



APPROVED

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

I. CALL TO ORDER –

The meeting was called to order at 6:05 p.m.

II. ROLL CALL –

Council Member Jefferson (6:06)	Present	Council Member Robb	Present
Council Member Moeller	Absent	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 absences. On a voice vote the motion carried and the absences were excused.

III. INVOCATION –

The Mayor asked all to stand for a moment of silence.

IV. PLEDGE OF ALLEGIANCE –

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

V. INTRODUCTIONS

Mayor Pro-Tem Richardson introduced Deputy Clerk Nicole Sumpter and City Clerk/Treasury Intern Semaj Ray.

VI. AGENDA APPROVAL –

Council Member Robb removed Resolution No. 2013-142 from the consent agenda.
Council Member Murdock removed Resolution No. 2013-142 from the consent agenda.
City Manager Lange requested Resolution No. 2013-148 be removed from the agenda.

Council Member Vogt moved, supported by Council Member Jefferson moved to approve the agenda as amended.

On a voice vote the agenda was approved as amended.

VII. CLOSED SESSION (6:00 to 7:00 p.m.) – 6:13 p.m.

Closed Session to discuss labor negotiations (OMA 15.268, Section 8(c)).

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

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

VOTE:

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

Open Session reconvened at 7:10 p.m.

VIII. PRESENTATIONS –

Michigan Health Aid — Khalid Sarsour, Outreach Chair *(not present)*

IX. PUBLIC HEARING –

Public hearing for Proposed Special Assessment District in the City of Ypsilanti for the conversion, operation and maintenance of streetlights.

1. Presentation of Revised Streetlight Special Assessment District Report - Intern Connie Locker *(Powerpoint presentation on file in Clerk' Office and on website)*
2. Open public hearing.
 1. Renee Burgess, 1 Oak Street, commented that the streetlight project is too expensive and said she would like more information. She requested additional information be emailed to her at reneeburgess1933@gmail.
 2. Lanee Burgess, 211 Lincoln Street, opposed the special assessment and commented that people have a hard time paying their mortgage and providing food, etc. She said she is struggling already so it will be hard for her to come up with an extra \$100 to pay for this.
 3. Ken Swartz, 2474 Hickman Ann Arbor, owner of 9 parcels in the city, said he has formally objected in writing because he owns 6 vacant lots on Water Street and feels it is unfair for him to pay \$600/yearly for 6 vacant contiguous lots that was only one lot at time he bought it. He asked Council to reconsider the assessment roll and make some exceptions to treat his parcels as one parcel.
 4. Emanuel Bulie, 1813 Roosevelt questioned the savings from the special assessment and asked what will happen to the mercury light bulbs when they are thrown out. He questioned if the flat fee is equitable and said he wants to see a reduction in his taxes and in the millage to compensate for the assessment. He said he has no problem with the flat fee but wants to see the savings the city is getting from the conversion because some of it should be transferred to residents.
 5. Michael Gelletly, 921 Sheridan, asked if his taxes would be lowered if the special assessment is approved.
 6. Ted Windish, 124 Miles, commented that he doesn't have a lot of problems with the conversion. He said he sees a lot of savings, approximately \$500 per lamp. He asked if a

conversion adapter could be used because he doesn't see where we need new streetlights to accommodate the LED. He said adapters could save much more so he is not on board with spending \$500 per light and asked Council to reconsider putting this off for 5 more years.

7. Mark Phillips, 713 Charles, opposed the special assessment and said the payback is in 7 years and residents will be paying for over 18 years so the math doesn't work. He said he is for saving money and doing the converting but feels induction lighting is cheaper than LED and much better.
8. Nan and Dan Asher, 710 Charles, opposed the special assessment and said this project is spending a lot of money to save money and doesn't make sense. Ms. Asher asked if alternatives have been considered and said the project has not been fully explained to citizens.
9. Scott Northway, 127 Miles, commented the cost is minimal but significant over the period of time being requested. He asked what is the benefit and if this is truly in the interest of saving money for the city and taxpayers, or for shifting the cost or tax to residents. Aside from environmental advantages, he said the conversion doesn't provide any other enhancements to community.
10. Linda Thompson, 808 Cornell, opposed the special assessment and said the benefits are highly subjective. She said there is no benefit in having streetlights outside her bedroom. She commended \$100 is expensive and suggested the lights be turned off if the city cannot afford them.
11. Ronan DalCross, 808 Cornell, objected to the assessment and stated Ypsilanti has the highest tax rate in the state. He commented the city should look into their management of funds if they can't afford lights.
12. Donald Lloyd, 1307 Westmoorland, asked if there has been any study regarding safety which was listed as a benefit. He said there is no perceived benefit and asked if there is any other federal funding available for going green. He suggested the city look into other funding or negotiate with DTE or another energy provider.
13. Joyce Lenhart, on behalf of Raymond and Carol Frisbie, 1211 S. Congress, read a letter expressing their objection to the proposed special assessment. She said she agrees with other speakers that alternative funding and technology should be explored.
14. John Adams, 2039 Collegewood, expressed concern with the proposed assessment and said he is not comfortable with the comments that were made tonight. He said he needs clarification regarding what designates a parcel. He questioned why the city and E.M.U. are being excluded.
15. Gary Hann said the proposed assessment will hit the people on the south side like a knock-out punch. He said he hopes Ward 1 representatives will vote against it. He said Ypsilanti has the highest taxes in the state and E.M.U. has over 23,000 students and will benefit but not pay a penny from receiving all the benefits.
16. Mike Glass, 905 Hillside Court, opposed the assessment and said this is a big hit to residents. He questioned if a demographic search was done. He said 20% of the people in the city are living in poverty and 22% on fixed income. He commented the benefit of the new lights is not significant and suggested the city deal with Water Street first.

17. Dave Heikennan, questioned the cost of the old light bulb and the new one and how much it cost to change. He said the business case is not good and a lot of information needs to be understood by residents before the city proceeds. He said the fact that E.M.U is paying nothing makes no sense.
 18. Julie DeFilippo, 703 Hemphill, said she is a single mother and her income is allocated monthly for her son's expenses. He questioned how will a new streetlight provide more safety for her and deter thieves and said there are grants to help with this.
 19. Colin Breed, 117 Pearl Street, suggested the city ask companies for a small nominal down payment and asked if the city has explored this option.
 20. Barbara Hale, 310 N. Hamilton, opposed the assessment and said it would never go away because the city will be paying for Water Street forever. She questioned how trees were paid for in past and asked where are they now.
3. Resolution No. 2013-137, amending proposed special assessment district and adjourning first public hearing streetlight assessment district.

WHEREAS, on July 16, 2013 City Council passed Resolution 2013-127, a Resolution of Necessity for a Streetlight Special Assessment District, in which Resolution City Council determined that the improvement was necessary, set forth the nature thereof, estimated the cost, prescribed what proportion would be paid by special assessment upon the property especially benefitted, determined the benefits received by the affected properties and what proportion, if any, would be paid by the city at large, designated the limits of the special assessment district to be affected, designated the manner in which it would be assessed, ordered the complete information to be filed in the office of the City Clerk where it could be found and examined, and directed the City Clerk 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 would be given interested persons to be heard; and

WHEREAS, City Council determines after further consideration that it would be appropriate that Highland Cemetery be included among those parcels assessed within the Special Assessment District and that all interested persons should be given notice as required; and

WHEREAS, City Council determines that to guarantee all interested persons have received proper notice and are advised of the changes to the proposed district that the public hearing scheduled for August 6, 2013 at 7:00 p.m. should be continued to a later date and notice shall be provided as required by City Code sections 90-47 and 90-48; and

WHEREAS, City Council determines that the operation and maintenance of the streetlight fixtures for eighteen years be removed from the improvement and that the improvement will solely phase upgrades of 1,189 streetlight fixtures to LED over two fiscal years and be paid over two years;

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**
- 4. The cost of the improvement is estimated to be \$555,664 for the conversion. The annual cost to each parcel is estimated to be \$57.51; and**
- 5. 100% of the cost of the streetlight fixture conversion will be paid by special assessment on 4,831 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 be divided and paid over two (2) years; and**
- 6. The special assessment district will include all parcels in the City of Ypsilanti; however, those parcels belonging to Eastern Michigan University and the City of Ypsilanti will not be assessed while owned by Eastern Michigan University and the City of Ypsilanti respectively; and**
- 7. The special assessment will be divided equally among the parcels being assessed and last, in total, for two (2) years; and**
- 8. That the public hearing scheduled for Tuesday, August 6, 2013, shall be continued on August 20, 2013 at 7:00 p.m.; and**
- 9. The City Clerk is directed to publish a notice of the adjourned public hearing to be set for Tuesday, August 20, 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; 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.**

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

Council Member Murdock commented that the conversion to LED lights will save the city and is worth the money. He said there has been a misunderstanding on the technology and how the city pays for it, however the system is owned by DTE and the rate structure is based on what has been approved by the

public service system. He noted that DTE also controls what different types of systems are available and they do not embrace the induction lighting system. He added that DTE is providing incentives to convert to LED. He said DTE controls a lot of the process and LED lighting is better and is more focused lighting. He said the cost savings is great.

Council Member Vogt asked Attorney Barr to review the legal issues and if this will be successful from a legal standpoint.

City Attorney Barr stated that the City of Ypsilanti is a Home Rule state and is limited in the ways it can raise money.

Council Member Vogt is leaning toward moving to the alternatives discussed or the city just paying and not pursuing the assessment. He wanted to know to what extent amendments can be made.

Mr. Barr answered yes you can change the idea, you can always start over.

Council Member Vogt asked if you can tweak it.

Mr. Barr answered yes and said the parameters can be changed as Council Member Murdock did tonight to reduce the scope of project. He said other tweaks can be done as long as it is not a substantial burden to the public. He said Council must keep on the same issue and the law does allow that.

Council Member Robb asked can action be taken on the scope of action after the August 20th public hearing, or is this setting the roll.

Mr. Barr answered the law says this part must occur before improvements start which is September. He said the city has a finite time frame which was set by DTE. He said the timeline is tight and advised Council to follow the timeline, if not there is no guaranteed benefit from the deal with DTE.

On a roll call the vote on Resolution No. 2013-137 was as follows:

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

VOTE:

Yes: 3 No: 2 Absent: 2 (Moeller, Schreiber) Vote: Failed

Council Member Robb moved supported by Council Member Murdock to reconsider the vote.

On a roll call, the vote to reconsider Resolution No. 2013-137 was as follows:

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

VOTE:

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

On a roll call, the vote on Resolution No. 2013-137 was as follows:

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

VOTE:

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

Council Member Vogt explained to public that EMU cannot contribute due to State law.

Meeting recessed at 8:35 p.m.
Meeting reconvened at 8:45 p.m.

X. ORDINANCES - SECOND READING -

Ordinance No. 1191

1. Resolution No. 2013- 138, approving 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.

THAT 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 providing for termination of licenses that stop operating for 90 days or more, be approved on Second and Final Reading.

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

Council Member Robb said he thinks this cap on the number of dispensaries will blow up in the city's face. He said the proper way to do this is through zoning, perhaps changing B1 rather than limiting the number of licenses because it will not solve the problem but merely delay the end result by a couple of months.

On a roll call, the vote to approve Ordinance No. 1145 was as follows:

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

VOTE:

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

X. ~~ORDINANCES - SECOND READING -~~

Ordinance No. 1189

- ~~1. Resolution No. 2013-093, approving an ordinance to amend Budget Appropriations by Department and Major Organizational Unit for 2012-2013 and 2013-2014 Fiscal Years.~~

~~2. Resolution No. 2013-094, approving an ordinance entitled "2013-2014 Tax Levy Ordinance".~~

XI. AUDIENCE PARTICIPATION-

1. Tom Banks, 230 S. Mansfield, spoke in defense of a neighbor at 206 Sherman who he helped trim trees in their yard. He said the City didn't pick up the branches and instead issued a notice for a fine if they were not removed. He said the neighbor has physical limitations and if there is no money for services why would the city want to give money for benefits for same sex partnerships. He said someone should be speaking up for what is right and moral and council has said nothing but instead is endorsing and promoting wrong relations.
2. Bryan Foley, 424 Ainsworth Circle, commended council for supporting the cap on medical marijuana dispensary licenses and thanked them for upholding what residents want.
3. Gary Hann commended council for taking a stand regarding same sex benefits and said two-thirds of the people in attendance would be considered property and not people under the old testament law.
4. Dave Heikennan spoke about the Smith Furniture building and said a cesspool of toxins and mold is growing in the building. He said last week an auctioneer went in and scooped stuff up into the air and he is with how the city allows the owner to get away with doing nothing to the building. He said it is a public hazard and insisted that the city pay attention to what's going on with the building and inform neighbors of what is going on. He said the smell was horrible and it was not safe.

XII. REMARKS BY THE MAYOR-- PRO TEM -

Mayor Pro-Tem Richardson stated that the city stopped picking up brush 4 or 5 years ago.

She acknowledged what Mr. Heikennan stated was true about the smell that came from the Smith Furniture building on last week and said she mentioned it to Council Member Murdock and City Manager Lange that it could be a potential problem, however it was a furlough day so staff was not immediately available to handle it. She said she also has the same concerns and thanked Mr. Heikennan for speaking about it.

City Manager Lange explained what occurred with the situation. He said he lives in the neighborhood and he called Building Manager Frank Daniels, who called OSHA and contacted the state. He said it was air pollution and Fire Chief Anthoroud was able to assist. He said a permit has been issued permit and it has been ordered that the building be emptied right away. He said he will follow up on this with staff to see if any remedy or punishment can occur. He said he received a phone call recently from someone who is interested in purchasing the building.

Council Member Murdock addressed comments made by Mr. Banks comments. He stated that City council believes in separation of church and state and will treat all citizens and employees the same despite the religious opinions of others.

XIII. MINUTES -

Resolution No. 2013-139, approving minutes of July 16 and July 23, 2013.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of July 16 and July 23, 2013 be approved.

OFFERED BY: Council Member Robb

SUPPORTED BY: Council Member Vogt

On voice vote the motion carried and the minutes were approved as submitted.

XIV. CONSENT AGENDA

Resolution No. 2013-140

1. ~~Resolution No. 2013-141, approving the purchase of 35 tasers from Michigan Taser Distributing.~~
2. ~~Resolution No. 2013-142, authorizing the Fire Department to apply for a FEMA grant under the 2013 Staffing for Adequate Fire and Emergency Response (SAFER) Grants.~~
3. Resolution No. 2013-143, approving engineering and testing services with OHM for full depth reconstruction, curb/gutter replacement, and drainage improvements for Grove Road between I-94 and Emerick Street in the 2013 construction season.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Federal Surface Transportation Program - Urban funding has been programmed for full depth reconstruction, curb/gutter replacement, and drainage improvements for Grove Road between I-94 and Emerick Street in the 2013 construction season; and

WHEREAS, Orchard, Hiltz and McCliment has provided an exemplary level of service to the City of Ypsilanti on similar street improvement projects, and posses a depth of experience with the infrastructure in the project area; and

WHEREAS, it is necessary to secure construction engineering services to keep this project on schedule;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the construction engineering and geotechnical testing services contract with Orchard, Hiltz & McCliment, Inc., 34000 Plymouth Road, Livonia, MI at a not to exceed cost of \$91,000.00; and

THAT the Mayor and City Clerk are authorized to sign this contract, subject to review and approval by the City Attorney.

THAT the City Manager is authorized to sign any change orders that may be needed to maintain the project's schedule, subject to review and approval by the City Attorney.

4. [Resolution No. 2013-144](#)~~094~~, approving delegates to the 2013 MERS Annual Meeting.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the Municipal Employees' Retirement System of Michigan covers all full-time City employees excluding Fire and Police Pension system Members; and

WHEREAS, the Municipal Employees' Retirement System is holding its annual meeting October 1 - 3, 2013 in Traverse City, MI; and

WHEREAS, the Municipal Employees' Retirement System allows two delegates to be selected to attend this meeting, one an employee

delegate elected by secret ballot and one an officer delegate selected by the City Manager; and

WHEREAS, the employees have elected Kim Jones from the Finance Department as delegate with David Blakley from the Department of Public Works as the alternate; and

WHEREAS, the City Manager, Ralph A. Lange will be the officer delegate and City Clerk Frances McMullan, as the alternate.

THEREFORE, BE IT RESOLVED, that these employees be appointed as employee and officer delegates and alternates.

5. Resolution No. 2013-145, approving GCSI renewal contract.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the proposed retainer agreement with GCSCI (Governmental Consultant Services, Inc.) sets compensation at \$2,850.00 per month for professional services commencing July 1, 2013 for (36) thirty-six months.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the retainer agreement between the City of Ypsilanti and Governmental Consultant Services, Inc. for professional services beginning July 1, 2013 and authorizes the Mayor and City Clerk to sign the agreement.

6. Resolution No. 2013-146, approving amendment to development agreement with Core Resources for particular provisions for Family Dollar.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The Ypsilanti City Council approved a Purchase Agreement for the sale of .85 acres of the Water Street Redevelopment Area to NINETY NINE 90, LLC for the development of a Family Dollar Store on May 7, 2013; and

WHEREAS, said agreement has been executed by both parties; and

WHEREAS, NINETY NINE 90, LLC has requested an amendment to extend the time frame for completion of due diligence measures due to the size and complexity of the acquisition of the Water Street Redevelopment Area.

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council approve the attached Amendment to the Purchase Agreement with NINETY NINE 90, LLC to sell and develop .85 acres of the Water Street Redevelopment Area as presented in the agreement and attachments.

FURTHER, that the Mayor and City Clerk are authorized to sign the Purchase Agreement subject to attorney approval.

7. Resolution No. 2013-147, approving appointment 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>
Tony Bedogne (replacing Dan Lautenbach) 717 Stanley Ypsilanti, MI 48197	Planning Commission	5/1/2015

OFFERED BY: Council Member Vogt

SUPPORTED BY: Council Member Jefferson

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

**8. —
XV. RESOLUTIONS/MOTIONS/DISCUSSIONS —**

~~1. Resolution No. 2013-148, authorizing the City Manager to implement the Blue Cross-Blue
Shield Medicare Advantage Plan for all eligible retirees.~~

~~2. Resolution No. 2013 —, approving Amendment # 2 of the Articles of Incorporation of the Ann
Arbor Transportation Authority (AATA).~~

~~3-2. Resolution No. 2013-149, approving Other Qualified Adult Benefit policy.~~

**WHEREAS, a letter was written on July 23, 2013 from the Ypsilanti
Human Relations Commission for the Mayor and City Council to support a
policy that would provide partner benefits for City employees; and**

**WHEREAS, on July 23, 2013 City Council adopted Resolution No. 2013-
135, to have administration develop a policy for Other Qualified Adult
Benefits; and**

**WHEREAS, a Policy for Other Qualified Adult Benefits has been prepared
by Human Resources and reviewed by the City Attorney and City
Manager.**

**THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
YPSILANTI hereby authorizes the attached Other Qualified Adult Benefit
Policy and its implementation to Non-Union employees and negotiates
said benefits to the various union groups.**

OFFERED BY: Council Member Robb

SUPPORTED BY: Council Member Murdock

Council Member Murdock commented this has been a long time coming and said he was glad Council
finally got to it.

Council Member Robb asked for clarification of the policy.

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Attorney Barr explained that the law in this area is still unclear and the courts are still reviewing the issues. He said the city is not passing a Domestic Partners policy and the qualified "other adults" policy is tailored to conform to the present status of the law that gives these benefits to employees that meet the qualified standards. He said that the way the policy was developed is based on what the universities in the area have done.

Mayor Pro-Tem Richardson asked Attorney Barr if she was correct in her understanding that these benefits are for male or female, heterosexual or homosexual relationships.

Attorney Barr answered whatever it states in the policy is correct.

Council Member Murdock said we wouldn't have a problem if there was no ban on same sex marriages in Michigan. He said it's a shame that cities have to go this way to accomplish this, and referenced the recent D.O.M.A. decision that was just upheld and indicates it is discrimination for the state and federal law to prohibit benefits as well as marriage licenses.

Council Member Robb said he thinks the policy is too restrictive and he would still like to see other changes.

Council Member Robb moved, supported by Council Member Vogt to change 12 months to 6 months in the policy.

Council Member Murdock asked administration if the amendment is an issue.

Mr. Barr said he couldn't answer because the law is still unsettled. He recommended that Council wait on this issue but Council was ready to go forward so he adopted what other cities, such as Ann Arbor, had done. He said our policy mirrors Ann Arbor's policy. He recommended that a list of desired changes be forwarded to staff to look at it and bring back changes to Council.

Council Member Murdock suggested leaving the policy as originally presented and if anything arises then it can be addressed at that time.

On a roll call, the vote on the amendment to Resolution No. 2013-149 was as follows:

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

VOTE:

Yes: 3 No: 2 (Jefferson, Murdock) Absent: 2 (Moeller, Schreiber) Vote: Failed

On a roll call, the vote on the original Resolution No. 2013-149 was as follows:

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

VOTE:

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

4-3 Resolution No. 2013-150, supporting state legislation that adds sexual orientation as a protected class, eliminating the state legislative ban on same sex marriage, recognizing same sex marriages in other states and placing the repeal of the Michigan prohibition of same sex marriage on the ballot.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti has a non-discrimination city charter clause that prohibits discrimination based upon sexual orientation; and

WHEREAS, the non-discrimination clause was decisively upheld by Ypsilanti city voters in 1998 and again in 2002; and

WHEREAS, in 2004 Michigan voters amended the state constitution to define marriage as only between a man and a woman by a margin of 59% to 41%; and

WHEREAS, that same amendment was roundly rejected by City of Ypsilanti voters 65% to 35%; and

WHEREAS, in 2012 both President Barack Obama and Vice-President Joe Biden came out in public support of same-sex marriage; and

WHEREAS, thirteen states legally recognize same-sex marriage: California, Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New York, Rhode Island, Vermont, and Washington; and

WHEREAS, in June the U.S. Supreme Court threw out a key part of the Defense of Marriage Act that barred same-sex couples from federal marriage benefits; and

WHEREAS, in June Democratic state lawmakers have introduced legislation to legalize same-sex marriage in Michigan; and

WHEREAS, legalizing same-sex marriage would attract and retain talented individuals and families of diverse beliefs and orientations to the State of Michigan and the City of Ypsilanti.

NOW THEREFORE BE IT RESOLVED that Ypsilanti City Council strongly supports state legislation that:

- 1. Adds sexual orientation as a protected class to the Elliott-Larsen Civil Right Act.**
- 2. Eliminates the state legislative ban on same sex marriage.**
- 3. Recognizes same sex marriages of other states.**
- 4. Places the repeal of the Michigan Constitutional prohibition of same sex marriage on the ballot.**

AND FURTHER BE IT RESOLVED that a copy of this resolution be sent to the Governor, members of the Michigan House and Senate and Kirk Profit.

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

On a roll call the vote on Resolution No. 2013-150 was as follows:

Council Member Moeller	Absent	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: 5 No: 0 Absent: 2 (Moeller, Schreiber) Vote: Carried

Council Member Murdock stated that this was one of his most worthy resolutions and thanked Mayor Schreiber for his assistance.

5.4. Resolution No. 2013-141, approving the purchase of 35 tasers from Michigan Taser Distributing. (Added)

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the Ypsilanti Police Department desires to replace thirty-five (35) X26 Tasers with thirty-five (35) X2 Tasers; and

WHEREAS, the City of Ypsilanti Police Department has been allocated funds in the FY 2013-14 budget for the purchase of the Tasers; and

WHEREAS, Michigan Taser Distributing of South Lyon, Michigan has provided State of Michigan pricing in the amount of \$48,862.39.

THEREFORE BE IT RESOLVED, that the Chief of Police be authorized to sign all necessary documents needed to execute the Taser purchase.

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

Council Member Murdock asked about the taser report and if it is a public document.

Police Chief Walker replied yes, it is a public document.

City Manager Lange said he will distribute it differently next time.

On a roll call, the vote on Resolution No. 2013-141 was as follows:

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

VOTE:

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

6.5. Resolution No. 2013-142, authorizing the Fire Department to apply for a FEMA grant under the 2013 Staffing for Adequate Fire and Emergency Response (SAFER) Grants. (Added)

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The Fire Department qualifies to apply for a FEMA grant under the 2013 Staffing for Adequate Fire & Emergency Response (SAFER) Grants. The goal of SAFER is to enhance local fire departments' ability to comply with the staffing, response, and operational standards established by the NFPA 171; and

WHEREAS, the total amount of the grant is \$800,505 and has a 0% match. It will cover 100% of the salaries and benefits of new employees for two years; and

WHEREAS, five firefighters will place the Fire Department back into compliance with NFPA 1710 and will also make us compliant with MIOSHA's "two-in, two-out" requirement; and

WHEREAS, five additional personnel will reestablish a staffing level of six persons per shift and will tremendously reduce overtime.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council authorizes the Fire Department to apply for the grant.

OFFERED BY: Council Member Murdock
SUPPORTED BY: Council Member Robb

City Manager Lange gave an explanation regarding his discussion with Chief Anthouard regarding the safer grant. He said that a total of five officers in the Fire department will retire at least four years from now, allowing for Hybrid Police and Fire, which is still in negotiation

Fire Chief Anthouard had remarks about hiring two fire fighters which would not impact the grant and would put them at about 19 people. He said there would be no losses due to attrition and said the goal of the grant according to the resolution is to have 18 people. He said there is a very good chance the city will get the grant this time.

Mr. Lange said the city can use every single dollar and not jeopardize labor negotiations. He asked Chief Anthouard if having a minimum of 14 fire fighters will still get the Safer Grant. He said he is not committing the city to a permanent 19 people because the city could not do it fiscally.

On a roll call, the vote on Resolution No. 2013-142 was as follows:

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

VOTE:

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

~~1. – Resolution No. 2013 , approving~~

~~2. – Resolution No. 2013 , approving~~

~~3. – Resolution No. 2013 , approving~~

XVI. LIASON REPORTS -

- A. SEMCOG Update – announced press conference and train tours coming soon.
Invited everyone to Depot Town for the train tour.
- B. Washtenaw Area Transportation Study – no meeting in July.
- C. Washtenaw Metro Alliance – no meeting in July.
- E. Freight House - none
- D. Urban Counties - none

XVII. COUNCIL PROPOSED BUSINESS –

MURDOCK

- Sent article/video about license plate readers and issues surrounding them. Do we have a policy? What are we doing with the information we collect on tasers.
- Police Chief Walker responded the tasers were purchased in 2009. The system to capture the data is not up and running and has never been. The policy relates to the retention of data and the standard FOIA policy is used for all other information.
- Illegal dumping fees needs to be updated.
- Memo on false alarms indicates 95% are false. We need to revise Council Member Robb's update on fines to accommodate this.
- Mr. Lange said he spoke to Lt. Gress regarding false alarms and he said fewer than 5% are actual alarms.

Police Chief Walker said how we charge is the question and the fees need to be set by City Council.

Mayor Pro-Tem Richardson asked staff to take a look into this and to look at what other municipalities are doing.

ROBB

- Questioned why the taser report was delivered to his house and not electronically.
- Prospect Road – Expressed disapproval of the new scheme for the Prospect Road engineering service. He said Council voted to put the funding in for the preventative maintenance program and he feels Prospect Road needs to be replaced. By doing preventative maintenance we are

going to miss out on the opportunity to replace the entire road in the future when funds actually do become available.

- Referred to a Facebook comment from a landlord which said YPD called them and said they would kick down door if he didn't let them in. He asked for explanation on the incident.
- Chief Walker said she was not aware of this.
- Council Member Robb asked if that was legal.
- Attorney Barr said this is new to him and he had no information on this.

VOGT

- Thanked DPS for removing the tree on Washtenaw.
- Referred to an article from the Michigan State Bar Journal regarding project set up with cities to share accounting. He said the intent of the program is to help cities save money on processing information and payroll. He said it is a pilot project worth looking into for the future.

RICHARDSON

- Reported that she went to Riverside Park on Monday after the beer festival and the park was mutilated. She asked about the condition of the park last year after the event and reported that the light pole was knocked over this time and asked who's going to pay for it.

Mr. Lange replied that Mr. Kirton and DPS staff are monitoring the reconstruction of the park and didn't feel that it was left in a bad condition. He said the Beer Festival seemed to be willing to live up to repairing their mess.
- Reported she received numerous good calls regarding the Grove Road construction and the only bad comment was that it is taking too long.

XVIII. COMMUNICATIONS FROM THE MAYOR-PRO-TEM –

Confirmed a special meeting on 8/13 at 7:30 a.m. and 7:00 p.m.

XIX. COMMUNICATIONS FROM THE CITY MANAGER –

- Addressed the misunderstanding regarding Prospect Street and said 100k has been set aside.
- Announced the QVC network will be in Ypsilanti on 8/25 to set up for their event with Haab's restaurant.
- Regarding the recent streetlight mailing he stated he explained why the notice didn't go out first class and said it was going out tomorrow for a second time and fact sheets will be included.
- Council Member Murdock said the fact sheet was missing in the first mailing.

XX. AUDIENCE PARTICIPATION -

None

Mayor Pro-Tem Richardson thanked City Council for a very efficient meeting.

XXII. CLOSED SESSION –

~~Closed Session to discuss labor negotiations (OMA 15.268, Section 8(c)).~~

XXIII. ADJOURNMENT –

Resolution No. 2013-151, 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 9:58 p.m.