

1. City Council Regular Meeting Agenda

Documents: [08-20-13 FINAL AGENDA.PDF](#)

2. City Council Regular Meeting Packet

Documents: [08-20-13 COUNCIL PACKET3.PDF](#)



**CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, AUGUST 20, 2013
7:00 P.M.**

I. CALL TO ORDER –

II. ROLL CALL –

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

III. INVOCATION –

IV. PLEDGE OF ALLEGIANCE –

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

V. AGENDA APPROVAL –

VI. INTRODUCTIONS –

VII. PRESENTATIONS –

VIII. PUBLIC HEARING –

Public hearing for Proposed Special Assessment District in the City of Ypsilanti for the LED conversion of streetlights. (*Adjourned August 8, 2013*)

1. Open Public Hearing
2. Resolution No. 2013-154, closing public hearing for proposed Special Assessment District in the City of Ypsilanti for the LED conversion of streetlights.
3. Resolution No. 2013-155, ordering district and directing Assessor to prepare Special Assessment Roll for the Streetlight Special Assessment District.
4. Resolution No. 2013-156, ordering assessment roll for the Streetlight Special Assessment District to be filed for public examination and setting a date and time for review and public hearing.

IX. AUDIENCE PARTICIPATION –

X. REMARKS BY THE MAYOR

XI. MINUTES –

Resolution No. 2013-157, approving the minutes of August 6, August 13, (7:30 a.m.) and August 13, 2013 (6:00 p.m.)

XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2013-158, designating voting delegates for the 2013 Michigan Municipal League Annual Convention.
2. Resolution No. 2013-159, calling for repeal of Michigan's Stand Your Ground Law and for strengthening of firearm regulations.

XIII. LIASON REPORTS -

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

XIV. COUNCIL PROPOSED BUSINESS –

XV. COMMUNICATIONS FROM THE MAYOR –

XVI. COMMUNICATIONS FROM THE CITY MANAGER –

XVII. AUDIENCE PARTICIPATION -

XVIII. REMARKS FROM THE MAYOR –

XIX. CLOSED SESSION –

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

XX. ADJOURNMENT –

Resolution No. 2013-160, adjourning the City Council Meeting.



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STREETLIGHT SPECIAL ASSESSMENT DISTRICT

Revised Report

City Council Meeting and Public Hearing
August 20, 2013



Tonight's Presentation

- Goals for Proposed Special Assessment District
- Streetlight Benefits
- Background and Rationale
- Conversion Costs
- Streetlight Special Assessment Districts in Michigan
- Proposed District
- 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:

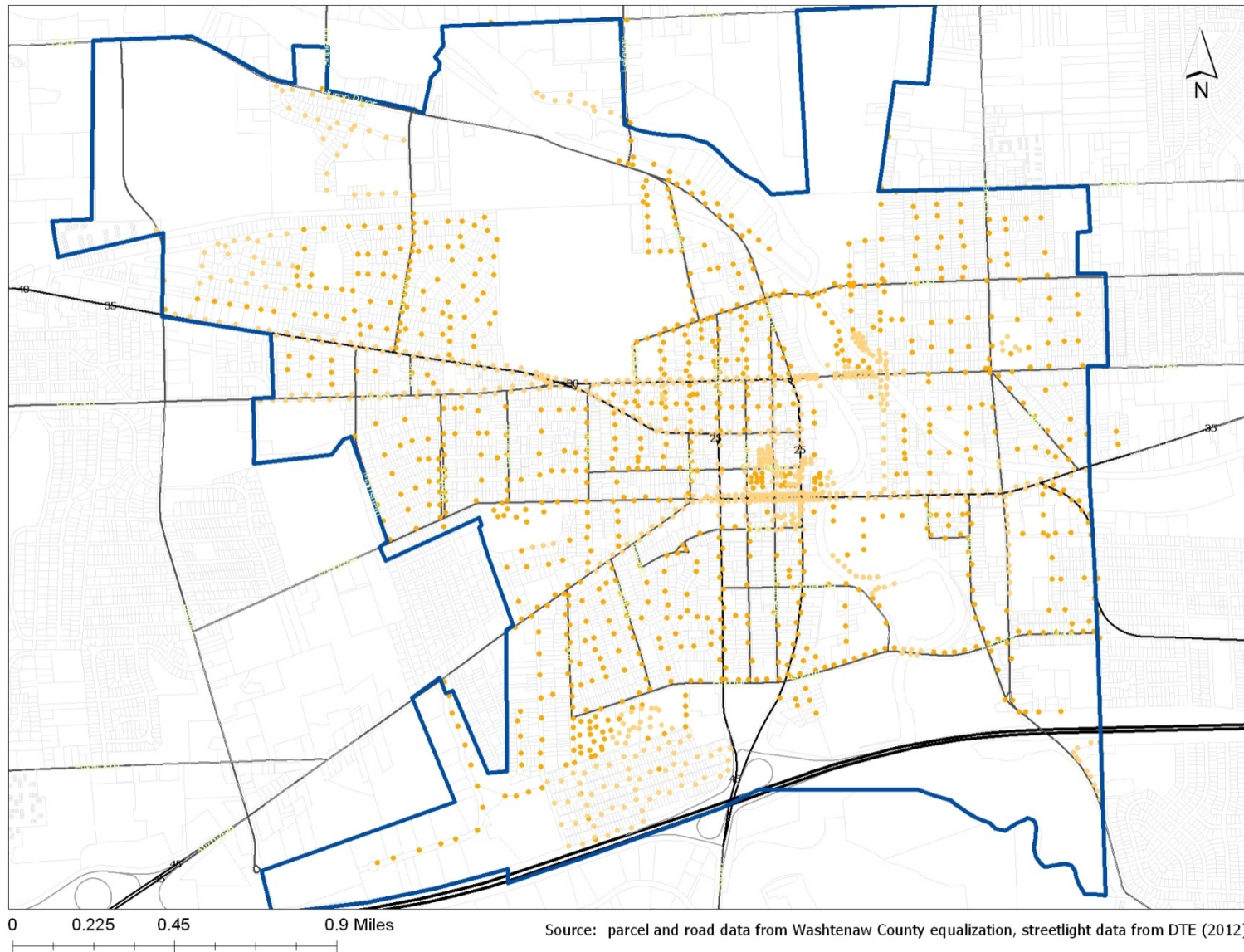
- Provide a feeling of safety and security
- Help deter crime
- Assist in ease of movement on streets and sidewalks
- Lessen danger of collisions
- Can positively affect property value

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

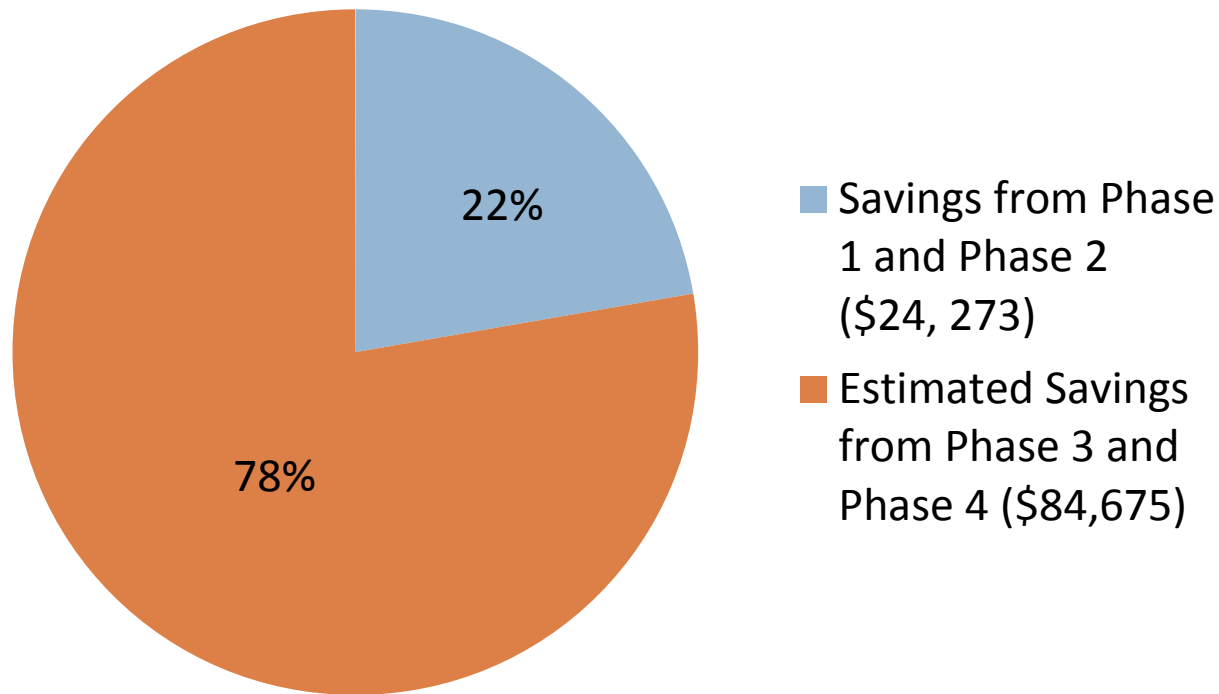
Conversion Costs

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	\$215,705	\$22,732	\$192,873	0% (proposed)
2014	684	\$401,221	\$38,571	\$362,791	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

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



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.

City	\$ per Parcel (Residential)
Flint	\$66
Garden City	\$35
Park Township	\$20-\$25
Romulus	\$50-\$100
Wayne	\$48

Proposed Special Assessment District

Proposed Assessment

Fiscal Year	Cost Per Parcel
2013-14	\$57.51
2014-15	\$57.51

- 1,189 streetlights will be upgraded to LED over two fiscal years, beginning in FY 2013-2014
 - Estimated cost of conversion: \$555,664
 - 207 Granvilles (Downtown/Depot Town decorative lights) will not be converted at this time due to poor estimated return on investment
- 4,831 of Ypsilanti's 4,981 parcels will be assessed
 - Parcels belonging to Eastern Michigan University and the City of Ypsilanti **will not** be assessed
 - Non-profits and churches **will** be assessed

Next Steps

August 20, 2013

- Adjourned public hearing regarding objections to special assessment district
- Resolution approving district and ordering roll
- Review and certification of roll
- Resolution to file roll for public examination and establishment of two public hearings, one regarding objections to roll and one regarding objections to the ordinance

September 3, 2013

- Public hearing regarding objections to roll
- First reading of ordinance
- Public hearing regarding objections to ordinance

September 10, 2013

- Second reading of ordinance
- Adoption of ordinance

December 1, 2013

- Special assessment district appears on winter tax bills



Resolution No. 2013 - 154
August 20, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing on the proposed Special Assessment District in the City of Ypsilanti for the conversion, operation and maintenance of streetlights be **Officially Closed.**

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:



Resolution No. 2013-155
August 20, 2013

RESOLUTION ORDERING DISTRICT
AND DIRECTING ASSESSOR TO PREPARE
SPECIAL ASSESSMENT ROLL FOR THE
STREETLIGHT SPECIAL ASSESSMENT
DISTRICT

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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, on August 6, 2013, City Council held a Public Hearing pursuant to Resolution 2013-127 and determined that Highland Cemetery should be assessed and that the operation and maintenance of the streetlight fixtures for eighteen years should 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; and, thereafter, passed Resolution 2013-137, a Revised Resolution of Necessity and Adjournment of First Public Hearing for the 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 20, 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, the Public Hearing set for August 20, 2013 was properly noticed as required by City Code sections 90-47 and 90-48 and held;

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

1. The City of Ypsilanti shall proceed with the public improvement to phase upgrades of 1,189 streetlight fixtures to LED over two fiscal years, beginning in FY 2013-2014 and ending in FY 2014-2015, as set forth in Resolution 2013-137, the "Revised Resolution of Necessity and Adjournment of First Public Hearing for the Streetlight Special Assessment District;" and
2. A special assessment district is established as set forth in Resolution 2013-137, the "Revised Resolution of Necessity and Adjournment of First Public Hearing for the Streetlight Special Assessment District" that includes 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
3. The improvement set forth above and proposed in Resolution 2013-137 is ordered; and
4. The City Assessor is directed to prepare a special assessment roll in accordance with Resolution 2013-137, the "Revised Resolution of Necessity and Adjournment of First Public Hearing for the Streetlight Special Assessment District," based on the estimated costs to the City of Ypsilanti, which Resolution says:
 - a. 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
 - b. 100% of the cost of the streetlight fixture conversion will be paid by special assessment on 4831 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
 - c. 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
 - d. The special assessment will be divided equally among the parcels being assessed and last, in total, for two (2) years.

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 20, 2013.

Frances McMullan, City Clerk



Resolution No. 2013-156
August 20, 2013

RESOLUTION ORDERING ASSESSMENT
ROLL FOR THE STREETLIGHT SPECIAL
ASSESSMENT DISTRICT TO BE FILED FOR
PUBLIC EXAMINATION AND SETTING A DATE
AND TIME FOR REVIEW AND PUBLIC HEARING

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, on August 6, 2013, City Council held a Public Hearing giving all interested persons an opportunity to be heard regarding the proposed improvement; and

WHEREAS, on August 20, 2013, City Council held a properly noticed continued Public Hearing giving all interested persons an opportunity to be heard regarding the proposed improvement; and

WHEREAS, on August 20, 2013, following the Public Hearing and after all interested persons had been given an opportunity to be heard regarding the proposed improvement, City Council passed Resolution 2013-____, a "Resolution Ordering District and Directing Assessor to Prepare Special Assessment Roll for the Streetlight Special Assessment District;" and

WHEREAS, the City Assessor has completed the ordered assessment roll and filed it with the City Clerk for presentation to City Council for review and certification;

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

1. The special assessment roll be filed in the office of the City Clerk for public examination; and
2. The City Clerk is directed to publish a notice of public hearing to be set for Tuesday, September 3, 2013 at 7:00 p.m., at City Hall, 1 S. Huron, Ypsilanti, MI 48197. Such notice shall be given as provided in Ypsilanti City Code sections 90-47 and 90-48, and include the following: Appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal is desired. An owner or party in interest, or his or her agent, may appear in person at this hearing to protest the special assessment, or shall be permitted to file his or her appearance or protest by letter with the City Clerk prior to the close of this hearing and his or her personal appearance shall not be required. A property owner or any person having an interest in the real property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within 30 days after the confirmation of the special assessment roll if that special assessment was protested at the hearing held for the purpose of confirming the roll; and

3. At the public hearing scheduled for September 3, 2013:

- a. City Council shall review the special assessment roll and consider all objections thereto; and
- b. An owner or party in interest, or their agent, may appear in person at the hearing to protest the special assessment, or shall be permitted to file their appearance or protest by letter and their personal appearance shall not be required. Such objections shall specify, in detail, in what respect the objectors deem themselves aggrieved; and
- c. City Council shall maintain a record of parties who appear to protest at the hearing. If a hearing is terminated or adjourned for the day before a party is provided the opportunity to be heard, a party whose appearance was recorded is considered to have protested the special assessment in person; and
- d. City Council may correct or amend the roll as to any assessment or description of property or any other matter appearing therein; and
- e. City Council may reject the special assessment roll and the same proceedings shall be had in making a new roll as in the making of the original roll, or approve determine that assessments are in proportion to benefits derived or to be derived, and confirm the roll.

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 20, 2013.

Frances McMullan, City Clerk



Resolution No. 2013 – 157
August 6, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following minutes be approved:

- August 6, 2013
- August 13, 2013 (7:30 a.m.)
- August 13, 2013 (6:00 p.m.)

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



DRAFT

**CITY OF YPSILANTI
COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, 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 Samaj 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. Lane 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 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

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 in 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, 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.

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. 2013-149, 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.

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

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.

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

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.

OFFEERED 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

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.



Draft

**CITY OF YPSILANTI
SPECIAL COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197**

**TUESDAY, AUGUST 13, 2013
7:30 A.M.**

I. CALL TO ORDER –

The meeting was called to order at 7:57 a.m.

II. ROLL CALL –

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

A quorum was present with 4 present and 3 absent.

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.”

VI. INTRODUCTIONS –

Mayor Schreiber introduced Dan Christ and Teresa Gillotti.

VII. AUDIENCE PARTICIPATION-

None

IX. REMARKS BY THE MAYOR -

None

VIII. CLOSED SESSION

Closed Session to discuss attorney opinion. (OMA 15.268, Section 8(h)).

Five votes needed to enter closed session to discuss an attorney opinion. A brief open discussion of the matter occurred.

DISCUSSION

Mr. Christ gave Council a brief overview of the matter. He stated that he provided a communication on July 15th to Council regarding the status of the matter, and at that time Council expressed the need for additional deliberation.

He pointed out that time is drawing near to the end of the consent agreement between the City and Historic Equities Fund I and the question is whether or not the Council wishes to engage the property owner in any agreement to further develop the property, with the ultimate goal being the completion of a building at that location utilizing the current framework. He said if that is Council's goal there are two options and one is to let the consent agreement run and attempt to address any breach of it before the Circuit Court; however it is uncertain what the outcome would be and there would be some cost to the city. The other option is to entertain some form of a negotiated agreement with the property owner and the concern with this option is the components or specifics of an agreement that best achieves the city's goal of getting the building completed in a certain time frame. He said the second option would need to address consequences should the milestones not be met. He said Council needs to consider negotiating some teeth into an agreement if they decide to go with the second option.

Mr. Christ indicated that he and staff need direction to move forward.

Mayor Schreiber asked if mediation would be the next step if Council let the agreement run.

Mr. Christ replied yes, a good faith effort is required.

Mr. Christ stated that if Council lets the deadline run and undertakes no corrective action, the building can essentially remain in its current state if Council can decide not to assert any more resources toward them. He pointed out that the life safety and public safety issues previously present have been corrected are no longer there, however it does not achieve other goals of the city to try and have the property rehabilitated and brought back into the community as an asset to the community.

Mayor Schreiber pointed out that there are other properties in the city that are more dangerous than the Thompson Block at this time, namely the Smith Furniture Building, where the owner doesn't want to do anything with the building and the city has taken action to get it up to code, however with this building the owner has a plan although the time line has lapsed but that is what happens with a lot of developers.

Mr. Schreiber stated that in the past with the former owner Mr. Kircher, the building lacked in public safety and that is what the courts were able to act upon. He asked if there are any issues of such that need to be addressed with the current owner.

Mr. Christ answered there is nothing that he is aware of. He said the building is open to the elements because there is no roof, however it is not occupied.

Council Member Murdock stated that the dangerous buildings ordinance requires the building to be secure and that includes a roof. He said this is the avenue the city pursued in the past and he assumes this is the way the city would go in the future.

Mr. Christ replied that is one of the positions the city can take.

Council Member Murdock said he doesn't know if this falls under the "do nothing" option and still would require the City to go back to mediation.

Mr. Christ stated that if the city decides this is a new day and wants to go back to the provisions of the dangerous buildings order, the petitioner may decide we had an agreement and we want to go back and negotiate in good faith. He said it is likely that the case would go back to the Circuit Court.

Council Member Murdock said it looks like it doesn't matter what the City does because the end result is that the owner can do whatever he likes.

Mr. Christ stated the question comes back to the goal and he is looking for priorities the city is looking for in order to achieve that. He said there are a lot of approaches, some gentler and some not, in order to achieve this. He said staff has identified things that could be done in an extension that would provide additional protections going forward to make sure that certain steps are achieved and with consequences attached. He said there are some negotiated points that could provide better protection down the road.

Council Member Murdock stated that the consequences are requiring the owner to place a bond and if he doesn't do the work the city does it and then give the building back to him and this does nothing. He stated that the city has been over this several time and the financing is an issue. He asked at what point does the economic viability of the project not exist. He said the city's problem with this is that the economics of the project don't add up and doesn't make a lot of sense. He asked what is the deadline for the financing. He said currently there is a lot of public resources involved in this project and it is still not working.

Ms. Gillotti answered the financial packet states the drop dead date is when the state enhanced historic tax credits disappear. She said the large amount that comes from the state is off the table in 2015 and said she would have the exact date later. She said there is a timeline of when the credits are eligible to be used. She said they wanted to save the exterior because it keeps them eligible for the tax credits. She said for the schedule proposed by Mr. Beal, she threw in the deadline for confirmation from third party investors by January 30, 2014.

Council Member Vogt asked what is the assessed value now, what will it be with the envelope of the building completed, and what is the cost to do the envelope.

Ms. Gillotti replied the assessed value is lower than pre-fire. She said it went down, however the value was locked in at face value during the OPRA and no formal re-assessment has been done. She said she will try to get a raw estimate and report back.

Council Member Vogt stated that if the envelope is completed it could last considerably indefinitely, structurally speaking, like the train station.

Ms. Gillotti answered yes, it would be mothballed.

Council Member Vogt asked what would the taxes be if it was an empty lot and the building were torn down.

Ms. Gillotti said she would find out that information and report back.

Council Member Murdock asked how are the taxes on this property.

Ms. Gillotti stated that the taxes on the Thompson Block building are up to date. She said she wasn't aware of the tax status on Mr. Beal's other properties.

City Manager Lange commented on the Smith Furniture building and stated that economic development is not easy. He said the entire Ann Arbor area is full and it is a shot that some of the long term developing may come to Ypsilanti. He said the city needs to send a message that we welcome economic development in Ypsilanti, especially on Water Street. He said the alternative is to have a hollow shell and that is the city's call.

Mayor Schreiber said he would like to see the city's deadline be synchronized with the state's historic tax credits deadline. He said one big deadline is more appropriate, whatever the date is.

Council Member Murdock stated that the tax credit deadline date is not important and what matters is when he gets his financing. If his schedule calls for financing before that date, he would like the city to go with that and possibly shrink it down. He said the people in his ward and on the eastside are tired of looking at this. He said he is very reluctant to going through this process when there is no end game to it. He stated that at past mediation the city's goal was to get consequences, however City Council bailed on it. He said either have consequences that place pressure on it to get it done, otherwise it's not a viable plan. He said there is more public money wrapped up in this than the cost of the project.

Mayor Schreiber said he the goal is to have the building developed. He said he can understand that people in the neighborhood have been looking at this building for decades in various stages. He said if Mr. Beal doesn't develop it now no one else will and Council must decide if they will be a hindrance or let Mr. Beal do his best.

Council Member Vogt said he is inclined to be patient.

Council Member Murdock left the meeting.

IX. ADJOURNMENT –

There being no further business to come before Council, on a voice vote, the meeting adjourned at 8:30 a.m.



Draft

**CITY OF YPSILANTI
SPECIAL COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, AUGUST 13, 2013
6:00 P.M. – CLOSED SESSION
7:00 P.M. – OPEN SESSION**

I. CALL TO ORDER –

The meeting was called to order at 6:13 p.m.

II. ROLL CALL –

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

A quorum was present with 5 present and 2 absent.

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 –

The Mayor introduced Labor Attorney Rick Fanning, Finance Director Marilou Uy and Assistant to the City Manager Ericka Savage.

VI. AGENDA APPROVAL –

Mayor Schreiber added ‘Communications from City Manager’ .

On a voice vote the agenda was approved as amended.

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

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

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

Council Member Moeller	Yes	Council Member Robb	Yes
Council Member Jefferson	Absent	Council Member Vogt	Yes
Council Member Murdock	Yes	Mayor Schreiber	Yes

Mayor Pro-Tem Richardson Absent

VOTE:

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

The meeting adjourned to closed session at 6:16 p.m.

Open meeting reconvened at 7:15 p.m.

VIII. PRESENTATION

MML Presentation – Judy Thompson-Torosian

IX. AUDIENCE PARTICIPATION-

None

X. REMARKS BY THE MAYOR -

None

XI. RESOLUTIONS/MOTIONS DISCUSSIONS -

1. Resolution No. 2013-152, granting permission to the “*Turn the Towns Teal*” national campaign volunteers to tie teal ribbons on street lamps and trees in Ypsilanti on September 1, 2013 to create awareness of ovarian cancer.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, ovarian cancer is the deadliest of gynecologic cancers and a leading cause of cancer-related death in women. The survival rate has barely improved over the past 40 years, when “War on Cancer” was declared.

WHEREAS, due to lack of early detection, less than 20 percent of ovarian cancer is diagnosed early, when it is most treatable; and

WHEREAS, the Michigan Ovarian Cancer Alliance (MIOCA), a nonprofit and partner member of the Ovarian Cancer National Alliance, promotes saving lives through early detection, improved treatment outcomes, community outreach and education; and

WHEREAS, “*Turn the Towns Teal*” is a campaign promoting awareness of ovarian cancer and its symptoms, and is held in conjunction with National Ovarian Cancer Awareness Month, from September 1 to September 30; and

WHEREAS, “*Turn the Towns Teal*” features teal ribbons tied throughout the city as well as awareness posters and information cards provided for establishments that are interested; and

WHEREAS, the Michigan Ovarian Cancer Alliance (MIOCA), will cover all expenses incurred by this campaign and there will be no cost to the city.

THEREFORE BE IT RESOLVED THAT the Mayor and City Council supports this national campaign and approves of teal ribbons being tied throughout the city on September 1st and removed on September 29, 2013, along with lawn signs, awareness posters and information cards being provided for establishments that are interested.

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

On a voice vote the motion carried.

XII. WORK SESSION –

Capital Projects – DPS Director Stan Kirton and OHM Engineers Kent Early and Marcus McNamara were present to speak to Council and answer questions. *(PowerPoint presentation on file in City Clerk's office and on website)*

Presentation

ACT 51 & Asset Management

- State controls distribution of gas and weight tax – ACT 51 funding.
- MDOT has been encouraging adoption of a plan since the Transportation Asset Management Council's inception in 2002.
- It appears that a plan will be required to receive ACT 51 disbursement at some point in the future, although a precise deadline has not been published
- The State currently allows unlimited exchange between local and major dollars with an approved asset management plan.

Ypsilanti's Road Program

- Bond sale approved in 2001 for reconstruction of City Locals in conjunction with water main replacement.
- Bond sale allowed City Locals to be repaved between 2001 and 2006.
- Major Streets have been resurfaced with a variety of funding sources, including: STP-U, TEDF, Jobs Today, ARRA, CMAQ, partnerships with EMU and WCRC, etc.
- Typically one major road project is done per year. Some years have had more when multiple funding sources were available, e.g. STP-U and ARRA.
- DPS has maintained the local and major road investment over the years with an aggressive crack seal and patching program

RoadSoft – GIS

- RoadSoft is a GIS based data collection and analysis tool
- Program is supported by Michigan Tech with MDOT funding at no cost to local municipalities.
- Utilizes PASER rating – Windshield survey – Condition 1-10
- All City Local streets were rated this year by DPS and OHM
- Federal Aid eligible streets have been rated every two years by SEMCOG since 2003.
- Historical reconstruction data from 2000 forward was entered.
- RoadSoft modeling software uses the condition rating and length/width information to model the effort of varying investment levels.

Road network statistics, condition distribution and investment analysis graphs were reviewed.

Summary

- DPS has been proactive in maintaining the investment made starting in 2001.
- The City has leveraged several funding mechanisms to increase the amount of major road reconstruction work that can be done.
- The ACT51 allocation from MDOT and Federal Aid allocation from SEMCOG/WATS do not provide sufficient funds to maintain the investment previously made and address the capital reconstruction needs on the major street network.
- An investment of between \$1M and \$1.3M per year is required to maintain the previous investment, and keep up with capital reconstruction needs.
- A road millage or future bond sale could be considered as a potential funding source to raise the required funds to maintain the road network at a service level that the citizens expect.

XIII. AUDIENCE PARTICIPATION –

None

XIV. REMARKS BY THE MAYOR –

None

XV. ADJOURNMENT –

Resolution No. 2013-153 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 Vogt
SUPPORTED BY: Council Member Moeller

On a voice vote the motion carried and the meeting was adjourned at 8:20 p.m.



Resolution No. 2013 -158
August 20, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT _____ be appointed as Delegate and
_____ be appointed as Alternate for the Annual
Convention of the Michigan Municipal League (MML), to be held September 17-20, 2013 in
Detroit, Michigan, to cast the vote of the municipality for election of trustees, policy and
other business as may properly come before the meeting.

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 August 20, 2013.

Frances McMullan, City Clerk



Resolution No. 2013-159
August 20, 2013

Resolution Calling for Repeal of Michigan's Stand Your Ground Law
and for
Strengthening of Firearm Regulations

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI THAT:

Whereas, African Americans and Latinos account for the majority of victims of gun homicides, and gun violence is the leading cause of death for black teens, and one of the leading causes of death for Latino and American Indian teens;

Whereas, Stand Your Ground laws threaten to lead to unnecessary use of deadly force by eliminating the common-law duty to retreat and break off a confrontation where that can be accomplished with reasonable safety;

Whereas, Research by the Urban Institute suggests a troubling pattern of racial disparity in the application of Stand Your Ground laws, in which white-on-black shootings are more likely to be found justified, and black-on-white shootings less likely to be found justified, in states with those laws;

Whereas, Research by Texas A&M shows that after states passed Stand Your Ground measures, they saw no drop in robberies, burglaries, and aggravated assaults, and an increase in murders;

Whereas, In a Tampa Bay Times review of 192 cases of deaths in which the Florida Stand Your Ground Law led to the release of the killer, 70% of the victims were unarmed.

Whereas, In 2006, Michigan passed public act 309, the Michigan Self Defense Act, which mirrors the Stand Your Ground laws of other states;

Whereas, Public Act 309 of 2006 effectively eliminated Michigan's long standing common law necessity requirement for lawful use of deadly force;

Whereas, Ypsilanti City Council believes that Public Act 309 of 2006 can place an unreasonable burden on prosecutors to overcome the presumption that a defendant claiming self defense acted upon a reasonable and honest belief of imminent death, great bodily harm, or sexual assault, especially in cases in which the only witness who could rebut the presumption is dead; and

Whereas, Public Act 319 of 1990, the Firearms and Ammunition Act, impedes local units of government from protecting the public health, safety and welfare by preventing the establishment of reasonable local regulations concerning the sale, transfer, transportation, or possession of firearms and ammunition;

NOW THEREFORE, the Ypsilanti City Council calls on the Michigan State Legislature and Governor to repeal Public Act 309 of 2006 and Public Act 319 of 1990;

RESOLVED, That Ypsilanti City Council calls on the Michigan State Legislature and Governor to adopt common-sense gun regulations such as improved background checks, strengthened gun-free zones, and limits on the sale of high-capacity magazines; and

RESOLVED, That this resolution be transmitted to Governor Rick Snyder, Senate Majority Leader Randy Richardville, State Senator Rebekah Warren, Speaker of the House Jase Bolger, State Representatives Jeff Irwin and Adam Zemke, and to members of the Michigan House and Senate Judiciary Committees.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2013-160
August 20, 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: