

1. City Council Regular Meeting Agenda

Documents: [07-16-13 AGENDA.PDF](#)

2. City Council Regular Meeting Packet

Documents: [07-16-13 COUNCIL PACKET.2PDF.PDF](#)



**CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, JULY 16, 2013
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 the following:

- Attorney/Client communication (OMA 15.268, Section 8(h))
- Collective bargaining - OMA 15.268, Section 8(c).

VIII. PRESENTATIONS –

1. Medicare Advantage for Retirees – Rose Oliver, Blue Cross/Blue Shield and Michele Bolser, Griffen, Smalley and Wilkerson
2. Streetlight Special Assessment District (City Manager's Report) – Ralph A. Lange

IX. FIRST READING –

1. An ordinance to amend Ordinance No. 1145, Section 7.4 of the Ypsilanti City Code to limit the number of Medical Marijuana dispensaries and growing/manufacturing facilities, and terminate licenses that stop operation for 90 days or more.

Ordinance No. 1191

 - A. Resolution No. 2013-119, determination.
 - B. Open the public hearing.
 - C. Resolution No. 2013-120, close public hearing.

Ordinance No. 1192

2. An emergency ordinance regarding Habitat for Humanity's request for City to invoke Right of First Refusal

A. Resolution No. 2013-121, determination

X. AUDIENCE PARTICIPATION-

XI. REMARKS BY THE MAYOR –

XII. MINUTES –

Resolution No. 2013-122, approving minutes of July 2, 2013.

XIII. CONSENT AGENDA

Resolution No. 2013-123

1. Resolution No. 2013-124, approving Terry Bakery sign easement
2. Resolution No. 2013-125, approving appointments to Boards and Commissions
3. Resolution No. 2013-126, approving release of Master Plan to adjacent communities per State act.

XIV. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2013-127, approving resolution of necessity for streetlight special assessment district.
2. Resolution No. 2013-128, approving AFSCME contract.
3. Resolution No, 2013-129, approving extension for WCPRC LOI for East Side Recreation Center.

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. ADJOURNMENT –

Resolution No. 2013-130, adjourning the City Council meeting.



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STREETLIGHT SPECIAL ASSESSMENT DISTRICT

Revised Report

City Council Meeting
July 16, 2013



Tonight's Presentation

- Goals for Proposed Special Assessment District
- Streetlight Benefits
- Background and Rationale
- Streetlight Special Assessment Districts in Michigan
- Proposed District and Methodology
- Conversion Costs and Parcel Information
- Estimated Savings
- Next Steps

Goals for the Proposed Streetlight Assessment District, 2013-2031

1. Reduce the amount of energy needed to power Ypsilanti's streetlights
2. Reduce the amount of carbon emissions produced by Ypsilanti's streetlights
3. Reduce the cost to power Ypsilanti's streetlights
4. Keep the cost per assessed parcel under \$100 per year

Streetlight Benefits

Benefit to Individual Parcels

Streetlights:

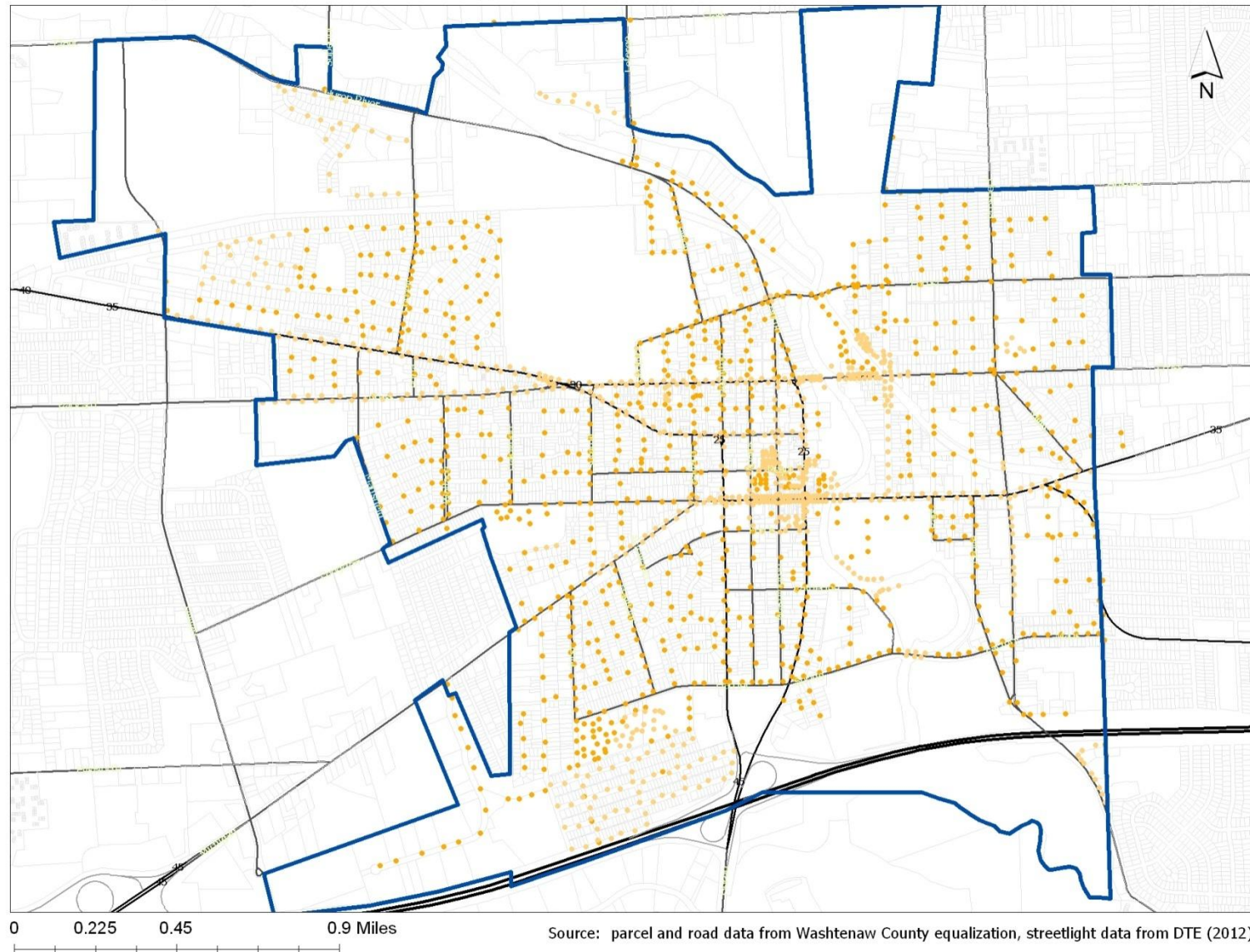
- Provide a feeling of safety and security
- Help deter crime
- Assist in ease of movement on streets and sidewalks
- Lessen danger of collisions
- Can positively affect property value

Benefit to the Public

- Trunk lines handle 15,000-30,000 cars per day
- All residents, visitors, and students utilize public roads
- Streetlights are distributed relatively equally throughout the city

Streetlight Distribution

Streetlight locations in Ypsilanti



Background and Rationale

Ypsilanti's History of Green Lighting Initiatives

- **2009:** City creates revolving loan fund to retrofit lighting in public buildings
- **2011:** Ypsilanti's first streetlight conversions began on W. Cross.
- **2012:** Climate Action Plan approved. Plan recommends conversion to LED to save energy and reduce ongoing streetlight-related operation and maintenance expenditures.
- **Today:** More than 290 streetlights have been converted (or are currently in the process of being converted) to LED technology.

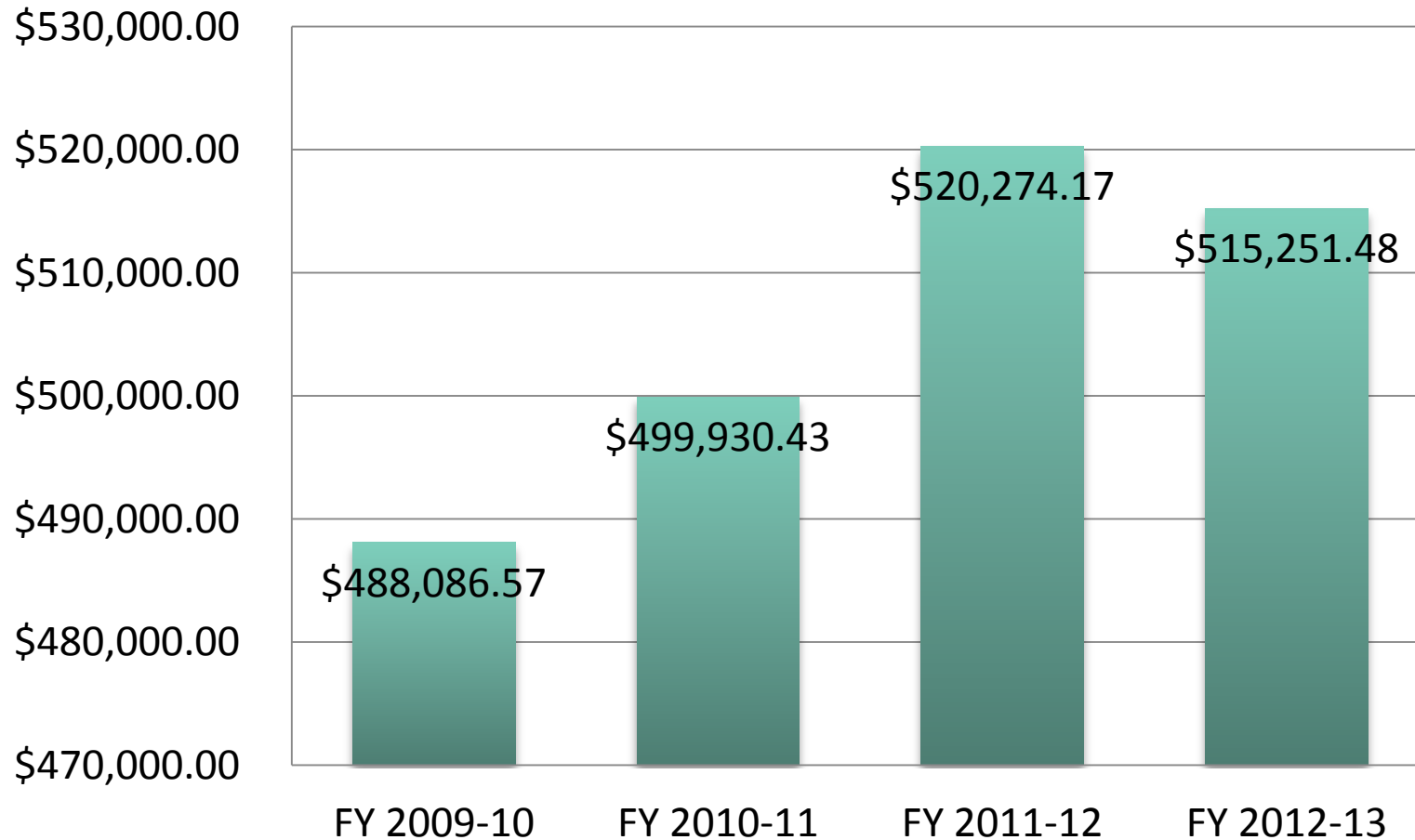
Once all conversions are complete, it is estimated the City will reduce annual emissions by 500 metric tons of carbon dioxide equivalent.

Background and Rationale

Ypsilanti's Fiscal Background

- **2012:** City Council determined that a streetlight special assessment district would be an important consideration for planning and ensuring the City's future fiscal stability.
- **Budgetary Concerns**
 - FY 2008-09: Last budget with a surplus; all others have ended in a deficit
 - FY 2013-14: Projected to end in a deficit
- **Cost Breakdown**
 - FY 2011-12: Electricity, maintenance, and replacement costs totaled \$520,274
 - General Fund: Approximately \$11.5 million

Street Lighting Costs



*Note: An increase in the DTE energy rate was applied in 2011 calendar year.

Considering a Special Assessment District

Per Michigan law, a special assessment district must:

- **Not** be based on taxable value
- Provide a public benefit
- Give equal consideration to all parcels

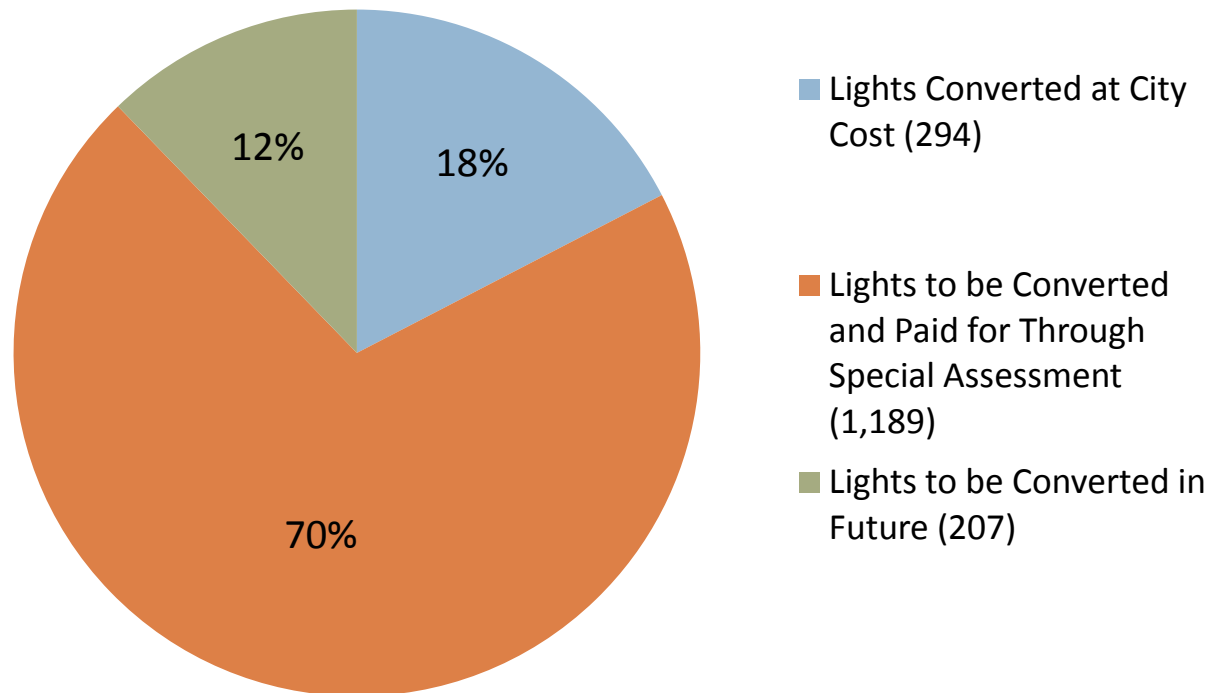
Streetlight Special Assessment Districts in Other Communities

- Local municipalities in Michigan have utilized special assessment districts for a variety of purposes, including:
 - Funding for the installation of new streetlights
 - Funding for expenses related to existing streetlights
- The methodology behind each municipality's special assessment districts vary according to the unique needs of each community.

	Population	\$ per Parcel (Residential)
Flint	102,434	\$66
Garden City	27,692	\$35
Park Township	17,802	\$20-\$25
Romulus	23,939	varies

Proposed Streetlight Assessment District

- 1,189 streetlights will be upgraded to LED over two fiscal years, beginning in FY 2013-2014
 - 207 Granvilles (Downtown/Depot Town decorative lights) will not be converted at this time due to poor estimated return on investment



Methodology

- 4,951 parcels are within city limits
- 4,812 parcels will be assessed
 - Parcels belonging to Highland Cemetery, Eastern Michigan University, and the City of Ypsilanti will *not* be assessed
 - Based on public benefit, divided equally, etc.
- City's commitment to finance 23% of O&M costs for FY 2013-14 and 20% of O&M costs for FY 2014-15 – FY 2030-31 is far greater than what would be assessed to the 111 city-owned parcels

Methodology

Assessment Over 18 Years:

FY 2013-14:

- City pays 23% of streetlight operation and maintenance costs
- Parcels pay 77% of streetlight operation and maintenance costs and 100% of amortized conversion costs

FY 2014-15 – FY 2019-20:

- City pays 20% of streetlight operation and maintenance costs
- Parcels pay 80% of streetlight operation and maintenance costs and 100% of amortized conversion costs

FY 2020-21 – FY 2030-31:

- City pays 20% of streetlight operation and maintenance costs
- Parcels pay 80% of streetlight operation and maintenance costs

Conversion Costs

Year	Number of Lights	Gross Conversion Cost	Rebate	Net Conversion Cost	Paid by City
2011	34	Unknown	\$0	Unknown	100%
2012	36	\$12,992	\$4,384	\$8,568	100%
2012	224	\$67,282	\$14,706	\$52,576	100%
2013	505	\$240,338	\$25,898	\$214,440	0% (proposed)
2014	684	\$376,628	\$35,405	\$341,223	0% (proposed)
Future	207	\$84,319	\$6,132	\$78,187	0% (proposed)
Total	1,396	\$781,519	\$86,525	\$694,994	

Net Conversion Costs, FY 2013-14 – FY 2014-15: \$555,664

Estimated Cost Per Parcel

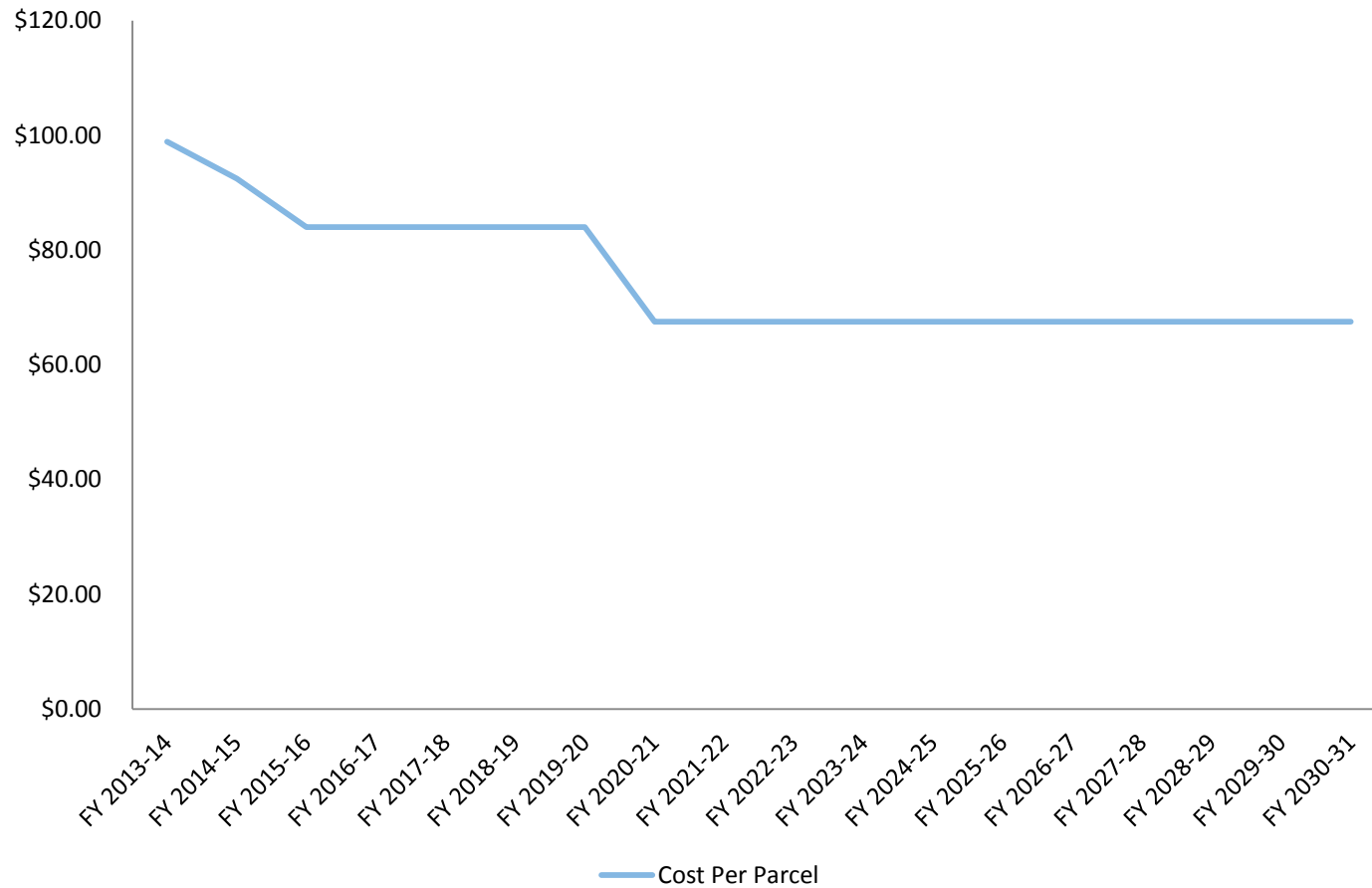
Fiscal Year	100% O&M	O&M to be Assessed	Conversion Costs Over 7 Years	Cost Per Parcel
2013-14	\$515,000	\$396,550	\$79,381	\$98.90
2014-15	\$456,769	\$365,415	\$79,381	\$92.43
2015-16	\$406,051	\$324,841	\$79,381	\$84.00
2016-17	\$406,051	\$324,841	\$79,381	\$84.00
2017-18	\$406,051	\$324,841	\$79,381	\$84.00
2018-19	\$406,051	\$324,841	\$79,381	\$84.00
2019-20	\$406,051	\$324,841	\$79,381	\$84.00
2020-21 – 2030-31	\$406,051	\$324,841	\$0	\$67.51

Total Proposed Conversion Costs: \$555,664

^[1] DTE costs include usage, maintenance and replacement of electrical service, poles, and fixtures. DTE rates are subject to change.

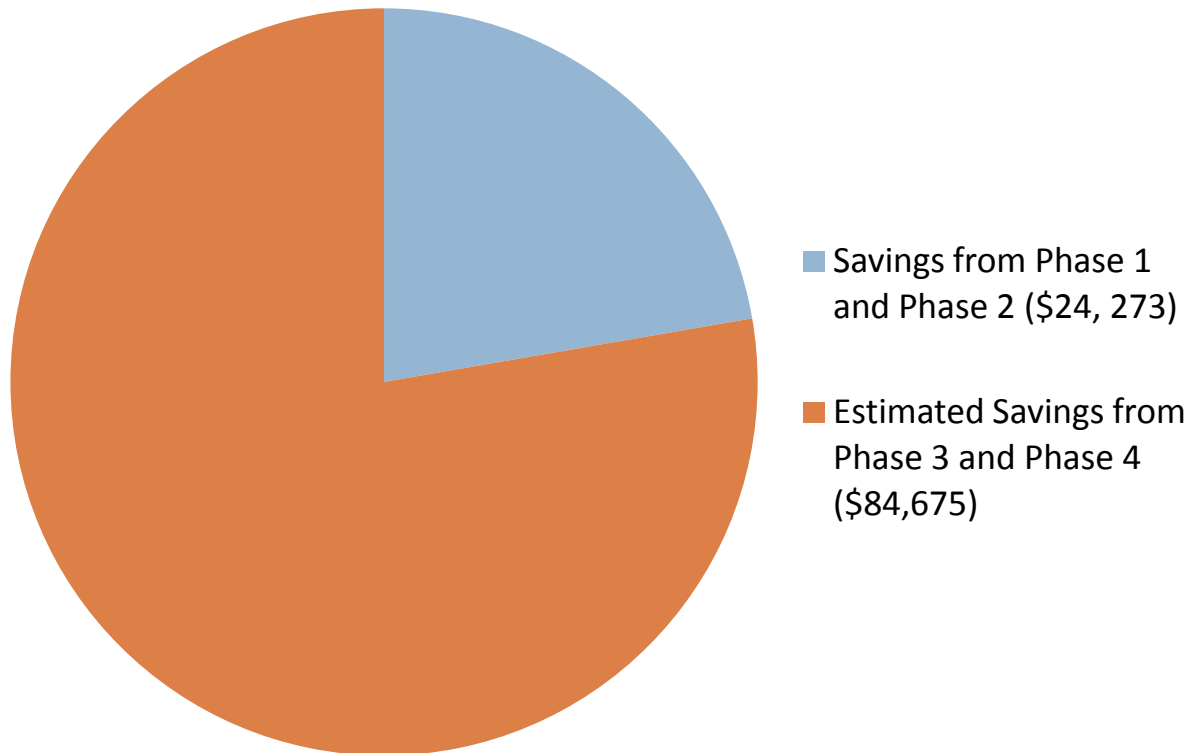
^[2] Total cost of O&M to be Assessed plus Conversion Costs Over 7 Years, divided by 4,812 parcels.

Estimated Cost Per Parcel



Savings After Conversion

- Annual Savings from **Completed** Streetlight Conversions (Phase 1 and Phase 2): \$24,273
- Estimated Annual Savings from **Proposed** Streetlight Conversions (Phase 3 and Phase 4): \$84,675



Next Steps

July 16, 2013

- Report of City Manager
- Preliminary Resolution of Necessity and establishment of public hearing regarding objections to streetlight special assessment district

August 6, 2013

- Public hearing regarding objections to streetlight special assessment district
- Resolution approving the assessment district and ordering roll
- Review and certification of roll
- Resolution to file roll for public examination and establishment of public hearing regarding objection to roll

August 20, 2013

- Public hearing regarding objections to roll
- Approval of roll
- First reading of ordinance and public hearing regarding proposed ordinance

September 3, 2013

- Second reading of ordinance
- Adoption of ordinance

November 29, 2013

- Special assessment district appears on winter tax bills



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

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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: July 03, 2013

FROM: John M. Barr, Ypsilanti City Attorney

SUBJECT: Amendment to Medical Marijuana Ordinance

SUMMARY/BACKGROUND

The city council passed ordinance # 1145 to regulate medical marijuana, including licensing dispensaries and growing/manufacturing facilities. Since that time a number of licenses have been granted.

There is concern on council that the city may become saturated with dispensaries and growing/manufacturing facilities, and support to limit the number. Staff has considered the matter and submits a proposed ordinance amendment to limit dispensaries to six and growing/manufacturing facilities to three, as suggested by council member Murdock.

Council member Richardson has requested an ordinance change to terminate licenses if usage stops.

The proposed amendment adds the language " **The number of licenses issued and renewed in any year shall be capped at six (6) for medical marijuana dispensaries and three (3) for medical marijuana growing/manufacturing facilities.**" and

**"Any license shall automatically terminate and become void if the licensed use stops for 90 days or more."**

**There are no other changes, except re-lettering of the paragraphs.**



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

July 12, 2013  
Page 2

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ATTACHMENTS:     Proposed Ordinance

RECOMMENDED ACTION:   Adoption of the ordinance on first reading

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DATE RECEIVED: \_\_\_\_\_ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF: \_\_\_\_\_ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:



Resolution No. 2013-119  
July 16, 2013

A RESOLUTION TO ADOPT ON FIRST READING AN ORDINANCE TO  
AMEND ORDINANCE #1145 TO LIMIT THE ABSOLUTE NUMBER OF  
MEDICAL MARIJUANA DISPENSARIES AND GROWING/MANUFACTURING  
FACILITIES

WHEREAS, City Council adopted ordinance #1145 to license medical marijuana dispensaries and growing/manufacturing facilities, in response to a new state law that provided for medical marijuana, in order that the city had some control and regulation of marijuana facilities for the public health, safety and welfare; and

WHEREAS, there are now 5 licensed medical marijuana dispensaries and 1 licensed growing/manufacturing facilities in the city; and

WHEREAS, the present ordinance would allow a number more to be licensed; and

WHEREAS, City Council has determined that the city is now adequately serviced by the present number of licenses, and that additional licenses would not provide any significant competition, selection or advantage to the city, and may have a detrimental effect to neighborhoods; and

WHEREAS, City Council has determined that the total number of said licenses should be limited and capped at 6 and 3, to avoid an over concentration of licensed marijuana dispensaries and growing/manufacturing facilities; and

WHEREAS, City Council has determined that licenses should terminate if the licensed use stops for 90 days or more.

NOW THEREFORE, IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI THAT an Ordinance to Amend Ordinance 1145, Section 7.4 of the Ypsilanti City Code to limit the number of Medical Marijuana dispensaries and growing/manufacturing facilities, and providing for termination of licenses that stop operating for 90 days or more, be approved on First Reading.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:



**CITY OF YPSILANTI  
NOTICE OF ADOPTED ORDINANCE  
Ordinance No. 1191**

An ordinance to Amend Ordinance 1145, Section 7.4 of the Ypsilanti City Code to limit the number of Medical Marijuana dispensaries and growing/manufacturing facilities, and terminate licenses that stop operation for 90 days or more.

**1. THE CITY OF YPSILANTI HEREBY ORDAINS** That Ordinance 1145, section 7.4 of the Ypsilanti City Code is hereby amended as follows to add new subsection (c) and (d) as follows:

(c) The number of licenses issued and renewed in any year shall be capped at six (6) for medical marijuana dispensaries and three (3) for medical marijuana growing/manufacturing facilities.

(d) Any license shall automatically terminate and become void if the licensed use stops for 90 days or more.

**2. Severability.** 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. Savings Clause.** 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](http://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. \_\_\_\_ was published in The Ypsilanti Courier on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

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

\_\_\_\_\_  
Frances McMullan, City Clerk

Notice Published: June 20, 2013

First Reading: July 16, 2013

Second Reading: \_\_\_\_\_

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_



Resolution No. 2013 - 120  
July 16, 2013

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

THAT the public hearing on the proposed Ordinance to amend Ordinance No. 1145, Section 7.4 of the Ypsilanti City Code to limit the number of Medical Marijuana dispensaries and growing/manufacturing facilities, and to terminate licenses that stop operation for 90 days or more, be officially closed.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:

NO:

ABSENT:

VOTE:



REQUEST FOR LEGISLATION  
July 16, 2013

From: Teresa Gillotti, Director of Community Development

Subject: Habitat request for City to invoke right of first refusal for purchase of two tax foreclosure properties for public purpose of home-ownership

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Habitat for Humanity has requested that the City of Ypsilanti invoke their right of first refusal to purchase of two tax foreclosure properties for the public purpose of reducing blight and encouraging home-ownership. The two properties requested are 1320 Collegewood Dr. and 312 Garland Ave.

**Process**

If approved, the City of Ypsilanti will purchase the properties from the county treasurer for the public purpose listed above. Habitat for Humanity will purchase the properties from the City for the same cost plus a small fee to cover legal and administrative costs. The city charter requires an ordinance for the sale of real estate. The proposed emergency ordinance grants the city manager the power to complete the purchase and sales.

**Investment**

Habitat for Humanity works with low-income families to improve their credit, and purchase a house with a Habitat mortgage product. The owner-occupant families will then invest in the home through sweat equity as well as support from volunteers and habitat staff. Habitat's rehabilitation is subject to City code, as well as requirements from funders such as CDBG and HOME funds. A sample budget for improvements to the Collegewood house are attached for reference.

**Review of proposal**

The two properties requested by Habitat for Humanity are expected to exceed the minimum bid at auction, and would likely make up for some of the balance of properties that will sell for less at the tax foreclosure auction. However, their involvement ensures that the properties will be rehabilitated to a quality standard and that the end user will be an owner-occupant providing public benefit of blight removal, neighborhood stabilization and increase in owner-occupancy.

**Timeline**

Due to the charter requirement that property acquisition be achieved through ordinance, and that the properties are slated for the July 26 ordinance, the City attorney suggest that the approval be done through emergency ordinance.

Please direct any questions or comments to Teresa Gillotti or John Barr.

RECOMMENDED ACTION: Approval

ATTACHMENTS:

- Letter from Habitat for Humanity requesting purchase
- Emergency Ordinance approving purchase
- Agreement between City and Habitat for Humanity
- Tax foreclosure listings
- Map of owner-occupied and rental housing

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CITY MANAGER APPROVAL: \_\_\_\_\_ COUNCIL AGENDA DATE: \_\_\_\_\_

CITY MANAGER COMMENTS: \_\_\_\_\_

FISCAL SERVICES DIRECTOR APPROVAL: \_\_\_\_\_

July 1, 2013

Ms. Teresa Gillotti

City of Ypsilanti

One South Huron Street

Ypsilanti, Michigan 48197

Dear Teresa:

This letter confirms Habitat for Humanity of Huron Valley's intention to purchase the following two parcels from the City after they have been acquired from the County Treasurer:

Location No. 1: 312 Garland Ave - 11-11-10-235-013

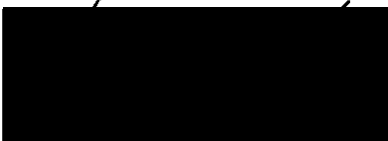
Location No. 2: 1320 Collegewood Dr - 11-11-05-305-015

Habitat intends to renovate these houses and sell to them to Habitat partner families, who pay a mortgage, insurance and property taxes, as part of our ongoing process of making foreclosed properties productive again. This year we will renovate and sell 17 homes in the Ypsilanti area. These properties will be owner-occupied as part of their agreement with Habitat. The families are our long-term partners with mortgages ranging from 15-30 years. Home ownership stabilizes neighborhoods and solidifies the tax base.

Our renovations are highly energy efficient - making the home even more affordable for our families - saving them hundreds of dollars annually. Our investment will likely be over \$50,000 for each of the two properties.

We truly value our partnership and look forward to continuing to help strengthen the City with more home ownership opportunities.

Regards,



Rob Nissly, Housing Director



**CITY OF YPSILANTI  
NOTICE OF ADOPTED ORDINANCE  
Ordinance No. 1192**

An emergency ordinance to sell and rehabilitate Housing By and Between the City of Ypsilanti and Habitat for Humanity of Huron Valley

- 1. THE CITY OF YPSILANTI HEREBY ORDAINS** That  
**new section:** the Ypsilanti City Code is hereby amended by adding a section, to be numbered \_\_\_\_\_, which section reads as follows:

**EMERGENCY ORDINANCE TO SELL AND REHABILITATE HOUSING  
By and Between THE CITY OF YPSILANTI and  
HABITAT FOR HUMANITY OF HURON VALLEY**

**THE CITY OF YPSILANTI ORDAINS:**

1. The City of Ypsilanti of 1 South Huron Street, Ypsilanti, MI is a Michigan Home Rule City (CITY) and Habitat For Humanity of Huron Valley of 170 April Drive, Ann Arbor, Mi is a Michigan Non-Profit Corporation (HABITAT).
2. CITY is interested in removing blight and improving the housing stock in the city with owner occupied quality single family residences that meet all zoning and building codes, and declares that this objective is in the Public Interest of the City of Ypsilanti.
3. HABITAT is in the non-profit business of acquiring low cost property and either building or rehabilitating quality single family housing that meets or exceeds all zoning and building codes. HABITAT then sells the property to low or moderate income families. HABITAT utilizes volunteer labor, including prospective purchasers in the building or rehabilitating of the properties.
4. CITY has the ability to purchase single residence property from time to time at tax sale and use the property for a public purpose. Several suitable properties will come up on tax sale/auction shortly. In order to take advantage of the opportunity this emergency ordinance is needed to take immediate effect in order to abate the emergency and acquire the properties for the public purposes within the available time frame.
5. CITY will acquire property at tax sale and may sell the property to HABITAT for an agreed price that will be not greater than the out-of-pocket cost of CITY plus ten percent overhead.
6. In the event of any such sale, HABITAT must agree to purchase the property and to build a single family residence on the property, or rehabilitate an

existing single family residence on the property within one year from the date of closing of the sale, in quality fashion and meeting or exceeding all zoning and building codes and regulations.

7. CITY and HABITAT will, from time to time, determine specific properties by a written memorandum of understanding that will incorporate all of the terms of sale.

The city manager is authorized to sign the memorandums of understanding, purchase and sale agreement for the CITY. This ordinance authorizes the final sale(s) pursuant to city charter section 209(g).

**2. Severability.** 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. Savings Clause.** 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](http://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. \_\_\_\_ was published in The Ypsilanti Courier on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

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

\_\_\_\_\_  
Frances McMullan, City Clerk

Notice Published: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_



Resolution No. 2013-121  
July 16, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled " An emergency ordinance to sell and rehabilitate Housing By and Between the City of Ypsilanti and Habitat for Humanity of Huron Valley" be approved on First Reading.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:

MEMORANDUM OF UNDERSTANDING AND  
CONTRACT FOR SALE AND PURCHASE OF REAL ESTATE

THIS CONTRACT, dated this \_\_\_\_ day of July, 2013 is between Seller, The City of Ypsilanti, 1 South Huron Street, Ypsilanti, MI 48197, a Michigan Home Rule City and Purchaser, Habitat for Humanity of Huron Valley, a Michigan non-profit corporation, 170 Aprill Drive, Suite A, Ann Arbor, MI 48103.

1. Seller agrees to sell and convey, subject to any and all encroachments, defects in title, easements and restrictive covenants of record, and Purchaser agrees to purchase the property situated in the City of Ypsilanti, County of Washtenaw, State of Michigan, commonly known as:

2. LEGAL DESCRIPTION:

3. SALE PRICE:

4. EARNEST MONEY DEPOSIT: None.

5. TERMS: Total Balance of \$     will be paid by cashier's check or certified funds in full at the time of closing.

6. OTHER CONDITIONS:

6.1. Purchaser acknowledges that Seller is acquiring title from the Washtenaw County Treasurer after a tax foreclosure.

6.2. Purchaser shall at its own expense and obtain a stake survey of the property and a policy of title insurance for the property and be responsible, at its expense, for clearing and quieting any defects in title.

7. FORM OF CONVEYANCE: Seller and Purchaser agree that Seller shall convey title by a duly executed quitclaim deed. Seller makes no representation of marketable or other title.

8. INDEMNITY, HOLD HARMLESS AND PROMISE TO NOT SUE. By accepting this deed, Purchaser agrees that it:

8.1. Will not sue Seller or any of its departments, boards, commissions, officers, employees, attorneys or agents for any claim, whether legal or equitable arising in any manner related to this sale or the deed.

8.2 Will release, waive and discharge Seller and all of its departments, boards, commissions, officers, employees and agents, and its successors and assigns, from any and all liability for all losses, injury, or damage to person or property, or death, and any claims or demands arising under, or in any manner related to the deed, whether caused by Seller or any of its departments, boards, commissions, officers, employees or agents.

8.3. Will indemnify and hold harmless Seller and all of its departments, boards, commissions, officers, employees and agents from any and all claims, demands, judgments, and expenses, including attorney fees, for any and all loss, damage, death or injury to person or property arising under, or in any manner related to the performance of this deed. This indemnification and hold harmless agreement is intended to and shall extend to all all loss, damage, death or injury

to person or property proximately caused in whole or in part by the negligence or other tortious conduct by Seller and all of its departments, boards, commissions, officers, employees or agents.

8.4 Will at its own expense, make all recordings of documents necessary and pay any and all transfer costs, charges and fees.

9. INCLUSIONS: This contract includes all fixtures, improvements and appurtenances attached to the property as of this date, including, but not limited to, all lighting and plumbing fixtures, all ceiling fans, wall-to-wall carpeting, water treatment system, automatic garage door equipment, storm windows and doors, screens, awnings and antennas, including rotor equipment, if any. Seller makes no representation that any of such named items are on the premises.

10. CONDITION OF PREMISES: IT IS FULLY UNDERSTOOD AND AGREED THAT THE SELLER HAS NO PERSONAL KNOWLEDGE OF THE PROPERTY AND IT IS BEING SOLD IN ITS PRESENT CONDITION AND PURCHASER ACCEPTS THE PROPERTY **WHERE IS AND AS IS**, WITH NO WARRANTY OF CONDITION OR FITNESS FOR ANY PURPOSE. PURCHASER ACKNOWLEDGES THAT THERE ARE NO REPRESENTATIONS OR WARRANTIES BY THE SELLER UPON WHICH PURCHASER IS RELYING. PURCHASER ACKNOWLEDGES HAVING BEEN ADVISED TO HAVE A CONTRACTOR'S INSPECTION OF THE PROPERTY, AND IN LIEU THEREOF HAS PERFORMED ITS OWN INSPECTION AND IS SATISFIED WITH THE CONDITION OF THE PROPERTY.

11. PRORATION: There shall be no prorations.

12. CLOSING: Purchase to be closed on or before \_\_\_\_\_. Closing shall be at Campbell Title Company or other place agreed by the parties.

13. POSSESSION: Possession to be given at closing.

14. TITLE INSURANCE: If Purchaser desires title insurance the premium will be paid by Purchaser.

15. CASUALTY LOSS: Until delivery of deed/land contract, risk of loss by fire, windstorm or otherwise is assumed by Seller. Thereafter, by purchaser.

16. DEFAULT: If Purchaser defaults, Seller may pursue legal remedies or may cancel the contract. If Seller defaults, Purchaser may enforce this contract or pursue legal remedies.

17. TIME IS OF THE ESSENCE. Time is of the essence for the performance of this contract.

18. BINDING CONTRACT AND ASSIGNMENT: Contract binds Purchaser, Seller, their heirs and personal representatives, and anyone succeeding to their interest in the property. Purchaser will not assign contract without Seller's prior written permission.

19. PURCHASER'S PROMISES AND WARRANTIES: Purchaser agrees, promises and warrants that it will:

19.1 Completely rehabilitate and rebuild the residence structure on the property in a quality manner and in accordance with all zoning and building codes, and complete work on the property within one year from closing date.

19.2 Use building and rehab practices and materials to make the residence highly energy efficient to reduce utility bills and reduce the carbon foot print of the property.

19.3 Keep the property on the tax rolls and take no action to remove the property from the tax rolls or in any way impair the taxability of the property.

19.4 Maintain and/or improve the yard of the property and remove all junk and debris (if any) and keep the grass, trees and shrubs trimmed, neat and orderly.

19.4 Sell the property to a qualified buyer for use as a single family residence within 15 months of closing.

20. Taxes. Purchaser shall be responsible for any and all taxes or assessments against the property.

21. NO REAL ESTATE AGENTS. Both parties agree that no real estate agent or professional has been involved in this transaction.

22. NO MERGER. ALL PARTIES HAVE BEEN ADVISED TO SEEK THE ADVICE OF AN ATTORNEY. ALL PROVISIONS CONTAINED IN THIS CONTRACT WHICH ARE NOT OBSERVED, KEPT OR PERFORMED BY CLOSING WILL SURVIVE IT.

City of Ypsilanti

Habitat for Humanity of Huron Valley

By: \_\_\_\_\_  
Ralph A. Lange, City Manager

By: \_\_\_\_\_  
Housing Director

Dated: \_\_\_\_, 2013

Dated: \_\_\_\_, 2013

Approved as to form:

\_\_\_\_\_  
John M. Barr, Ypsilanti City Attorney

**Project Development Budget****6/24/2013**

**Address:** 1320 Collegewood Example Budget  
**Developer:** Habitat for Humanity Huron Valley  
**Prepared by:** Rob Nissly

**Soft Costs**

|                                 |     |
|---------------------------------|-----|
| Home Inspection                 | 350 |
| Lead/Asbestos Assessment        | 500 |
| Appraisals (as is & a complete) | 250 |
| Pest Inspection                 | 75  |
| Sewer Inspection                | 300 |
| Legal                           | 500 |
| Mortgage Survey                 | 150 |

**Carrying Costs**

|                    |               |
|--------------------|---------------|
| Maintenance        | 250           |
| Utilities          | 500           |
| Property Insurance | 750           |
| Property Taxes     | 2,500         |
|                    | <b>4,000</b>  |
| <b>TOTAL COSTS</b> | <b>91,559</b> |

|              |              |
|--------------|--------------|
| Energy Audit | 350          |
|              | <b>2,475</b> |

**Funding**

|                                   |        |
|-----------------------------------|--------|
| Habitat Donated Labor & Materials | 12,000 |
| Habitat Project Investment        | 79,559 |

**Property Acquisition**

|                        |               |
|------------------------|---------------|
| Property               | 27,844        |
| Title work             |               |
| Prepaid Property Taxes | 1,292         |
| Recording/Other Fees   |               |
|                        | <b>29,136</b> |

**TOTAL FUNDS 91,559****Renovation Costs**

|                         |        |
|-------------------------|--------|
| Permits                 | 500    |
| Construction Management | 5,000  |
| Site Work               | 1,500  |
| Demolition/Dumpsters    | 1,660  |
| Driveway                | -      |
| Masonry                 | 497    |
| Environmental Rehab     | 750    |
| Carpentry               | 10,505 |
| Roofing                 | 4,400  |
| Siding                  | 5,336  |
| Conservation            | 2,364  |
| Drywall                 | 140    |
| Interior/Ext. Paint     | 1,734  |

Positive grade from foundation

New interior and exterior doors - no bi-folds, new cabinet, counters,

New roof - lifetime shingles

Replace after insulating and wrapping house in Dow Blue Board

Insulate walls to R13, Ceiling R50, basement R10

|                             |               |                                                                      |
|-----------------------------|---------------|----------------------------------------------------------------------|
| Flooring                    | 4,569         | All hard surfaces for sustainability                                 |
| HVAC                        | 2,730         | New 95.5% efficient furnace and power-vented EnergyStar water heater |
| Plumbing (incl. fixtures)   | 3,681         | Low flow fixtures                                                    |
| Electrical (incl. fixtures) | 4,006         | All EnergyStar fixtures and CFL bulbs throughout                     |
| Appliances                  | <u>1,490</u>  | All EnergyStar                                                       |
|                             | <b>50,862</b> |                                                                      |
| Contingency 10%             | <u>5,086</u>  |                                                                      |
|                             | <b>55,948</b> |                                                                      |

# TAX-FORECLOSED PROPERTY AUCTION

BEGINS JULY 16, 2013 AT [auction.com/washtenaw](http://auction.com/washtenaw)

*\*Property is sold as is & where is; purchasers release the Treasurer from all liability*

YPSILANTI, MI 48197

## 1320 COLLEGEWOOD DR

City of Ypsilanti



Minimum Bid: \$13,118

**Parcel #:** 11-11-05-305-015

**Acreage:** 0.2

**SEV (2012) x 2:** \$80,400

**Property Type:** Residential

**Legal:** \*OLD SID - 11 11-160-229-00 YP CITY  
19W-221 LOT 229 COLLEGE HEIGHTS SUBDIVI-  
SION. 1320 COLLEGEWOOD

**Disclosures:**

Open house on June 29, 2013!

Under provisions of The General Property Tax Act (Public Act 206 of 1893, as amended, MCL 211.1 to MCL 211.157) Washtenaw County Treasurer, Catherine McClary, as the Foreclosing Governmental Unit for Washtenaw County, offers for sale to the highest bidder property foreclosed for non-payment of taxes.

## ONLINE PROPERTY AUCTION

Opens: **7/26/2013, 10:00 a.m.**

Closes: **7/29/2013, 3:00 p.m.**

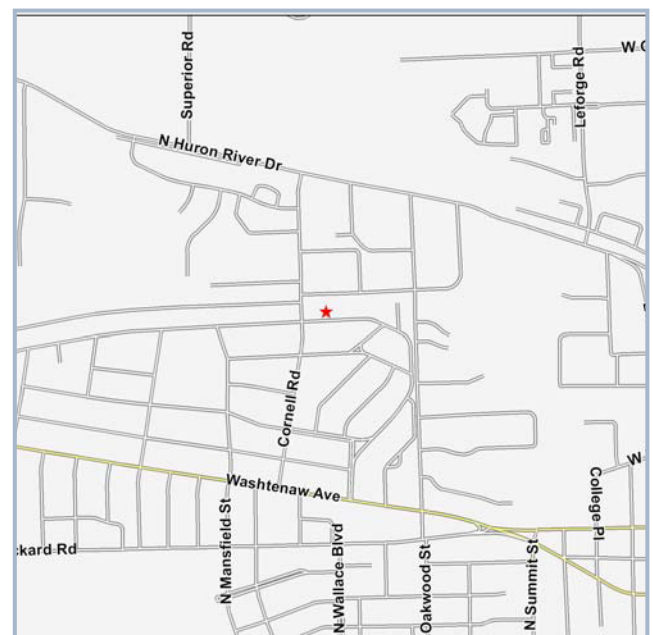
To bid on this property, view photos, maps, legal descriptions, \*terms and conditions of sale, or to see other properties visit:

**[www.auction.com/washtenaw](http://www.auction.com/washtenaw)**

For all other questions, please contact the Washtenaw County Treasurer at:

**[taxes@ewashtenaw.org](mailto:taxes@ewashtenaw.org)**

*\*Read all Terms & Conditions carefully and thoroughly.*



# TAX-FORECLOSED PROPERTY AUCTION

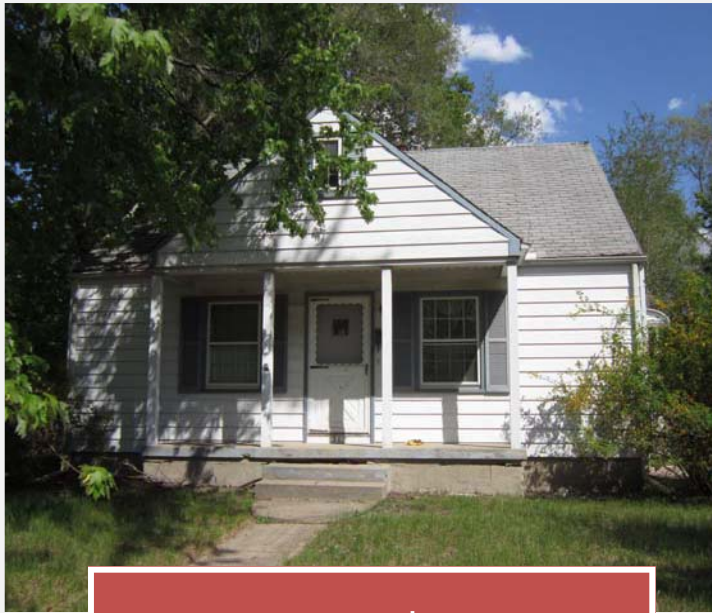
BEGINS JULY 16, 2013 AT [auction.com/washtenaw](http://auction.com/washtenaw)

*\*Property is sold as is & where is; purchasers release the Treasurer from all liability*

YPSILANTI, MI 48198

## 312 GARLAND AVE

City of Ypsilanti



Minimum Bid: \$28,741

**Parcel #:** 11-11-10-235-013

**Acreage:** 0.3

**SEV (2012) x 2:** \$100,800

**Property Type:** Residential

**Legal:** \*OLD SID - 11 11-260-010-00 YP CITY  
15E-10 LOT 10 HAIG'S SUBDIVISION.

**Disclosures:**

Open House on June 29, 2013!

Under provisions of The General Property Tax Act (Public Act 206 of 1893, as amended, MCL 211.1 to MCL 211.157) Washtenaw County Treasurer, Catherine McClary, as the Foreclosing Governmental Unit for Washtenaw County, offers for sale to the highest bidder property foreclosed for non-payment of taxes.

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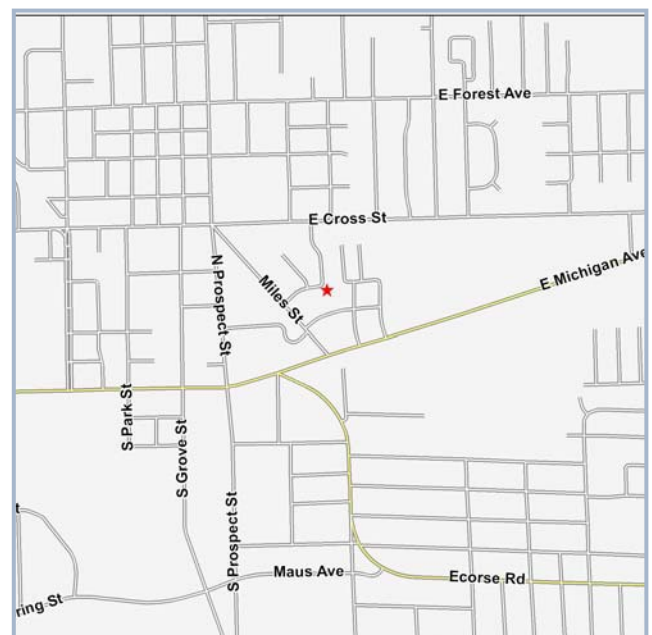
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**[taxes@ewashtenaw.org](mailto:taxes@ewashtenaw.org)**

*\*Read all Terms & Conditions carefully and thoroughly.*



# Housing Tenure

**Legend**

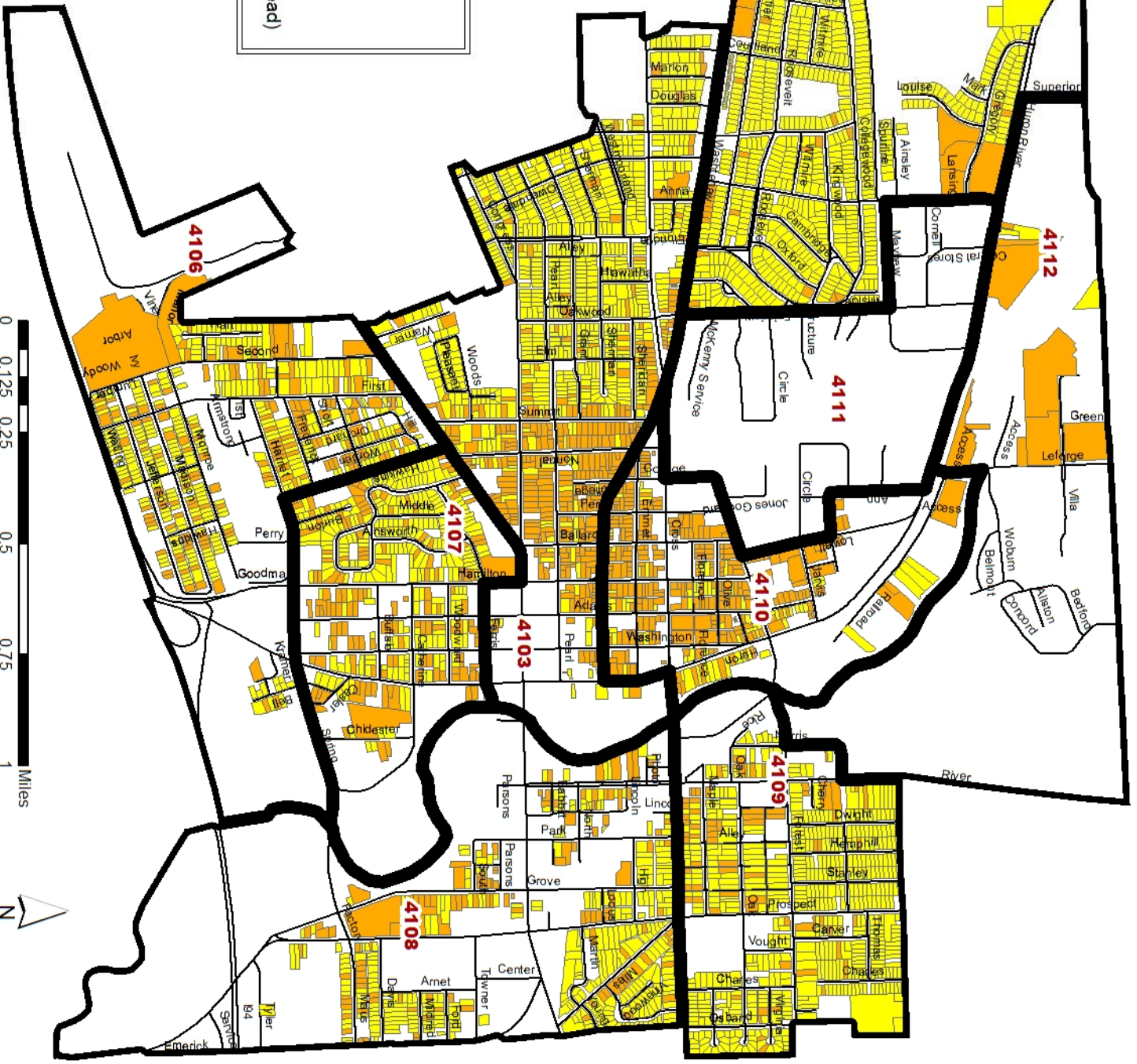
 City Census Tracts

**Residential Parcels**

 Rental (<100% Homestead)

 Owner Occupied (100% Homestead)

Map Created by ENP & Associates for  
Shape Ypsilanti  
Data Source: City of Ypsilanti,  
Washtenaw County  
Last Updated 5/13/13





Resolution No. 2013 – 122  
July 16, 2013

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

That the Minutes of July 2, 2013 be approved.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:                      NO:                      ABSENT:                      VOTE:



**CITY OF YPSILANTI  
COUNCIL MEETING MINUTES  
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.  
YPSILANTI, MI 48197  
TUESDAY, JULY 2, 2013  
7:00 P.M.**

**I. CALL TO ORDER –**

The meeting was called to order at 7:05 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     | Absent  |
| Mayor Pro-Tem Richardson | Present |                     |         |

Council Member Murdock moved, supported by Council Member Vogt to excuse the absence. On a voice vote the motion carried and the absence was excused.

**III. INVOCATION –**

Mayor Pro-Tem Richardson 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 Pro-Tem Richardson introduced EMU Student Leadership President Desmond Miller and welcomed those who present with him.

Council Member Murdock introduced Gillian Ream, AAATA Board Nominee

Mayor Pro-Tem Richardson acknowledged and welcomed Parkridge Community Center and Washtenaw Community College staff members.

**VI. AGENDA APPROVAL –**

At the request of Council Member Robb, Resolution No. 2013-112 was moved from the Consent Agenda to Motions/Resolutions/Discussions.

Agenda approved as amended.

**VII. PRESENTATIONS –**

None

**VIII. AUDIENCE PARTICIPATION-**

None

**IX. REMARKS BY THE MAYOR –**

**X. MINUTES –**

Resolution No. 2013-109, approving minutes of June 18, 2013.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**That the Minutes of June 18, 2013 be approved.**

OFFERED BY: Council Member Moeller

SUPPORTED BY: Council Member Vogt

On a voice vote the minutes were approved as submitted.

**XI. CONSENT AGENDA**

Resolution No. 2013-110

1. Resolution No. 2013-111, approving appointments to Boards and Commissions.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

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

| <u>NAME</u>                                                                                      | <u>BOARD</u>          | <u>TERM TO EXPIRE</u> |
|--------------------------------------------------------------------------------------------------|-----------------------|-----------------------|
| Cathy Thorburn (reappointment)<br>1212 Sherman<br>Ypsilanti, MI 48197<br>Term Expires: 6/19/2016 | Recreation Commission | 6/19/2016             |
| Alex Easley (reappointment)<br>8500 Lawrence Ave.<br>Ypsilanti, MI 48197                         | YDDA                  | 7/7/2017              |

- ~~2. Resolution No. 2013-112, increasing number of AAATA park and ride spaces in Washington Street parking lot. (***Moved to Motions/Resolutions/Discussions***)~~
3. Resolution No. 2013-113, authorizing the Mayor and Clerk to sign Ann Arbor Transportation Authority Amendment #2 to Articles of Incorporation.

**WHEREAS, the City of Ypsilanti desires to join the Ann Arbor Transportation Authority, and has approved Amendment # 2 of the Articles of Incorporation of Ann Arbor Transportation Authority, and**

**WHEREAS, the City of Ann Arbor and the Ann Arbor Transportation Authority are in the process of approving and signing Amendment # 2 of the Articles of Incorporation of the Ann Arbor Transportation Authority, now Ann Arbor Area Transportation Authority,**

**Now Therefore;**

**IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that the Mayor and City Clerk are authorized to sign and execute Amendment # 2 of the Articles of Incorporation of the Ann Arbor Transportation Authority for and on behalf of the city, subject to the approval of the city attorney.**

OFFERED BY: Council Member Murdock

SUPPORTED BY: Council Member Vogt

On a voice vote the motion carried and the consent agenda (Resolution No. 2013-110) was approved.

**XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –**

1. Resolution No. 2013-114, requesting City Manager prepare a report to the extent and necessity of a special assessment project.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**WHEREAS pursuant to Ypsilanti City Code section 90-31 City Council passed a resolution authorizing the commencement of a special assessment project to determine the feasibility and value of creating a streetlight special assessment district;**

**NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council hereby refers the matter to the City Manager to prepare a report to include all necessary and pertinent information for Council to ascertain the cost, extent and necessity of the special assessment project and what proportion should be borne by the property benefited, and what proportion should be paid by the City.**

OFFERED BY: Council Member Vogt

SUPPORTED BY: Council Member Jefferson

**SUMMARY & BACKGROUND:**

Due to the City's budgetary challenges as well as its established commitment to green initiatives, City Council previously requested staff to proceed with a special assessment district for streetlights. In February 2013, an initial City Manager's Report was submitted. Based on City Council input, revised numbers from DTE, and additional research, staff is seeking to submit a revised report.

Ypsilanti City Code Section 90-36 requires a City Council resolution to authorize the City Manager to prepare a report on any proposed assessment district in order to ascertain the cost, extent and necessity of the project as well as establish what proportion of the assessment should be borne by the properties benefited.

Created in consultation with the City Attorney, below is a tentative schedule outlining next steps should City Council approve this resolution for the report to be submitted.

**TENTATIVE TIMELINE:**

- July 2, 2013 - Resolution requesting submittal of a City Manager report
- July 16, 2013 - Report of City Manager submitted  
- Resolution of Necessity and establishment of public hearing date regarding objections
- August 6, 2013 - Public presentation and public hearing regarding objections

- Resolution approving project and ordering roll
- Review and certification of roll and establishment of two public hearing dates regarding objections to roll
- August 20, 2013      - Public hearing regarding objections to roll and review by Council
- September 3, 2013      - Second public hearing regarding objections to roll
- Confirmation of roll by City Council

City Manager Lange explained that earlier this year the City Manager submitted a report on this issue, however after careful review it was determined by Attorney O'Jack that the resolution before Council is necessary prior to the City Manager's report in order to begin and move forward with the streetlight special assessment project.

Council Member Murdock asked about the timeline and how the requirements would be met.

Mr. Lange answered he understands the city would need to place the notice in a newspaper of circulation and mail a notice to every property owner.

Council Member Murdock asked when would the notice go out.

Ms. Gillotti stated she doesn't have the date with her but confirmed that notices will be sent to all property owners along with the process for objecting. She said staff is suggesting two public hearings to give residents ample time to address the project.

Council Member Murdock questioned the time line for the public hearings.

Ms. Gillotti explained that the first public hearing is a general one about the assessment process and it is required before the roll is established, and it is separate from the two which solicit public feedback regarding the roll. She said the notices will include both public hearing dates and the timeline meets the date requirements as set forth in the city charter.

Council Member Robb said the second public hearing scheduled for September 3 is a very bad day and said historically Council has been accused of having a secret meeting when held on the day before or after Labor Day.

Mr. Lange stated that the timeline is tight. He said that the DTE conversion contract has to be approved before July 31 so he will request a special meeting. He said he is trying to make the winter tax season.

Council Member Murdock asked if there are any other options for objection besides verbal.

City Attorney Barr answered any citizen can file an objection, however if there is a certain percentage of objections the charter says there must be a super majority to proceed. If Council approves then they can elect to go to court.

Ms. Gillotti stated that if 40% or 50% of property owners object, Council needs a supermajority to approve.

Council Member Robb asked if a ballot referendum to appeal the ordinance could occur.

City Attorney Barr replied yes and said if that occurred the ordinance would be suspended until after the election.

Mr. Barr said the dates can be changed by the next meeting if Council desires.

On a roll call, the vote to approve Resolution No. 2013-114 was as follows:

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

VOTE:

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

2. Resolution No. 2013-105, approving fee schedule. *(Tabled June 18, 2013)*

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that the attached fee schedule is adopted pursuant to the Ypsilanti City Code, and the following fees relating to various sections of the City Code and activities of the City are hereby established, and the various City Departments are authorized to charge and collect such fees effective immediately.**

OFFERED BY: Council Member Robb

SUPPORTED BY: Council Member Vogt

Assistant to the City Manager Ericka Savage gave a brief summary and stated that all of the special event fees have been added to the fee schedule. She said the additions were mostly informational and not as much actual fees. She said the policy was created in order to combine all of the applications into one. She said the differences were listed in the summary.

Council Member Vogt asked if any contact was made with the major event organizers and are they on board with the policy and fees?

Ms. Savage answered she spoke with the Heritage Festival coordinator. She said the policy is not on the agenda because more vetting with organizers is needed. She said she recently finished the policy and the only thing it changes is how things are done, designates profit, non-profit, city-sponsored, etc. She said the policy defines and clarifies what is done for each type of event and the things that are required. She said if the fees are adopted without the policy, staff will continue to operate as in the past.

Council Member Murdock stated that the fees and policy are interconnected. He asked if an event could be held outside of the defined event season from May through October.

Ms. Savage replied yes it is possible they would have to contact the Special Event Coordinator before completing the application.

Ms. Savage explained how Class 3, Class 3A and Class 4 events would be handled.

Council Member Murdock stated that other than the Color Run he cannot think of any event that is not non-profit.

Ms. Savage said the fee schedule stands on its own and is based on what it takes for the city to cover the event and gives the city discretion on deciding to contribute or co-sponsor an event.

Council Member Robb noted that policy is created by City Council.

Council Member Murdock recalled that historically most fees were there to cover the cost of DPW, Police and administrative fees. He said the capital parks fee is what caused the repercussions. He said the new fees are for the smaller events.

Ms. Savage said the recommendation is based on the possibility that the size of a class 3 event could vary.

Council Member Murdock stated that the Heritage Festival was created by ordinance and the city has historically supported it.

Ms. Savage said events designated as city-sponsored or co-sponsored events are listed in the policy.

In summary, Ms. Savage clarified that security deposits remain the same unless it is a Class 4 event or it is an event that requires a street closure.

Council Member Murdock asked about the Heritage Festival and the Color Run.

Ms. Savage said the Heritage Festival would be classified as 4A because it serves alcohol and the Color Run would be classified as a 4.

Ms. Savage indicated that nothing was changed on Class 3 events except the \$250 park improvement fee was added due to the hazards and labor fees. She said there are various things that establish the level of hazard.

Council Member Robb asked staff to explain the hourly rate plus 10%.

Mr. Barr answered the city cannot charge fees to make money but to cover costs. He said the city can charge less than it costs, however in the past with prosecution cases, Council has rejected to having the additional burden.

Council Member Robb moved to amend the Clerk section regarding FOIA costs to indicate that electronic copies are free.

The motion died for lack of support.

Council Member Robb moved to amend the Clerk section regarding the fee for the charter and code and ordinance to indicate that electronic copies are free.

The motion died for lack of support.

Council Member Robb moved to change the fee for Snow Removal from \$50 to \$15 for the first violation.

The motion died for lack of support.

Council Member Robb moved, supported by Council Member Vogt, to amend the events policy regarding defaults to state that a person/organization in default is not eligible for special events until balance is paid in full.

Events Coordinator Amanda Holsinger recalled only one application that did not make a full payment.

Council Member Murdock commented that if someone doesn't pay after an annual event a late fee penalty should be applied as an incentive to pay up.

Ms. Holsinger said most pay in full within the 30 day invoice. She said the city does give the event the option to deduct costs from the security deposit and sometimes the deposit is held.

Mr. Barr said a penalty could be added but staff would have to go back and figure out what it would be, it could not be done arbitrarily.

Ms. Holsinger said there was a turnover in the Girls on the Run event that caused payment to be delayed.

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

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

VOTE:

Yes: 3 No: 3 (Jefferson, Moeller, Richardson) Absent: 1 (Schreiber) Vote: Failed

Council Member Robb moved to eliminate non-resident fee rates.

The motion died for lack of support.

Council Member Robb moved, supported by Council Member Murdock to amend the alarm fees to state that the 2<sup>nd</sup> occurrence is \$100 and the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> is \$300 for Police and Fire , and 6 or more is \$1,000 for Police.

Mayor Pro-Tem suggested tabling this amendment. Council Members Robb and Murdock objected.

On roll call, the vote on the amendment was as follows:

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

VOTE:

Yes: 2 No: 4 (Vogt, Jefferson, Moeller, Richardson) Absent: 1 (Schreiber) Vote: Failed

Council Member Robb moved, supported by Council Member Vogt to add the fee of \$50 for marriages performed by the Mayor.

Council Member Moeller felt that residents who pay taxes should not have to pay for the Mayor to perform a marriage.

On a roll call the vote to approve the amendment to add \$50 for marriages to the fee schedule was as follows:

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

VOTE:

Yes: 5 No: 1 (Moeller) Absent: 1 (Schreiber) Vote: Carried

Council Member Robb moved to add a fee of \$10 for same sex marriages.

The motion died for lack of support.

Council Member Robb asked what a sign or banner fee is.

Mr. Barr explained the fee is related to the sign ordinance.

On a roll call, the vote to approve the fee schedule as amended was as follows:

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

VOTE:

Yes: 4      No: 2 (Murdock, Robb)      Absent: 1 (Schreiber)      Vote: Carried

**\*\* The approved fee schedule is on file in the Clerk's Office and is available on city website.**

3. Resolution No. 2013- 115, approving engagement letter between the City of Ypsilanti and Abraham & Gaffney, P.C. for the annual audit for fiscal year ended June 30, 2013.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**That the certain engagement letter between the City of Ypsilanti and Abraham & Gaffney, P.C., Certified Public Accountants, dated April 16, 2013, for the annual audit for the fiscal year ended June 30, 2013, be and the same hereby is approved. The City Manager is authorized to sign for and on behalf of the City of Ypsilanti.**

OFFERED BY: Council Member Moeller

SUPPORTED BY: Council Member Jefferson

Fiscal Services Director Marilou Uy gave the background.

**BACKGROUND:**

Last April 9, 2013, City Council approved the professional services for conducting the City Audit by Abraham & Gaffney, P.C., for a period of three fiscal years starting with fiscal year ending 2013 to 2015. The engagement letter dated April 16, 2013, outlines the services the new auditors will provide and the audit objectives, management responsibilities, audit procedures, audit administration, fees, and others for the annual audit for fiscal year ending June 30, 2013.

Council Member Murdock asked why the City Manager is authorized to sign the contract and suggested the contract signers be the Mayor and City Clerk as outlined in the charter.

Council Member Murdock moved, supported by Council Member Robb to amend the resolution to state the contract must be signed by Mayor and City Clerk.

Mr. Barr said he is not sure why the City Manager was authorized to sign. He said the city charter does prescribe that all contracts should be approved by Mayor and Clerk and recalled that over the years Council has given the Manager authorization to approve and sign contracts under \$25,000 unless given additional authority by Council. He said he has reviewed and approved the engagement letter.

Council Member Murdock said he would like to continue with the standard practice that is consistent with the charter.

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

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

VOTE:

Yes: 4 No: 2 (Jefferson, Richardson) Absent: 1 (Schreiber) Vote: Carried

On a roll call the vote to approve Resolution No. 2013-112 as amended was as follows:

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

VOTE:

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

The resolution as approved reads as follows:

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**That the certain engagement letter between the City of Ypsilanti and Abraham & Gaffney, P.C., Certified Public Accountants, dated April 16, 2013, for the annual audit for the fiscal year ended June 30, 2013, be and the same hereby is approved. The City Manager is Mayor and City Clerk are authorized to sign for and on behalf of the City of Ypsilanti.**

4. Resolution No. 2013-116, approving Memorandum of Understanding (MOU) between Washtenaw Community College and the City of Ypsilanti regarding Parkridge Community Center.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**WHEREAS, funding for Parks and Recreation in the City is limited at this time;**

**WHEREAS, the City of Ypsilanti recognizes the importance of the maintenance of its Parks and Recreation resources to the quality of life of citizens;**

**WHEREAS, partnerships with organizations having an interest in those resources are necessary to accomplish goals for improving and maintaining the quality of life in the City;**

**WHEREAS, the Washtenaw Community College has informally operated Parkridge Community Center for a number of years and are prepared to**

**formally assume operational and management responsibilities for the Parkridge Community Center;**

**WHEREAS, the City wishes to enter into a contractual relationship with Washtenaw Community College to provide training, education and recreational programming at the Parkridge Community Center; and**

**NOW THEREFORE IT IS RESOLVED THAT the Mayor and the City Clerk are authorized to sign the attached Memorandum of Understanding allowing the Washtenaw Community College to operate the Parkridge Center on behalf of the City of Ypsilanti for two years, beginning on January 1, 2013.**

OFFERED BY: Council Member Jefferson

SUPPORTED BY: Council Member Vogt

Ms. Gillotti gave an overview of the Memorandum of Understanding and said it is expected to go for two years.

**SUMMARY & BACKGROUND:**

Washtenaw Community College has provided programming at the Parkridge Community Center for several years at the request of the Parkridge Advisory Board. During that time WCC was able to increase the amount of programming, establish an annual summer camp at the Center as well as coordinate programming by others at the Center.

This operation has continued without a formal agreement for several years. City Council Goals from 2009-2010 identified the need to formalize partnerships with Friends groups and others for operation of City facilities. The 2008-2012 Parks and Recreation Plan also lists as a goal to formalize relationships with Friends groups and other operators. City staff worked with WCC to try to translate the current operations model into the attached Memorandum of Understanding (MOU).

**Memorandum of Understanding (MOU)**

The attached MOU will formally allow WCC to operate the Parkridge Community Center on behalf of the City of Ypsilanti for two years (starting Jan. 1, 2013), with the potential to extend for another year.

WCC will provide staffing including a full-time and part-time administrator to operate the center from 8:30 a.m. to 8:30 p.m. Monday through Friday during the school year, and with somewhat reduced hours in the summer. The administrator will not only coordinate WCC programming but also programming from outside groups that seek to provide programming/services at Parkridge Center.

WCC's programming will include educational and training programming as well as recreational programming. WCC will provide computers and support for the computer lab, which will be available to youth and adults. A brochure depicting a typical school-year schedule as well as a summer camp flier is attached.

**Operational Costs**

The agreement notes that the City will remain responsible for utilities, two part-time staff, janitorial services, and any capital improvements. Based on 3 years of expenditures at the Parkridge Center, the average cost to run the Parkridge Center for a month is \$4,000-\$5,000. In this amount are two part-time staff, payment for janitorial services, utilities, telephone and minimal office supply budget. This does not include any outside contractual services or operational supplies.

## Outside Support

The City has received consistent support for the two part time positions and for half of the utility/janitorial costs from Mr. John Barfield on behalf of the Parkridge Advisory Board. Mr. Barfield has already provided for 2-years of operating expenses, which are currently being held at the Ann Arbor Community Foundation, and being release in the amount of \$4,000 a month to the City to pay for expenses (see attached letter). The City intends to also develop and MOU with the Parkridge Advisory board to further clarify their contribution and role in creating a sustainable Parkridge Community Center.

The City has budgeted for half the utilities/janitorial a month, as well an additional \$2,500. That estimate annual amount is approximately \$12,500 for fiscal year 2013/2014.

Past contributions for the city for capital expenses are listed below. No additional capital expenditures are planned for the next two years.

City spent \$282,857 in 2008, 2009 and 2011 on improvements

|      |                                        |           |
|------|----------------------------------------|-----------|
| 2008 | Window & one exterior door replacement | \$140,415 |
| 2009 | Roof replacement                       | \$ 52,215 |
| 2009 | Bathroom renovations                   | \$ 40,138 |
| 2009 | Ceiling and Light replacements         | \$ 33,016 |
| 2009 | Exterior door replacement              | \$ 5,973  |
| 2011 | HVAC improvements                      | \$ 11,100 |

In summary, while the attached agreement indicates that the City is responsible for capital improvements, utilities, janitorial services, etc., the City is not expecting to pay more than its previously allocated \$12,500 for fiscal year 2013/2014, noting that additional contributions have already been made by Mr. Barfield on behalf of the Parkridge Advisory board.

Ms. Gillotti stated that this MOU is different from other agreements with friend groups in that there are two partners. She said both parties have reviewed the agreement which sets up responsibilities for WCC and the city.

Monique James, representing WCC, thanked Council for their consideration of continuing the partnership of Parkridge Community Center and WCC. She gave an overview of the programs provided.

Mayor Pro-Tem Richardson acknowledged the presence of Anthony Williamson, Parkridge Administrator.

Mr. Williamson stated that Parkridge is a community center with programming for all in the community.

Ms. James said she is a lifelong Ypsilanti resident and she is proud to be before Council on this issue tonight.

Council Member Jefferson thanked Mayor Pro-Tem Richardson for her efforts in 2003 in reviving the center and acknowledged the contributions of Mr. Williamson and his staff for giving the community hope and providing valuable activities.

On a roll call, the vote to approve Resolution No. 2013- 116 (Parkridge MOU) was as follows:

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

VOTE:

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

Mayor Pro-Tem thanked Council for passing the resolution unanimously.

5. Resolution No. 2013-117, approving listing agreement with Swisher Commercial for property located at 220 N. Park Street.

**WHEREAS, the City Council has included disposition of property in council goals for 2011-2012 and 2012-2013 goal setting resolutions; and**

**WHEREAS, the City has property at 220 N. Park available for redevelopment; and**

**WHEREAS, the City desires to seek purchase offers through the a listing agent;**

**NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council approves the attached listing agreement with Swisher for the listing of 220 Park Street for sale; and**

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

OFFERED BY: Council Member Robb

SUPPORTED BY: Council Member Vogt

Teresa Gillotti gave the background.

BACKGROUND/SUMMARY:

The Boys and Girls Club held a long term lease for the use and care of the facility at 220 Park Street. In December of 2010, the Boys and Girls Club asked to break their lease, and moved their operations to Chapelle School.

The City has had various groups interested in the same type of long-term arrangement where the facility would be operated by others, and leased for a \$1 each year. As council has included in 2011/2012 and 2012/2013 council goals to sell assets including property, city staff has pursued listing the property for sale with Dave Hamilton of Swisher Realty.

The property will be listed at \$285,000 to start, and listed only for sale, not for lease. A 6% commission will be provided upon sale. The property is currently zoned R-4, multi-family housing.

Mayor Pro-Tem Richardson asked if any improvements have been made to the building.

Ms. Gillotti replied no.

On a roll call, the vote to approve Resolution No. 2013-117 was as follows:

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

**VOTE:**

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

4. Resolution No. 2013-112, increasing number of AAATA park and ride spaces in Washington Street parking lot. ***(Added from Consent Agenda)***

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**WHEREAS, the Ann Arbor Area Transportation Authority (AAATA) has requested the use of 22 spaces within the City-owned portion of the Washington Street parking lot for park and ride use; and**

**WHEREAS, the AAATA intends to utilize this Park and Ride area as one in a series of small Park and Ride lots along the #4 AATA bus route to accommodate increased bus service along that route; and**

**WHEREAS, the City had previously entered into an agreement for 11 Park and Ride spaces in 2011; and**

**WHEREAS, the City of Ypsilanti will contribute the value of the lease (\$10,450) to AAATA for a period of 12 months beginning on July 1, 2013;**

**NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council approves the attached lease agreement with AAATA for 22 Park and Ride spaces in the Washington Street parking lot effectively replacing a similar agreement from 2011; and**

**FURTHER, that the \$10,450 be considered an annual contribution to AAATA for its operations on behalf of the City of Ypsilanti**

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

OFFERED BY: Council Member Robb

SUPPORTED BY: Council Member Murdock

Teresa Gillotti gave the background.

**BACKGROUND/SUMMARY:**

In the fall of 2011, the City Council entered into an agreement with AATA for leasing of 11 spaces for use as park and ride spaces for the transit station. This park and ride lot is one of a series of a small park and ride locations along the Washtenaw Avenue Corridor provided to accommodate increased bus service on the #4 route along Washtenaw Avenue

The initial agreement valued the leased spaces at \$7,800 annually. The agreement did include a provision to evaluate this amount in light of the changes to the Washington Street parking lot related to the addition of meters in 2011, and resulting change in visitor use. The agreement automatically renews unless one or both party gives notice of a desire to terminate,

Near the end of the first year of agreement, AATA staff inquired as to whether or not they could increase the number of park and ride spaces. As well, they requested to change the compensation from a payment to a credit, and they requested that Ypsilanti staff provide an estimate for the increased cost from going from 11 to 22 spaces.

Calculating a lease value:

As mentioned, the initial amount charged to AATA in 2011 for an annual lease of 11 spaces was valued at \$7,800. Here is how that amount was initially calculated:

This amount was determined by considering the price for 10 hour parking, with a 50% use rate for the entire 10 hours between 8 a.m. and 6 p.m., 5 days a week.

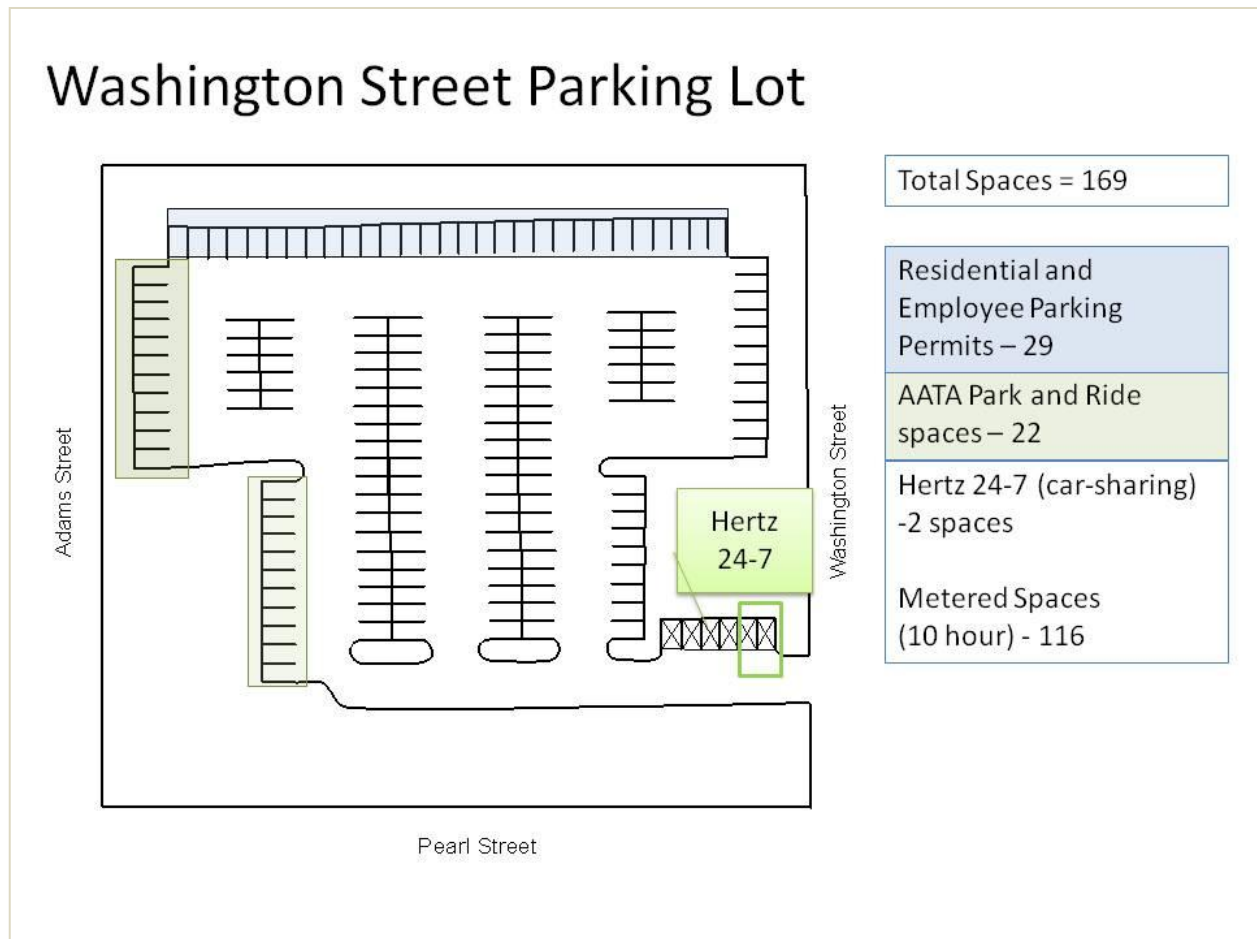
11 meters at \$5/hour = \$55 a day x 285 days = \$15,675 for maximum revenue for the year.  
\$7,800 represents approximately half of the theoretical maximum amount of return.

As noted, the lease indicates that the price should be reevaluated at the end of 12 months.

As to the evaluation, parking enforcement documented collections in the Washington Street parking lot of a period of time and found large fluctuations in the meter revenue for the lot. Using the original rationale, the lease amount could be calculated as \$15,675 for the year. In reviewing use and collections, staff is recommending a value based on a 1/3 of the potential maximum use of 22 parking spaces.

22 meters at \$5/hour = \$110 a day x 285 days = \$31,350 for maximum revenue for the year.  
\$10,450 represents one-third of the theoretical maximum amount of return.

Below is map indicating the proposed location for the 22 park and ride spaces as well as 2 proposed Hertz 24/7 car sharing spaces.



As the City of Ypsilanti is now a member of the Ann Arbor Area Transit Authority, a credit does not work for the exchange in value. Instead, staff is recommending that the value of the contribution, estimated

at \$10,450. The attached resolution and agreement detail the revised terms of the agreement, including the change from a payment to a contribution, and the increase in the number of spaces used for park and ride. City staff has requested that AATA renew use of the park and ride permits quarterly, to ensure that the spaces are getting use, and potentially minimizing any wait list.

Council Member Robb asked if the city has proof of receiving credit from prior months.

Ms. Gillotti answered yes and said the city does have the invoice.

Council Member Robb asked if the agreement was presented to the DDA.

Ms. Gillotti answered no.

Council Member Robb asked if it was presented to the downtown business owners.

Ms. Gillotti replied no and said the lot is monitored through AAATA on-site staff and the city parking enforcement officers do the ticketing.

On a roll call, the vote to approve Resolution No. 2013-112 was as follow:

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

VOTE:

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

### **XIII. LIASON REPORTS -**

- A. SEMCOG Update – Council Member Jefferson reported on the recent General Assembly meeting
- B. Washtenaw Area Transportation Study – no report
- C. Washtenaw Metro Alliance – Council Member Robb announced meeting in September.
- D. Urban Counties – no report
- E. Freight House – no report

### **XIV. COUNCIL PROPOSED BUSINESS –**

#### **MURDOCK**

- Requested a list of identified trees for removal and a schedule a couple of meetings ago and hasn't heard anything back.
- Speed bump policy requested
- Recent budget put money in to replace playground equipment. Saw estimates to do this economically.
- Last week court decisions handed down regarding marriage equality and domestic partner benefits. He asked how the recent decisions affects Ypsilanti. He suggested the city develop a policy adding domestic partner benefits into the city's benefits policy.

## ROBB

- Asked if the city is renewing the MOU with the County for the Recreation Center?
- Asked for a status on the Smith Furniture building
- Reported that 20 places were hit by graffiti and asked if code enforcement is responding.

Ms. Gillotti gave an update on the Smith Furniture building and said at a recent court date the owner wanted to pursue options for selling and indicated he had received offers.

Regarding graffiti, Ms. Gillotti stated that ordinance enforcement has been out and is following up with property owners.

- The location on W. Washington (next to skate shop) is in need of enforcement and asked if a ticket could be written. He said the same stuff has been going on there for 5 years.

## MOELLER

- Fireworks: many neighbors upset. A number of residents called police and were told nothing could be done because Chief Walker didn't know about the ordinance. EMU Chief assisted. Some cities restrict the time and she wondered if the city is interested in doing so also. Wants an ordinance to ban them from 1:00 am to 8:00 am.

- VOGT

Asked who is responsible for the dead tree on Washtenaw, east of Cornell?

Mr. Lange replied he would get that information.

## JEFFERSON

- Reported graffiti on 2 stop signs on Normal street.

## **XV. COMMUNICATIONS FROM THE MAYOR –**

### 1. Nominations:

- **Ann Arbor Area Transportation Authority**  
Gillian Ream (new appointment)  
726 N. Prospect Rd.  
Ypsilanti, MI 48198  
Term Expires: 5/1/2018
- **SmartZone Local Development Finance Authority**  
Caryn Charter (new appointment)  
Address and Goals forthcoming  
Term Expires: 6/30/2017
- **Planning Commission**  
Tony Bedogne (replacing Dan Lautenbach)  
717 Stanley  
Ypsilanti, MI 48197  
Term Expires: 5/1/2015

### 2. Recreation Commission request for name change to Parks and Recreation Commission.

Mr. Barr stated the request has been made and he is meeting with the Recreation Commission to determine the extend of the request.

Council Member Jefferson announced "It's Park Month" and encouraged all to complete a form or paste comments on Facebook.

3. Change previously scheduled meeting of Thursday, August 8<sup>th</sup> to Tuesday, August 6<sup>th</sup>.

**XVI. COMMUNICATIONS FROM THE CITY MANAGER –**

- Reported he made enormous progress on AFSCME contract. Coming to Council soon.
- American Broach abatement granted. Picture in time square.
- 10 computers at Parkridge stolen and 8 were recovered by YPD.
- Requested a Special Meeting on July 23<sup>rd</sup> to approve contract for the 500 light LED conversion.
- DDA moving into city hall, aiming for Sept. 1<sup>st</sup> move-in.
- Working on a lot of economic development projects.
- Grove Road project – need a special notice on it. Construction to begin within 2 weeks.
- Attended Rutherford Pool event
- 716 Harriet Street, \$14,235 is price; \$6,644 is city portion.

**XVII. AUDIENCE PARTICIPATION -**

**XVIII. REMARKS FROM THE MAYOR –**

**XIX. ADJOURNMENT –**

Resolution No. 2013-118, adjourning the City Council meeting.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

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

OFFERED BY: Council Member Jefferson

SUPPORTED BY: Council Member Vogt

On a voice vote the motion carried and the meeting adjourned at 9:38 p.m.



Resolution No. 2013 – 123  
July 16, 2013

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI,**

That the following items be approved:

1. Resolution No. 2013-124, approving Terry Bakery sign easement
2. Resolution No. 2013-125, approving appointments to Boards and Commissions.
3. Resolution No. 2013-126, approving release of Master Plan to adjacent communities per State Act.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:

NO:

ABSENT:

VOTE:



REQUEST FOR LEGISLATION  
July 16, 2013

From: Teresa Gillotti, Planner II  
Subject: CLG Grant Agreement with MSHDA (CFDA No. 15.904, CG12-418): Subcontract with Huron Sign Co. and Amended Grant Documents

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**Background**

In 2011, the City of Ypsilanti adopted a revision to its sign ordinance that acknowledged nine historically significant signs within the community. In December of that year, staff applied for a Certified Local Government grant to incentivize the rehabilitation of these historic signs by assuaging owners' costs through matching funds. Although the submitted grant application sought rehabilitation funding for multiple signs, only the Terry Bakery sign was selected by the State Historic Preservation Office. This grant does not involve a monetary commitment from the City.

On January 15, 2013, City Council passed a resolution approving the grant contract, including the proposed work schedule and award amount of \$5,760. After bids on the project came back higher than anticipated, MSHDA agreed to increase the grant amount to \$6,480. In addition, the grant schedule has been altered to allow for more time to complete the rehabilitation. The new end date of the grant agreement is September 20, 2013.

MSHDA has approved the selection of Huron Sign Co. as the contractor for the rehabilitation. A subcontract between the City of Ypsilanti, Huron Sign Co., and Terry Bakery is included with the attached documents for your approval. Following the completion of the rehabilitation project, the City will reimburse Huron Sign Co. the \$6,480, roughly equivalent to 40 percent of the estimated project cost. The total value of the contract is \$10,800.

One condition of the state grant award is an agreement that the owners of the sign meet a series of conditions for 5 years. These include posting a sign in the store window during the repair window indicating that repair is underway with a photograph of the sign; keeping the sign in use and in public view on the building; that the sign stay in good repair, etc. The full agreement has been signed by the owners and is attached.

RECOMMENDED ACTION: Approval

ATTACHMENTS:

- Historic Preservation Agreement
- Subcontract with Huron Sign Co.
- First Amendment to the CLG Grant Agreement

Please contact Teresa Gillotti at [tgillotti@cityofypsilanti.com](mailto:tgillotti@cityofypsilanti.com) or 734-483-9646 with any questions.

CITY MANAGER APPROVAL: \_\_\_\_\_ COUNCIL AGENDA DATE: \_\_\_\_\_

CITY MANAGER COMMENTS: \_\_\_\_\_

FISCAL SERVICES DIRECTOR APPROVAL: \_\_\_\_\_



Resolution No. 2013-124  
July 16, 2013

**RESOLVED BY COUNCIL OF THE CITY OF YPSILANTI:**

WHEREAS, the City of Ypsilanti adopted a revised sign ordinance in 2011 that recognized nine historically significant signs in Ypsilanti; and

WHEREAS, staff applied for a Certified Local Government grant to assist owners of recognized historically significant signs with rehabilitation work; and

WHEREAS, the owners of Terry Bakery signed an Historic Preservation Agreement indicating their commitment to maintain the historic sign for a period of five (5) years;

WHEREAS, the State Historic Preservation Office awarded the City \$5,760 to offset the costs of the Terry Bakery sign rehabilitation;

WHEREAS, Ypsilanti City Council passed Resolution No. 2013-013 approving the CLG Grant Agreement for the amount of \$5,760;

WHEREAS, the State Historic Preservation Office amended the award amount to \$6,480 following receipt of contractor bids,

WHEREAS, the State Historic Preservation Office amended the grant schedule to alter the end date to September 20, 2013,

WHEREAS, the City has selected and the State Historic Preservation Office has approved low bidder Huron Sign Co. to perform rehabilitation work on the Terry Bakery historic sign,

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council approve the attached Historic Preservation Agreement between the City and Batter's Up, LLC, the owners of Terry Bakery; and

MAY IT ALSO BE RESOLVED, that the Ypsilanti City Council approve the attached First Amendment to the CLG Grant Agreement between the City of Ypsilanti and the Michigan State Housing and Development Authority; and

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

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:

NO:

ABSENT:

VOTE:

**STATE OF MICHIGAN**  
**MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY**

**FIRST AMENDMENT**

**TO THE CERTIFIED LOCAL GOVERNMENT GRANT AGREEMENT BETWEEN THE  
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY AND CITY OF YPSILANTI,  
MICHIGAN**

**FOR THE REHABILITATION OF THE TERRY BAKERY HISTORIC SIGN**

WHEREAS, THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (Authority) acting through its STATE HISTORIC PRESERVATION OFFICE (SHPO) and the State Historic Preservation Officer, Brian D. Conway, and the CITY OF YPSILANTI, by and through its Mayor, Paul Schreiber, and its City Clerk, Frances McMullan, entered into and executed a certified local government grant agreement numbered CG12-418 (Agreement) on February 7, 2013, for the purpose of assisting with the preservation and rehabilitation of the historic Terry Bakery neon sign; and

WHEREAS, the Authority and the City of Ypsilanti, collectively referred to as the Parties, are in agreement that due to higher than expected bid proposal amounts received through a competitive request for proposal bid process, the Agreement should be revised to allow for a revised competitive request for proposal bid process and subsequent increased cost of the project; and

WHEREAS, the Parties are in further agreement that the Performance Schedule and Project Budget should be revised accordingly.

IT IS THEREFORE MUTUALLY AGREED by and between the Parties that Section II of the above-referenced Agreement originally reading:

**SECTION II  
PERFORMANCE OF PROJECT WORK**

- A. **Period of Performance.** Because federal budgetary constraints require the completion of project work by a date certain, TIME IS OF THE ESSENCE to this Agreement. The performance of project work shall begin on or after the execution of this Agreement by the Grantee and shall be completed no later than August 31, 2013. Failure of the Subgrantee to satisfactorily complete all project work and activities by the designated completion date shall render this Agreement voidable at the option of the Grantee. In the event this Agreement is voided, the Subgrantee shall not be entitled to any reimbursement under the terms of this Agreement. The designated completion date shall not be extended. Nothing in this provision shall be construed to limit or restrict the Grantee's right to terminate this Agreement for cause, where the Subgrantee would be entitled to reimbursement, in accordance with Section XII of this Agreement.

.....  
**IS HEREBY AMENDED AS FOLLOWS:**

**SECTION II  
PERFORMANCE OF PROJECT WORK**

- A. Period of Performance.** Because federal budgetary constraints require the completion of project work by a date certain, **TIME IS OF THE ESSENCE** to this Agreement. The performance of project work shall begin on or after the execution of this Agreement by the Grantee and shall be completed no later than September 30, 2013. Failure of the Subgrantee to satisfactorily complete all project work and activities by the designated completion date shall render this Agreement voidable at the option of the Grantee. In the event this Agreement is voided, the Subgrantee shall not be entitled to any reimbursement under the terms of this Agreement. The designated completion date shall not be extended. Nothing in this provision shall be construed to limit or restrict the Grantee's right to terminate this Agreement for cause, where the Subgrantee would be entitled to reimbursement, in accordance with Section XII of this Agreement.

\* \* \* \*

**IT IS FURTHER MUTUALLY AGREED** by and between the Parties that Section IV of the above-referenced Agreement originally reading:

**SECTION IV  
PROJECT WORK FUNDING**

- A. Sources of Project Funding.** The project work described in this Agreement shall be financed in part by federal funds to be disbursed by the Grantee and in part from other sources available to the Subgrantee. The Grantee, subject to the further terms of this Agreement, shall commit to the project work total funds in an amount not to exceed Five Thousand Seven Hundred Sixty Dollars (\$5,760.00). The Subgrantee shall match at least forty-percent (40%) of those costs eligible for reimbursement. The Subgrantee shall match at least 2/3 of the amount of the Grantee's financial commitment.

\* \* \* \*

- B. Payment of Grant Funds.** The Grantee, subject to the terms of this Agreement, shall pay to the Subgrantee for proper and allowable expenditures made by the Subgrantee in connection with this Agreement, a total reimbursement not to exceed the amount of Five Thousand Seven Hundred Sixty Dollars (\$5,760.00). The obligation of the Grantee to pay such reimbursement is conditioned upon satisfactory performance by the Subgrantee of project activities and commitments in accordance with this Agreement, upon submission by the Subgrantee of a completion report, and upon submission by the Subgrantee of a comparison of the final budget attached and incorporated into this Agreement as Exhibit B – Budget, and a proper claim for reimbursement which shall be supported by documentation of the expenditures claimed. No

reimbursement shall be made for unallowable or improper expenditures. In making the claim for reimbursement, the Subgrantee shall use the form entitled "Request for Reimbursement" found in the Appendix to the Grantee's *Historic Preservation Grant Manual*.

\* \* \* \*

IS HEREBY AMENDED AS FOLLOWS:

#### SECTION IV PROJECT WORK FUNDING

A. **Sources of Project Funding.** The project work described in the Agreement shall be financed in part by federal funds to be disbursed by the Grantee and in part from other sources available to the Subgrantee. The Grantee, subject to the further terms of this Agreement, shall commit to the project work total funds in an amount not to exceed Six Thousand Four Hundred Eighty Dollars (\$6,480.00). The Subgrantee shall match at least forty-percent (40%) of those costs eligible for reimbursement. The Subgrantee shall match at least 2/3 the amount of the Grantee's financial commitment.

\* \* \* \*

B. **Payment of Grant Funds.** The Grantee, subject to the terms of this Agreement, shall pay to the Subgrantee for proper and allowable expenditures made by the Subgrantee in connection with this Agreement, a total disbursement not to exceed the amount of Six Thousand Four Hundred Eighty Dollars (\$6,480.00). The obligation of the Grantee to pay such reimbursement is conditioned upon satisfactory performance by the Subgrantee of project activities and commitments in accordance with this Agreement, upon submission by the Subgrantee of a completion report, and upon submission by the Subgrantee of a comparison of the final budget attached and incorporated into this Agreement as Exhibit B – Budget, and a proper claim for reimbursement which shall be supported by documentation of the expenditures claimed. No reimbursement shall be made for unallowable or improper expenditures. In making the claim for reimbursement, the Subgrantee shall use the form entitled "Request for Reimbursement" found in the Appendix to the Grantee's *Historic Preservation Grant Manual*.

\* \* \* \*

IT IS FURTHER AGREED by and between the parties that the Exhibit A of the above-referenced Agreement entitled:

Exhibit A – Performance Schedule dated January 10, 2013

IS HEREBY AMENDED AND IS ATTACHED AND INCORPORATED INTO THIS FIRST AMENDMENT as Exhibit A – Revised Performance Schedule, July 3, 2013.

IT IS FURTHER AGREED by and between the parties that the Exhibit B of the above-referenced Agreement entitled:

Exhibit B – Project Budget dated January 10, 2013

IS HEREBY AMENDED AND IS ATTACHED AND INTO THIS FIRST AMENDMENT as Exhibit B – Revised Budget, July 3, 2013.

IT IS LASTLY AGREED by and between the parties that the Agreement executed on February 7, 2013, with its Exhibit A - Performance Schedule, and Exhibit B – Project Budget, together with this amendatory instrument and the revised provisions herein, with its Exhibit A – Revised Performance Schedule, July 3, 2013 and Exhibit B – Revised Project Budget, July 3, 2013, constitute the entire agreement of the parties and that, except as expressly modified in this First Amendment, the terms and conditions expressed within the original February 7, 2013 Agreement will remain in full force and effect.

\* \* \* REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK \* \* \*

IN WITNESS WHEREOF, the parties have caused this First Amendment to be executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

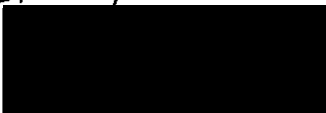
GRANTEE

STATE OF MICHIGAN  
STATE HISTORIC PRESERVATION OFFICE

SUBGRANTEE

CITY OF YPSILANTI

BY



BRIAN D. CONWAY  
STATE HISTORIC PRESERVATION OFFICER

BY

PAUL SCHREIBER  
MAYOR

SUBGRANTEE

CITY OF YPSILANTI

BY

FRANCES MCMULLAN  
CITY CLERK

**FIRST AMENDMENT**

**Terry Bakery Historic Sign Rehabilitation Project**

**Exhibit A - Revised Performance Schedule  
July 3, 2013**

**Attachment to Agreement  
Between City of Ypsilanti  
and  
Michigan State Housing Development Authority**

| <b>Date</b>    | <b>Work Items</b>                                                                                                                        |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------|
|                | <b>Grant Agreement</b>                                                                                                                   |
| February 2013  | Grant agreement executed                                                                                                                 |
|                | <b>Ypsilanti Local Historic District Commission</b>                                                                                      |
| February 2013  | HDC reviews proposed Terry Bakery sign work and submits work recommendation to SHPO for approval                                         |
| February 2013  | SHPO reviews and comments on proposed Terry Bakery sign work                                                                             |
| February 2013  | HDC approves final version of Terry Baker sign work                                                                                      |
| February 2013  | HDC submits a copy of the Certificate of Appropriateness for the work to the historic Terry Bakery sign to SHPO                          |
|                | <b>Historic Preservation Agreement</b>                                                                                                   |
| February 2013  | The City of Ypsilanti shall prepare a historic preservation agreement and submit it to the SHPO for review                               |
| June 2013      | Execute the historic preservation agreement with the owners of the Terry Bakery; submit a copy of the executed historic easement to SHPO |
|                | <b>Construction</b>                                                                                                                      |
| March 12, 2013 | Submit draft RFP to SHPO for review                                                                                                      |
| March 12, 2013 | Submit draft solicitation letter and bidders list to SHPO for review                                                                     |
| March 14, 2013 | SHPO approval of RFP                                                                                                                     |
| March 27, 2013 | SHPO approval of solicitation letter and bidders list                                                                                    |
| April 3, 2013  | Solicit bids                                                                                                                             |
| April 15, 2013 | Quarterly Progress Report due                                                                                                            |
| April 26, 2013 | Bids due                                                                                                                                 |
| June 17, 2013  | Revise RFP and solicit new bids                                                                                                          |
| June 18, 2013  | City Council Meeting to approve historic preservation agreement and subcontract                                                          |
| June 24, 2013  | Submit bids, rationale for bidder selection                                                                                              |
| July 1, 2013   | SHPO approval of bidder selection                                                                                                        |
| July 1, 2013   | Submit subcontract to SHPO for approval                                                                                                  |
| July 2, 2013   | SHPO comments and recommends changes for subcontract                                                                                     |
| July 17, 2013  | Execute subcontract                                                                                                                      |

|                          |                                                                         |
|--------------------------|-------------------------------------------------------------------------|
| July 17, 2013            | Install project sign and submit photo documentation to SHPO             |
| July 17, 2013            | Submit copy of executed subcontract to SHPO                             |
| July 22, 2013            | Begin construction                                                      |
| September 9, 2013        | Finish construction                                                     |
| September 15, 2013       | Quarterly Progress Report due                                           |
| September 16, 2013       | Final on-site inspection by SHPO                                        |
|                          |                                                                         |
| <b>Project Close-Out</b> |                                                                         |
| September 20, 2013       | Submit Completion Report                                                |
| September 20, 2013       | Submit final reimbursement request with financial documentation to SHPO |

**FIRST AMENDMENT**

**Terry Bakery Historic Sign Rehabilitation Project**

**Exhibit B - Revised Project Budget  
July 3, 2013**

**Attachment to Agreement  
Between City of Ypsilanti  
and  
Michigan State Housing Development Authority**

| <b>WORK ITEMS</b>                                                                                                               | <b>CLG<br/>FUNDS</b> | <b>MATCH</b>   | <b>PROJECT<br/>TOTAL</b> |
|---------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------|--------------------------|
| Hire a contractor to remove, rehabilitate, and re-install historic Terry Bakery sign located in the Ypsilanti Historic District | \$6,480              | \$4,320        | \$10,800                 |
| <b>TOTALS</b>                                                                                                                   | <b>\$6,480</b>       | <b>\$4,320</b> | <b>\$10,800</b>          |

| <b>MATCHING SHARE</b> |                                                                      |
|-----------------------|----------------------------------------------------------------------|
| Donor:                | Batters Up LLC, property owner and Sweet Shoppe LLC dba Terry Bakery |
| Source:               | Private                                                              |
| Kind:                 | Cash                                                                 |
| Amount:               | \$4,320                                                              |

## HISTORIC PRESERVATION AGREEMENT

This Agreement is made on the \_\_\_\_ day of January, 2013, by and between Batter's Up, a Michigan limited liability corporation doing business as the historic Terry Bakery ("Owner"), whose address is 119 E. Michigan Avenue, Ypsilanti, Michigan 48197 and the City of Ypsilanti, a Michigan municipal corporation whose address is One South Huron Street, Ypsilanti, Michigan 48197. The purpose of this Agreement is for the continued preservation of a certain fixture to real property known as the historic Terry Bakery neon sign ("Sign"), located at the historic Terry Bakery, 119 E. Michigan Avenue, Ypsilanti, Michigan 48197 ("Property"). The Property and its Sign are contributing resources in the Ypsilanti Historic District, a National Register and locally designated historic district located in the City of Ypsilanti, Washtenaw County, Ypsilanti, Michigan.

In consideration of the sum of \$5,760 in grant-in-aid assistance received by the City of Ypsilanti from the Certified Local Government Grant program administered by the Michigan State Historic Preservation Office, the Owner hereby agrees to the following for a period of five (5) years to expire on December 31, 2017:

1. The Owner agrees to assume the cost of the continued maintenance and repair of the Sign so as to preserve the architectural, historical, or archeological integrity of the same in order to protect and enhance those qualities that made the Property eligible for listing in the National Register of Historic Places.
2. The Owner agrees that no visual or structural alterations will be made to the Sign without first consulting the Michigan State Historic Preservation Office and obtaining prior written permission of the City of Ypsilanti's Historic District Commission.
3. The Owner agrees that the City of Ypsilanti, its agents and designees shall have the right to inspect the Sign at all reasonable times with reasonable notice in order to ascertain whether or not the conditions of this Agreement are being observed.
4. The parties agree that when the Sign is not visible from the public right-of-way, a photograph of the sign shall be posted in a conspicuous location (e.g., window) along with the following credit:

**This rehabilitation of the historic Terry Bakery neon sign at the Terry Bakery, which is a contributing resource in the Ypsilanti Historic District, a National Register and locally designated historic district, has been funded with the assistance of a matching grant-in-aid from the United States Department of the Interior, National Park Service, under the provisions of the National Historic Preservation Act of 1966. This grant-in-aid has been awarded by and is administered through the State Historic Preservation Office, Michigan State Housing Development Authority.**

5. The parties agree that for maintenance and repair requirements for the duration of this Agreement, the Equal Employment Opportunity statutes, rules, regulations, executive orders and directives of the United States and the State of Michigan shall be applicable to any employment resulting from the use, maintenance, administration, repair or accessibility of the project site. Equal Employment Opportunity provisions shall be included and required by both parties in every employment contract or subcontract which results from the use, maintenance, administration, repair or accessibility of the project site.

6. The parties agree to comply with Title VI of the Civil Rights Act of 1964, 42 USC 2000(d), the Americans with Disabilities Act, 42 USC 12204, and with Section 504 of the Rehabilitation Act of 1973, 29 USC 794. These laws prohibit discrimination on the basis of race, religion, national origin, or disability. In implementing public access, reasonable accommodation to qualified disabled persons shall be made in consultation with the Michigan State Historic Preservation Office.
7. This Agreement shall be enforceable in specific performance by a court of competent jurisdiction.
8. It is understood and agreed by the parties that if any part, term, or provision of this Agreement is held to be illegal by the courts, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be invalid.
9. This Agreement constitutes the entire agreement between the parties and may only be amended in writing, provided the amendment is consistent with the preservation purpose of the Grant Award and does not reduce the term of this Agreement. No amendment will be effective unless it is executed in the same manner as this Agreement was originally executed.

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

CITY OF YPSILANTI

BATTER'S UP, LLC

By \_\_\_\_\_  
Title: Paul Schreiber,  
Its Mayor

By \_\_\_\_\_  
Debra A. Swanson, Owner

By \_\_\_\_\_  
Title: Francis McMullan,  
City Clerk

By \_\_\_\_\_  
Title: Mark D. Swanson, Owner & Resident  
Agent

By \_\_\_\_\_  
Title: Jerry J. Goodridge, Owner

Approved by City Commission Proceeding No. XXXXXX, dated XXXXXX, 2013.

**When executed please return a copy to:**  
Scott M. Grammer [P72713]  
Counsel for Historic Preservation  
Legal Affairs - Preservation Office  
Michigan State Housing Development Authority  
702 W. Kalamazoo Street PO Box 30740  
Lansing, MI 48909-8240

**AGREEMENT**  
**BETWEEN HURON SIGN CO. AND**  
**THE CITY OF YPSILANTI**  
**REGARDING REHABILITATION OF**  
**THE HISTORIC TERRY BAKERY SIGN**

This agreement is made and effective as of the 17<sup>th</sup> day of July, 2013 by and between the City of Ypsilanti, a Michigan Home Rule City, located at 1 South Huron Street, Ypsilanti, MI 48197 ("City"), and Huron Sign Co., located at 663 South Mansfield, Ypsilanti, MI 48197 ("Contractor").

**Whereas**, the City was awarded a Certified Local Government grant to fund rehabilitation of the historic Terry Bakery sign located at 118 W. Michigan; and

**Whereas**, the City went out for bid to select a contractor; and

**Whereas**, the City selected low bidder Huron Sign Co. as Contractor to rehabilitate the historic Terry Bakery sign;

**Now therefore**, in consideration of the mutual promises set forth herein, the parties agree as follows:

1. All provisions established in the Michigan Housing Development Authority Agreement for the Rehabilitation of the Terry Bakery Historic Sign, CFDA No. 15.904, CG12-418, and the Historic Preservation Agreement (both attached) are included as part of this Agreement. This Agreement may not be altered or amended except in writing and signed by both parties.

2. For the price and scope of work defined in the Contractor's submitted Proposal (attached), the rehabilitation of the historic Terry Bakery sign will be completed over the course of seven weeks in full compliance of the schedule below and of the terms of this Agreement.

|                            |                                                                 |
|----------------------------|-----------------------------------------------------------------|
| Wednesday, July 17, 2013   | Agreement executed between City of Ypsilanti and Huron Sign Co. |
| Monday, July 22, 2013      | Begin construction                                              |
| Monday, September 09, 2013 | Finish construction                                             |
| Monday, September 16, 2013 | Final on-site inspection by State Historic Preservation Office  |

3. This Agreement is a fixed-price agreement with a maximum amount of \$10,800.00 for the rehabilitation of the historic Terry Bakery sign, as approved by the State Historic Preservation Office and City Council.

4. The Contractor will perform the following: repair of individual sheet metal sign boxes to sound condition; repair porcelain enamel skin system to reproduce the historic appearance; repair/replace deteriorated neon light tubes, controls and power supply systems to reproduce the historic appearance; reinstall the rehabilitated sign; and repair/replace any existing flashing to create a weatherproof seal.

5. Legal Compliance and Nondiscrimination: Each party agrees and represents that it will comply with all applicable laws and regulations, including nondiscrimination laws, in the provision of services and fulfillment of its obligations under this Agreement.

6. Indemnification: Each party, to the fullest extent permitted by the laws of the State of Michigan and decisions thereunder, shall be liable for all personal injury and property damage (excluding attorneys' fees) which are attributable to the intentional or negligent actions or omissions of its officers, agents, or employees. To the extent allowed by law, each party agrees to indemnify and hold harmless the other party from all claims, actions, damages, and liability arising from the intentional or negligent actions or omissions of its officers, agents, or employees. Nothing in this provision shall be construed as a waiver of the sovereign immunity of either party.

CITY OF YPSILANTI

HURON SIGN CO.

By: \_\_\_\_\_  
Ralph A. Lange, City Manager

By: \_\_\_\_\_  
Kevin Short, VP Sales

Date: \_\_\_\_\_

Date: 7/10/2013

The above agreement is approved and the parties are hereby authorized to enter on and into the Terry Bakery property at 118 West Michigan Avenue, Ypsilanti, MI 48197 to do all work and things necessary to complete the repair and this contract. The undersigned agrees to contribute the necessary funds to complete the project as provided in the grant proposal and award.

TERRY BAKERY

By: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
John M. Barr  
Ypsilanti City Attorney



Resolution No. 2013 – 125  
July 16, 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:

| <u><b>NAME</b></u>                                                                                                     | <u><b>BOARD</b></u>                     | <u><b>TERM TO EXPIRE</b></u> |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|------------------------------|
| Gillian Ream (new appointment)<br>726 N. Prospect Rd.<br>Ypsilanti, MI 48198                                           | Ann Arbor Area Transportation Authority | 5/1/2018                     |
| Caryn Charter (new appointment)<br>4760 Middlesex (home)<br>Dearborn, MI 48126                                         | SmartZone LDFA                          | 6/30/2017                    |
| E.M.U. (business)<br>Office of Research Development<br>Starkweather Hall, 2 <sup>nd</sup> floor<br>Ypsilanti, MI 48197 |                                         |                              |

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:

## **Statement from Gillian Ream:**

### **Candidate for nomination to AATA Board of Directors**

#### **Qualifications**

- **I am a transit rider.** I live in Ypsilanti and worked next to the Ypsilanti Bus Depot for two years. I also lived in Ann Arbor for several years, including two without a car, so biking and bussing were daily necessities.
- **I'm an active member of the Ypsilanti community.** I make it a point to attend community events and keep abreast of current proposals and local organizations, from the City's master plan to the Reimagine Washtenaw project. I also volunteer with Bike Ypsi and am a member of the Washtenaw Biking and Walking Coalition and the Food Coop.
- **I have lived in Washtenaw County for nearly all my life.** My experiences living at a variety of different addresses throughout the county have given me a broad understanding of what transit riders' experiences are like in different neighborhoods.
- **I am knowledgeable about environmental issues as they relate to transit.** I hold an MS in Environmental Science from the University of Michigan and participated in creating Climate Action Plans for Ypsilanti and two other cities.
- **My professional background is in marketing and communications,** with a focus on nonprofit and governmental organizations. This expertise will help me advise AATA on how to market itself to potential riders, particularly the "choice riders" who are choosing between using public transit and driving personal vehicles to work.
- **I have connections with a wide variety of local public officials and civic groups** throughout Washtenaw County and the metro Detroit region, and am able to build connections among various governmental entities that interact with the AATA.
- **I can draw on a broad array of examples of intergovernmental service provision,** thanks to my former position at the Michigan Suburbs Alliance and my current position at the Ypsilanti District Library.

#### **Goals**

- **Continuous improvement in the speed and convenience of the express route between Ypsilanti and Ann Arbor's transit centers.** AATA has already made improvements and I would like to see them continue. AATA is a hub-based system and now officially has two hubs, so the connection between the two has become that much more important.
- **Including Ypsilanti in the Air Ride service.** Residents of the city and surrounding townships should be able to use transit services to the airport without needing to go the opposite direction to Ann Arbor first.
- **Expanding service between the city and the surrounding townships, particularly to important nearby resources like the Ypsilanti District Library's Whittaker Road branch and Rolling Hills County Park.** Ypsilanti residents would benefit from improved access to public services in the townships, and our downtown community is strengthened if it is more accessible to township residents.
- **Forge a mutually beneficial relationship between AATA and RTA.** Washtenaw County's great transit system can be greater through regional integration—and there are many ways that AATA can benefit from

being part of the new Regional Transit Authority. I hope to help AATA work with the RTA to build services that benefit Washtenaw County residents and expand AATA's existing services to offer things like commuter rail to Detroit and integrations with other regional systems. AATA is also the best local example of a public transit provider, and I would hope to use the RTA framework to share best practices to assist other regional transit providers in improving the services they offer.

- **Ensure that public transit fits into the county's broader plan for transportation options.** Busses interact with all other forms of transportation, sharing the road with cars and bicycles and using sidewalk infrastructure between bus stops. Any changes or expansions to the AATA's system should complement these other options.

## **Caryn Charter**

Caryn Charter has more than twenty years experience in various aspects of grants administration and nonprofit management, including sixteen years experience in research administration in higher education. She serves as interim director of the EMU Office of Research Development (ORD), which handles both sponsored research activity and technology transfer for the University. Throughout her career, Caryn has developed a broad range of expertise, ranging from negotiating research agreements and intellectual property rights with private industry, to assisting faculty members with federal or foundation proposals to overseeing the of University's research compliance activities.

Before coming to EMU ORD in 1997, Caryn worked with non-profit organizations at both the national and local levels. At the national level, she managed the review and award process for two U.S.-focused grant programs and assisted in establishing new programs for Special Olympics International located in Washington, DC. Work with local nonprofits included working with the Grand Traverse Commons Redevelopment Corporation in Traverse City, Michigan to fulfill its mission of redeveloping the site and buildings of the Traverse City State Hospital. Caryn holds two degrees from Eastern Michigan University, a Bachelor of Science, and a Master's of Public Administration. Caryn has provided service to her profession and community by having served as President of the Michigan Society of Research Adminisitrators (2007-2009), and currently serving as a member of the City of Dearborn Planning Commission.

Goals for serving on the LDFA Board for the Ann Arbor/Ypsilanti Smartzone are to:

- Assist the Ann Arbor/Ypsilanti Smartzone provide oversight of the LDFA and allocate resources to support the growth and expansion of the infrastructure and services that will attract emerging and growing technology businesses to locate within Washtenaw County;
- Represent the Ypsilanti Community, including Eastern Michigan University, and its interests in the Ann Arbor/Ypsilanti Smartzone LDFA; and
- Foster communication and relationships between the Ann Arbor/Ypsilanti Smartzone, the Ypsilanti Community, and Eastern Michigan University that will benefit economic development in the County.



REQUEST FOR LEGISLATION  
July 16, 2013

From: Teresa Gillotti, Community Development Director

Subject: Release of Master Plan draft to adjacent communities, per P.A. 33 of 2008

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**Background**

In 2012 the City of Ypsilanti contracted with ENP & Associates to revise the master plan and zoning ordinance. In December of 2012, a steering committee was convened to lead the process consisting of the following members:

- Rod Johnson, Planning Commission Chair
- Richard Murphy, Planning Commission Vice-Chair
- Phil Hollifield, Planning Commissioner
- Pete Murdoch, City Council Member, Ward 3
- Ricky Jefferson, City Council Member, Ward 1
- Anne Stevenson, Historic District Commission, Ward 2
- D'Real Graham, former Recreation Commission
- Leigh Greden, DDA Chair & Eastern Leaders' Group Co-Chair
- Bee Roll, Owner of beezy's Cafe
- Teresa Gillotti, Staff, City of Ypsilanti

Staff and the consultant team collected and analyzed demographics and other relevant data in the winter. In the spring, an intensive series of focus groups, and week-long charrettes were held in March and April all to get input from the community related to guiding values as well as the 10-20 year vision for the future of the City. Special attention was paid during input session to hold a variety of events and various times and in various locations to meet participants needs related to timing, comfort level and type of activity to provide input. More than 400 individuals have been involved in the process to date, exclusive of those who have engaged through the website or the 1,319 followers on the Shape Ypsilanti Facebook page.

**Draft Plan**

The attached draft of the Master Plan is considered substantially complete, in that it includes the elements required by the state act, as well as components requested in the RFP. It features a revised City Framework, which lays out the Future Land uses, as well as the intent for a form based code to replace the City's existing zoning ordinance.

The steering committee is requesting that City Council release the draft plan to adjacent communities for the required 63 day period, in order to receive feedback. A separate release to the community will occur on August 1, 2013, allowing the consulting team and staff to add in appendices of community input, provide some additional edits and copyediting while also making versions available online and in hard copy at a variety of locations in the community.

Once released, the steering committee will present the draft plan to the community for feedback. A joint session of the Planning Commission and City Council will be held at the regular August 17, 2013 meeting of the Planning Commission. At that time, the consultant team and staff will provide a summary of the plan, early feedback from adjacent communities and community members, and provide time for further discussion on the plan as a whole as well as areas of particular interest.

If released on July 16, 2013, the mandatory review period will come to a close on September 23, 2013. At that point the steering committee will be convened to review the comment, and one large edit will be undertaken by the consultant team. The final draft will be available prior to a public hearing to be held by the Planning Commission at their regular meeting in October. Approval by the Planning Commission is expected to follow.

### **Schedule for Master Draft Release & Comment Period**

| <b>Event</b>                                                                                 | <b>Date</b>                                                       |
|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| City Council Meeting – Release to adjacent communities                                       | July 16                                                           |
| 3-day window to revise (if need be), print & mail or e-mail draft to adjacent municipalities | July 17- July 19                                                  |
| Revision window for Community Release                                                        | July 22 – July 31                                                 |
| Community Release of Draft Plan                                                              | August 1                                                          |
| Presentations of Draft Plan throughout community                                             | August/September 2013                                             |
| Joint Planning Commission & City Council Meeting                                             | August 21, 2013                                                   |
| Public Review                                                                                | August 1 - September 23                                           |
| 63-day state mandated review period                                                          | July 22 – September 23                                            |
| Planning Commission Public Hearing                                                           | Special Meeting last week in Sept. or regular meeting October 16. |
| Planning Commission Approval                                                                 | Regular meeting Oct. 16 or regular meeting Nov. 20                |

Once adopted, the steering committee will reconvene and begin the process for the zoning ordinance revision in October/November of 2013.

### **Council Involvement**

The accompanying resolution to release the Master Plan to the adjacent communities is an administrative element of the process undertaken by council. The joint meeting with the Planning Commission will allow council members full opportunity to receive a full presentation on the Master Plan as well as an opportunity to discuss with the consultant team any concerns, changes or questions that may arise. As well, staff requests that council members consider hosting Ward meeting to allow for a presentation of the draft plan to residents in their wards.

Comments and questions can be directed to Teresa Gillotti at [tgillotti@cityofypsilanti.com](mailto:tgillotti@cityofypsilanti.com) or 734-483-9646.

**RECOMMENDED ACTION:** Approval

### **ATTACHMENTS:**

- Draft Master plan – July 10, 2013
  - Resolution authorizing release of master plan to adjacent communities for mandatory comment period
-

CITY MANAGER APPROVAL: \_\_\_\_\_ COUNCIL AGENDA DATE: \_\_\_\_\_

CITY MANAGER COMMENTS: \_\_\_\_\_

FISCAL SERVICES DIRECTOR APPROVAL: \_\_\_\_\_



Resolution No. 2013-126  
July 16, 2013

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

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

WHEREAS, the City has received funding for the Master Plan and zoning ordinance revision through the Washtenaw County HUD Community Challenge grant with \$180,000 designated for the City of Ypsilanti to revise the Master Plan and zoning ordinance; and

WHEREAS, a steering committee was formed to guide the process, ENP & Associates were hired to lead the process resulting in a draft Master Plan; and

WHEREAS a broad range of community members participated in the preparation of the plan; and

WHEREAS, the State of Michigan Municipal Planning Act requires sharing and distribution of draft Master Plans and sub-plans to surrounding communities for review and comment; and

WHEREAS, the Municipal Planning Act requires the legislative body to authorize such distribution to surrounding communities;

NOW, THEREFORE, BE IT RESOLVED THAT Ypsilanti City Council authorize the distribution of the draft Master Plan for the City of Ypsilanti to adjacent communities and utilities for review and comment.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:                      NO:                      ABSENT:                      VOTE:



REQUEST FOR LEGISLATION  
July 16, 2013

To: Mayor and City Council  
From: Ralph A. Lange, City Manager  
Subject: City Manager's Report on Proposed Streetlight Assessment District

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SUMMARY & BACKGROUND:

At the July 2, 2013 Ypsilanti City Council meeting, City Council passed a resolution requesting a City Manager's Report regarding the proposed streetlight special assessment district. Attached is a copy of the requested report, as well as a proposed resolution of necessity indicating the demonstrated need for the special assessment. Staff will formally present the information in the City Manager's Report at the meeting.

In preparing the City Manager's Report, staff took into account Council concerns related to the proposed project timeline. A revised timeline is outlined below. This schedule is subject to change pending review of the City Attorney.

PROPOSED TIMELINE:

- July 16, 2013
  - Report of City Manager submitted
  - Preliminary Resolution of Necessity and establishment of public hearing regarding objections
- August 6, 2013
  - Public hearing regarding objections
  - Resolution approving project and ordering roll
  - Review and certification of roll
  - Resolution to file roll for public examination and establishment of public hearings regarding objections to roll
- August 20, 2013
  - Special meeting; public hearing regarding objections to roll
  - Approval of roll

RECOMMENDED ACTION: Approval

ATTACHMENTS: Proposed Resolution of Necessity, City Manager's Report

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CITY MANAGER APPROVAL: \_\_\_\_\_ COUNCIL AGENDA DATE: 07/16/2013

CITY MANAGER COMMENTS: \_\_\_\_\_

FISCAL SERVICES DIRECTOR APPROVAL: \_\_\_\_\_



Resolution No. 2013-127  
July 16, 2013

RESOLUTION OF NECESSITY  
STREETLIGHT SPECIAL ASSESSMENT DISTRICT

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

WHEREAS, pursuant to Ypsilanti City Code section 90-31 City Council passed a resolution authorizing the commencement of a special assessment project to determine the feasibility and value of creating a streetlight special assessment district; and

WHEREAS, pursuant to Ypsilanti City Code section 90-36 City Council passed a resolution referring the matter to the City Manager to prepare a report to include all necessary and pertinent information for Council to ascertain the cost, extent and necessity of the special assessment project and what proportion should be borne by the property benefited, and what proportion should be paid by the City.

WHEREAS, a report detailing the proposed streetlight assessment district and methodology has been submitted to City Council by the City Manager; and

WHEREAS, City Council has reviewed the City Manager's report; and

WHEREAS, the creation of a streetlight special assessment district would levy necessary funds to pay for street lighting and conversion costs; and

WHEREAS, streetlights benefit individual parcels directly and the general public through increased visibility, security, and safety; and

WHEREAS, the special assessment would allow the City to maintain streetlights; and

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council hereby declares and determines that:

1. The commencement of the streetlight special assessment district described herein is a public, governmental and municipal function exercised for a public purpose and for the specific benefit of the parcels to be assessed; and
2. The improvements are necessary; and
3. The improvements will phase upgrades of 1,189 streetlight fixtures to LED over two fiscal years, beginning in FY 2013-2014 and ending in FY 2014-2015, and pay for the operation and maintenance of the streetlight fixtures for eighteen years; and

4. The cost of the improvement is estimated to be as follows (subject to future rate changes and capital improvements):

- a. The net cost of the streetlight fixture conversion is estimated to be \$555,664; and
- b. The cost of the annual operation and maintenance is estimated per year to be:

|                                    | <b>100% O &amp; M</b> | <b>O&amp;M<br/>to be Assessed</b> | <b>Conversion Costs<br/>Over 7 Years</b> | <b>Cost Per Parcel</b> |
|------------------------------------|-----------------------|-----------------------------------|------------------------------------------|------------------------|
| <b>FY 2013-14</b>                  | \$515,000             | \$396,550                         | \$79,381                                 | \$98.90                |
| <b>FY 2014-15</b>                  | \$456,769             | \$365,415                         | \$79,381                                 | \$92.43                |
| <b>FY 2015-16</b>                  | \$406,051             | \$324,841                         | \$79,381                                 | \$84.00                |
| <b>FY 2016-17</b>                  | \$406,051             | \$324,841                         | \$79,381                                 | \$84.00                |
| <b>FY 2017-18</b>                  | \$406,051             | \$324,841                         | \$79,381                                 | \$84.00                |
| <b>FY 2018-19</b>                  | \$406,051             | \$324,841                         | \$79,381                                 | \$84.00                |
| <b>FY 2019-20</b>                  | \$406,051             | \$324,841                         | \$79,381                                 | \$84.00                |
| <b>FY 2020-21 –<br/>FY 2030-31</b> | \$406,051             | \$324,841                         | \$0                                      | \$67.51                |

5. 100% of the cost of the streetlight fixture conversion will be paid by special assessment on 4,812 parcels especially and directly benefitted by added safety, security, deterring crime, reducing the carbon footprint, assisting in the ease of movement on streets and sidewalks, lessening the danger of collisions, and positively affecting property values, and divided and paid over the first seven (7) years of the special assessment; and

6. The first year's cost for operation and maintenance will be paid by special assessment in the first year of the special assessment as follows:

- a. 77% on 4,812 parcels especially and directly benefitted by added safety, security, deterring crime, assisting in the ease of movement on streets and sidewalks, lessening the danger of collisions, and positively affecting property values; and

- b. 23% will be paid by the City; and

7. The annual operation and maintenance costs in years two (2) through eighteen (18) will be paid by special assessment annually as follows:

- a. 80% on 4,812 parcels especially and directly benefitted by added safety, security, deterring crime, assisting in the ease of movement on streets and sidewalks, lessening the danger of collisions, and positively affecting property values; and

- b. 20% will be paid by the City; and

8. The special assessment district will include all parcels in the City of Ypsilanti except those parcels belonging to Eastern Michigan University, Highland Cemetery, and the City of Ypsilanti; and

9. The special assessment will be divided equally among the parcels being assessed and last, in total, for eighteen (18) years; and

10. The City Clerk is directed to place the complete information regarding this matter on file in the office of the City Clerk where the information may be found and examined; and

11. The City Clerk is directed to publish a notice of a public hearing to be set for Tuesday, August 6, 2013 at 7:00 p.m. at City Hall, 1 S. Huron, Ypsilanti, MI 48197, at which time and place opportunity will be given interested persons to be heard. Such notice shall be given as provided in Ypsilanti City Code sections 90-47 and 90-48.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:                      NO:                      ABSENT:                      VOTE:

I do hereby certify that the above resolution is a true and correct copy of Resolution 2013-\_\_\_\_\_ as passed by the Ypsilanti City Council, at their meeting held on Tuesday, August 6, 2013.

\_\_\_\_\_  
Frances McMullan, City Clerk



# Streetlight Special Assessment District

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## City Manager's Report

**Ralph A. Lange, City Manager**  
**Teresa Gillotti, City Planner**  
**Connie Locker, Management Assistant**

**Updated July 16, 2013**



## **Executive Summary**

This report details the background, rationale, and methodology for creating a streetlight special assessment district in the City of Ypsilanti. Major considerations for creating such a district include Ypsilanti's history of green initiatives, the anticipated fiscal benefit to the City, and the benefits to the parcels being assessed. Based on similar projects conducted in other Michigan communities and the established public and private benefit of streetlights, staff recommends a district that would encompass the entire city.

When the proposed district goes into effect, the City General Fund will be responsible for paying 23 percent of the streetlight bill for the first year of the assessment and the remaining 77 percent of costs, including all capital costs for converting the streetlights to energy-efficient LEDs, will be distributed equally among 4,812 parcels. For subsequent years of the assessment, the City General Fund will pay 20 percent of the annual streetlight bill and the remaining 80 percent, including all conversion costs, will be distributed equally among 4,812 parcels. The proposed assessment will last for a period of 18 years, to end in FY 2030-2031.

## **Background and Rationale**

### **Benefit to Individual Parcels and the Public**

The City's high-traffic trunk lines—Washtenaw Avenue, portions of West Cross, Hamilton, Huron, Ecorse, and Michigan, among others—handle between 15,000 and 30,000 cars per day, in part because of commuters to the Eastern Michigan University campus and daily through traffic. Based on staff review with DTE, the city has streetlights distributed throughout the city, including industrial, residential, and commercial corridors, providing a public benefit to individual properties and all residents and visitors, and students. All residents and property owners, regardless of the neighborhood in which they live or work, utilize these roads and benefit from the streetlights along these major thoroughfares.

Most importantly, streetlights specifically benefit the individual parcels proposed to be assessed directly through the feeling of safety and security they provide to residents and business owners and because streetlights help deter crime, assist in ease of movement on streets and sidewalks, lessen danger of collisions, and can positively affect property value.

### **Green Initiatives**

Over the past several years, the City of Ypsilanti has been working to lessen its impact on the climate through various green initiatives, including reducing energy consumption by upgrading traditional streetlights to LEDs. Streetlight conversions in Ypsilanti began on W. Cross in 2011. In 2012, City Council adopted the Climate Action Plan. Aimed at reducing hazardous emissions and saving energy, the plan

recommended conversion to LED in order to save energy and reduce ongoing streetlight-related operation and maintenance expenditures.

To date, more than 290 streetlights have been converted (or are currently in the process of being converted) to LED energy. Creating a streetlight special assessment district would further Ypsilanti's commitment to sustainable technology by establishing a timeline and methodology for citywide streetlight conversion.

## **Fiscal Background**

Although the economy has been slowly rebounding, the City of Ypsilanti is still struggling to fund programs and services at pre-2010 levels. FY 2008-2009 was the last overall budget with a surplus; all others since that time have been in a deficit, including the projected figures for FY 2013-2014. The General Fund is projected to operate with a deficit for at least the next three to four years. To avoid increasing this deficit, more cuts and/or additional revenues need to be identified.

During the 2012 budgeting process, City Council determined that a special assessment district for streetlights would be an important consideration for planning and ensuring the City's future fiscal stability while incorporating "green" goals. Currently, the City's annual streetlight bill is approximately \$515,000,<sup>1</sup> including all electricity, maintenance and any necessary replacements. Converting all but 207 streetlights to LED (see "Proposed Streetlight Assessment District for Ypsilanti" below) would result in an estimated annual bill of approximately \$406,000, a savings of about \$109,000 annually.

## **Creating Streetlight Special Assessment Districts in Michigan**

### **Legal Authority**

The Michigan Home Rule Cities Act (Public Act 279) in section 117.4d gives home rule cities the power to provide special assessment districts for street lighting. Specifically, city charters may provide the city powers "for assessing the cost, or a portion of the costs, of installing a boulevard lighting system on a street upon the lands abutting the street." This special assessment is not charged on an *ad valorem* basis-- the amount is not calculated based upon taxable value. Rather, it is calculated based upon the exact cost of the service the local entity provides. In addition, the Ypsilanti City Charter provides for special assessment districts for public improvements.

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<sup>1</sup> **This estimate is based on monthly DTE bills, however, all cost-related numbers used in this report are estimates.** Electricity costs are subject to change. The special assessment will be recalculated every year to determine a more precise fee relative to capital improvement and actual electricity use, especially as a portion of the City streetlights using LED technology increases.

## Michigan Streetlight Special Assessment Districts

Recently, more and more Michigan local governments have utilized special assessment districts for streetlights as ways of avoiding major budgetary shortfalls. Local entities like Bangor Township and Henrietta Township have extended their special assessment districts to pay for the installation of new streetlights, while the municipalities of Flint, Garden City, Park Township and Romulus have implemented special assessment districts for existing streetlights. Table A gives a brief breakdown of the population of some of the cities and an estimated special assessment charge to provide context to Ypsilanti's proposed numbers.

**Table A: Streetlight Assessment Districts in Michigan**

| Community     | Population | Annual Cost per Parcel |
|---------------|------------|------------------------|
| Flint         | 102,434    | \$66.05                |
| Garden City   | 27,692     | \$35                   |
| Park Township | 17,802     | \$20-\$25              |
| Romulus       | 23,989     | varies                 |

## Proposed Streetlight Special Assessment District for Ypsilanti

### Key Numbers

The City will phase upgrades of 1,189 streetlight fixtures to LED over two fiscal years, beginning in FY 2013-2014 and ending in FY 2014-2015. Of the total streetlights in the city, only 207 will not be converted due to poor estimated return on investment. These lights are predominately in the Downtown and Depot Town areas. Graph A, below, depicts the proposed streetlight conversion, including lights already converted.

|                                |           |
|--------------------------------|-----------|
| Streetlights to be Converted   | 1,189     |
| Parcels to be Assessed         | 4,812     |
| Conversion Costs               | \$555,664 |
| Estimated 2013 O & M Costs     | \$515,000 |
| Projected 2015 O & M Costs     | \$406,000 |
| Estimated Savings <sup>2</sup> | \$109,000 |

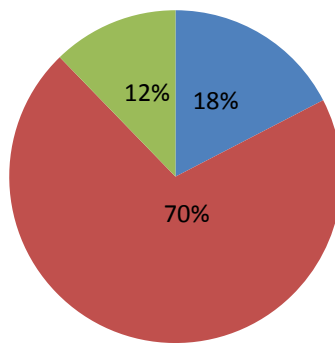
Costs to the city streetlights totaled \$499,930 in FY 2010-2011 and \$520,724 in FY 2011-2012. Costs are estimated to be approximately \$515,000 in FY 2012-2013; all proposals in this report use the costs estimated for FY 2012-2013. The entire figure represents what DTE Energy bills the City for electricity each month. Within those costs are built in maintenance, operation and any necessary replacement of fixtures, poles, and underground or overhead wiring.

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<sup>2</sup> The estimated savings include Phases 2-4 (2012-2014) of the conversion.

### Graph A: Conversion of Ypsilanti's 1,690 Streetlights

- Lights Converted at City Cost (294)
- Lights to be Converted and Paid for Through Special Assessment (1,189)
- Lights to be Converted in Future (207)



## Methodology

Staff reviewed a variety of options for the proposed streetlight assessment district, researching methodologies used by similar Michigan communities (as reflected in Table A). Based on that review and the City's long history of shouldering all streetlight costs, staff recommends that the City finance 23 percent of the total streetlight costs for the first year of the assessment and 20 percent each following year to reduce the burden assessed per parcel. The remaining 77 percent for the first year and the remaining 80 percent for each following year, in addition to all conversion costs, will be divided equally and assessed among 4,812 of the city's 4,951 parcels. Conversion costs are outlined in Table B.

Close to 40% of the city's total land area is exempt from property tax, but still required to pay special assessment fees if the parcel is located in a special assessment district. For the purposes of the proposed special assessment district, however, all parcels belonging to Eastern Michigan University and Highland Cemetery will be exempt from assessment due to State of Michigan case law. In addition, all parcels belonging to the City of Ypsilanti will not be assessed; the City's commitment to finance 20% of the total streetlight costs is far above what would be assessed to City-owned parcels.<sup>3</sup>

<sup>3</sup> The City of Ypsilanti owns 111 parcels, or about 2% of Ypsilanti's total parcels. Highland Cemetery owns two parcels (0.04%) and Eastern Michigan University owns 26 parcels (0.5%).

## Conversion Costs & Schedule

Per the City Attorney, the extra costs for capital improvement can be included within the special assessment for streetlights. Thus, the special assessment will not only include the costs of providing electricity, maintenance, operations and replacement of streetlights, but a portion (\$16.50 per parcel) will pay for the installation and retrofit of streetlights in the future. This portion of the assessment, as illustrated in Table C, will be amortized over seven years to lessen the burden put on individual parcels. Estimated gross conversion costs are listed by year in Table B.

**Table B: Estimated Conversion Costs**

|              | <b>Number<br/>of Lights</b> | <b>Gross<br/>Conversion Cost</b> | <b>Rebate</b>   | <b>Net<br/>Conversion Cost</b> | <b>% of Conversion<br/>Paid by City</b> |
|--------------|-----------------------------|----------------------------------|-----------------|--------------------------------|-----------------------------------------|
| 2011         | 34                          | unknown                          | \$0             | unknown                        | 100%                                    |
| 2012         | 36                          | \$8,568                          | \$0             | \$8,568                        | 100%                                    |
| 2012         | 224                         | \$52,576                         | \$0             | \$52,576                       | 100%                                    |
| 2013         | 505                         | \$240,338                        | \$25,898        | \$214,440                      | 0% (proposed)                           |
| 2014         | 684                         | \$376,628                        | \$35,405        | \$341,223                      | 0% (proposed)                           |
| Future       | 207                         | \$84,319                         | \$6,132         | \$78,187                       | 0% (proposed)                           |
| <b>Total</b> | <b>1,396</b>                | <b>\$762,429</b>                 | <b>\$67,435</b> | <b>\$694,994</b>               |                                         |

**Net Conversion Cost for Proposed Phases 3-4**

**(2013-2014):**

**\$555,664**

**Table C: Estimated Annual Cost per Parcel, Based on O & M and Conversion Costs**

|                                    | <b>100% O &amp; M<sup>4</sup></b> | <b>O&amp;M<br/>to be Assessed</b> | <b>Conversion Costs<br/>Over 7 Years</b> | <b>Cost Per Parcel<sup>5</sup></b> |
|------------------------------------|-----------------------------------|-----------------------------------|------------------------------------------|------------------------------------|
| <b>FY 2013-14</b>                  | \$515,000                         | \$396,550                         | \$79,381                                 | \$98.90                            |
| <b>FY 2014-15</b>                  | \$456,769                         | \$365,415                         | \$79,381                                 | \$92.43                            |
| <b>FY 2015-16</b>                  | \$406,051                         | \$324,841                         | \$79,381                                 | \$84.00                            |
| <b>FY 2016-17</b>                  | \$406,051                         | \$324,841                         | \$79,381                                 | \$84.00                            |
| <b>FY 2017-18</b>                  | \$406,051                         | \$324,841                         | \$79,381                                 | \$84.00                            |
| <b>FY 2018-19</b>                  | \$406,051                         | \$324,841                         | \$79,381                                 | \$84.00                            |
| <b>FY 2019-20</b>                  | \$406,051                         | \$324,841                         | \$79,381                                 | \$84.00                            |
| <b>FY 2020-21 –<br/>FY 2030-31</b> | \$406,051                         | \$324,841                         | \$0                                      | \$67.51                            |

**Total Conversion Costs:**

**\$555,664**

<sup>4</sup> DTE costs include usage, maintenance and replacement of electrical service, poles, and fixtures. DTE rates are subject to change.

<sup>5</sup> Total cost of O&M to be Assessed plus Conversion Costs Over 7 Years, divided by 4,812 parcels.

## **Approval Process**

Following the submittal of this report City Council will need to pass a preliminary resolution setting forth the necessity for the improvements, describing the improvements, setting forth the estimated costs, how the costs will be proportioned, what the special assessment district will include, and requiring the City Clerk to file the information and set a public hearing for the purpose of hearing objections.

Following the public hearing, if City Council desires to proceed, it must pass a resolution approving the project and ordering the assessor to prepare an assessment roll. After the assessor completes the roll, the assessor will file it with the city clerk for presentation to City Council and certification. Council will set a time for public examination of the roll and for a public hearing. Following the public hearing(s), Council may take vote to take action on the proposed special assessment district.

# 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        |
| <b>Phase 3</b>                                                                   | <b>*2013</b> | <b>505 Conversion</b>    | <b>\$121,192.08</b> | <b>\$87,234.00</b> | <b>\$33,957.68</b> |
| Phase 4                                                                          | 2014         | 684 Conversion           | ~                   | ~                  | \$50,718.14        |
| Phase 5                                                                          | Future       | 207 Conversion           | ~                   | ~                  | \$7,617.00         |
| Estimated Before/After all Phases<br>of Conversion to LED (as of June<br>2013)   |              | 1690 Total Lights        | \$515,000.00        | \$398,433.58       | \$116,566.42       |
|                                                                                  |              | (+25 energy only = 1715) |                     |                    |                    |
| Estimated cost to convert 505 lights to LED                                      |              |                          | \$240,338.50        |                    |                    |
| DTE Energy Rebate                                                                |              |                          | (\$25,898.00)       |                    |                    |
| <b>Net cost to convert 505 lights to LED:</b>                                    |              |                          | <b>\$214,440.50</b> |                    | ROI 6.31 Years     |
| Estimated cost to convert 684 lights to LED                                      |              |                          | \$376,628.00        |                    |                    |
| DTE Energy Rebate                                                                |              |                          | (\$35,405.00)       |                    |                    |
| <b>Net cost to convert 684 lights to LED:</b>                                    |              |                          | <b>\$341,223.00</b> |                    | ROI 6.73 Years     |
| Updated 7/9/2013. All numbers reflect the best available estimates at this time. |              |                          |                     |                    |                    |



REQUEST FOR LEGISLATION  
July 16, 2013

From: Ralph A. Lange, City Manager

Subject: AFSCME Contract

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SUMMARY & BACKGROUND:

We need to settle the AFSCME Contract at our earliest opportunity with the Union due to our last contract expiring June 30, 2013.

The net cost of settling a new AFSCME Contract must be as close to zero dollars as possible.

For the reasons mentioned above, it is the City Manager's request that City Council approve the resolution approving a new four year contract between the AFSCME Union and the City of Ypsilanti.

RECOMMENDED ACTION: (Approval/Denial)

ATTACHMENTS:

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CITY MANAGER APPROVAL: \_\_\_\_\_ COUNCIL AGENDA DATE: \_\_\_\_\_

CITY MANAGER COMMENTS: \_\_\_\_\_

FISCAL SERVICES DIRECTOR APPROVAL: \_\_\_\_\_



REQUEST FOR LEGISLATION  
July 16, 2013

From: Teresa Gillotti, Director of Community Development

Subject: Request for extension for Letter of Intent for Washtenaw County Parks and Recreation Commission to Development a Recreation Center within the Water Street Redevelopment Area

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**Background**

On October 4, 2011, Washtenaw County Parks and Recreation Commission (WCPRC) staff presented conceptual plans for a Recreational Facility on a portion of the Water Street Redevelopment Area. On October 18, 2011, staff presented a review of the initial plan and received direction from City Council to continue working towards a Letter of Intent (LOI) to develop the recreational facility within the Water Street Redevelopment Area.

City Staff continued to meet and coordinate details of the LOI. At the January 5, 2012 City Council meeting, staff recommending and council unanimously approval the attached Letter of Intent that effectively took 8 acres of the property off the market for 18 months, while City and WCPRC staff work out details of a development agreement for the East Side Recreational Facility.

During the interim 18 months, WCPRC partnered with the University of Michigan design team to develop a series of [concept plans](#). Recently, they have worked with the Ann Arbor YMCA on a marketing study. The draft was recently completed, and the final report is expected shortly. Next steps for the WCPRC include formalizing an agreement with the Ann Arbor YMCA to operate the proposed East Side Recreational Center, and to determine the size, location and concept for the property as well as financing for the project. Based on this, WCPRC is requesting a 6 month extension on the Letter of Intent. This would move the expiration of the letter of intent to January 4, 2014.

At or before the January 4, 2014 date, the intent would be to negotiate a full development agreement to City Council and WCPRC to transfer the property. The agreement will include the following at minimum:

- Exact location and size of parcel
- Size and orientation of structure
- Proposed site plan and building design
- Timeline for approvals, permits and construction
- Plan for infrastructure development beyond parcel footprint
- Roles and Responsibilities
- Terms of parcel transfer or long term lease
- Other legal responsibilities for development and opening of the Recreational Facility

## Approval Process

Below is the approval process for Water Street Redevelopment Area sale or transfer of property  
We are currently at **Step 3** in the process:

1. Present City Council a Letter of Intent (LOI) to purchase or transfer of property
  - This document would provide the basic details related to the scope of development, location, expected purchase price, potential roles and responsibilities related to infrastructure development, and basic timeline for the project
2. City Council would accept the LOI, request changes or reject it.
  - This stage is important for presenting and addressing key issues or concerns to be addressed while developing the development agreement.
3. If accepted, the City would agree to take the proposed acreage "off the market" for a set period of time. During this time period staff and the developer would negotiate the terms of a development agreement based on the City's established template
4. City Council would then be presented with a development agreement and more detail on the location, scale, style and detail regarding the development, the terms and conditions as well as roles and responsibilities related to infrastructure construction, Brownfield remediation, and finally, purchase price.
5. City Council would either accept, request changes or reject the purchase agreement
6. Staff would then work with the developer on the following elements (not in any particular order)
  - Site plans and Planned Unit Development (PUD requires Council approval)
  - Amendments to the Brownfield plan and Act 81 work plans (Brownfield plan requires Council approval)
  - Other related permitting and review

Please direct any questions or comments to Teresa Gillotti at [tgillotti@cityofypsilanti.com](mailto:tgillotti@cityofypsilanti.com) or 734-483-9646.

RECOMMENDED ACTION: Approval

### ATTACHMENTS:

- WCPRC Letter of Intent
- Resolution of approval
- WCPRC e-mail

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CITY MANAGER APPROVAL: \_\_\_\_\_ COUNCIL AGENDA DATE: \_\_\_\_\_

CITY MANAGER COMMENTS: \_\_\_\_\_

FISCAL SERVICES DIRECTOR APPROVAL: \_\_\_\_\_



Resolution No. 2013-129  
July 16, 2013

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

WHEREAS, the City of Ypsilanti is the property owner of the Water Street Redevelopment Area and is seeking appropriate development projects; and

WHEREAS, Washtenaw County Parks and Recreation Commission (WCPRC) has submitted a Letter of Intent (LOI) to develop a Recreational Facility on up to 8 acres of the western portion of the site as included in Attachment A; and

WHEREAS, the proposed Recreational Facility development would create a public facility to benefit Ypsilanti and other Washtenaw County residents; and

WHEREAS, the development would provide additional infrastructure to benefit subsequent development; and

WHEREAS, the City and WCPRC both approved the attached LOI on January 5, 2012; and

WHEREAS, both parties desire to extend the LOI for 6 additional months until January 4, 2014

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council approves the requested extension to the attached Letter of Intent from Washtenaw County Parks and Recreation Commission to develop a Recreational Facility on a portion of the Water Street Redevelopment Area.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:                      NO:                      ABSENT:                      VOTE:



## ***Washtenaw County Parks and Recreation Commission***

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**To:** Ed Koryzo, Manager, City of Ypsilanti  
**From:** Robert L. Tetens, Director, Washtenaw County Parks & Recreation Commission  
**Date:** January 5, 2012  
**Re:** Letter of Intent to develop a Community Recreation Center at the Water Street Redevelopment Area property

The Washtenaw County Parks and Recreation Commission (WCPARC) is proposing to construct a new Recreation Center to serve the populations of the eastern portion of the County. In partnership with the City of Ypsilanti and other community partners, staff is in the process of investigating the siting, feasibility, and initial design development for the new facility at the 38-acre Water Street Redevelopment Area in Ypsilanti. Initial staff analysis indicates that the preliminary program can be accommodated within a new 50,000 to 60,000 SF facility at the site. A final program and construction budget will be determinate by the WCPARC with input from the project partners and the community.

Obligations of letter of intent: This letter of intent is a non-binding agreement between the City of Ypsilanti and the Washtenaw County Parks and Recreation Commission to work for a term not to exceed 18 months on a development agreement to transfer or lease a portion of the Water Street Redevelopment Area (as described below) to the County based on the terms listed below. WCPARC is requesting this initial agreement as it is part of the city of Ypsilanti's process for transferring ownership of Water Street property, and it will provide WCPARC the opportunity to seek co-developers, complete marketing studies, confirm financing, and finish conceptual design plans and other details to be included in a full development agreement and transfer of property.

The Washtenaw County Parks and Recreation Commission is respectfully requesting upon acceptance of this letter of intent, that the City of Ypsilanti remove the portion of the Water Street Redevelopment Area described below from the market, and reserve it for the development of a Community Recreation Facility subject to the terms listed below:

1. Seller: City of Ypsilanti
2. Purchaser: Washtenaw County Parks and Recreation Commission
3. Property: The property is located in the northwest corner of the site as represented on Attachment A.
4. Purchase Price: It is understood that the Purchaser will not make a financial contribution for the property, but will work cooperatively to develop infrastructure beyond the particular needs of the proposed Community Recreation Facility, to include water/sewer/road access into the site. Details of the infrastructure plan and commitment amount will be negotiated as part of a resulting development agreement between the Seller and Purchaser at the end of the term.

5. Other Purchaser Obligations: Purchaser agrees, upon execution of a development agreement and property transfer, to develop and maintain a linear park of roughly 100 feet from the Huron River, in accordance with DEQ approvals. The linear park will include a Border-to-Border trail extension and ongoing public access to the Huron River.
6. Term: The Letter of Intent will be in effect for up to 18 months or until a development agreement and transfer of the property occurred, whichever is sooner. Either party can request a 6 month extension if necessary after 12 months.
7. Elements of the Development Agreement: Both parties agree to spend the term of this agreement working through the details of the standard development agreement utilized by the Ypsilanti City Council for transfer/sale of the Water Street Redevelopment area, to include: time frames for governmental approvals, brownfield plan amendments, inspections, permitting and construction.

Purchaser:

Witness

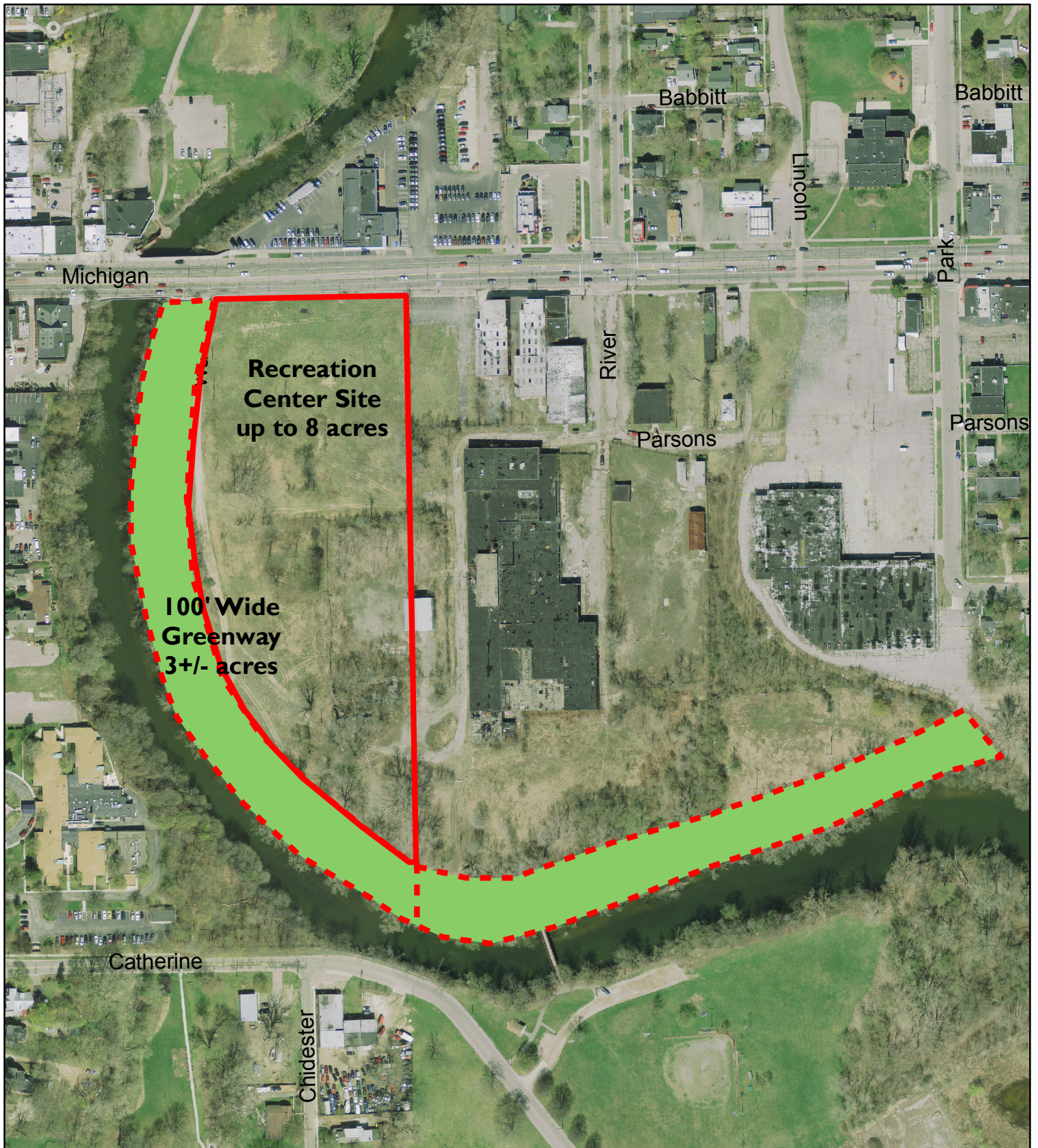
Seller:

Witness

Date:

# Water Street Development Potential Recreation Center Site

11+/- acres



Washtenaw County  
Parks & Recreation Commission  
(734) 971-6337  
[parks.ewashtenaw.org](http://parks.ewashtenaw.org)

Prepared by Washtenaw County Parks & Recreation Commission  
Washtenaw County 2010 Aerial

0 125 250 500 Feet



## Teresa Gillotti

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**From:** Coy Vaughn  
**Sent:** Wednesday, 10 July, 2013 12:57 PM  
**To:** Teresa Gillotti; Robert Tetens; Meghan E. Bonfiglio  
**Cc:** Ralph Lange; Nan Schuette  
**Subject:** RE: East Side Recreation Center Letter of Intent

Hi Teresa,

As WCPARC continues to pursue a partnership agreement with the YMCA and the City works towards the completion of a master plan update, I agree that it is prudent to extend the terms of the LOI (originally approved by both WCPARC and the City on 1/10/12). Since WCPARC does not have a July meeting, we intend to address the LOI extension at our August meeting (8/13). We are encouraged by the findings from the recent Market Study and look forward to continuing our partnership with the City in hopes making the new Eastside Recreation Center a reality.

Coy

### Coy P. Vaughn, AICP

Deputy Director

Washtenaw County Parks & Recreation Commission  
2230 Platt Road  
Ann Arbor, MI 48107  
734-971-6337 #326 office  
734-368-0073 cell

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**From:** Teresa Gillotti  
**Sent:** Wednesday, July 03, 2013 6:20 PM  
**To:** Robert Tetens; Coy Vaughn; Meghan E. Bonfiglio  
**Cc:** Ralph Lange; Nan Schuette  
**Subject:** East Side Recreation Center Letter of Intent

Hi all,

So had a reminder from a council member that the Letter of Intent agreed to by Ypsi City Council on January 5, 2013. It's an 18 month agreement, and I was trying to remember, but I seem to recall that WCPRC may have approved it on the same night.

As you know, there was a provision to extend for 6 months after 12 months has passed. I am thinking that we may both want to extend the LOI at the next meeting. For us it would be July 16, 2013.

Thanks and have a great holiday!  
-Teresa

Teresa Gillotti  
*Planner II/Community & Economic Development*

City of Ypsilanti  
1 S. Huron St.  
Ypsilanti, Michigan 48197  
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Resolution No. 2013-130  
July 16, 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: