, bringing the total to 29 sworn police officers and 4 civilians = 33 FTE and 2 part time officers.

Fiscal Year 2013-2014 Goals:

- IT/Technology Upgrades and Adjustments to police reporting system (CLEMIS)
  - Electronic warrant request system launched by Prosecutors Office
  - E-Impounds, Property Processing, Crime Mapping, and Crime Statistics upgrades to improve user friendly access to establish an efficient and effective system
- Due to last year's retirements, we seek to stabilize personnel to provide core service. Fairly new command structure with 5 of the 7 being new promotions with one new hire:
  - 1 New Deputy Chief (February 2013)
  - 1 Newly promoted Lieutenant (Fall 2012)
  - 3 Newly promoted Sergeants (Summer/Fall 2012)

Police Department Initiatives:

- Continue to explore inter-agency collaborations and maintain current projects:
  - School Safety Active Shooter Training for entire Washtenaw County including instructor training. Upgrade in equipment, policy and implementation
  - K-9 Unit collaboration with Pittsfield Township
  - Metro SWAT Team
  - LAWNET Partners-Multi-Jurisdictional Task Force which is the oldest of nineteen cooperative drug units in Michigan that provides an enforcement response at the user, street, middle, upper, and organized trafficker levels. 1 YPD officer assigned and funded by Federal Grant/HIDTA funds and Drug Forfeiture Funds

Major Amendments to the FY2012-2013 and FY 2013-2013 Budgets

- Overtime Budget reduced from $434,000 to $360,000= Savings of $75,000
- Salary Savings =
  - New Deputy Chief salary and benefits much less than a Lieutenant position. $31,420 in savings
  - New Police Officer hired under Tier 2 benefits
  - POAM Tier 2 concessions for future hires
  - Due to not hiring/filling expected vacancies
  - FY 2011-2012 Personnel budgeted 36 FTE
- Capital Equipment
- $55,000 Replacement/Upgrade of Conducted Electrical Weapons (TASERS) as warranty to expire
- 2 vehicle purchases for FY 2013-2014
- 1 new patrol unit (replacing 2006 Ford Crown Vic, 80,000 miles)
- 1 new utility vehicle (replacing 2003 Astro Chevrolet Van)

Future Considerations/Challenges:

- Lack of personnel to commit to community policing initiatives and programs
- PSAP Funding that supports Dispatch Contracts– Expires FYE 2014
    - Expenditure of $73,000 for Police and $37,978.44 for Fire, total= $110,978.44
    - Balance remaining FYE 2013 =$92,810.19
        - Difference = $18,168.25 TBD
- Continue to seek and apply for grant opportunities that best suit the police department
    - Recent year – all grants have been closed out

Fire Chief Max Anthouard:

- Fire Services (Administration, Suppression) – Pages 25 to 27

3. Chief Anthouard gave an overview.

- Goal is to reach 17 personnel including 1 Fire Marshall, 3 Captains and 3 Lieutenants during transition period.
- One Firefighter already passed the Lieutenant test and is eligible for promotion.
- Three officer's positions are open. Fire Marshall, Captain, and Lieutenant.
- The Fire Marshall position is crucial for the implementation of an aggressive yearly prevention inspection program. (NFPA-1)
- Downsizing the activities done at the fire station to allocate time for inspection and training.
- Staff proudly remains committed to perform the preventive maintenance and small repairs of our vehicles and equipment. Saving is approximately $ 40,000.

- **Grants**
    - Applied for prevention grants to cover education of three Fire Inspectors and 50% of the Fire Marshall wage.
    - 2012 SAFER grant is still open.

- **Fire Prevention Activities**
    - We are looking at the implementation of a yearly inspection program for businesses and apartment complexes.
    - Cost recovery stream
- Motor Pool
    - We will keep only 2 engines and 1 tower in service for operations.
    - 1996 Engine 1 pumper is schedule for 2013-2014. We should be able to keep it an extra year.
- Facility Improvement
    - Continue Chief Ichesco's plan in remodeling the fire station
        - Painting: Half of the fire station is done
        - Changing all carpets is in 2013-2014 budget
- Capital Equipment
        - SCBA and thermal imaging camera replacement
        - Replace bunk beds
        - New set of Jaws of life for 2014-2015

The meeting recessed at 8:40 p.m. and reconvened at 8:52 p.m.

4. DDA Executive Director Tim Colbeck reviewed the following:

- YDDA Building Rehab Grant Rd. III & IV
    - Washtenaw County/ELG awarded YDDA a $30,000 grant for Rd. III of the program for Fiscal Year 2012-13 and a $15,000 for Rd. IV in Fiscal Year 2013-14
    - The YDDA matched the Washtenaw County Grants with an additional $15,000 for Rd. III and $15,000 for Rd. IV
    - The Building Rehab Grant program has been expanded its eligibility requirements to three DDA districts (Downtown, Depot Town, & W. Cross/Campus Town)

- In Rd. III we awarded 8 grants totaling $48,000 which will leverage a projected $219,000 ($171,000 private equity) in building improvements and create 47 permanent jobs
- Rd. IV grants are currently available equaling $30,000 through Fiscal Year 2013-14

- YDDA Façade Grant Program Rd. II & III
  - Washtenaw County/ELG awarded YDDA a $7,500 grant for Rd. II of the program for Fiscal Year 2012-13 and is expected to match for 2013-14 also
  - The YDDA matched the Washtenaw County Grant with an additional $32,500 each for Rd. II and Rd. III
  - To date the YDDA has awarded 5 grants totaling $12,159 which has leveraged a projected $39,054 ($26,895 in private equity) in facade improvements for Rd. II
  - YDDA has committed to fund $40,000 for Rd. III of the program in Fiscal Year 2013-14

Accomplishments:

- **Beautification and Maintenance**
  - YDDA continued to provide DDA wide beautification and maintenance programs including:
    - Spring flower planting and regular watering and maintenance
      - Providing all materials for hanging baskets, terra cotta planters, Michigan Ave. median and Washington St. Planters and four times weekly watering
      - Weekly loose trash removal in the N. and S. Huron, N. Adams, and Washington St. public lots and general areas
      - Fertilization and weed control in Downtown parking lot shrub beds and tree wells
    - Downtown tree trimming and old holiday light removal
      - Trimmed and removed old and damaged holiday lights from 55 Downtown trees
      - Improved the health of the trees, aesthetics to downtown businesses, as well as the public safety
    - Partnered with the YACVB on the installation of winter/seasonal street banners in Downtown and Depot Town districts
    - Partnered with the YACVB on Holiday Lighting and/Decoration installment
      - YDDA provided décor and the YACVB paid DPS to install in Downtown and Depot Town Districts
    - Provided a $500 match grant to the DAY to purchase extra holiday lighting/decorations for the Downtown district
      - Made available equal grants to both Depot Town and W. Cross/Campus Town districts
    - Provided a $500 match grant to the DAY to purchase extra holiday lighting/decorations for the Downtown district
      - Made available equal grants to both Depot Town and W. Cross/Campus Town districts
    - Provided pedestrian trash can services throughout the DDA districts
      - Contract with the City of Ypsilanti DPS for twice weekly pedestrian trash can service ($20,000 annually)
    - Provided solid waste and cardboard recycling services for the Downtown District
      - Services provided with permanent enclosures located in the N. Huron, S. Huron and N. Adams public lots and behind 215 W. Michigan Ave.
      - Provided an average savings to adjacent businesses of $4,888 annually based on a 6 CY dumpster serviced once weekly based on average industry rates
    - Funded the installation of a Washington St. Electrical box to support the DAY Crossroads Summer Musical Festival and other potential public events

- Facilitated the installation of a new pedestrian bench in front of the Ypsilanti Food Co-Op

- **YDDA Parking Study**
  - YDDA performed a detailed In-House Parking Study in Fiscal Year 2012-13
    - Staff provided approximately 580 hours of time actively working on the study as well as an additional 210 hours of volunteer time provided by EMU students
    - The YDDA incurred no additional costs to perform this study
  - The YDDA Ad Hoc Parking Committee is currently reviewing the study to make final recommendations for implementation to the City of Ypsilanti in the summer of 2013

BUDGET SUMMARY:

Revenues

- Operating (1.8282 mil) $51,377
- TIFA $342,556
- Misc. Income $41,830
- Appropriation Fund Balance $127,863
- Total $563,626

Expenses

- Operating $42,933
- Wages & Benefits $134,700
- Bond Payments $188,805
- TIFA Expenses $197,188
- Total $563,626

Fund Balance as of FYE June 2012 $586,265
Appropriated for FYE June 2013 $127,863
Projected FB FYE June 2013 $458,402

Operating Revenues	Operating Expenses
$53,278	$42,928

- Operating Revenues are restricted to only Operating Expenses
- Expenses include rent, supplies, city fees for payroll and audit, legal services, and conferences (can be earmarked for wages)
- Revenues exceed Expenses by $10,350

Misc./Grant Revenues	Misc./Grant Expenses
$22,500	$22,500

- Misc. Revenues include grants and other non-tax related sources
- Grant Revenues are restricted by the terms of the grant award
- $15,000 is ELG award earmarked to YDDA Building Rehab Program and $7,500 to YDDA Façade Improvement Program

TIFA Revenues	**TIFA Expenses**
$397,028	**$442,251**

- TIFA Revenues are not restricted funds
- TIFA Expenses include Wages & Benefits, Bond Payments, and TIFA Project Expenses
- Expenses exceed Revenue by $-45,223
- The deficit is made up through Appropriations from our fund balance

TIFA Revenues	**Wages & Benefits**
$397,028	**$139,752**

- Wages include YDDA Staff and downtown police officer
  - Executive Director - $55,286
  - YDDA Staff - $23,660
  - Downtown Officer - $30,150
- Benefits include social security, healthcare, and retirement

- Can use $10,350 remainder from Operating Revenue here
- The remainder of TIFA Revenues are $267,626

TIFA Revenues (- wages)	**Bond Payments**
$267,626	**$187,105**

- **Bonds include Depot Town Maple St. Lot, Downtown Streetscape I and II**
- **The remainder of TIFA Revenues are $80,521**

TIFA Revenues (- wages & bonds)	**TIFA Program Expenses**
$80,521	**$137,894**

- **TIFA expenses include both one time and ongoing program/project expenses**
- **Grant money will pay for $22,500 of TIFA Program Expenses as allowed**
- **The remainder of TIFA Revenues are $-34,873**
- **The remainder will be made up through FB appropriations**

TIFA Program Expenses		**Revenue Source**
Streetscape Maintenance	**$25,750**	**TIFA Revenue**
Seasonal Planting	**$2,500**	**TIFA Revenue**
Pedestrian Trash Coll.	**$20,000**	**TIFA Revenue**
Waste Management	**$15,900**	**TIFA Revenue**
Holiday Lighting/Decor.	**$1,500**	**TIFA Revenue**
DTE Electrical Bills	**$2,000**	**TIFA Revenue**
DT Rail Fence Lease	**$244**	**TIFA Revenue**
Building Rehab Grants*	**$12,627**	**TIFA Revenue**
Sub-total	**$80,521**	**TIFA Revenue**

***the remainder of this expense will come from FB reserves**

TIFA Program Expenses		**Revenue Source**
Building Rehab Grants*	**$2,373**	**FB Reserve**
Façade Grants	**$32,750**	**FB Reserve**
Sub-total	**$34,873**	

***Remainder not covered by TIFA revenue**

Council Member Murdock moved, supported by Council Member Robb the following resolution:

> **RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI** that the Ypsilanti City Council requests that the Downtown Development Authority (DDA) forego tax increment financing (TIF) funds captured from public transit millage and transfer those amounts ($20,000) to Ann Arbor Transit Authority (AATA).

Mayor Schreiber said he prefers that the full $20,000 not be taken initially but begin at $7,000. He said he feels this would be more acceptable.

On a roll call, the vote to approve the motion 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	No
Mayor Pro-Tem Richardson	Yes		

VOTE:

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

Mayor Schreiber said he voted no, however he supports the thought and not the amount.

5. Fiscal Services Director Marilou Uy gave an overview of the following:

- General Obligation and Water Sewer Bonds – Pages 80-97and 112-135
- Capital Improvement Fund (414) – Page 106 to 109
- Economic Development Corporation (415) – Pages 110 to 111
- Sidewalk Fund (495) – Page 136 to 138
- Public Transit Fund (588) – Pages 139 to 140
- Motor Pool Fund (641) – Pages 141 thru 146
- Retirees' Benefits Fund (736) – Pages 154 to 157

CAPITAL IMPROVEMENT FUND:
FY 2012-2013 Amended Budget

- Computer replacement for Finance and Planning interns, building counter and printer for Payroll Technician and AHB, and tablets for Building, paperless direct notification software and support for payroll. IT contractual services, phone system support with Washtenaw County, Adobe upgrade, annual software supports with various vendors.
- Bullet proof vest, Clemis Lien program maintenance fee, and Talon Point Maintenance fee for Police Services.
- Fire hose, SCBA and thermal camera for Fire Services.

- Computer replacement for sign shop at DPS and for Planning intern, printers for DPS Administration and Mechanic. IT contractual services, phone system support with Washtenaw County, annual software supports with various vendors. Phone system replacement and T1 cable replacement from City Hall to YPD.
- Taser replacements, Rifle Mounted Flashlights, Bullet proof vest, Clemis Lien program maintenance fee, and Talon Point Maintenance fee for Police Services.
- Fire hose, SCBA and thermal camera for Fire Services.
- Begin construction of MNRTF Heritage bridge worth $589,500.

ECONOMIC DEVELOPMENT AUTHORITY:

- FY 2012-13 is consistent with last years' budget. FY 2013-14 Budget is lower than FY 2012-13
- This is the sixth of a ten year funding that has been allocated to the City from CDBG of $50,000 for the ADA ramp program. The City is also expecting to receive Metro Act Funding from State of Michigan for $55,000 for the sidewalk replacement and any other related expenses in the sidewalk program.

PUBLIC TRANSIT FUND:

- The City levied 0.9789 mills for both fiscal years equivalent to $276,000 for FY 2012-13 and $274,000 for FY 2013-14.
- The Council approved an Ann Arbor Transit Authority (AATA) Payment of Service Agreement (POSA) for FY 2012-13.

Mayor Pro-Tem Richardson was excused from the meeting at 10:10 p.m.

MOTOR POOL FUND:
REVENUES
FY 2012-2013

- Equipment Rental: No General Fund contribution to Motor Pool for Police and Fire.

FY 2013-2014

- Equipment Rental: No General Fund contribution to Motor Pool for Police, Fire, Environmental Services, and Building.
- Amended revenues decreased for FY 2012-13 and FY 2013-14.
- Fund balance appropriation decreased in FY 2012-2013 and increased in FY 2013-2014.

Motor Pool Fund Balance
Total Motor Pool Fund Balance at 6/30/2012: $5,902.353

Breakdown as follows:

Spendable fund balance	**$3,694,909**
Building, Machineries-Net of Accumulated Dep'n	$1,974,176
Inventory & A/R	$ 233,268
FY 2012-13 estimated spendable fund balance	$3,148,000
FY 2013-14 estimated spendable fund balance	$2,510,554

City Administration proposes no contributions to Motor Pool from all GF departments through FY 2014-2015.

RETIREES' BENEFITS FUND:

- The revenue source of this fund is from the Police and Fire pension millage to pay for the other post employment benefits (OPEB) of retirees.
- FY 2012-13: Due to an increase in retiree health care cost, the amended amount needed to pay for retirees police and fire health care cost increased to $933,121 from $861,716 (3.0603 mills), which resulted in a shortfall of $71,405. This amount will be added to FY 2013-14 amount needed to be levied.
- FY 2013-14 : The amount to be levied of $1,148,194 ($665,791+$410,998 + $71,405) is equivalent to 4.1051 mills.

IX. AUDIENCE PARTICIPATION

XII. REMARKS FROM THE MAYOR

XIII. ADJOURNMENT -

A. Resolution No. 2013-076 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 10:25 p.m.

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Draft

CITY OF YPSILANTI
COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, MAY 21, 2013
6:00 P.M.

I. CALL TO ORDER –

The meeting was called to order at 6:05 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. INTRODUCTIONS –

Mayor Schreiber introduced Washtenaw County Commissioner Ronnie Peterson, Pastor Grayson, Firefighter Ken Hobbs, and Member of the Heritage Park Neighborhood Association Fred Williams.

VI. AGENDA APPROVAL –

Council Member Murdock moved to delay Resolution No. 2013-078 until after the approval of the Minutes.

On a voice vote the agenda was approved as amended.

VII. PRESENTATIONS –

1. ~~Proclamation honoring the Behavior Workshop of Ypsilanti's CAPS Student Tutors and Junior Computer Technicians – Mayor Schreiber~~ **Delayed to June 4, 2013 meeting**

VIII. AUDIENCE PARTICIPATION –

Mayor Schreiber read the rules for audience participation.

1. Bryan Foley, 424 Ainsworth, stated that he is a lifelong resident of the City and he is here in support of the medical marijuana moratorium. He said he thinks it is important to take the time to look at how it impacts the community.

2. Firefighter Ken Hobbs, President of the Ypsilanti Firefighter Local 401, shared that he was upset the Firefighters had not been allowed on the agenda for a presentation to City Council. He stated that while City administration was claiming there would be a $2.1 million savings in converting to a hybrid public safety model they had facts to counter that assumption. He also stated that if the City of Kalamazoo converted back to traditional Fire and Police departments they would save $7.9 million annually, just in personnel costs, and further mentioned that the City of Oak Park would save $1.2 million and the City of Grand Haven would save over $700,000. He said that the Michigan Professional Firefighters Union stated that these facts are the reason that the State Treasurer's Advisory Committee denied funding to communities for the purpose of developing hybrid public safety models.

3. Robert Casey, resident of Ypsilanti Township, stated that he came to speak in support of the medical marijuana moratorium. He said he has lived here for over 30 years and he loves Ypsilanti, but he has seen the community struggle, especially the African American community, and he thinks a moratorium is a good thing.

4. Jamie Lowell, from 3rd Coast Compassion Center, located at 19 N. Hamilton, stated that though he feels it is perfectly reasonable for the City to take a look at whether there should be a cap on the number of medical marijuana facilities allowed or if the market should simply be allowed to play out as is, he thinks an emergency moratorium seems inappropriate as there is no public health or safety concern.

5. John Evans, 1301 Kingwood, stated that he relocated to Ypsilanti because of the medical marijuana laws. He said he loves this town because it has charm, character and history. He said if there are public health and safety issues they should be addressed but he does not think there should be a moratorium. He said that any facilities that were problematic should be addressed on an individual basis. He said the City of Ypsilanti is leading the State and he shared a Federal bill that would recognize all state medical marijuana laws.

6. Pastor Grayson, of Messias Temple Church in Ypsilanti, stated that the City of Ypsilanti has a greater saturation of medical marijuana facilities than other nearby jurisdictions which he feels may contribute to issues in the community, especially the south side, which has already dealt with crime in the area and recovered from it. He is concerned with the direction of the City and the impact it will have on future generations.

7. Fred Williams, 82 Madison, stated that he thinks it would be a disservice to the community to allow more medical marijuana facilities in the City.

8. Cherisse Lamarr stated that she grew up in the area and feels the neighborhood is already struggling in regards to safety, especially for children. She stated that additional medical marijuana facilities in the area would attract more traffic and negativity to the neighborhood.

9. Victoria James, Pastor of Ekklesia Fellowship Ministries at 123 N. Adams, stated that she has been a lifelong resident of Ypsilanti and she does not want the City to be associated with marijuana, especially at the entryway to the City on the south side, which had been cleaned up before to create a more pleasant entry to the community.

10. Valerie Brown-Tooson, 107 Middle Dr., stated that she is totally against a medical marijuana facility being located at the gateway of the community. She stated that a first impression is a lasting impression and she does not want anyone having a negative impression of the City.

11. Adam Tasselmeyer, founder of Herbal Solutions, located at 124 W. Michigan Avenue, stated that the six medical marijuana businesses currently operating in the City have maintained storefronts, renovated spaces, and employed City residents, all of which are positive things. He shared that the medical marijuana facilities have to pass inspections, done by the City, in order to remain in business and he hopes Council would consider this before making a decision on the future of these facilities in the City.

12. Lee Tooson, 107 Middle Dr., stated that the south side of the City has always been a dumping ground for things that were unwanted. He asked City Council to help the citizens clean up the City. He said that people would not come and visit the City if they did not feel safe and saw eyesores all over.

IX. **REMARKS BY THE MAYOR** –

Mayor Schreiber stated that he appreciated everyone who came to speak. He commented on the statements made by Ken Hobbs and shared that the union is currently in negotiations and Mr. Lange is participating in those negotiations. He said that allowing a presentation to City Council would be overstepping Mr. Lange's negotiation efforts.

Council Member Vogt stated that there was a misconception that Council was not considering pros and cons of the PSO model, which he said is false. He said the purpose is to save the City, financially, and they need to figure out a method that works for us and not what works for other cities. He stated that Council was being very deliberate, careful, and thorough in analyzing these issues. He said Council is open to any discussions that anyone would like to have, both formally and informally.

Council Member Jefferson stated that he wanted to thank those who came to speak about the moratorium on Medical Marijuana. He said that he is proud of his neighborhood and he wants it to continue being a welcoming gateway into the City.

Mayor Pro-Tem Richardson stated that she wanted to make sure everyone understood the moratorium was only to prevent new medical marijuana facilities from opening and not to infringe on the businesses that were already licensed and operating in the City.

Mayor Schreiber stated that he appreciated Council Member Vogt's comments about the union negotiations and said that once the contract was settled he would welcome a presentation from the firefighters. He shared that the State has rules regarding union negotiations, which must be done in a closed session.

Council Member Moeller stated that it is not illegal for them to be on the agenda while negotiations are going on. She said that she does not understand how Council can suggest the firefighters come and present their information on PSOs after a contract has been agreed upon that contains information about those PSOs.

X. **MINUTES** –

Resolution No. 2013-079, approving the minutes of April 26, and May 7, 2013.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of April 26 and May 7, 2013 be approved.

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

On a voice vote the minutes were approved as submitted.

XI. **MOTIONS/RESOLUTIONS/DISCUSSIONS** –

1. Resolution No. 2013-078, regarding Council Member abstention from voting.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that each member of the Council present shall cast a "yes" or "no" vote on each question before the Council,

unless having a financial conflict of interest or excused from voting by a vote of at least four (4) members of City Council, excluding the member requesting the abstention.

OFFERED BY: Council Member Murdock
SUPPORTED BY: Council Member Jefferson

Council Member Murdock stated that he was surprised Council Members were able to abstain because he knows in the past they were not able to. He said that he feels they are elected to make decisions and he feels they should have to vote on every issue.

Council Member Moeller stated that she feels this resolution is about her recent abstention and, though she is new to City Council, she thought they were following Robert's Rules of Order, which allows abstention. She explained her reasoning for abstaining and said she feels they have had a lot of censorship lately and does not like creating new rules as they go along.

Council Member Murdock stated that he feels Council should have to vote on all of the issues that come before them, which is why he proposed the change. He said this was not about any particular person but about the Council as a whole.

Mayor Pro-Tem Richardson said that Council Member Moeller should not feel bad as she remembers a time when many Council Members disagreed with her and she decided to excuse herself from the Council Meeting, during which time they passed a resolution that did not allow abstention.

Council Member Moeller stated that Attorney Barr confirmed that she could abstain from voting. She added that if Council has a problem with her abstaining, she will follow their rules.

Council Member Robb stated that no one has abstained more than Mayor Pro-Tem Richardson, yet they've elected her as Mayor Pro-Tem twice. He stated that if someone wanted to abstain from every vote their constituents would judge them for their actions. He said he would be abstaining from this vote.

Mayor Schreiber stated that he wanted to support Council Member Robb's viewpoint on this because, according to the City Charter, it takes four "yes" votes for a motion to carry, so anything other than a "yes" vote can cause a motion to fail.

Council Member Vogt urged Council to not take this resolution as being directed towards any individual. He shared a proposed amendment that would include professional conflicts of interest.

Council Member Murdock stated that, under the system proposed by this resolution, they could ask to be excused from voting if they feel that have some other conflict of interest.

Council Member Vogt stated that there may be instances where the conflict of interest was confidential and could not be explained to Council in order to be excused from voting.

Council Member Murdock accepted the amendment to the resolution.

Mayor Pro-Tem Richardson moved, supported by Council Member Jefferson, to set aside the resolution and move on with the meeting. She said she felt this conversation was leading to a divided Council which would not help the City move forward.

On roll call, the vote to table Resolution No. 2013-078 was as follows:

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

VOTE:

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

On roll call, the vote to table Resolution No. 2013-078, as amended, was as follows:

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

VOTE:

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

XII. ORDINANCES – FIRST READING –

Ordinance No. 1188

1. An emergency ordinance to impose a moratorium on the issuance of permits and licenses under Chapter 22, Medical Marijuana Dispensary/Growing Facility Licensing medical marijuana within the City of Ypsilanti for a period of 60 days.

   A. Resolution No. 2013-077, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, City Council determines that further study of the medical marijuana ordinance, Chapter 22 of the city code is necessary, and

WHEREAS, City Council determines that an emergency moratorium prohibiting permits or licenses for sixty days is necessary for the public peace, health, safety and welfare, and

WHEREAS, City Council determines that the moratorium should be given immediate effect as an emergency ordinance under City Charter Section 2.11,

NOW THEREFORE BE IT RESOLVED that an ordinance entitled An ordinance to impose a moratorium on the issuance of permits and licenses under Chapter 22, Medical Marijuana Dispensary/Growing Facility Licensing medical marijuana within the City of Ypsilanti for a period of <u>sixty days</u> is adopted and given immediate effect.

Ordinance on file in Clerk's Office.

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

Planner Teresa Gillotti provided a brief background.

<u>Summary of Ordinances</u>

The City of Ypsilanti adopted two ordinances, one regarding zoning of medical marijuana facilities and another determining the licensing process for medical marijuana dispensaries, growing facilities and home occupations (for growing only).
The intent with the zoning ordinance was to permit dispensaries in such a way that they were dispersed through the various business districts rather than clustered into one particular district (Downtown vs. Depot Town for example). Additionally, it was felt that the dispensaries should be 1,000 feet from a school and that no two dispensaries, growing facilities or combination thereof, be within 500 feet of one another. There are many other requirements that can be found in the ordinances and fact sheets located here: www.cityofypsialnti.com/mmma. A brief summary follows:

Dispensaries

- Dispensaries may only be located within the B2, Community Business; B3, Central Business; or B4, General Business zoning districts.
- Dispensaries must be located at least 1,000 feet from a school, as measured from the parcel boundaries.
- Dispensaries must be located at least 500 feet from medical marijuana growing/manufacturing facilities or other dispensaries, as measured from the parcel boundaries.
- Growing, smoking, or other use of medical marijuana at a dispensary is prohibited.
- All activities related to the dispensary shall be done indoors.
- The dispensary shall maintain a log book and/or database identifying the amount of medical marijuana on the premises for each qualifying patient/caregiver, and shall be available to law enforcement or code officials at any time.
- Dispensary drive-through facilities are prohibited.
- The premise will be open for inspection by the Building Official, the Fire Department, and law enforcement officials for compliance with all applicable laws and rules.

Growing Facilities

- Growing/Manufacturing facilities may only be located within the M1, Light Manufacturing; M2, General Manufacturing; and CI, Commercial Industrial zoning districts.
- Growing/Manufacturing facilities must be located at least 1,000 feet from a school, as measured from the parcel boundaries.
- Growing/Manufacturing facilities must be located at least 500 feet from medical marijuana dispensaries or other growing/manufacturing facilities, as measured from the parcel boundaries.
- A maximum of five (5) primary caregivers may operate at one growing/manufacturing facility.
- Use of medical marijuana at a growing/manufacturing facility is prohibited.
- All activities related to the growing/manufacturing facility shall be done indoors.
- There shall be no other accessory uses permitted within the same building, including dispensaries.
- The facility shall maintain a log book and/or database identifying the amount of medical marijuana on the premises for each qualifying patient/caregiver, and shall be available to law enforcement or code officials at any time.
- All plants shall be contained within the main building in accordance with the Michigan Medical Marijuana Act, as amended.
- The premise will be open for inspection by the Building Official, the Fire Department, and law enforcement officials for compliance with all applicable laws and rules.

Existing and potential future facilities

Dispensaries

Currently there are 6 licensed dispensaries, and one potential dispensary that has submitted an application but not the required site or building plans. Based on the zoning and distance requirements and the location of the pending application, there appear to be 2 likely locations for additional dispensaries in the City. "Likely" is based on countless staff conversations with location seekers, applicants, and potential landlords. There are additional areas where a dispensary can theoretically be located, but based on the existing uses as well as other factors, staff feels that the existing use is unlikely to change. Those locations include: former Taco Bell on Ecorse, 800-900 block of W. Michigan, and potentially the 500-600 block of W. Michigan although this is less likely based on the existing landlords and businesses.

Grow Facilities

There is one operating growing facility with two others pending final approval, due to the City's requirement for special use permit/site plan review. A facility on Railroad Street has applied for a license and the approval is pending site plan approval/construction. A proposed facility on Catherine Street has received the special use permit and site plan approvals. Work is currently underway on the site and building including sidewalk expansion, storm water management and building improvements. This owner decided to wait to submit a license application, as there is a provision in the city's ordinance noting that the applicant has only 60 days to receive a certificate of occupancy (all site and building work completed), once the license has been issued.

There is potential for approximately 2 more growing facilities: one in the Industrial park and another at the former Wooden Nickel on Huron River Drive.

<u>Distribution</u>
Dispensaries and growing facilities are fairly well distributed in the City between wards 1 and 3, where the majority of the business districts are located.

Ward 1 – 2 dispensaries, 1 potential dispensary, 1 grow facility and 1 potential grow facility
Ward 2 – 1 dispensary
Ward 3 – 3 dispensaries & 1 potential grow facility

<u>Moratorium concerns</u>
I understand that the City Manager's office is requesting feedback from the City Attorney regarding any legal issues related to potential vested rights related to the three facilities currently in the process of approval to see if that would pose an issue related to the proposed moratorium.

Council Member Vogt stated that a lot of conversation has revolved around the City being saturated with these facilities and asked if Ms. Gillotti felt the City was saturated in terms of demand.

Ms. Gillotti replied that there are a lot of inquiries about opening new facilities and these potential business owners feel that there is still a market for more dispensaries in the City.

Council Member Moeller asked why Council was now considering a moratorium on medical marijuana facilities when they had previously passed an ordinance allowing them.

Council Member Jefferson stated that it is not clear what will happen to these facilities in the future, as the State legislature and courts make further decisions and rulings, so he felt it was a good time to reevaluate the City's ordinance. He said that a lot of the details of the City's ordinance are clearer to him now that the facilities have been in operation and he would like to use this opportunity to address any concerns. He stated that he, along with Mayor Pro-Tem Richardson, should have been notified of the new application for a grow facility located in Ward 1. He said it is his responsibility, as a representative for that neighborhood, to know what is coming into the community.

Council Member Robb stated that this seems like a complete abuse of the emergency ordinance. He outlined the requirements to make a change to the ordinance and stated that the 60 days allotted under the requested moratorium doesn't give Council or staff much time to work on any substantial changes and would impose strict deadlines on staff members to get the changes approved in a timely manner. He stated that Council should feel free to explore changes to the ordinance but said he does not feel the emergency ordinance is the correct way to go about doing this.

Mayor Pro-Tem Richardson stated that this was not originally presented as an emergency ordinance but it was the advice of legal counsel to proceed in this manner. She said she does feel that allowing up to 15 medical marijuana facilities in a City as small as Ypsilanti is extreme and Council should go back and take another look at the ordinance. She shared a recent experience where she was in a parking lot that was located near a dispensary and said she saw multiple people coming and going from the dispensary and even witnessed individuals smoking in the parking lot. She said that the smoke was so strong she felt like she needed to move away from the area. She stated that she did not think City Council had thought about the undue stress these facilities would put on the Police Department when they already have a limited number of officers on patrol.

Council Member Robb asked Mayor Pro-Tem Richardson and Council Member Jefferson, who offered and supported the resolution, what, specifically, they were looking to change within the next 60 days.

Council Member Jefferson stated that he would like to take a look at the regulations regarding the location of the facilities and their distance from other businesses. He said that he would like to take a look at other jurisdictions to see if we had a comparable number of facilities in the City.

Council Member Murdock stated that there are limits to the locations of the facilities based on zoning regulations. He said that Council could limit the number of licenses allowed by simpler measures, such as passing a resolution, but he does not think an emergency ordinance is the way to accomplish that. He shared that the state legislature is not scheduled to take any action on medical marijuana during the current session so he does not feel that there will be any resolve coming from that direction at this time.

Legal counsel Jesse O'Jack stated that he would have to look into whether or not a resolution would be a sufficient way to place a cap on the number of facilities allowed in the City.

Council Member Moeller asked legal counsel Jesse O'Jack if he was able to confirm whether or not a simple resolution could be passed to place a cap on the number of facilities allowed, as that would be much simpler and faster than the emergency ordinance.

Mayor Pro-Tem Richardson stated that she wanted to reiterate that it was the City Attorney who suggested moving forward with this matter as an emergency ordinance. She said that she is open to the idea of delaying this resolution to the next meeting so that Mr. O'Jack can look into the options that Council has in moving forward. She stated that she feels the main thing that Council wants is to limit the number of facilities allowed in the City so that the City does not become completely saturated.

Mayor Pro-Tem Richardson moved, supported by Council Member Jefferson, to table Resolution No. 2013-077 to the next City Council meeting.

On roll call, the vote to table Resolution No. 2013-077, was as follows:

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

VOTE:

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

Mayor Schreiber thanked Ms. Gillotti for putting together the information to present to Council on this matter.

XIII. <u>LIASON REPORTS</u> –

A. SEMCOG Update: None

B. Washtenaw Area Transportation Study:

- Council Member Murdock stated that they had appointed Ryan Buck as new Director at the last meeting.

C. Washtenaw Metro Alliance: None

D. Urban County: None

E. Freight House:

- Council Member Murdock stated that they would be going before the Historic District Commission next month for approval of the construction plans.

XIV. **COUNCIL PROPOSED BUSINESS** –

Council Member Murdock

- Asked if there was any information available to track complaints processed through the website. He requested a report on the complaints and the status of them.
    - Mr. Lange answered that staff has been working on streamlining the process and Assistant to the City Manager Ericka Savage has been working on this project and she will work on a report for the next Council meeting.
- Mentioned HB 4742 to repeal PA 297 of 2011 that prohibits Public Employers from providing medical benefits to domestic partners and moved, supported by Council Member Vogt, to propose a resolution supporting the bill.

Council Member Vogt

- Stated that many neighbors in the area of Ainsley Street were upset that a barrier had been removed for an event and they had been submitting their complaints to EMU. He suggested City staff look at ways to better communicate event details to prevent problems like this in the future.

Council Member Jefferson

- Stated that there has been graffiti on the Parkridge Park Pavilion since Sunday evening of last week and there had been a citizen calling to report it, but it has not been taken care of. He said it was vulgar and he felt it should be handled immediately.

Mayor Pro-Tem Richardson

- Stated that she would like to present a proclamation to Ypsilanti Public Schools to acknowledge the district, as their farewell celebration is June 1, 2013.

XV. **COMMUNICATIONS FROM THE MAYOR** –

Mayor Schreiber suggested the packet link that is sent out to Council be distributed on the listserver so that interested parties will be able to easily view the materials prior to meetings.

Ypsilanti Downtown Development Authority
Leigh Greden (reappointment)
EMU -- 207 Welch Hall
Ypsilanti, MI 48197
Term Expires: 7/7/2017

Recreation Commission
Bob Krzewinski (reappointment)
706 Dwight
Ypsilanti, MI 48198
Term Expires: 6/19/2016

XVI. COMMUNICATIONS FROM THE CITY MANAGER –

1. Discussed the priority of creating commuter rail service in the City and the possibilities related to having trains on display in the near future.

2. Provided updates on the streetlight conversions and his recommendations for moving forward. He said he hopes to bring forth a contract at the next Council meeting for 500 streetlight conversions to be completed from July to November 2013 and 750 streetlight conversions to be completed by November 2014.

The meeting recessed at 8:08 p.m.

The meeting reconvened at 8:22 p.m.

XVII. BUDGET SESSION –

Continuation of Non-General Fund Expenditures Budget/Review - City Manager Ralph Lange

- Budget Priorities for FY 2013-2014
- Budget Highlights
- Long Term Financial Viability

Fiscal Services Director Marilou Uy assisted Mr. Lange in the presentation of information related to the fund balances.

Council Member Murdock stated that one of the things he would like to get out of these budget conversations were target dates for when proposed changes might take place.

Mayor Schreiber thanked the staff for all of their hard work on the budget.

Mayor Pro-Tem Richardson stated that she wanted to also thank staff for their work.

XVIII. AUDIENCE PARTICIPATION –

Mr. Allen stated that, as a strong advocate of medical marijuana, he was upset and appalled by the poor judgment of Mayor Pro-Tem Richardson when she stated that there were people smoking marijuana in a parking lot near a medical marijuana dispensary. He said that it was illegal to do so and he asked her to call the police if that ever happened again in the future. He stated that he does not tolerate that kind of behavior in the community. He said that Council Member Jefferson's comment likening medical marijuana facilities to crack houses was incredibly insulting. He said that he was upset that Council had originally passed the ordinance but now, when the chance of a new facility in their neighborhood arises, want to try and limit them.

XIX. REMARKS FROM THE MAYOR –

None

XX. ADJOURNMENT –

Resolution No. 2013-080, 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. The meeting adjourned at 9:16 p.m.

Resolution No. 2013 – 086
June 4, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI,

That the following items be approved:

1. Resolution No. 2013-087, approving appointments to Boards and Commissions.

2. Resolution No. 2013-088, authorizing City Clerk to apply for MDOT annual permit and authorizing persons to apply for MDOT activity permits.

3. Resolution No. 2013-089, supporting HB 4742, a bill to repeal PA 297 of 2011 that prohibits Public Employers from providing medical benefits to domestic partners.

OFFERED BY: ____

SUPPORTED BY:____

YES: NO: ABSENT: VOTE:

Resolution No. 2013 – 087
June 4, 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
Leigh Greden (reappointment) EMU -- 207 Welch Hall Ypsilanti, MI 48197	**YDDA**	7/7/2017
Bob Krzewinski (reappointment) 706 Dwight Ypsilanti, MI 48198	**Recreation Commission**	6/19/2016

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE:

City of Ypsilanti
Pride. Diversity. Heritage.

Resolution No. 2013 - 088
June 4, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City has regulated persons, firms and corporations who sell or offer for sale or display or attempt to display for sale goods, wares, produce, fruit, vegetables or merchandise upon any public street or state trunk line in the City pursuant to Ypsilanti City Code Chapter 94-191;

WHEREAS, the City also allows annual parades and special events on public streets and state trunk lines; and

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

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

WHEREAS, MDOT requires under the Act that the City pass a Resolution authorizing the activities described above and that MDOT may require the City to enforce compliance with the MDOT permit.

RESOLVED, that the City of Ypsilanti authorizes the City Clerk to apply for the MDOT activity annual permit on behalf of the City of Ypsilanti and authorizes Public Services Director Stan Kirton, City Clerk Frances McMullan, Events Coordinator Amanda Holsinger and Planning Assistant Bonnie Wessler to make application to MDOT for approval of activities and permits.

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

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE:

Resolution No. 2013-089
June 4, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Ypsilanti City Council supports HB 4742, a bill to repeal PA 297 of 2011 that prohibits Public Employers from providing medical benefits to domestic partners.

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE:

Zemke introduces legislation to repeal ban on domestic partner benefits in Michigan

By RYAN J. STANTON (/USERS/PROFILE/?UID=282) Political Reporter
Posted on Fri, May 17, 2013 : 5:35 p.m.

State Rep. **Adam Zemke**, D-Ann Arbor, has introduced a bill that would reverse the state's ban (http://www.annarbor.com/news/ann-arbor-goes-on-record-opposing-state-ban-on-domestic-partner-benefits/) on extending health benefits to domestic partners of public employees.

The legislation, **House Bill 4742** (http://www.legislature.mi.gov/(S(1bwcjti1kuylia55u04zv4qy))/mileg.aspx?page=getObject&objectName=2013-HB-4742), would repeal Public Act 297 of 2011, which enacted the ban. The bill has been referred to the House Government Operations Committee.


Adam Zemke

"This is about making Michigan a better and more equal place for all citizens," Zemke said in a statement released Friday afternoon. "I want to see Michigan join the ranks of other inclusive states and treat its workers and residents with the respect they deserve."

Many Democrats and gay rights supporters have called the state's ban discriminatory and overreaching, while some Republicans argue it's a matter of fiscal responsibility and it reflects the will of Michigan voters who decided in 2004 to define marriage as a union between one man and one woman.

While gay marriage remains constitutionally prohibited in Michigan, a new poll suggests (http://www.mlive.com/news/index.ssf/2013/05/poll_majority_of_michigan_vote.html) a majority of state voters, if given the option today, would reverse the ban they approved in 2004.

As of its introduction, Zemke's bill had 33 co-sponsors, including state Reps. **Gretchen Driskell**, D-Saline; **Jeff Irwin**, D-Ann Arbor; and **David Rutledge**, D-Superior Township.

Zemke said the reach of PA 297 goes beyond a fundamental unfairness. He believes the act hinders the state's ability to attract and retain a talented workforce.

"Business and higher education leaders have cited PA 297 for its adverse impact, particularly on Michigan's attractiveness to young professionals, as they consider pursuing opportunities outside of Michigan," he said. "At the end of the day, I can think of zero reasons for the state to continue authorizing such blatant discrimination."

A spokesperson for the House Republicans could not immediately be reached for comment on Friday afternoon.

Tags: Adam Zemke (/tag/Adam Zemke/), Michigan House (/tag/Michigan House/), Michigan Legislature (/tag/Michigan Legislature/), domestic partner benefits (/tag/domestic partner benefits/)


(/users/profile/?UID=282)

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REQUEST FOR LEGISLATION
June 4, 2013

From: Stan Kirton, Public Services Director

Subject: Michigan Department of Transportation Contract No. 13-5223 for 2013 Grove Road Street Project

SUMMARY & BACKGROUND:

Federal Surface Transportation Program - Urban funding has been programmed in the Washtenaw County Transportation Improvement Program for resurfacing of Grove Road between I-94 Overpass and Emerick Street in the 2013 construction season. This project is anticipated to include concrete paving removal, resurfacing with asphalt, some side walk repairs, drainage improvements, bike lanes and curb replacement.

The total resurfacing cost is estimated at $614,000, less $503,100 Federal Funds, the City's estimated share for construction will be $111,600.

The FY 2013-2014 budget allocated funding for construction engineering services needed for this project. The construction costs has been allocated for the FY 2013-2014 budget.

RECOMMENDED ACTION: Approval

ATTACHMENTS: MDOT Contract No. 13-5223, Resolution

CITY MANAGER APPROVAL:______________________ AGENDA DATE: June 4, 2013_

CITY MANAGER COMMENTS: ____

FISCAL SERVICES DIRECTOR APPROVAL: _____________________________________

Resolution No. 2013 - 090
June 4, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Federal Surface Transportation Program - Urban funding has been programmed in the Washtenaw County Transportation Improvement Program for improvements to Grove Road between the I=94 Overpass and Emerick Street in the year 2013 construction season; and

WHEREAS, it is necessary to enter into a contract with the Michigan Department of Transportation for the implementation of this project;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the Michigan Department of Transportation Contract No. 11-5223; and

THAT the Mayor and City Clerk are authorized to sign this contract and any change orders, subject to approval by the City Attorney, to facilitate the completion of this work.

OFFERED BY: ____

SUPPORTED BY: ____

YES: NO: ABSENT: VOTE:

STP

	DA
Control Section	STU 81475
Job Number	118978
Project	STP 1381(017)
Federal Item No.	HH 8616
CFDA No.	20.205 (Highway Research Planning & Construction)
Contract No.	13-5223

PART I

THIS CONTRACT, consisting of PART I and PART II (Standard Agreement Provisions), is made and entered into this date of ________________________, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF YPSILANTI, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements, in the City of Ypsilanti, Michigan, hereinafter referred to as the "PROJECT" and estimated in detail on EXHIBIT "I", dated April 17, 2013, attached hereto and made a part hereof:

> Reconstruction work along Grove Street from Highway I-94 to Emerick Street; including hot mix asphalt paving, concrete curb and gutter, grading, storm sewer, and restoration work; and all together with necessary related work.

WITNESSETH:

WHEREAS, pursuant to Federal law, monies have been provided for the performance of certain improvements on public roads; and

WHEREAS, the reference "FHWA" in PART I and PART II refers to the United States Department of Transportation, Federal Highway Administration; and

WHEREAS, the PROJECT, or portions of the PROJECT, at the request of the REQUESTING PARTY, are being programmed with the FHWA, for implementation with the use of Federal Funds under the following Federal program(s) or funding:

SURFACE TRANSPORTATION PROGRAM

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written contract.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties hereto shall undertake and complete the PROJECT in accordance with the terms of this contract.

2. The term "PROJECT COST", as herein used, is hereby defined as the cost of the physical construction necessary for the completion of the PROJECT, including any other costs incurred by the DEPARTMENT as a result of this contract, except for construction engineering and inspection.

No charges will be made by the DEPARTMENT to the PROJECT for any inspection work or construction engineering.

The costs incurred by the REQUESTING PARTY for preliminary engineering, construction engineering, construction materials testing, inspection, and right-of-way are excluded from the PROJECT COST as defined by this contract.

3. The DEPARTMENT is authorized by the REQUESTING PARTY to administer on behalf of the REQUESTING PARTY all phases of the PROJECT including advertising and awarding the construction contract for the PROJECT or portions of the PROJECT. Such administration shall be in accordance with PART II, Section II of this contract.

Any items of the PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

4. The REQUESTING PARTY, at no cost to the PROJECT or to the DEPARTMENT, shall:

A. Design or cause to be designed the plans for the PROJECT.

B. Appoint a project engineer who shall be in responsible charge of the PROJECT and ensure that the plans and specifications are followed.

C. Perform or cause to be performed the construction engineering, construction materials testing, and inspection services necessary for the completion of the PROJECT.

The REQUESTING PARTY will furnish the DEPARTMENT proposed timing sequences for trunkline signals that, if any, are being made part of the improvement. No timing adjustments shall be made by the REQUESTING PARTY at any trunkline intersection, without prior issuances by the DEPARTMENT of Standard Traffic Signal Timing Permits.

5. The PROJECT COST shall be met in part by contributions by the Federal Government. Federal Surface Transportation Funds shall be applied to the eligible items of the PROJECT COST at the established Federal participation ratio equal to 81.85 percent. The balance of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

Any items of PROJECT COST not reimbursed by Federal Funds will be the sole responsibility of the REQUESTING PARTY.

6. No working capital deposit will be required for this PROJECT.

In order to fulfill the obligations assumed by the REQUESTING PARTY under the provisions of this contract, the REQUESTING PARTY shall make prompt payments of its share of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. All payments will be made within 30 days of receipt of billings from the DEPARTMENT. Billings to the REQUESTING PARTY will be based upon the REQUESTING PARTY'S share of the actual costs incurred less Federal Funds earned as the PROJECT progresses.

In the event of any discrepancies between PART I and PART II of this contract, the provisions of PART I shall prevail.

7. Upon completion of construction of the PROJECT, the REQUESTING PARTY will promptly cause to be enacted and enforced such ordinances or regulations as may be necessary to prohibit parking in the roadway right-of-way throughout the limits of the PROJECT.

8. The performance of the entire PROJECT under this contract, whether Federally funded or not, will be subject to the provisions and requirements of PART II that are applicable to a Federally funded project.

Buy America Requirements (23 CFR 365.410) shall apply to the PROJECT and will be adhered to, as applicable, by the parties hereto.

9. The REQUESTING PARTY certifies that a) it is a person under the Natural Resources and Environmental Protection Act, MCL 324.20101 et seq., as amended, (NREPA) and is not aware of and has no reason to believe that the property is a facility as defined in the NREPA; b) the REQUESTING PARTY further certifies that it has completed the tasks required by MCL 324.20126 (3)(h); c) it conducted a visual inspection of property within the existing right of way on which construction is to be performed to determine if any hazardous substances were present; and at sites on which historically were located businesses that involved hazardous substances, it performed a reasonable investigation to determine whether hazardous substances exist. This reasonable investigation should include, at a minimum, contact with local, state and federal environmental agencies to determine if the site has been identified as, or potentially as, a

site containing hazardous substances; d) it did not cause or contribute to the release or threat of release of any hazardous substance found within the PROJECT limits.

The REQUESTING PARTY also certifies that, in addition to reporting the presence of any hazardous substances to the Department of Environmental Quality, it has advised the DEPARTMENT of the presence of any and all hazardous substances which the REQUESTING PARTY found within the PROJECT limits, as a result of performing the investigation and visual inspection required herein. The REQUESTING PARTY also certifies that it has been unable to identify any entity who may be liable for the cost of remediation. As a result, the REQUESTING PARTY has included all estimated costs of remediation of such hazardous substances in its estimated cost of construction of the PROJECT.

10. If, subsequent to execution of this contract, previously unknown hazardous substances are discovered within the PROJECT limits, which require environmental remediation pursuant to either state or federal law, the REQUESTING PARTY, in addition to reporting that fact to the Department of Environmental Quality, shall immediately notify the DEPARTMENT, both orally and in writing of such discovery. The DEPARTMENT shall consult with the REQUESTING PARTY to determine if it is willing to pay for the cost of remediation and, with the FHWA, to determine the eligibility, for reimbursement, of the remediation costs. The REQUESTING PARTY shall be charged for and shall pay all costs associated with such remediation, including all delay costs of the contractor for the PROJECT, in the event that remediation and delay costs are not deemed eligible by the FHWA. If the REQUESTING PARTY refuses to participate in the cost of remediation, the DEPARTMENT shall terminate the PROJECT. The parties agree that any costs or damages that the DEPARTMENT incurs as a result of such termination shall be considered a PROJECT COST.

11. If federal and/or state funds administered by the DEPARTMENT are used to pay the cost of remediating any hazardous substances discovered after the execution of this contract and if there is a reasonable likelihood of recovery, the REQUESTING PARTY, in cooperation with the Department of Environmental Quality and the DEPARTMENT, shall make a diligent effort to recover such costs from all other possible entities. If recovery is made, the DEPARTMENT shall be reimbursed from such recovery for the proportionate share of the amount paid by the FHWA and/or the DEPARTMENT and the DEPARTMENT shall credit such sums to the appropriate funding source.

12. The DEPARTMENT'S sole reason for entering into this contract is to enable the REQUESTING PARTY to obtain and use funds provided by the Federal Highway Administration pursuant to Title 23 of the United States Code.

Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT or its agents pursuant to the terms of this contract are done to assist the REQUESTING PARTY in meeting program guidelines in order to qualify for available funds. Such approvals, reviews, inspections and recommendations by the DEPARTMENT or its agents shall not relieve the REQUESTING PARTY and the local agencies, as applicable, of their ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT or its agents is assuming any liability, control or jurisdiction.

The providing of recommendations or advice by the DEPARTMENT or its agents does not relieve the REQUESTING PARTY and the local agencies, as applicable of their exclusive jurisdiction of the highway and responsibility under MCL 691.1402 et seq., as amended.

When providing approvals, reviews and recommendations under this contract, the DEPARTMENT or its agents is performing a governmental function, as that term is defined in MCL 691.1401 et seq., as amended, which is incidental to the completion of the PROJECT.

13. The DEPARTMENT, by executing this contract, and rendering services pursuant to this contract, has not and does not assume jurisdiction of the highway, described as the PROJECT for purposes of MCL 691.1402 et seq., as amended. Exclusive jurisdiction of such highway for the purposes of MCL 691.1402 et seq., as amended, rests with the REQUESTING PARTY and other local agencies having respective jurisdiction.

14. The REQUESTING PARTY shall approve all of the plans and specifications to be used on the PROJECT and shall be deemed to have approved all changes to the plans and specifications when put into effect. It is agreed that ultimate responsibility and control over the PROJECT rests with the REQUESTING PARTY and local agencies, as applicable.

15. The REQUESTING PARTY agrees that the costs reported to the DEPARTMENT for this contract will represent only those items that are properly chargeable in accordance with this contract. The REQUESTING PARTY also certifies that it has read the contract terms and has made itself aware of the applicable laws, regulations, and terms of this contract that apply to the reporting of costs incurred under the terms of this contract.

16. The parties shall promptly provide comprehensive assistance and cooperation in defending and resolving any claims brought against the DEPARTMENT by the contractor, vendors or suppliers as a result of the DEPARTMENT'S award of the construction contract for the PROJECT. Costs incurred by the DEPARTMENT in defending or resolving such claims shall be considered PROJECT COSTS.

17. The DEPARTMENT shall require the contractor who is awarded the contract for the construction of the PROJECT to provide insurance in the amounts specified and in accordance with the DEPARTMENT'S current Standard Specifications for Construction and to:

A. Maintain bodily injury and property damage insurance for the duration of the PROJECT.

B. Provide owner's protective liability insurance naming as insureds the State of Michigan, the Michigan State Transportation Commission, the DEPARTMENT and its officials, agents and employees, the REQUESTING PARTY and any other county, county road commission, or municipality in whose jurisdiction the PROJECT is located, and their employees, for the duration of the PROJECT and to provide, upon request, copies of certificates of insurance to the insureds. It is understood that the DEPARTMENT does not assume jurisdiction of the highway described as the PROJECT as a result of being named as an insured on the owner's protective liability insurance policy.

C. Comply with the requirements of notice of cancellation and reduction of insurance set forth in the current standard specifications for construction and to provide, upon request, copies of notices and reports prepared to those insured.

18. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto and upon the adoption of the necessary resolutions approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

CITY OF YPSILANTI

By________________________
Title:

By________________________
Title:

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By________________________
Department Director MDOT

APPROVED
5-17-13
[redacted]

[redacted]
Administrator
Real Estate

Date

April 17, 2013

EXHIBIT I

CONTROL SECTION	STU 81475
JOB NUMBER	118978
PROJECT	STP 1381(017)

ESTIMATED COST

CONTRACTED WORK

Estimated Cost	$614,700

COST PARTICIPATION

GRAND TOTAL ESTIMATED COST	$614,700
Less Federal Funds	$503,100
BALANCE (REQUESTING PARTY'S SHARE)	$111,600

NO DEPOSIT

PART II

STANDARD AGREEMENT PROVISIONS

SECTION I COMPLIANCE WITH REGULATIONS AND DIRECTIVES

SECTION II PROJECT ADMINISTRATION AND SUPERVISION

SECTION III ACCOUNTING AND BILLING

SECTION IV MAINTENANCE AND OPERATION

SECTION V SPECIAL PROGRAM AND PROJECT CONDITIONS

SECTION I

COMPLIANCE WITH REGULATIONS AND DIRECTIVES

A. To qualify for eligible cost, all work shall be documented in accordance with the requirements and procedures of the DEPARTMENT.

B. All work on projects for which reimbursement with Federal funds is requested shall be performed in accordance with the requirements and guidelines set forth in the following Directives of the Federal-Aid Policy Guide (FAPG) of the FHWA, as applicable, and as referenced in pertinent sections of Title 23 and Title 49 of the Code of Federal Regulations (CFR), and all supplements and amendments thereto.

1. Engineering

    a. FAPG (6012.1): Preliminary Engineering

    b. FAPG (23 CFR 172): Administration of Engineering and Design Related Service Contracts

    c. FAPG (23 CFR 635A): Contract Procedures

    d. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments--Allowable Costs

2. Construction

    a. FAPG (23 CFR 140E): Administrative Settlement Costs-Contract Claims

    b. FAPG (23 CFR 140B): Construction Engineering Costs

    c. FAPG (23 CFR 17): Recordkeeping and Retention Requirements for Federal-Aid Highway Records of State Highway Agencies

    d. FAPG (23 CFR 635A): Contract Procedures

    e. FAPG (23 CFR 635B): Force Account Construction

    f. FAPG (23 CFR 645A): Utility Relocations, Adjustments and Reimbursement

g. FAPG (23 CFR 645B): Accommodation of Utilities (PPM 30-4.1)

h. FAPG (23 CFR 655F): Traffic Control Devices on Federal-Aid and other Streets and Highways

i. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments–Allowable Costs

3. Modification Or Construction Of Railroad Facilities

a. FAPG (23 CFR 140I): Reimbursement for Railroad Work

b. FAPG (23 CFR 646B): Railroad Highway Projects

C. In conformance with FAPG (23 CFR 630C) Project Agreements, the political subdivisions party to this contract, on those Federally funded projects which exceed a total cost of $100,000.00 stipulate the following with respect to their specific jurisdictions:

1. That any facility to be utilized in performance under or to benefit from this contract is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Federal Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.

2. That they each agree to comply with all of the requirements of Section 114 of the Federal Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.

3. That as a condition of Federal aid pursuant to this contract they shall notify the DEPARTMENT of the receipt of any advice indicating that a facility to be utilized in performance under or to benefit from this contract is under consideration to be listed on the EPA List of Violating Facilities.

D. Ensure that the PROJECT is constructed in accordance with and incorporates all committed environmental impact mitigation measures listed in approved environmental documents unless modified or deleted by approval of the FHWA.

E. All the requirements, guidelines, conditions and restrictions noted in all other pertinent Directives and Instructional Memoranda of the FHWA will apply to this contract and will be adhered to, as applicable, by the parties hereto.

SECTION II

PROJECT ADMINISTRATION AND SUPERVISION

A. The DEPARTMENT shall provide such administrative guidance as it determines is required by the PROJECT in order to facilitate the obtaining of available federal and/or state funds.

B. The DEPARTMENT will advertise and award all contracted portions of the PROJECT work. Prior to advertising of the PROJECT for receipt of bids, the REQUESTING PARTY may delete any portion or all of the PROJECT work. After receipt of bids for the PROJECT, the REQUESTING PARTY shall have the right to reject the amount bid for the PROJECT prior to the award of the contract for the PROJECT only if such amount exceeds by ten percent (10%) the final engineer's estimate therefor. If such rejection of the bids is not received in writing within two (2) weeks after letting, the DEPARTMENT will assume concurrence. The DEPARTMENT may, upon request, readvertise the PROJECT. Should the REQUESTING PARTY so request in writing within the aforesaid two (2) week period after letting, the PROJECT will be cancelled and the DEPARTMENT will refund the unused balance of the deposit less all costs incurred by the DEPARTMENT.

C. The DEPARTMENT will perform such inspection services on PROJECT work performed by the REQUESTING PARTY with its own forces as is required to ensure compliance with the approved plans & specifications.

D. On those projects funded with Federal monies, the DEPARTMENT shall as may be required secure from the FHWA approval of plans and specifications, and such cost estimates for FHWA participation in the PROJECT COST.

E. All work in connection with the PROJECT shall be performed in conformance with the Michigan Department of Transportation Standard Specifications for Construction, and the supplemental specifications, Special Provisions and plans pertaining to the PROJECT and all materials furnished and used in the construction of the PROJECT shall conform to the aforesaid specifications. No extra work shall be performed nor changes in plans and specifications made until said work or changes are approved by the project engineer and authorized by the DEPARTMENT.

F. Should it be necessary or desirable that portions of the work covered by this contract be accomplished by a consulting firm, a railway company, or governmental agency, firm, person, or corporation, under a subcontract with the REQUESTING PARTY at PROJECT expense, such subcontracted arrangements will be covered by formal written agreement between the REQUESTING PARTY and that party.

This formal written agreement shall: include a reference to the specific prime contract to which it pertains; include provisions which clearly set forth the maximum reimbursable and the basis of payment; provide for the maintenance of accounting records in accordance with generally accepted accounting principles, which clearly document the actual cost of the services provided; provide that costs eligible for reimbursement shall be in accordance with clearly defined cost criteria such as 49 CFR Part 18, 48 CFR Part 31, 23 CFR Part 140, OMB Circular A-87, etc. as applicable; provide for access to the department or its representatives to inspect and audit all data and records related to the agreement for a minimum of three years after the department's final payment to the local unit.

All such agreements will be submitted for approval by the DEPARTMENT and, if applicable, by the FHWA prior to execution thereof, except for agreements for amounts less than $100,000 for preliminary engineering and testing services executed under and in accordance with the provisions of the "Small Purchase Procedures" FAPG (23 CFR 172), which do not require prior approval of the DEPARTMENT or the FHWA.

Any such approval by the DEPARTMENT shall in no way be construed as a warranty of the subcontractor's qualifications, financial integrity, or ability to perform the work being subcontracted.

G. The REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, shall make such arrangements with railway companies, utilities, etc., as may be necessary for the performance of work required for the PROJECT but for which Federal or other reimbursement will not be requested.

H. The REQUESTING PARTY, at no cost to the PROJECT, or the DEPARTMENT, shall secure, as necessary, all agreements and approvals of the PROJECT with railway companies, the Railroad Safety & Tariffs Division of the DEPARTMENT and other concerned governmental agencies other than the FHWA, and will forward same to the DEPARTMENT for such reviews and approvals as may be required.

I. No PROJECT work for which reimbursement will be requested by the REQUESTING PARTY is to be subcontracted or performed until the DEPARTMENT gives written notification that such work may commence.

J. The REQUESTING PARTY shall be responsible for the payment of all costs and expenses incurred in the performance of the work it agrees to undertake and perform.

K. The REQUESTING PARTY shall pay directly to the party performing the work all billings for the services performed on the PROJECT which are authorized by or through the REQUESTING PARTY.

L. The REQUESTING PARTY shall submit to the DEPARTMENT all paid billings for which reimbursement is desired in accordance with DEPARTMENT procedures.

M. All work by a consulting firm will be performed in compliance with the applicable provisions of 1980 PA 299, Subsection 2001, MCL 339.2001; MSA 18.425(2001), as well as in accordance with the provisions of all previously cited Directives of the FHWA.

N. The project engineer shall be subject to such administrative guidance as may be deemed necessary to ensure compliance with program requirement and, in those instances where a consultant firm is retained to provide engineering and inspection services, the personnel performing those services shall be subject to the same conditions.

O. The DEPARTMENT, in administering the PROJECT in accordance with applicable Federal and State requirements and regulations, neither assumes nor becomes liable for any obligations undertaken or arising between the REQUESTING PARTY and any other party with respect to the PROJECT.

P. In the event it is determined by the DEPARTMENT that there will be either insufficient Federal funds or insufficient time to properly administer such funds for the entire PROJECT or portions thereof, the DEPARTMENT, prior to advertising or issuing authorization for work performance, may cancel the PROJECT, or any portion thereof, and upon written notice to the parties this contract shall be void and of no effect with respect to that cancelled portion of the PROJECT. Any PROJECT deposits previously made by the parties on the cancelled portions of the PROJECT will be promptly refunded.

Q. Those projects funded with Federal monies will be subject to inspection at all times by the DEPARTMENT and the FHWA.

SECTION III

ACCOUNTING AND BILLING

A. Procedures for billing for work undertaken by the REQUESTING PARTY:

1. The REQUESTING PARTY shall establish and maintain accurate records, in accordance with generally accepted accounting principles, of all expenses incurred for which payment is sought or made under this contract, said records to be hereinafter referred to as the "RECORDS". Separate accounts shall be established and maintained for all costs incurred under this contract.

The REQUESTING PARTY shall maintain the RECORDS for at least three (3) years from the date of final payment of Federal Aid made by the DEPARTMENT under this contract. In the event of a dispute with regard to the allowable expenses or any other issue under this contract, the REQUESTING PARTY shall thereafter continue to maintain the RECORDS at least until that dispute has been finally decided and the time for all available challenges or appeals of that decision has expired.

The DEPARTMENT, or its representative, may inspect, copy, or audit the RECORDS at any reasonable time after giving reasonable notice.

If any part of the work is subcontracted, the REQUESTING PARTY shall assure compliance with the above for all subcontracted work.

In the event that an audit performed by or on behalf of the DEPARTMENT indicates an adjustment to the costs reported under this contract, or questions the allowability of an item of expense, the DEPARTMENT shall promptly submit to the REQUESTING PARTY, a Notice of Audit Results and a copy of the audit report which may supplement or modify any tentative findings verbally communicated to the REQUESTING PARTY at the completion of an audit.

Within sixty (60) days after the date of the Notice of Audit Results, the REQUESTING PARTY shall: (a) respond in writing to the responsible Bureau or the DEPARTMENT indicating whether or not it concurs with the audit report, (b) clearly explain the nature and basis for any disagreement as to a disallowed item of expense and, (c) submit to the DEPARTMENT a written explanation as to any questioned or no opinion expressed item of expense, hereinafter referred to as the "RESPONSE". The RESPONSE shall be clearly stated and provide any supporting documentation necessary to resolve any disagreement or questioned or no opinion expressed item of expense. Where the documentation is voluminous, the REQUESTING PARTY may supply appropriate excerpts and make alternate arrangements to conveniently and reasonably make that documentation available for review by the DEPARTMENT. The RESPONSE shall refer to and apply the language of the contract. The REQUESTING PARTY agrees that failure to submit a RESPONSE within the sixty (60) day period constitutes agreement with any disallowance of an item of expense and authorizes the DEPARTMENT to finally disallow any items of questioned or no opinion expressed cost.

The DEPARTMENT shall make its decision with regard to any Notice of Audit Results and RESPONSE within one hundred twenty (120) days after the date of the Notice of Audit Results. If the DEPARTMENT determines that an overpayment has been made to the REQUESTING PARTY, the REQUESTING PARTY shall repay that amount to the DEPARTMENT or reach agreement with the DEPARTMENT on a repayment schedule within thirty (30) days after the date of an invoice from the DEPARTMENT. If the REQUESTING PARTY fails to repay the overpayment or reach agreement with the DEPARTMENT on a repayment schedule within the thirty (30) day period, the REQUESTING PARTY agrees that the DEPARTMENT shall deduct all or a portion of the overpayment from any funds then or thereafter payable by the DEPARTMENT to the REQUESTING PARTY under this contract or any other agreement, or payable to the REQUESTING PARTY under the terms of 1951 PA 51, as applicable. Interest will be assessed on any partial payments or repayment schedules based on the unpaid balance at the end of each month until the balance is paid in full. The assessment of interest will begin thirty (30) days from the date of the invoice. The rate of interest will be based on the Michigan Department of Treasury common cash funds interest earnings. The rate of interest will be reviewed annually by the DEPARTMENT and adjusted as necessary based on the Michigan Department of Treasury common cash funds interest earnings. The REQUESTING PARTY expressly consents to this withholding or offsetting of funds under those circumstances, reserving the right to file a lawsuit in the Court of Claims to contest the DEPARTMENT'S decision only as to any item of expense the disallowance of which was disputed by the REQUESTING PARTY in a timely filed RESPONSE.

The REQUESTING PARTY shall comply with the Single Audit Act of 1984, P.L. 98-502.

The REQUESTING PARTY shall adhere to the following requirements associated with audits of accounts and records:

a. Agencies expending a total of $500,000 or more in federal funds, from one or more funding sources in its fiscal year, shall comply with the requirements of the federal Office of Management and Budget (OMB) Circular A-133, as revised or amended.

The agency shall submit two copies of:

The Reporting Package
The Data Collection Form
The management letter to the agency, if one issued by the audit firm

The OMB Circular A-133 audit must be submitted to the address below in accordance with the time frame established in the circular, as revised or amended.

b. Agencies expending less than $500,000 in federal funds must submit a letter to the Department advising that a circular audit was not required. The letter shall indicate the applicable fiscal year, the amount of federal funds spent, the name(s) of the Department federal programs, and the CFDA grant number(s). This information must also be submitted to the address below.

c. Address: Michigan Department of Transportation
Bureau of Highways Technical Services
425 W. Ottawa, P.O. Box 30050
Lansing, MI 48909

d. Agencies must also comply with applicable State laws and regulations relative to audit requirements.

e. Agencies shall not charge audit costs to Department's federal programs which are not in accordance with the OMB Circular A-133 requirements.

f. All agencies are subject to the federally required monitoring activities, which may include limited scope reviews and other on-site monitoring.

2. Agreed Unit Prices Work - All billings for work undertaken by the REQUESTING PARTY on an agreed unit price basis will be submitted in accordance with the Michigan Department of Transportation Standard Specifications for Construction and pertinent FAPG Directives and Guidelines of the FHWA.

3. Force Account Work and Subcontracted Work - All billings submitted to the DEPARTMENT for Federal reimbursement for items of work performed on a force account basis or by any subcontract with a consulting firm, railway company, governmental agency or other party, under the terms of this contract, shall be prepared in accordance with the provisions of the pertinent FHPM Directives and the procedures of the DEPARTMENT. Progress billings may be submitted monthly during the time work is being performed provided, however, that no bill of a lesser amount than $1,000.00 shall be submitted unless it is a final

or end of fiscal year billing. All billings shall be labeled either "Progress Bill Number _______", or "Final Billing".

4. Final billing under this contract shall be submitted in a timely manner but not later than six months after completion of the work. Billings for work submitted later than six months after completion of the work will not be paid.

5. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with Federal monies, the DEPARTMENT will act as billing agent for the REQUESTING PARTY, consolidating said billings with those for its own force account work and presenting these consolidated billings to the FHWA for payment. Upon receipt of reimbursement from the FHWA, the DEPARTMENT will promptly forward to the REQUESTING PARTY its share of said reimbursement.

6. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with non-Federal monies, the DEPARTMENT will promptly forward to the REQUESTING PARTY reimbursement of eligible costs.

B. Payment of Contracted and DEPARTMENT Costs:

1. As work on the PROJECT commences, the initial payments for contracted work and/or costs incurred by the DEPARTMENT will be made from the working capital deposit. Receipt of progress payments of Federal funds, and where applicable, State Critical Bridge funds, will be used to replenish the working capital deposit. The REQUESTING PARTY shall make prompt payments of its share of the contracted and/or DEPARTMENT incurred portion of the PROJECT COST upon receipt of progress billings from the DEPARTMENT. Progress billings will be based upon the REQUESTING PARTY'S share of the actual costs incurred as work on the PROJECT progresses and will be submitted, as required, until it is determined by the DEPARTMENT that there is sufficient available working capital to meet the remaining anticipated PROJECT COSTS. All progress payments will be made within thirty (30) days of receipt of billings. No monthly billing of a lesser amount than $1,000.00 will be made unless it is a final or end of fiscal year billing. Should the DEPARTMENT determine that the available working capital exceeds the remaining anticipated PROJECT COSTS, the DEPARTMENT may reimburse the REQUESTING PARTY such excess. Upon completion of the PROJECT, payment of all PROJECT COSTS, receipt of all applicable monies from the FHWA, and completion of necessary audits, the REQUESTING PARTY will be reimbursed the balance of its deposit.

2. In the event that the bid, plus contingencies, for the contracted, and/or the DEPARTMENT incurred portion of the PROJECT work exceeds the estimated cost therefor as established by this contract, the REQUESTING PARTY may be advised and billed for the additional amount of its share.

C. General Conditions:

1. The DEPARTMENT, in accordance with its procedures in existence and covering the time period involved, shall make payment for interest earned on the balance of working capital deposits for all projects on account with the DEPARTMENT. The REQUESTING PARTY in accordance with DEPARTMENT procedures in existence and covering the time period involved, shall make payment for interest owed on any deficit balance of working capital deposits for all projects on account with the DEPARTMENT. This payment or billing is processed on an annual basis corresponding to the State of Michigan fiscal year. Upon receipt of billing for interest incurred, the REQUESTING PARTY promises and shall promptly pay the DEPARTMENT said amount.

2. Pursuant to the authority granted by law, the REQUESTING PARTY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified in PART I and PART II. If the REQUESTING PARTY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the REQUESTING PARTY and the State Treasurer of the State of Michigan or such other state officer or agency having charge and control over disbursement of the Michigan Transportation Fund, pursuant to law, of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, said State Treasurer or other state officer or agency is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the REQUESTING PARTY from the Michigan Transportation Fund sufficient monies to remove the default, and to credit the REQUESTING PARTY with payment thereof, and to notify the REQUESTING PARTY in writing of such fact.

3. Upon completion of all work under this contract and final audit by the DEPARTMENT or the FHWA, the REQUESTING PARTY promises to promptly repay the DEPARTMENT for any disallowed items of costs previously disbursed by the DEPARTMENT. The REQUESTING PARTY pledges its future receipts from the Michigan Transportation Fund for repayment of all disallowed items and, upon failure to make repayment for any disallowed items within ninety (90) days of demand made by the DEPARTMENT, the DEPARTMENT is hereby authorized to withhold an equal amount from the REQUESTING PARTY'S share of any future distribution of Michigan Transportation Funds in settlement of said claim.

4. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT and upon completion of the PROJECT, payment of all items of PROJECT COST, receipt of all Federal Aid, if any, and completion of final audit by the DEPARTMENT and if applicable, by the FHWA, shall make final accounting to the REQUESTING PARTY. The final PROJECT accounting will not include interest earned or charged on working capital deposited for the PROJECT which will be accounted for separately at the close of the State of Michigan fiscal year and as set forth in Section C(1).

5. The costs of engineering and other services performed on those projects involving specific program funds and one hundred percent (100%) local funds will be apportioned to the respective portions of that project in the same ratio as the actual direct construction costs unless otherwise specified in PART I.

SECTION IV

MAINTENANCE AND OPERATION

A. Upon completion of construction of each part of the PROJECT, at no cost to the DEPARTMENT or the PROJECT, each of the parties hereto, within their respective jurisdictions, will make the following provisions for the maintenance and operation of the completed PROJECT:

1. All Projects:

   Properly maintain and operate each part of the project, making ample provisions each year for the performance of such maintenance work as may be required, except as qualified in paragraph 2b of this section.

2. Projects Financed in Part with Federal Monies:

   a. Sign and mark each part of the PROJECT, in accordance with the current Michigan Manual of Uniform Traffic control Devices, and will not install, or permit to be installed, any signs, signals or markings not in conformance with the standards approved by the FHWA, pursuant to 23 USC 109(d).

   b. Remove, prior to completion of the PROJECT, all encroachments from the roadway right-of-way within the limits of each part of the PROJECT.

      With respect to new or existing utility installations within the right-of-way of Federal Aid projects and pursuant to FAPG (23 CFR 645B): Occupancy of non-limited access right-of-way may be allowed based on consideration for traffic safety and necessary preservation of roadside space and aesthetic quality. Longitudinal occupancy of non-limited access right-of-way by private lines will require a finding of significant economic hardship, the unavailability of practicable alternatives or other extenuating circumstances.

   c. Cause to be enacted, maintained and enforced, ordinances and regulations for proper traffic operations in accordance with the plans of the PROJECT.

   d. Make no changes to ordinances or regulations enacted, or traffic controls installed in conjunction with the PROJECT work without prior review by the DEPARTMENT and approval of the FHWA, if required.

B. On projects for the removal of roadside obstacles, the parties, upon completion of construction of each part of the PROJECT, at no cost to the PROJECT or the DEPARTMENT, will, within their respective jurisdictions, take such action as is necessary to assure that the roadway right-of-way, cleared as the PROJECT, will be maintained free of such obstacles.

C. On projects for the construction of bikeways, the parties will enact no ordinances or regulations prohibiting the use of bicycles on the facility hereinbefore described as the PROJECT, and will amend any existing restrictive ordinances in this regard so as to allow use of this facility by bicycles. No motorized vehicles shall be permitted on such bikeways or walkways constructed as the PROJECT except those for maintenance purposes.

D. Failure of the parties hereto to fulfill their respective responsibilities as outlined herein may disqualify that party from future Federal-aid participation in projects on roads or streets for which it has maintenance responsibility. Federal Aid may be withheld until such time as deficiencies in regulations have been corrected, and the improvements constructed as the PROJECT are brought to a satisfactory condition of maintenance.

SECTION V

SPECIAL PROGRAM AND PROJECT CONDITIONS

A. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the acquisition of right-of-way must be under construction by the close of the twentieth (20th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that right-of-way.

B. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the performance of preliminary engineering must be under construction by the close of the tenth (10th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that preliminary engineering.

C. On those projects funded with Federal monies, the REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, will provide such accident information as is available and such other information as may be required under the program in order to make the proper assessment of the safety benefits derived from the work performed as the PROJECT. The REQUESTING PARTY will cooperate with the DEPARTMENT in the development of reports and such analysis as may be required and will, when requested by the DEPARTMENT, forward to the DEPARTMENT, in such form as is necessary, the required information.

D. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract.

E. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Public Act 453 of 1976 (Elliott-Larsen Civil Rights Act), the contractor shall not discriminate against an employee or applicant for employment with respect to hire, tenure, treatment, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, or marital status. A breach of this covenant will be regarded as a material breach of this contract. Further, in accordance with Public Act 220 of 1976 (Persons with Disabilities Civil Rights Act), as amended by Public Act 478 of 1980, the contractor shall not discriminate against any 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 a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants will be regarded as a material breach of this contract.

2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.

3. The contractor will take affirmative action to ensure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status, or any disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment; treatment; upgrading; demotion or transfer; recruitment; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

4. The contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status, or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.

5. The contractor or its collective bargaining representative shall send to each labor union or representative of workers with which the contractor has a collective bargaining agreement or other contract or understanding a notice advising such labor union or workers' representative of the contractor's commitments under this Appendix.

6. The contractor shall comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission that may be in effect prior to the taking of bids for any individual state project.

7. The contractor shall furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission; said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor, as well as the contractor itself, and said contractor shall permit access to the contractor's books, records, and accounts by the Michigan Civil Rights Commission and/or its agent for the purposes of investigation to ascertain compliance under this contract and relevant rules, regulations, and orders of the Michigan Civil Rights Commission.

8. In the event that the Michigan Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this contract, the Michigan Civil Rights Commission may, as a part of its order based upon such findings, certify said findings to the State Administrative Board of the State of Michigan, which State Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, including the governing boards of institutions of higher education, until the contractor complies with said order of the Michigan Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Michigan Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Michigan Civil Rights Commission to participate in such proceedings.

9. The contractor shall include or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Michigan Civil Rights Commission; all subcontracts and purchase orders will also state that said provisions will be binding upon each subcontractor or supplier.

Revised June 2011

APPENDIX B
TITLE VI ASSURANCE

During the performance of this contract, the contractor, for itself, its assignees, and its successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

1. <u>Compliance with Regulations</u>: For all federally assisted programs, the contractor shall comply with the nondiscrimination regulations set forth in 49 CFR Part 21, as may be amended from time to time (hereinafter referred to as the Regulations). Such Regulations are incorporated herein by reference and made a part of this contract.

2. <u>Nondiscrimination</u>: The contractor, with regard to the work performed under the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the contractor covers a program set forth in Appendix B of the Regulations.

3. <u>Solicitation for Subcontracts, Including Procurements of Materials and Equipment</u>: All solicitations made by the contractor, either by competitive bidding or by negotiation for subcontract work, including procurement of materials or leases of equipment, must include a notification to each potential subcontractor or supplier of the contractor's obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

4. <u>Information and Reports</u>: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and facilities as may be determined to be pertinent by the Department or the United States Department of Transportation (USDOT) in order to ascertain compliance with such Regulations or directives. If required information concerning the contractor is in the exclusive possession of another who fails or refuses to furnish the required information, the contractor shall certify to the Department or the USDOT, as appropriate, and shall set forth the efforts that it made to obtain the information.

5. <u>Sanctions for Noncompliance</u>: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Department shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to, the following:

   a. Withholding payments to the contractor until the contractor complies; and/or

   b. Canceling, terminating, or suspending the contract, in whole or in part.

6. <u>Incorporation of Provisions</u>: The contractor shall include the provisions of Sections (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department or the USDOT may direct as a means of enforcing such provisions, including sanctions for non-compliance, provided, however, that in the event a contractor becomes involved in or is threatened with litigation from a subcontractor or supplier as a result of such direction, the contractor may request the Department to enter into such litigation to protect the interests of the state. In addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

<u>Revised June 2011</u>

APPENDIX C

TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

Assurance that Recipients and Contractors Must Make (Excerpts from US DOT Regulation 49 CFR 26.13)

A. Each financial assistance agreement signed with a DOT operating administration (or a primary recipient) must include the following assurance:

> The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

B. Each contract MDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

> The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of US DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

REQUEST FOR LEGISLATION
June 4, 2013

From: Ralph A. Lange, City Manager

Subject: Proposed Agreement with DTE Energy for Streetlight Conversions

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Summary & Background: The City has been engaged in converting streetlight fixtures to LED. The conversions began on W. Cross Street in 2011, and to date, 294 streetlights have been converted or are in the process of being converted. The 2012 Climate Action Plan adopted by City Council recommended the continued conversion to LED streetlights, in order to save on energy costs. Accordingly, the purpose of this RFL is to approve the conversion of an additional 500 streetlights to LED.

City staff has been in regular communications with Jeff LeBrun and Tim Miller, both with DTE Energy Community Lighting Division, to discuss available DTE Energy programs and promotions. Under this agreement with DTE Energy, the City will receive a rebate for converting 500 streetlights to LED.

Estimated cost to convert 500 lights to LED:	$269,434.14
DTE Energy Rebate:	<u>$31,911.00</u>
Net cost to convert 500 lights to LED:	**$237,523.14**
Current energy cost for 500 streetlights:	$154,782.12 annually
Estimated energy cost after LED conversion:	<u>$110,381.30 annually</u>
Net savings to City:	**$44, 400.82 annually**
Return on investment (ROI):	Approximately 5.34 years.

Breakdown of 500 lights to be converted by DTE Energy:
301 Mercury Vapor Lights
- 276 – 175 Watt Mercury Vapor to 67 Watt LED
- 18 – 250 Watt Mercury Vapor to 131 Watt LED
- 7 – 400 Watt Mercury Vapor to 135 Watt LED

199 High Pressure Sodium Lights
- 177 – 250 Watt High Pressure Sodium to 135 Watt LED
- 22 – 400 Watt High Pressure Sodium to 280 Watt LED

FY 2013-2014 Budget Implications: The proposed FY 2013-2014 budget includes $255,000 for the LED streetlight conversions. If approved, this program will eliminate all Mercury Vapor streetlights in the City and some High Pressure Sodium Lights, resulting in a substantial decrease in energy costs.

RECOMMENDED ACTION: City Council approves the proposed agreement with DTE Energy to eliminate all remaining Mercury Vapor lights and some High Pressure Sodium lights, replacing them with energy efficient LED lights.

ATTACHMENTS: Resolution, Attachment "A"

CITY MANAGER APPROVAL: ______________________ COUNCIL AGENDA DATE: June 4, 2013

CITY MANAGER COMMENTS: ______________________

FISCAL SERVICES DIRECTOR APPROVAL: ______________________

Resolution No. 2013 - 091
June 4, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti contracts with DTE ENERGY to provide and maintain street lights within the city limits; and

WHEREAS, DTE ENERGY is initiating programs this year, one of which is the Mercury Vapor and High Pressure Sodium Conversion Program; and

WHEREAS, participation in this program will convert 301 Mercury Vapor light fixtures and 199 High Pressure Sodium light fixtures to LED light fixtures; and

WHEREAS, the City's participation in this program will substantially decrease streetlight energy costs; and

WHEREAS, agreements are needed between the City and DTE Energy in order to participate in the conversion programs; and

NOW, THEREFORE BE IT RESOLVED THAT the City Council approves an agreement and issuance of required purchase order with DTE Energy to replace 301 Mercury Vapor light fixtures and 199 High Pressure Sodium light fixtures with the LED light fixtures in accord with the information provided in the Request for Legislation and Attachment A, Phase 3 conversion of 500 lights.

OFFERED BY: ______________________________

SUPPORTED BY: ______________________________

YES: NO: ABSENT: VOTE:

LED STREETLIGHTS CONVERSION TO LED
REQUEST FOR LEGISLATION: ATTACHMENT A

Phase	Year	# of Lights	Bill Before	Bill After	Cost Savings
Phase 1	2011	34 LED	$9,771.84	$9,771.84	-0-
Phase 2	2012	36 Series	$18,558.48	$11,211.00	$7,346.48
Phase 2	2012	224 Conversion	$50,874.56	$33,947.44	$16,927.12
Phase 3	***2013**	**500 Conversion**	**$154,782.12**	**$110,318.30**	**$44,463.82**
		Sub Total	$233,987.36	$165,248.58	$68,738.78
Phase 4	2014	689 Conversion	~	~	~
Phase 5	Future	207 Conversion	~	~	~
Estimated Before/After all Phases of Conversion to LED (as of June 2013)		1690 Total Lights	$478,261.52	$363,693.99	$114,567.53
		(+25 energy only = 1715)			
	Estimated cost to convert 500 lights to LED		$269,434.14		
	DTE Energy Rebate		($31,911.00)		
	Net cost to convert 500 lights to LED:		**$237,523.14**		ROI 5.34 Years

Resolution No. 2013-092
June 4, 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: