

1. City Council Regular Meeting Agenda

Documents: [09-17-13 FINAL AGENDA.PDF](#)

2. City Council Regular Meeting Packet

Documents: [09-17-13 COUNCIL PACKET.PDF](#)



**CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, SEPTEMBER 17, 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. INTRODUCTIONS –

VI. AGENDA APPROVAL –

VII. PRESENTATIONS –

1. Proclamation declaring September 22-28 National Support of National Guard and Reserve Week

VIII. ORDINANCES – FIRST READING –

Ordinance No. 1197

1. An ordinance entitled "Maple-Cross Alley Vacation".

A. Resolution No. 2013-179, determination

Ordinance No. 1198

2. An ordinance to amend various sections of the Ypsilanti City Code to clarify which Sections are blight violations, to provide for placing debts for blight violations on the tax rolls, to provide for a resolution for costs and to provide for a Chief Administrative Hearing Officer and that Officer's duties.

A. Resolution No. 2013-180, determination

B. Open the public hearing

C. Resolution No. 2013-181, close public hearing

IX. AUDIENCE PARTICIPATION –

X. REMARKS BY THE MAYOR –

XI. MINUTES –

Resolution No. 2013-182, approving the minutes of September 3, 2013.

XII. CONSENT AGENDA –

Resolution No. 2013-183

1. Resolution No. 2013-184, approving an ordinance determining that the assessments for the Streetlight Special Assessment District are in proportion to the benefits derived or to be derived, confirming the Special Assessment Roll, placing the Special Assessment Roll on file in the Office of the City Clerk/Treasurer and directing the City Treasurer to collect the various amounts on the roll in accordance with this ordinance pursuant to the authority granted in MCL 117.4d, the City of Ypsilanti Charter and Chapter 90 of the Ypsilanti City Code. (Ordinance No. 1192) ***Second Reading***
2. Resolution No. 2013-185, approving an ordinance entitled, "An Ordinance to Amend Chapter 106, Article V, Section 106-499 of the Code of Ordinances to decrease the restricted debt retirement and capital improvement fund surcharge on water and sewer service bills within the City of Ypsilanti". (Ordinance No. 1195) ***Second Reading***
3. Resolution No. 2013-186, approving an ordinance to approve lease of part of city hall to Ypsilanti Downtown Development Authority. (Ordinance No. 1196) ***Second Reading***
4. Resolution No. 2013-187, authorizing the Fire Department to apply for a FEMA grant under the 2013 Assistance to Firefighter Grant Program to replace outdated fire turnout gear.

XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2013-188, authorizing the first stage of the Streetlight Special Assessment Improvement and approving the letting of DTE contract.
2. Resolution No. 2013-189, approving an ordinance entitled, "An Ordinance to Amend Chapter 106, Article V, Section 106-454(b) of the Code of Ordinance to increase Water Rates within the City of Ypsilanti". (Ordinance No. 1193) ***Second Reading***
3. Resolution No. 2013-190, approving an ordinance entitled, "An Ordinance to Amend Chapter 106, Article V, Section 106-455(a) of the Code of Ordinances to increase sewage disposal service rates within the City of Ypsilanti". (Ordinance No. 1194) ***Second Reading***

XIV. LIASON REPORTS -

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

XV. COUNCIL PROPOSED BUSINESS –

XVI. COMMUNICATIONS FROM THE MAYOR –

Nominations:

Ypsilanti Planning Commission

Heidi Jugenitz (replacing Kelly Weger)
327 Miles Street
Ypsilanti, MI 48198
Term Expires: 5/1/2014

Ypsilanti Downtown Development Authority

Adam Gainsley (replacing Alex Easley)
726 N. Prospect Rd.
Ypsilanti, MI 48198
Term Expires: 7/17/2017

Millennial Mayors' Congress

Erica Mooney (replacing Morgan Cox)
109 Ferris St., Apt. 4
Ypsilanti, MI 48197
Term Expires: 12/4/2014

XVII. COMMUNICATIONS FROM THE CITY MANAGER –

XVIII. AUDIENCE PARTICIPATION -

XIX. REMARKS FROM THE MAYOR –

XX. ADJOURNMENT –

A. Resolution No. 2013-191, adjourning the City Council Meeting.



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REQUEST FOR LEGISLATION
11 September 2013

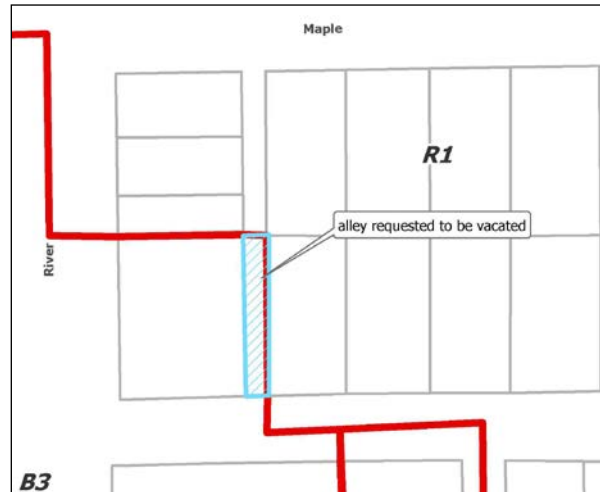
From: Planning and Development Department

Subject: 400 N River/107 E Cross alley vacation | Thompson Block Redevelopment Project

SUMMARY & BACKGROUND:

Historic Equities Fund, LLC owns 400-412 N River, commonly known as the Thompson Block. The Thompson Block Partners own the property at the vacant lot at 107 E Cross, which is immediately behind the Thompson Block. These properties are currently separated by the alleyway. The applicant intends to combine these lots to further redevelopment of the Thompson Block; the alley vacation is necessary to combine the two parcels.

This alley has been closed since 1984 (ordinance #611, L1978 P267) by a barrier placed in the center of the alleyway, with rights of access reserved to the City to maintain, repair, and construct any necessary utilities. The property owners to the north use the north part of the alley for access to parking, ingress, and egress. The Thompson Block Partners propose to use the area now occupied by the alley for parking, maneuvering, landscaping, and stormwater control.



The Planning Commission has reviewed the alley vacation application under the standards set forth by 94-271 and recommends that it be vacated with the following conditions:

- The City shall retain and reserve within the entire former right-of-way an easement for installation and maintenance of utilities.
- No vehicular connection between the vacated alley and the remaining north portion of the alley shall be permitted, to preserve the existing traffic patterns on Maple Street.

And the following findings:

The southern portion of the alley does not serve a vital function for the neighborhood, and its vacation will not negatively affect the health, safety, welfare, or traffic/freight patterns of the neighborhood.

Please contact Bonnie Wessler, Planner I, with any questions you may have at 734-483-9646 or by email to wesslerb@cityofypsilanti.com.

RECOMMENDED ACTION: Approval of resolution of intent to vacate alley;
Approval of ordinance first reading to vacate alley.

ATTACHMENTS: Staff Report, 13 June 2013
Planning Commission Minutes (excerpted), 26 June 2013.

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: 9-17-13

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2013-179
September 17, 2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS it is in the public interest that the southern half of the 16.5 foot wide westernmost alley connecting Maple to East Cross, in the City of Ypsilanti, Michigan, be vacated; and

WHEREAS the vacation has been recommended by the Ypsilanti Planning Commission subject the following conditions:

- The City shall retain and reserve within the entire former right-of-way an easement for installation and maintenance of utilities.
- No vehicular connection between the vacated alley and the remaining north portion of the alley shall be permitted, to preserve the existing traffic patterns on Maple Street; and

WHEREAS vacation of this alley would allow the two adjacent properties to be combined to provide for redevelopment of the “Thompson Block Redevelopment Project” which is in-line with City and DDA planning goals as stated in their respective guiding plans.

Now therefore be it Resolved that an ordinance entitled “Maple-Cross Alley Vacation,” vacating the southern half of the 16.5 foot wide westernmost alley connecting Maple to East Cross in the City of Ypsilanti, Michigan be approved on First Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1197**

MAPLE-CROSS ALLEY VACATION

An ordinance to vacate a certain a 16.5 foot wide alley from E. Cross Street heading north to the extent of the northerly parcel boundaries of 11-11-04-495-023 (400-412 N. River) and 11-11-04-495-015 (107 E. Cross) in the City of Ypsilanti, Michigan

1. THE CITY OF YPSILANTI ORDAINS

that:

The southern half of a certain 16.5 foot wide alley connecting Maple Street to East Cross, in the City of Ypsilanti, Michigan, is vacated subject the following conditions:

- a. The City reserves all rights and an easement for installation and maintenance of utilities within the entire former right-of-way
- b. No vehicular connection between the vacated alley and the remaining north portion of the alley shall be permitted, in order to preserve the existing traffic patterns on Maple Street.
- c. The Ypsilanti City Clerk shall record a certified copy of such resolution of vacation and this ordinance with the Washtenaw County register of deeds and send a copy to the State Treasurer.
- d. No further City action or expense to transfer title to the alley and amend the plat is authorized. The affected property owners may institute such legal action as may be necessary to properly obtain title and amend the plat.

2. Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions

not have been included in this Ordinance.

3. Repeal. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the Ypsilanti Courier. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS _____ DAY OF _____, 2013.

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. _____ was published in the Ypsilanti Courier on the _____ day of _____, 2013.

Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

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

Frances McMullan, City Clerk

First Notice Published: _____

Second Notice Published: _____

Notice Mailed: _____

Notice Posted: _____

First Reading: _____

Second Reading: _____

Published: _____

Effective Date: _____



City of Ypsilanti

Community & Economic Development Department

13 June 2013

Staff Review of Alley Vacation Application Thompson Block Alley Vacation

GENERAL INFORMATION

Applicant:	Stewart Beal Thompson Block Partners, LLC 400 N River Ypsilanti, MI 48198
Application Date:	11 April 2013
Location:	Southern portion of the westernmost north-south alley between Maple, Prospect, East Cross, and North River
Zoning:	B3, Central Business & HO, Historic Overlay; R1, Single-Family Residential & HO, Historic Overlay
Action Requested:	Alley Vacation
Staff Recommendation:	Approval

PROJECT AND SITE DESCRIPTION

The Thompson Block Partners own the property at 400 N River, commonly known as the Thompson Block, and the vacant lot at 107 E Cross, which is immediately behind the Thompson Block. These properties are currently separated by the alleyway. The applicant intends to combine these lots to further redevelopment of the Thompson Block.

This alley has been closed since 1984 (ordinance #611, L1978 P267) by a barrier placed in the center of the alleyway, with rights of access reserved to the City to maintain, repair, and construct any necessary utilities. The property owners to the north use the north part of the alley for access to parking, ingress and egress.

Figure 1: Alley Location



Figure 2: Site Aerial (2010)



ALLEY VACATION STANDARDS

§94-271

The process to vacate an alley, as prescribed by City Code, follows these simplified steps:

- (1) A motion of City Council, or a Petition by the majority of abutting owners, initiates the process.
- (2) Planning Commission holds a public hearing
- (3) Planning Commission makes recommendation to City Council
- (4) City Council considers the request in open session and passes a resolution of intent to vacate in the form of an ordinance first reading.
- (5) City Council sets a date for a public hearing not less than four weeks thereafter.
- (6) City Council decides to vacate or close the alley, with or without conditions, or take no action.

The ordinance further provides standards to be considered in any closure or vacation of a public right-of-way. These five, and staff comments, are as follows:

(1) Whether the alley services a residential, single-family, multi-family or business area.

The alley, currently closed, serves only the two abutting parcels at 400 N River and 107 E Cross. The 400 N River building is currently vacant, but proposed for a mix of residential and commercial uses. The 107 E Cross parcel is a vacant lot, the structure demolished in 2010. The owner proposes it to become a parking area serving the Thompson Block.

(2) Whether the closing will create an undue burden on traffic.

The alley is currently closed. No undue burden to traffic has been demonstrated.

(3) Whether the closing is necessary to prevent traffic from traveling through the neighborhood to destinations outside the neighborhood or other safety factors such as speed of traffic, frequency of use, the size and condition of the alley.

As the alley is currently closed, vacation is expected to have minimal impact upon neighborhood traffic patterns or speeds.

(4) The wishes and desires of the majority of the neighborhood.

Both abutting parcels are owned by one entity: Thompson Block Partners, LLC. They are the initiators of and signatories to the petition to close. Staff met with owners of the property immediately to the north; they voiced support for this petition and a lack of interest in pursuing further vacation northward, as such would require a series of property transfers/combinations and shared-use access agreements.

Not less than four weeks prior to the City Council meeting at which this issue will be further deliberated, staff will mail notice to adjacent property owners, post notice of that meeting in no less than three different public places in and around the alley, and publish notice in the official city newspaper at least once per week for two successive weeks, per §94-293, §94-294, & §94-295. Additional feedback is expected at that time.

(5) The present and future interests of the city considering planning for the entire city.

This vacation would help to enable a long-awaited redevelopment project in Depot Town, and help to put into productive use two vacant properties.

Items to be addressed: Consider including as a condition of the vacation that there will be no vehicular connection between the vacated alley and the remaining north alley, to preserve the existing traffic patterns on Maple Street.

OTHER DEPARTMENT AND AGENCY INVOLVEMENT

DEPARTMENT OF PUBLIC SERVICES

As the alley has been closed since 1984, the vacation of the southern portion of the alley should not impact the current level of service on the north portion. Utility easements will be retained.

FIRE DEPARTMENT

Fire Department review will be requested during the site plan/planned unit development process to ensure adequate access to the rear of the property.

UTILITY ACCESS

Per §94-297 of the City Code of Ordinances, the City shall retain and reserve within the entire former right-of-way an easement for installation and maintenance of utilities unless such easement is specifically abandoned. Staff does not recommend that such easements be abandoned in this case.

MASTER PLAN CONSIDERATIONS

The 1998 City of Ypsilanti Master Plan does not address this alley specifically or other alleyways generally.

Items to be Addressed: None.

STAFF RECOMMENDATIONS

The southern portion of the alley immediately abutting 400 N River and 107 E Cross does not serve a vital function for the neighborhood, and its vacation will not negatively affect the health, safety, welfare, or traffic/freight patterns of the neighborhood. Staff recommends that the alley be vacated with the following conditions:

- the City shall retain and reserve within the entire former right-of-way an easement for installation and maintenance of utilities
- no vehicular connection between the vacated alley and the remaining north alley shall be permitted, to preserve the existing traffic patterns on Maple Street.

Under the City Code, the proposed closure would require final approval by City Council.

Bonnie Wessler
Planner I, Community & Economic Development Dept.

CC File
 Applicant

**PLANNING COMMISSION
MEETING MINUTES
June 26, 2013
CITY COUNCIL CHAMBER
7:30 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:30 p.m.

II. ROLL CALL

Present: R Johnson, B. Lenart, G. Clark, M. Bullard, R. Murphy, P. Hollifield,
D. Lautenbach

Absent: C. Zuellig (excused) K. Weger (excused)

Staff: Teresa Gillotti, Community Development Director
Bonnie Wessler, Planner I
Nan Schuette, Executive Secretary

III. APPROVAL OF MINUTES – March 20, 2013 and April 17, 2013

Commissioner Lenart moved to approve the minutes of March 20, 2013 (Support: G. Clark) and the motion carried unanimously. Commissioner Lautenbach moved to approve the minutes of April 17, 2013 (Support: B. Bullard) the motion carried unanimously.

IV. AUDIENCE PARTICIPATION

None

V. PUBLIC HEARING ITEMS

1. Alley Vacation

Ms. Wessler, Planner I, presented her staff report stating that this is a request for an alley vacation located at the southern portion of the westernmost north-south alley between Maple, Prospect, East Cross and North River. The property owners to the north use the north part of

the alley for access to parking, ingress and egress. The property commonly known as the Thompson Block and the vacant lot at 107 E. Cross is currently separated by the alleyway and the applicant intends to combine these lots to further redevelop the Thompson Block.

The alley has been closed since 1984 by a barrier placed in the center of the alleyway, with rights of access reserved to the City to maintain, repair and construct any necessary utilities. The property owners to the north use the north part of the alley for access to parking, ingress and egress. Ms. Wessler reviewed the standards adding that since the alley is currently closed, some standards do not apply, and referred to these particular standards. Fire access will also be maintained, which is part of any site plan. She also added that a utility easement will be maintained if approved. Staff is recommending approval of the application.

Ms. Gillotti, Director of Economic Development added that the vacation is part of a plan for the redevelopment of the Thompson Block that would include the parcel to the east, which would likely become the parking area to help support the businesses and expected residential units when that building is redeveloped.

Commissioner Lenart moved to open the public portion of the hearing (Support: D. Lautenbach) and the motion carried unanimously.

Stewart Beal, Owner of the Thompson Block – stated that this is a critical piece of the redevelopment plans since he has already purchased the property located at 107 E. Cross and would like to combine the properties. In order to do a historic Planned Unit Development, if the alley is not vacated, he would be unable to do this. By vacating the alley, it would create 22 parking spaces overcoming parking issues and alleviate the need for a fee in lieu of parking, as well as using parking in Depottown. Chairman Johnson asked Ms. Gillotti if there would be any zoning issues and she responded that in using the PUD, it would basically be rezoning the Thompson Building, the alley portion and 107 E. Cross, using the historic PUD standard, which states that ½ acre of property is required and the intent of which is to restore historic property, and by doing this it would qualify for a PUD.

Michael Gelletly, 414 N. River – stated that he had two concerns – the alley from Maple and Cross is a higher elevation and might need a swale and if the property at 107 E. Cross becomes parking, that the alley is used for residents directly behind their property and not for a shortcut for those parking in the lot.

Irm Gelletly - she is the other owner next door and wonders if the parking lot would have to be screened and Chairman Johnson stated that it would be treated the same as all site plans with some kind of screening.

Commissioner Clark moved to close the public portion of the hearing (Support: P. Holifield) and the motion carried unanimously.

Commissioner Lautenbach moved that the Planning Commission approve vacation of the alley immediately abutting 400 N. River and 107 E. Cross with the following findings and conditions:

Findings:

The southern portion does not serve a vital function for the neighborhood, and its vacation will not negatively affect the health, safety, welfare, or traffic/freight patterns of the neighborhood.

Conditions:

1. The City shall retain and reserve within the entire former right-of-way an easement for installation and maintenance of utilities.
2. No vehicular connection between the vacated alley and the remaining north alley shall be permitted, to preserve the existing traffic patterns on Maple Street.

The motion was supported by Commissioner Murphy. A roll call vote was taken and carried unanimously.

VI. OLD BUSINESS

1. Water Street Update

Ms. Gillotti gave a brief update on the Family Dollar stating that the city has a development agreement so everything is starting to move forward. Family Dollar has met the guidelines and done the survey work required as well as the Phase I environmental so the project is proceeding.

2. Master Plan Agreement and Process Update

Ms. Gillotti gave an update on Shape Ypsilanti and the various focus groups that had been held. She added that a draft will be forthcoming to the Steering Committee on June 28th and released to the public on July 16th. She invited all members to attend the council meeting on July 16th for a formal presentation of the entire draft. Commissioner Clark asked if staff had a percentage of the population of the city who attended the various focus groups and Ms. Gillotti provided that tracking information. Commissioner Clark also had questions on the cost of the contract, which Ms. Gillotti provided.

3. Recreation Master Plan Update

Ms. Wessler stated the draft is almost complete and should be released for public comment by the Recreation Commission at their July 11th meeting, to which everyone is invited. It will be released to the public for 30 days, after which time, it will come back for any changes prior to recommendation by City Council.



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

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e-mail: info@barrlawfirm.com

John M. Barr
Karl A. Barr
~~~~~

Jesse O'Jack ~ Of Counsel  
William F. Anhut ~ Of Counsel – Retired

## **REQUEST FOR LEGISLATION**

DATE: August 23, 2013

FROM: Jesse O'Jack, Assistant Ypsilanti City Attorney

SUBJECT: Amendments to the Administrative Hearings Bureau provisions of the Ypsilanti City Code

### **SUMMARY/BACKGROUND**

The City of Ypsilanti in August of 2010 established an Administrative Hearings Bureau (AHB) and set forth its authority, rules, and procedures pursuant to the authority granted in the Home Rule Act in MCL sections 117.41, 117.4q, and 117.4r. Multiple chapters and sections of the Ypsilanti Code were also amended to convert violations of each to blight violations that would then fall within the jurisdiction of the Administrative Hearings Bureau.

The original legislation does not specifically set forth procedures and rules for appointment of multiple Administrative Hearing Officers. The City has at times had the need for a second Administrative Hearing Officer. The rules promulgated by the AHB must be approved by the Administrative Hearing Officer. If more than one Administrative Hearings Officer has been appointed, only one should be designated as approving the rules. Therefore, these amendments in part provide for one Administrative Hearing Officer to be designated as the Chief Administrative Hearing Officer who would have that authority.

Additionally, the original legislation included certain chapters within the jurisdiction of the AHB without specifically amending all the sections within those chapters to be consistent with that inclusion. To make precisely clear which sections are and are not within the jurisdiction of

the AHB -- these amendments are designed to clarify the previous legislation by specific amendments to more precisely set forth those sections included.

Also, these amendments set forth a more detailed definition of "blight violation" and the potential penalties and sanctions for the purpose of clarification.

Finally, these amendments specifically provide for the City Council to set the costs of the AHB (in addition to the fines) by resolution and to specifically authorize the unpaid debts to be put on the tax rolls.

ATTACHMENTS: Proposed Ordinance

RECOMMENDED ACTION: Adoption of the ordinance

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

CITY MANAGER COMMENTS:

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

COUNCIL ACTION TAKEN:



Resolution No. 2013-180  
September 17, 2013

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

That a ordinance entitled “AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE YPSILANTI CITY CODE TO CLARIFY WHICH SECTIONS ARE BLIGHT VIOLATIONS, TO PROVIDE FOR PLACING DEBTS FOR BLIGHT VIOLATIONS ON THE TAX ROLLS, TO PROVIDE FOR A RESOLUTION FOR COSTS, AND TO PROVIDE FOR A CHIEF ADMINISTRATIVE HEARINGS OFFICER AND THAT OFFICER'S DUTIES” be approved on First Reading.

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

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

YES:            NO:            ABSENT:            VOTE:

## The City of Ypsilanti

### Ordinance No. 1198

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE YPSILANTI CITY CODE TO CLARIFY WHICH SECTIONS ARE BLIGHT VIOLATIONS, TO PROVIDE FOR PLACING DEBTS FOR BLIGHT VIOLATIONS ON THE TAX ROLLS, TO PROVIDE FOR A RESOLUTION FOR COSTS, AND TO PROVIDE FOR A CHIEF ADMINISTRATIVE HEARINGS OFFICER AND THAT OFFICER'S DUTIES.

#### THE CITY OF YPSILANTI HEREBY ORDAINS:

Section 1: Amendments, additions, and deletions to the Code of Ordinances, City of Ypsilanti, Michigan.

That Chapter 1 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "General Provisions," Section 1-15 "Penalties, sanctions, and remedies," subsection (4) "Blight violation" is hereby amended as follows:

(4) *Blight violation.* The term "blight violation" means an act or omission regarding zoning, building or construction, building or property maintenance or condition in buildings or on the premises; fire prevention as designated; illegal dumping, disposal of solid waste; noxious weeds, and abandoned or inoperative vehicles, that is prohibited by this code or any ordinance of the city and designated a blight violation, including but not limited to those violations designated as blight violations in Established violations of Chapter(s) 18, 42, 50 58, 86, 110, and 122. are blight violations and are subject to the procedures and penalties outlined in Chapter 71, Administrative Hearings Bureau.

a. The sanction for a violation that is a blight violation shall be a civil fine in the amount as provided this Code or any ordinance; provided, however, that a penalty of imprisonment cannot be imposed, and, except in cases to enforce the collection of any tax imposed and collected by the city, a fine in excess of \$10,000.00 exclusive of costs of enforcement and costs imposed to secure compliance with this Code, cannot be imposed.

1. Unless otherwise specifically provided for a particular blight violation, the civil fine for a violation shall be not less than \$50.00, plus costs and other sanctions.

2. Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this Code or any ordinance. As used in this section, "repeat offense" means a second (or any subsequent)

blight violation of the same requirement or provision committed by a person within any two-year period (unless some other period is specifically provided by this Code or any ordinance) and for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this Code or any ordinance for a particular blight violation, the increased fine for a repeat offense shall be as follows:

i. The fine for any offense which is a first repeat offense shall be no less than \$150.00, plus costs.

ii. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$300.00, plus costs.

b. In addition to the fine designated above, the Administrative Hearings Officer upon affirming an order or determination:

i. Shall impose a justice system assessment.

ii. May assess costs reasonably related to the instituting of the administrative adjudication proceeding.

iii. Issue orders that are consistent with the applicable provisions of this Code.

iv. May, to ensure that the blight violations are remedied and that fines are paid in a timely manner, require the person responsible of committing the blight violation to post a compliance bond with the city, or, as appropriate, to consent to the granting and recording of a lien against titled property, pursuant to the provisions of this Code.

c. Each day that a blight violation occurs is a separate and distinct offense.

d. In any case in which a person fails to comply with an administrative hearing officer's order to correct a blight violation or imposing a fine or other sanction as a result of a blight violation, any expenses incurred by the city to enforce the administrative hearing officer's order, upon compliance with the procedures set forth in this Code, is a debt due and owing the city

e. If a defendant does not pay a civil fine or costs or an installment payment ordered by a hearing officer within 30 days after payment is due for a violation involving the use or occupation of land or a building or other structure, the city may, unless stayed by a valid appeal, obtain a lien against the land, building, or structure involved in the violation by recording a copy of the final decision and order requiring payment of fines and costs with the Washtenaw County register of deeds. A legal description of the property must be incorporated or attached to the order. In addition to all other remedies authorized by law, the city clerk may place the entire sum of this lien on the tax rolls as an assessment against the parcel or lot, the assessment to be collected as other taxes are levied and collected. Such charges will be added to the general city tax roll, and to the total of the taxes levied on such parcel or lot the same year, and will be a lien on the parcel until fully paid.

That Chapter 18 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Buildings and Building Regulations," Article III "State Construction Code," Section 18-52 "Municipal civil infraction," is hereby amended as follows:

Sec. 18-52. - ~~Municipal civil infraction~~ Blight violation.

A person who violates any provision of this article is responsible for a blight violation ~~municipal civil infraction~~, subject to payment of a civil fine as set forth in section 71-73. ~~70-38~~. Repeat offenses under this article shall be subject to increased fines as set forth in section 71-73. ~~70-38~~. The imposition of a fine for any violation shall not excuse the violation nor permit the violation to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each day that violations continue shall constitute a separate offense.

That Chapter 18 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Buildings and Building Regulations," Article VI "Inspection and Control of Certain Buildings," Division 1 "Generally," Section 18-115 "Misdemeanor," is hereby amended as follows:

Sec. 18-115. - ~~Misdemeanor~~ Blight violation.

A person who violates any provision of this article is responsible for a blight violation ~~municipal civil infraction~~, subject to payment of a civil fine as set forth in section 71-73. ~~70-38~~. Repeat offenses under this article shall be subject to increased fines as set forth in section 71-73. ~~70-38~~. The imposition of a fine for any violation shall not excuse the violation nor permit the violation to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each day that violations continue shall constitute a separate offense.

That Chapter 42 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Environment," Article II "Nuisances," Division 3 "Litter," Section 42-68 "Municipal civil infraction," is hereby amended as follows:

Sec. 42-68. - ~~Municipal civil infraction~~ Blight violation.

A person who violates any provision of this division is responsible for a blight violation ~~municipal civil infraction~~, subject to payment of a civil fine as set forth in section 71-73. ~~70-38~~. Repeat offenses under this division shall be subject to increased fines as set forth in section 71-73. ~~70-38~~.

That Chapter 50 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Fire Prevention and Protection," Article II "Fire Prevention Code," Section 50-34 "Penalties," is hereby amended as follows:

Sec. 50-34. - Penalties.

Any person who violates any of the provisions of the following Sections of this Code, Sections 1.7.8; 1.7.9; 1.8; 1.8.1; 1.8.2; 1.8.3; 1.8.4; 1.8.5; 4.1.5; 4.1.5.1; 4.1.5.2; 10.1.4; 10.5; 10.5.1; 10.5.2; 10.7.1; 10.7.2; 10.7.3; 10.7.4; 10.8; 10.8.1; 10.8.2; 10.8.3; 10.15.11.13; 10.15.11.13.1; 10.15.11.13.2; 17.3; 17.3.1; 17.3.2; 17.3.3; 17.3.3.1; 17.3.3.2; 17.3.3.3; 17.3.4.4; 19.1; 19.1.1; 19.1.2; 19.1.3; 19.1.4; 19.1.5; 20.1.4.3; 20.1.4.3.1; 24.1; 24.1.1; 24.1.2; 24.2; or standard hereby adopted for those Sections or who fail to comply with any order made thereunder; or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder; or failed to operate in accordance with any certificate or permit issued thereunder; and from which no appeal has been taken; or who shall fail to comply with such an order within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of misdemeanor, punishable by a fine of not less than \$100.00 nor more than \$500.00 or by imprisonment for not more than 90 days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. Each day that prohibited conditions are maintained shall constitute a separate offense

Any person who shall violate any provision of all other Sections of this Code or standard hereby adopted or fail to comply therewith; or who shall violate or fail to comply with any order made thereunder; or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder; or failed to operate in accordance with any certificate or permit issued thereunder; and from which no appeal has been taken; or who shall fail to comply with such an order within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a blight violation, subject to payment of a civil fine as set forth in section 71-73. Repeat offenses under this Chapter shall be subject to increased fines as set forth in section 71-73. ~~misdemeanor, punishable by a fine of not less than \$100.00 nor more than \$500.00 or by imprisonment for not more than 90 days or by both such fine and imprisonment.~~ The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified the application of the above penalty shall not be held to prevent the

enforced removal of prohibited conditions. Each day that prohibited conditions are maintained shall constitute a separate offense.

That Chapter 71 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Administrative Hearings Bureau," Article I "In General," Section 71-2 "Definitions," is hereby amended as follows:

*Bight violation* means ~~a violation of any provision of this Code, regarding zoning, building or construction, building or property maintenance or condition in buildings or on the premises; fire prevention, illegal dumping, disposal of solid waste, noxious weeds, abandoned vehicles or inoperative vehicles.~~ an act or omission regarding zoning, building or construction, building or property maintenance or condition in buildings or on the premises; fire prevention as designated; illegal dumping, disposal of solid waste; noxious weeds, and abandoned or inoperative vehicles, that is prohibited by this code or any ordinance of the city and designated a blight violation, including but not limited to those violations designated as blight violations in Chapter(s) 18, 42, 50 ~~58~~, 86, 110, and 122.

That Chapter 71 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Administrative Hearings Bureau," Article II "Administrative Hearings Bureau," Section 71-31 "Administrative hearings bureau -- Establishment and composition," is hereby amended as follows:

Sec. 71-31. - Administrative hearings bureau -- Establishment and composition

The city council establishes an office of the municipal government to be known as the administrative hearings bureau ("bureau"), which is authorized to conduct administrative adjudication proceedings for departments and agencies of the city for blight violations, as defined in section 71-2.

The bureau will be administered by one or more ~~an~~ administrative hearings officer(s), who will be appointed by the city manager, subject to approval by the city council, and staffed by other employees as may be provided for in the annual appropriation ordinance. Each ~~The~~ administrative hearing officer will serve a term of two years and is removable only upon reasonable cause.

The administrative hearings officer will be compensated as set by council resolution, and as it may be amended from time to time.

One administrative hearings officer will be designated as the chief administrative hearings officer by the city manager, subject to approval by the city council.

That Chapter 71 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Administrative Hearings Bureau," Article II "Administrative Hearings Bureau," Section 71-33 "Administrative hearing officer --Power and duties," subsection (11) is hereby amended as follows:

(11) ~~Assess costs upon affirming the order or determination in any case in which a party has sought review by the bureau of an order or determination of another city department or agency, when such review is authorized by this Code.~~

That Chapter 71 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Administrative Hearings Bureau," Article II "Administrative Hearings Bureau," Section 71-35 "Rules -- Available for public inspection," is hereby amended as follows:

Sec. 71-35. - Rules -- Available for public inspection.

The rules promulgated by the bureau as approved by the chief administrative hearings officer for the performance of administrative adjudication proceedings must be published within 180 days of the adoption of this chapter and thereafter kept on file in the office of the city clerk for public inspection and copying during normal business hours.

That Chapter 71 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Administrative Hearings Bureau," Article II "Administrative Hearings Bureau," Section 71-51 "Election of remedies," is hereby amended as follows:

Sec. 71-51. - Election of remedies.

The bureau may not conduct an administrative adjudication proceeding for an alleged violation of this Code where the requested remedy is a punishment of imprisonment; provided, however, where a violation of the code is punishable by fines and other penalties in addition to imprisonment, the city may elect to institute an action with the bureau and thereby waive any imprisonment for the violation. Nothing in this chapter, however, precludes the city from seeking the remedy of imprisonment in a court of law, including imprisonment for failure to comply with the order of an administrative hearing officer, pursuant to???????????????? section 71-43of this chapter.

That Chapter 71 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Administrative Hearings Bureau," Article III "Violations," Section 71-71 "General violations," is hereby amended as follows:

71-71. - General violations.

Any act or omission regarding zoning, building or construction, building or property maintenance or condition in buildings or on the premises; fire prevention; illegal dumping, disposal of solid waste; noxious weeds, and abandoned or inoperative vehicles, that is prohibited by this code or any ordinance of the city and designated a blight violation, including but not limited to those violations designated as blight violations in Chapter(s) 18, 42, 50 ~~58~~, 86, 110, and 122 are blight violations subject to the procedures and penalties outlined in this Chapter.

That Chapter 71 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Administrative Hearings Bureau," Article III "Violations," Section 71-73 "Penalties," is hereby amended as follows:

71-73. - General penalties and costs.

All blight violations under this Code are subject to enforcement by the procedures and penalties outlined in this Chapter and Section 1-15 of the Ypsilanti City Code. The city council will establish a schedule for the potential fines and costs for violations by resolution, and as amended from time to time.

That Chapter 86 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Solid Waste," Article II "Collection and Disposal," Division 2 "Peak Times," Section 86-54, "Residential properties; municipal civil infraction," is hereby amended as follows:

Sec. 86-54. - Residential properties; blight violation ~~municipal civil infraction~~.

- (a) No accumulation garbage or rubbish from residences shall be placed out for collection other than in accord with the rules and regulations for peak times then in effect.

(b) Landlords/property owners will be held responsible for violations of this section when:

(1)

The identity of the responsible tenant is not readily apparent or available (the identity of the tenant shall be readily available if the landlord/property owner has provided that information to the building department);

(2)

The tenant is unavailable due to moving, vacation, or any other reason; or

(3)

Repeat offenses occur at the same address.

(c) Landlord/property owners shall provide tenants with a copy of the procedure for peak times rubbish removal at move in and/or out, prior to peak times.

(d) A person who violates any provision of this section is responsible for a blight violation ~~municipal civil infraction~~, subject to payment of a civil fine as set forth in section 71-73. ~~70-38~~. Repeat offenses under this section shall be subject to increased fines as set forth in section 71-73. ~~70-38~~.

That Chapter 94 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Streets, Sidewalks, and Certain Other Places," Article V "Snow Removal," Section 94-136 "Failure to clear," is hereby amended as follows:

Sec. 94-136. - Failure to clear.

(a) *Removal by city.* If snow or ice is not removed or treated as required in sections 94-133, 94-134, and/or 94-135, the city may notify the owner or occupant of the violation. This notification may be made in person, by telephone, by mail, or by written notice left at the property. If the owner or occupant fails to remove snow or ice prior to 12:00 noon of the day after notice is given (provided there has been at least 18 hours since delivery of the notice), the city may cause such snow or ice to be removed. The owner of the adjacent property (as indicated by the records of the assessor) shall then be charged the actual cost of the sidewalk clearance, plus an administrative fee as set by resolution of council. If that charge is not paid within 45 days, it may be assessed against that parcel.

(b) *Blight violation* ~~Civil infraction~~. If any occupant, owner or manager shall neglect or fail to clear ice or snow from a parking lot, or from a sidewalk adjoining his lot or parcel of land within the time limited and herein required, or

shall otherwise permit ice or snow to accumulate on such sidewalk or parking lot, he shall be responsible for a blight violation, subject to payment of a civil fine as set forth in [section 71-73](#). Repeat offenses under this article shall be subject to increased fines as set forth in [section 71-73](#). Each day that the condition of accumulation of ice or snow shall continue after the first day of violation shall constitute a separate offense and shall bear a separate penalty.

## Section 2. Severability.

If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, is for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment will not affect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment will be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment has been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

## Section 3. Repeal.

All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

## Section 4. Savings Clause.

The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or heretofore amended, shall remain in full force and effect. The repeal provided herein will not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

## Section 5. Copies to be available.

Copies of the ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

Section 6. Publication and Effective Date.

The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the Ypsilanti Courier. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
Paul Schreiber, Mayor

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

Attest

I do hereby confirm that the above Ordinance No. \_\_\_\_ was published in the Ypsilanti Courier on the \_\_\_\_ day of \_\_\_\_\_, 2013.

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

CERTIFICATE OF ADOPTING

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

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

Notice Published September 4, 2013

First Reading September 17, 2013

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

Published \_\_\_\_\_

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



Resolution No. 2013-181  
September 17, 2013

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

That a public hearing on an ordinance entitled “AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE YPSILANTI CITY CODE TO CLARIFY WHICH SECTIONS ARE BLIGHT VIOLATIONS, TO PROVIDE FOR PLACING DEBTS FOR BLIGHT VIOLATIONS ON THE TAX ROLLS, TO PROVIDE FOR A RESOLUTION FOR COSTS, AND TO PROVIDE FOR A CHIEF ADMINISTRATIVE HEARINGS OFFICER AND THAT OFFICER'S DUTIES” be officially closed.

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

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

YES:            NO:            ABSENT:            VOTE:



Resolution No. 2013 – 182  
September 17, 2013

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

That the Minutes of September 3, 2013 be approved.

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

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

YES:            NO:            ABSENT:            VOTE:



**CITY OF YPSILANTI  
COUNCIL MEETING MINUTES  
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.  
YPSILANTI, MI 48197  
TUESDAY, SEPTEMBER 3, 2013  
5:30 P.M. – CLOSED SESSION  
7:00 P.M. – OPEN SESSION**

**I. CALL TO ORDER –**

Meeting called to order at 5:40 p.m.

**II. ROLL CALL –**

|                          |         |                     |                |
|--------------------------|---------|---------------------|----------------|
| Council Member Jefferson | Absent  | Council Member Robb | Present (5:57) |
| Council Member Moeller   | Present | Council Member Vogt | Present        |
| Council Member Murdock   | Present | Mayor Schreiber     | Present        |
| Mayor Pro-Tem Richardson | Present |                     |                |

Council Member Vogt moved, supported by Mayor Pro-Tem Richardson to excuse the absences.

On a voice vote the motion carried.

**III. INVOCATION –**

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

**IV. PLEDGE OF ALLEGIANCE –**

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

**V. AGENDA APPROVAL –**

Agenda approved as submitted.

**VI. CLOSED SESSION – (5:30 to 7:00 p.m.)**

Closed Session to discuss Attorney/Client communication and pending litigation (OMA 15.268, Sections 8(e)(h)).

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

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

VOTE:

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

The meeting adjourned to closed session at 5:42 p.m.

Open session reconvened at 7:04 p.m.

**VII. INTRODUCTIONS –**

Mayor Schreiber introduced Former Council Member and YCUA Board Member Michael Bodary, YCUA Executive Director Jeff Castro and YCUA Finance Director Dwayne Herrigan.

**VIII. PRESENTATIONS –**

**IX. ORDINANCES – FIRST READING –**

Ordinance 1192

1. An ordinance determining that the assessments for the Streetlight Special Assessment District are in proportion to the benefits derived or to be derived, confirming the Special Assessment Roll, placing the Special Assessment Roll on file in the Office of the City Clerk/Treasurer and directing the City Treasurer to collect the various amounts on the roll in accordance with this ordinance pursuant to the authority granted in MCL 117.4d, the City of Ypsilanti Charter and Chapter 90 of the Ypsilanti City Code.

- A. Resolution No. 2013-161, determination

**That a ordinance entitled "AN ORDINANCE DETERMINING THAT THE ASSESSMENTS FOR THE STREETLIGHT SPECIAL ASSESSMENT DISTRICT ARE IN PROPORTION TO THE BENEFITS DERIVED OR TO BE DERIVED, CONFIRMING THE SPECIAL ASSESSMENT ROLL, PLACING THE SPECIAL ASSESSMENT ROLL ON FILE IN THE OFFICE OF THE CITY TREASURER, AND DIRECTING THE CITY TREASURER TO COLLECT THE VARIOUS AMOUNTS ON THE ROLL IN ACCORDANCE WITH THIS ORDINANCE PURSUANT TO THE AUTHORITY GRANTED IN MCL 117.4d, THE CITY OF YPSILANTI CHARTER, AND CHAPTER 90 OF THE YPSILANTI CITY CODE" be approved on First Reading.**

OFFERED BY: Council Member Murdock

SUPPORTED BY: Mayor Pro-Tem Richardson

City Manager Lange gave a brief explanation of the proposed special assessment of approximately \$57.50 per parcel for two years, and gave an update on the process to date. He said it is a good program and will save on carbon emissions.

Mayor Schreiber asked how an overage would be handled.

City Manager Lange said the city doesn't know what the final conversion costs will be however, if residents are charged under the actual costs there is no problem but if there is an overage (charged too much) it would require a resolution from City Council to address it.

Attorney O'Jack confirmed that an action from City Council would be necessary to address any overage or refund.

- B. Open the public hearing

1. Dr. Ernest Terry, 1927 Roosevelt, objected to the streetlight special assessment. He said he was not opposed to the use of LED lights or a carbon footprint but he doesn't believe that calling this a special assessment fits the legal definition of what it is. He said the streetlight is already on the property and they are merely changing the light bulb. He said special assessments increase property value, according to Michigan Supreme Court law and the only benefit he's heard it that it improves the general fund.

2. Chris Starkey, 1927 Roosevelt objected to the streetlight special assessment and said it is a creative way to get the taxpayers to pay a special assessment by putting the burden on the residents. He said the lights currently don't illuminate the sidewalk because of trees and the sidewalks are not well lit. He said the trees are never trimmed unless there is a storm.
3. Joann Waller, 1009 Pearl Street, objected to the streetlight assessment and said brush and trees are around the lights and poles and if cleared they could get more light. She said the assessment is an added expense on tax payers.
4. Godfrey Udoji, 1826 Witmire, supported the streetlight special assessment and said street lighting is part of the city's infrastructure and he doesn't see why it cannot be financed through a special assessment.
5. Bill Welsh, 711 Cambridge, said he supports better street lighting and he hopes city staff has considered the nature of LED. He said quality is what matters. He said he supports the special assessment but doesn't like how he would be assessed because he lives on a double lot. He said he has no problem paying but doesn't like that he's being charged twice for a single-family residence.

C. Resolution No. 2013-162, close public hearing.

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

**That the public hearing on an ordinance entitled "AN ORDINANCE DETERMINING THAT THE ASSESSMENTS FOR THE STREETLIGHT SPECIAL ASSESSMENT DISTRICT ARE IN PROPORTION TO THE BENEFITS DERIVED OR TO BE DERIVED, CONFIRMING THE SPECIAL ASSESSMENT ROLL, PLACING THE SPECIAL ASSESSMENT ROLL ON FILE IN THE OFFICE OF THE CITY TREASURER, AND DIRECTING THE CITY TREASURER TO COLLECT THE VARIOUS AMOUNTS ON THE ROLL IN ACCORDANCE WITH THIS ORDINANCE PURSUANT TO THE AUTHORITY GRANTED IN MCL 117.4d, THE CITY OF YPSILANTI CHARTER, AND CHAPTER 90 OF THE YPSILANTI CITY CODE" be officially closed.**

OFFERED BY: Council Member Murdock

SUPPORTED BY: Council Member Vogt

On a voice vote the motion carried and the public hearing was closed.

Council Member Robb stated that 292 streetlights have already been replaced yet those who are not benefitting from them will still have to pay. He asked if the city's argument is that although I live on the east side, I benefit from those on the west side?

City Manger Lange replied that the city has put together a fact sheet on all of the benefits of the streetlights.

Council Member Robb asked if it is legal to design the streetlight assessment so that everyone pays for everything.

City Attorney John Barr answered to levy a special assessment Council must set up a district and those properties pay the assessment and in this case the entire city was set up as a district so everyone benefits, therefore everyone pays since the city is improving the streetlights city wide.

Council Member Robb asked if people can opt out of special assessment districts.

City Attorney John Barr answered no and said residents can file an appeal with the tax tribunal stating that the assessment is not a benefit to them.

Council Member Moeller asked about how double lots be assessed.

Attorney John Barr answered each parcel will be levied equally. He stated that each parcel has a taxable value and it is related to the streetlight value. He added that double lots pay more taxes.

Mayor Schreiber asked about trimming trees.

City Manager Lange answered DPS has done a good job keeping the trees trimmed. He said tree inventory and lists for tree removals and maintenance are being monitored and can be seen on the website. He said he would ask Mr. Kirton to go out and observe to see what else needs pruning.

Mayor Schreiber stated that if residents are concerned they should call the Clerk's office or go on the website.

Council Member Moeller asked how to report trees that need pruning.

Assistant to the City Manager Ericka Savage stated that residents can go online under tree maintenance to see the schedule for tree removal. She said the site shows what the schedule is for removing trees and it states how the city will go about removing a tree if it is not on the list. She said the pruning list is not on the website and that all trees that were pruned or trimmed are on the website.

Council Member Murdock asked to be walked through the appeal process.

Attorney O'Jack answered people can appear tonight in person to object or they can put something in writing tonight. He said people must object at this level first in order to file to the Michigan Tax Tribunal. He recommended that they file within 30 days. He said if a person files in the small claims bureau it takes about 6 months, however in full claims it could be a couple of years.

Council Member Robb said it is stated that the payback is 5 years when in fact it is really zero and asked of the city could decide in the future to pay people back.

City Manager Lange said he thinks it could be done. He said it would be a policy decision by Council.

Council Member Robb asked what would be the mechanism for refunding if decided by Council.

Attorney John Barr answered a city may not gift money. He said he has never seen a refund either, however the city can reduce the millage across the board for all taxpayers.

On a roll call, the vote to approve Resolution No. 2013-161 (Ordinance No. 1192) was as follows:

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

VOTE:

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

Ordinance 1193

2. An ordinance entitled, "An Ordinance to Amend Chapter 106, Article V, Section 106-454(b) of the Code of Ordinance to increase Water Rates within the City of Ypsilanti".

A. Resolution No. 2013-163, determination

**IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:**

**The ordinance entitled An Ordinance to amend Chapter 106, Article V, Section 106-454(b) of the Code of Ordinances to increase Water rates within the City of Ypsilanti be approved on First Reading.**

OFFERED BY: Mayor Pro-Tem Richardson

SUPPORTED BY: Council Member Murdock

YCUA Executive Director Jeff Castro gave an overview of the ordinances. He stated that at its regular meeting of the YCUA Board of Commissioners on August 28, 2013, the Board approved a recommendation to the Ypsilanti City Council rate adjustments for City Division customers: a water rate increase of 5%, a sewer rate increase of 4.5%, and a surcharge decrease of 1%. This would decrease the surcharge to 67%. The combined effect of these rate adjustments, which will be effective October 17, 2013 would be a 4.14 increase in a City Division customer's bimonthly bill. He stated that the customer would see a minimum increase of \$3.01/bi-monthly or \$1.50/monthly for water and sewer and an average user will be charged \$5.87/bi-monthly or \$2.94/monthly. He said that although Detroit has increased the cost for water by 6.3% YCUA reduced the cost to 5% for residents due to containment of other costs. He said Detroit charges a fixed rate no matter the consumption and have changed their methodology to cover the decreased consumption.

YCUA Board Member Michael Bodary said he is enjoying serving on the YCUA Board so far and has learned a lot. He said there are fixed costs on water rates no matter what and YCUA is trying to break even only.

YCUA Board Member Andy Cameron was present but had no comment.

Council Member Moeller commented about costs going up and asked why the city is being charged the entire amount although people are using less. She said she always thought that conserving would create lower water bills.

Mr. Castro explained that the water pipes need to be preserved and maintained also. He said when consumption decreases the costs go up because YCUA is still paying the same as when the contract was a large one. He said Detroit must still cover the debt even if there are fewer users.

YCUA Finance Director explained that Detroit changed their methodology to allow them to get the same amount although the city's water consumption has decreased. He added that the debt is the same no matter what and they must cover the debt.

Council Member Moeller asked about the refinancing of bonds.

YCUA Finance Director replied as a utility they have low rates through the state and they are pretty much as low as you can get. He said the 5% is an increase over last year's cost and the city just refinanced or reissued five bonds on last year.

Council Member Moeller asked for an explanation of the depreciation and operating expense.

YCUA Finance Director replied they have to allocate the use of it, however it is taken out when the surcharge is calculated.

Council Member Moeller said it is hard for her to vote for a water increase when most people have tried to reserve in order to lower their bill.

YCUA Finance Director stated that they are now seeing more water and sewer breaks because of the rain and with less usage and as a result there is less revenue to pay for the repairs.

Council Member Moeller asked what happens if the city votes against an increase. She said the cost is way beyond inflation and she would like to know how increases can be stopped.

Council Member Murdock commented that the purchase of Detroit water is only half of the costs and expenses. He said with industries leaving, the consumption is down in the city and now residents feel more of the bill because we are locked into the same 48 parcels although customers are not expanding.

B. Open the public hearing

1. Godfrey Udoji supported the water increase and said it's hard to keep the costs down. He said he is proud of YCUA and pleased with their performance and record.
2. Dave Strenski, founder of Solar Ypsi, commented that YCUA should also consider renewable energy to reduce cost.
3. Bill Welsh, 711 Cambridge, commented that he doesn't want to pay more money for water but the rates are low for such a fundamental service. He said there is quality water in the city and the system probably needs maintenance and this is not an unusual request. He said it is not an unreasonable request because the city pays low rates for fundamental services.
4. Mr. Lewis, property owner, asked what happens if the city doesn't support the increases.

C. Resolution No. 2013-164, close public hearing

**THAT the public hearing on the ordinance entitled, An Ordinance to amend Chapter 106, Article V, Section 106-454(b) of the Code of Ordinances to increase water rates within the City of Ypsilanti be officially closed.**

OFFERED BY: Mayor Pro-Tem Richardson

SUPPORTED BY: Council Member Vogt

On a voice vote, the motion carried and the public hearing was closed.

Mayor Schreiber asked what happens if the vote goes down and if Council decides to never approve a rate increase in the future.

Mr. Castro answered the water rate would still increase.

Attorney John Barr gave the history of the formation of YCUA. He said the agreement said one authority would be formed to manage the water and that there would be three divisions and each division would have separate fees. He said if the city cannot afford to pay its bills either YCUA will shut the water off or the state will appoint an EM to come in. He said the contract with YCUA states that rates will be set with the consent of City Council and that is why it is before Council.

YCUA Finance Director stated that the city backs YCUA's full faith and credit for its debt.

Council Member Murdock commented that YCUA is here because the city requested to know in advance when rate increases would go into effect.

Council Member Murdock asked if a surcharge reduction is possible, given the rate increases.

YCUA Finance Director stated that part of the increase is due to the debt. He said the shared part includes improvements that were financed. He said the debt is about \$3 million and with this year's budget and the reduction in consumption, the increase balances the number. He said with the 1% decrease they will bring in \$20,000 less than last year even though the rates are slightly up.

Council Member Murdock asked for the debt schedule.

YCUA Finance Director said they anticipate a 2-3% increase going forward and that the rates won't start dropping off for another 7 years or so.

Council Member Murdock asked about the water only meters and what the charge is.

Director Castro indicated that rate experts are currently analyzing the rate structure.

Council Member Murdock noted that Ann Arbor has a flat fee and a tiered rate structure and wondered how this could apply to Ypsilanti.

Director Castro said this is something the experts are looking into.

On a roll call, the vote to approve Resolution No. 2013-163 (Ordinance No. 1193) was as follows:

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

VOTE:

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

Ordinance 1194

3. An ordinance entitled, "An Ordinance to Amend Chapter 106, Article V, Section 106-455(a) of the Code of Ordinances to increase sewage disposal service rates within the City of Ypsilanti".

- A. Resolution No. 2013-165, determination

**IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:**

**The ordinance entitled An Ordinance to amend Chapter 106, Article V, Section 106-454(b) of the Code of Ordinances to increase Water rates within the City of Ypsilanti be approved on First Reading.**

OFFERED BY: Council Member Robb

SUPPORTED BY: Council Member Vogt

- B. Open the public hearing

There were no speakers.

- C. Resolution No. 2013-166, close public hearing

**IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:**

**That the public hearing on the ordinance entitled, An Ordinance to amend Chapter 106, Article V, Section 106-454(b) of the Code of Ordinances to increase Water rates within the City of Ypsilanti be officially closed.**

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

On a voice vote the motion carried and the public hearing was closed.

On a roll call the vote to approve Resolution No. 2013-165 (Ordinance No. 1194) was as follows:

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

VOTE:

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

Ordinance 1195

4. An ordinance entitled, "An Ordinance to Amend Chapter 106, Article V, Section 106-499 of the Code of Ordinances to decrease the restricted debt retirement and capital improvement fund surcharge on water and sewer service bills within the City of Ypsilanti".

- A. Resolution No. 2013-167, determination

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

**THAT the ordinance entitled, "An Ordinance to amend Chapter 106, Article V, Section 106-499 of the Code of Ordinances to decrease the restricted debt retirement and capital improvement fund surcharge on water and sewer bills" be approved on First Reading.**

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

YCUA Finance Director stated that the original surcharge was 80% and now it is 68%.

Council Member Murdock added that the surcharge includes the water main debt, improvements to Factory Street, sewer plant expansion, etc.

Mr. Lange commented about rain decreasing usage and asked how the system relates to storm water.

YCUA Finance Director answered they are two separate systems and storm water is completely separate.

- B. Open the public hearing

There were no speakers.

- C. Resolution No. 2013-168, close public hearing

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

**THAT the public hearing on the ordinance entitled, "An Ordinance to amend Chapter 106, Article V, Section 106-499 of the Code of Ordinances to decrease the restricted debt retirement and capital improvement fund surcharge on water and sewer bills" be officially closed.**

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

On a voice vote the motion carried and the public hearing was closed.

On a roll call, the vote to approve Resolution No. 2013-167 (Ordinance 1195) was as follows:

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

VOTE:

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

Ordinance 1196

5. An ordinance to approve lease of part of city hall to Ypsilanti Downtown Development Authority.

- A. Resolution No. 2013-169, determination

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

**THAT the public hearing on an ordinance entitled, "An Ordinance to amend Chapter 106, Article V, Section 106-499 of the Code of Ordinances to decrease the restricted debt retirement and capital improvement fund surcharge on water and sewer bills" be approved on first reading.**

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

Mr. Lange stated that the ability to lease space in city hall is now feasible since the Clerk and Treasurer's offices are combined. He said this will save the DDA money and they've chosen to move to the 3<sup>rd</sup> floor. He said the DDA will remain independent and be governed by their own board. He said things are moving a little slower, however as soon as logistics are worked out they will move to city hall.

Council Member Robb asked if the DDA will pay the city for parking spaces.

City Manager Lange answered yes and said it is stated in the lease agreement that they will purchase two parking spaces.

Council Member Robb clarified that the wording actually means the city is providing two spaces for them to purchase and not that we are giving them two spaces.

Mr. Lange replied yes.

- B. Open the public hearing

There were no speakers.

- C. Resolution No. 2013-170, close public hearing

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

**THAT the public hearing on an ordinance to lease part of**

**city hall to the Ypsilanti Downtown Development Authority be officially closed.**

OFFERED BY: Council Member Vogt

SUPPORTED BY: Council Member Moeller

On a voice vote the motion carried and the public hearing was closed.

On a roll call, the vote to approve Resolution No. 2013-170 (Ordinance No. 1196) was as follows:

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

VOTE:

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

**X. AUDIENCE PARTICIPATION –**

None

**XI. REMARKS BY THE MAYOR**

None

**XII. MINUTES –**

Resolution No. 2013-171, approving the minutes of August 20, 2013.

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

**That the Minutes of August 20, 2013 be approved.**

OFFERED BY: Council Member Vogt

SUPPORTED BY: Council Member Moeller

Council Member Vogt requested a change to his comments on page 3, line 2 as follows:

Council Member Vogt agreed that Prospect is the next road for repair and explained how road funding comes from various sources ~~and with the streetlight conversion DTE is the sole source paying~~ **but expenses for streetlights are paid from the general fund.**

On a voice vote the minutes were approved as amended.

The meeting recessed at 8:30 p.m.

The meeting reconvened at 8:34 p.m.

**XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS –**

1. Resolution No. 2013-172, approving implementation of the Blue Cross Blue Shield Medicare Advantage Plan for all eligible retirees.

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

**WHEREAS, City Council of the City of Ypsilanti deems it to be in the best interest of the City to continue to reduce health care costs where applicable; and**

**WHEREAS, on July 15, 2013, Blue Cross Blue Shield presented the Medicare Advantage Plan; and**

**WHEREAS, the Medicare Advantage Plan would reduce retiree health care costs while still offering additional benefits to the retirees; and**

**WHEREAS, retirees currently enrolled in Medicare A & B would be eligible for this Medicare Advantage Plan;**

**THEREFORE BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF YPSILANTI to adopt implementation of the Blue Cross Blue Shield Medicare Advantage Plan for all eligible retirees.**

OFFERED BY: Mayor Pro-Tem Richardson

SUPPORTED BY: Council Member Vogt

Michelle Bolser, broker with Griffin, Smalley and Wilkerson, explained that 59 of 99 retirees would be eligible. She said there was not great attendance at the two meetings held, however those who attended were excited. She said the retirees received the information, understood it and were grateful to have coverage. She said the cost analysis shows the current medical costs, and the savings and the rates are good through 2014.

Council Member Robb asked if the plans for spouses are attractive.

Ms. Bolser replied yes with the new plan.

Council Member Robb questioned how the city would get them to buy into it.

Ms. Bolser answered during open enrollment. She said meetings will be held and mailings would be sent also.

Council Member Robb asked who would pay for the spouse.

Ms. Bolser replied most would be paid for by the spouse or employee. She said spouse coverage would be based on what is in each contract.

Council Member Robb said he is scared about what might happen if the plan is opened up to spouses and is concerned about who will pick up the cost.

Ms. Bolser replied the city's insurance would be less expensive than what it currently is for the spouse.

Ms. Moeller expressed concern that the more spouses that take the coverage will raise the city's prices.

Ms. Bolser said the cost will depend on the number that sign up. She said the actual rates are not in yet so she doesn't know the exact cost.

Council Member Murdock asked if adopted will everyone who is eligible for Medicare Advantage be switched or is it voluntary.

Ms. Bolser replied everyone who is eligible will be placed into this plan and others will be transferred as they become eligible.

Council Member Murdock asked if there is any legal hesitancy for doing this.

Mr. Lange replied yes and said Labor Attorney Rick Fanning had some concerns and they are going to revisit them.

Council Member Moeller left the meeting at 9:00 p.m.

Mr. Lange talked about the exposure that exists in changing plans and said there is nothing that says the city can't go back to its original plan.

Council Member Murdock asked if retirees that left the plan can come back.  
Human Resources Manager Judi Smith replied yes during open enrollment.

Council Member Murdock asked how much is the waiver.

Ms. Smith replied \$5,000 for a family, \$4,000 for two persons and \$2,000 for single.

Blue Cross Blue Shield Representative Rose Cook said she looked at the current plan design and tried to duplicate it. She explained that there are the added benefits in the Medicare Advantage plan and they are getting \$140 back in their pockets under proposed plan design.

Mr. Lange stated although the plan has changed there is no damage because it is better and there is no loss.

Ms. Cook said the added benefits are IV therapy, skilled nursing and glaucoma testing.

Ms. Smith said there are 12 retirees with spouses so that is the maximum number that could come back on for coverage.

On roll call the vote to approve Resolution No. 2013-172 was as follows:

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

VOTE:

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

2. Resolution No. 2013-173, approving the 457 Deferred Compensation Plan Participation Agreement and authorizing the Mayor and City Clerk to sign the agreement.

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

**Whereas, the Municipal Employees' Retirement System (MERS) Board adopted the MERS Deferred Compensation Plan on November 8, 2011; and**

**Whereas, the City wishes to offer the plan to all employees to encourage them saving for retirement by offering salary reduction contributions; and**

**Whereas; the plan offers lower administrative cost and attractive investment opportunities; and**

**Whereas; in order to set up a MERS 457 plan, the City needs to enter a participation agreement to add MERS 457 plan in addition to the current 457 carriers the City has, ICMA and The Hartford; and**

**Whereas; after the plan is adopted, MERS representative will make a presentation to the City employees to introduce the MERS 457 Deferred Compensation Plan;**

**Whereas, the MERS Uniform 457 Supplemental Retirement Program Resolution and the MERS 457 Supplemental Retirement Program Participation Agreement is required to be approved by City Council, and;**

**Whereas, all city employees will now be eligible to participate in the MERS 457 Deferred Compensation Plan;**

**NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the MERS 457 Deferred Compensation Plan Participation Agreement; MERS 457 Supplemental Retirement Program Participation Agreement; MERS 457 Loan Addendum; MERS 457 Supplemental Retirement Program Resolution; MERS 457 Loan Procedures; fees comparison, and**

**THAT the Mayor and City Clerk are authorized to sign all necessary documents to enter into the contract(s) with MERS, subject to the approval of the city attorney as to form.**

OFFERED BY: Council Member Robb

SUPPORTED BY: Mayor Pro-Tem Richardson

Finance Director Marilou Uy gave a brief explanation.

SUMMARY & BACKGROUND:

On November 8, 2011, Municipal Employees' Retirement System (MERS) Board adopted the MERS Deferred Compensation Plan. The City wishes to offer the plan to all employees to encourage them saving for retirement by offering salary reduction contributions. The plan offer lower administrative cost, and attractive investment opportunities.

In order to set up a MERS 457 plan, the City needs to enter a participation agreement to add MERS 457 plan in addition to the current 457 carriers the City have, ICMA and The Hartford. After the plan is adopted, MERS representative will make presentation to the City employees to introduce the MERS 457 Deferred Compensation Plan.

Council Member Robb asked if the city would provide a match.

Ms. Uy answered no.

Council Member Murdock asked if all employees would be eligible.

Ms. Uy replied yes.

On a roll call, the vote to approve Resolution No. 2013-173 was as follows:

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

Mayor Pro-Tem Richardson      Yes

VOTE:

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

3. Resolution No. 2013-174, approving agreement with the Michigan Department of Transportation (MDOT) for traffic signal installation, maintenance and operation costs at various M17 intersections.

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

**WHEREAS, the City of Ypsilanti agrees to participate with the Michigan Department of Transportation for traffic signal installation, maintenance and operation costs at the intersections of:**

**M17 (Washtenaw) & Oakwood  
M17 (Washtenaw) & Ballard  
M17 (Washtenaw) & Mansfield  
M17 (Washtenaw & Cross) & Summit**

**WHEREAS, the City of Ypsilanti agrees to participate in fifty percent (50%) of the actual cost of electrical energy and;**

**WHEREAS, the annual energy cost of the above mentioned signals are estimated to be \$3,888.00 of which the City will pay approximately \$1,944.00 and;**

**NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves entering into the MDOT Cost Agreement for Traffic Signal Control; and**

**FURTHER, that this agreement cancels and supersedes all previous cost agreements and is terminable on thirty days notice by any party; and**

**THAT the City Manager and City Clerk are authorized to sign the Cost Agreement and any change orders, subject to approval by the City Attorney, to enter into this agreement.**

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

Summary and Background:

The Michigan Department of Transportation has issued an agreement to be signed by the City of Ypsilanti to participate 50/50 in the cost of installation, maintenance and operation of traffic signals at M17 (Washtenaw) & Oakwood; M17 (Washtenaw) & Ballard; M17 (Washtenaw) & Mansfield and M17 (Washtenaw & Cross) & Summit. The annual energy cost of the above mentioned signals are estimated to be \$3,888.00 of which the city will pay approximately \$1,944.00.

Council Member asked about Washtenaw and Oakwood and said he thought it was done with the installation and asked if these are new signals being installed there?

Mr. Lange replied half of the work is completed.

Council Member Murdock asked if all the traffic lights will be converted to LED eventually.

Mr. Lange replied yes.

On a roll call, the vote to approve Resolution No. 2013-174 was as follows:

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

VOTE:

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

4. Resolution No. 2013-175, approving implementation of "1,000 solar rooftop initiative".

#### **RESOLUTION FOR 1,000 SOLAR ROOFS INITIATIVE**

**WHEREAS, the State of Michigan emits more 81 tons of carbon pollution annually to produce electricity; and**

**WHEREAS, solar power is a clean source of energy with which Michigan can power its homes, businesses and cars to achieve better air quality and reduce carbon pollution; and**

**WHEREAS, the State of Michigan has vast solar potential with more sunlight than Germany, the world's leader solar power; and**

**WHEREAS, the solar industry provides more than 6,000 jobs to Michiganders, and that Michigan is ranked in the top five states for solar manufacturing; and**

**WHEREAS, if Michigan were to generate 1 GW of electricity from distributed generation solar, an additional 100,000 solar rooftops would be installed; and**

**WHEREAS, the City of Ypsilanti has demonstrated its national leadership in pursuit of solar power and is well positioned to benefit from a growing clean energy economy to bring jobs and investments to the City; and**

**WHEREAS, the City of Ypsilanti recognizes the above assets of solar power and desires to further its commitment to this important clean energy solution; and**

**THEREFORE, BE IT RESOLVED that the City of Ypsilanti officially sets its own goal of the City of Ypsilanti and its residents generate 5 MW of electricity from distributed solar, to reach 1,000 solar roofs by 2020; and**

**BE IT FURTHER RESOLVED that the City of Ypsilanti hereby acknowledges the policy recommendations from the Environment Michigan Research & Policy Center report as to how the City of Ypsilanti and its residents can meet a goal of 1,000 solar roofs by 2020; and**

**BE IT FURTHER RESOLVED that the City of Ypsilanti calls on the State of Michigan to follow Ypsilanti's lead in making Michigan a leader in solar power and to set the goal of having 100,000 solar roofs by 2020.**

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

Letter from Virginia Shannon, gave the overview of the request.

To make Ypsilanti a "solar destination"-- and hasten the day when solar powers our buildings and our economy -- Ypsilanti must set a bold solar goal of 1,000 solar roofs by 2020 and encourage solar on thousands more homes, businesses and public buildings.

In order to achieve a goal of 1,000 solar roofs by 2020, the key policies areas identified below should be put in place to increase municipal solar installations, establish successful partnerships that support solar and give Ypsilanti residents and businesses the tools they need to go solar.

- Lead-by example by continuing to identify sites and seek grants for projects on city buildings along with welcoming solar projects on historic buildings;
- Streamline information on financing options and promote financing programs such as PACE to help residents, businesses and industries go solar;
- Partner with nonprofits, solar companies, and Eastern Michigan University to build public awareness of solar potential in Ypsilanti and a literacy of technology and financing options; and
- Support local, state and federal policies that promote the use of solar energy.

With a bold goal of 1,000 by 2020 in place, Ypsilanti can become a solar destination, attracting attention as a national leader and building a solar economy to repower its city and homes.

Approval of this resolution to set a bold solar goal will demonstrate the City's commitment to becoming a destination to study, live and work in and moving to more sustainable energy future.

Dave Strenski was present to answer questions from Council.

Council Member Robb recalled this item was tabled in April in order to get a report from Dr. Welsh in which Council never received.

Mr. Strenski stated that the report is not in electronic form yet. He said he supports the project and the benefits will be good for the city. He said he would try to secure grants as well. He said the item was tabled in April because of question existed regarding if there are 1,000 rooftops and they've discovered that the answer is yes, so now they can move forward.

Professor Welsh said he didn't know a report was expected. He referred to diagram presented and explained where the rooftops are located within the city.

Council Member Robb asked if the implementation plan is to have 600 installations by 2020.

Mr. Strenski said there are 15 to date. He said contractors want the list of eligible rooftops and he suspects this will take off.

Council Member Robb asked if the initiative will work closely with rentals property.

Mr. Strenski answered the data he has is only residential and there are about 5,000 clear of trees and there would be more if commercial is added. He said the roofs are south facing and there are 1,000 addresses.

Council Member Robb asked if socioeconomics will be considered.

Mr. Strenski replied the first phase will consist of the first 1,000 people (addresses) and the roofs are all over the place. He said a lot of the roofs are on the south side because there is less tree coverage.

Mayor Schreiber appreciated Mr. Strenski and Dr. Welsh for volunteering and for the presentation. He said this would be a good statement for the city of Ypsilanti to make.

Council Member Vogt added that Germany is doing a lot more and asked if anyone had any figures for Germany?

Mr. Strenski answered they are at 400 mega watts per million people and currently the US is at 25 mega watts.

Mayor Pro-Tem Richardson thanked Mr. Strenski and Professor Welsh for their work.

On roll call, the vote to approve Resolution No. 2013-175 was as follows:

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

VOTE:

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

5. Resolution No. 2013-176, approving extension of the Management Agreement with the Friends of Ypsilanti Freighthouse for a period of six months, to end in March, 2014.

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

**WHEREAS, the City of Ypsilanti is the owner of the Ypsilanti Freighthouse; and**

**WHEREAS, the City of Ypsilanti entered into a five-year Management Agreement with the Friends of the Ypsilanti Freighthouse in September 2008; and**

**WHEREAS, the Management Agreement gives the Friends of the Ypsilanti Freighthouse authority to manage the Freighthouse and its redevelopment; and**

**WHEREAS, the Management Agreement expires on September 8, 2013; and**

**WHEREAS, the Friends of the Ypsilanti Freighthouse have requested a six-month extension of the Management Agreement to update their business plan and develop a timeline for fundraising efforts; and**

**WHEREAS, pending completion of the updated business plan and fundraising timeline, the City and Friends of the Ypsilanti Freighthouse may choose to renew the Management Agreement for an additional five years.**

**NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council approve the extension of the Management Agreement with the Friends of the Ypsilanti Freighthouse for a period of six months, to end in March 2014.**

OFFERED BY: Council Member Murdock

SUPPORTED BY: Council Member Robb

Council Member Murdock stated that the Friends of the Freighthouse developed plans to get the mechanical parts of the building back in shape and they are in Lansing getting approval from SHPO. He said they are looking to redo the business plan and institute finances.

Laura Thompson, Vice-Chair said the group is requesting an extension to work on the business plan. She said they recently spoke with the Ann Arbor Community fund and they have agreed to provide the group with a consultant to help them update their business plan and financial numbers so that they are in alignment, and to also help with the next phase of funding. She said they are making liaisons with corporations for help with materials and had a lot of success at the Heritage Festival. She said she feels they are on a good course to be able to complete the project.

Council Member Robb asked what happens after the six months are up. He suggested extending the agreement now.

Ms. Thompson said she was under the impression that updated current financial information was needed before another 5 year agreement could be signed.

On a roll call, the vote to approve Resolution No. 2013-175 was as follows:

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

VOTE:

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

**Resolution No. 2013-178, was added.**

**IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:**

**The action and parameters recommended by the City Manager regarding a worker's compensation claim is approved and the City Manager is authorized to proceed as discussed in closed session.**

OFFERED BY: Council Member Vogt

SUPPORTED BY: Mayor Pro-Tem Richardson

On a roll call, the vote to approve Resolution No. 2013-178 was as follows:

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

VOTE:

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

**XIV. LIASON REPORTS -**

- A. SEMCOG Update - none
- B. Washtenaw Area Transportation Study - none
- C. Washtenaw Metro Alliance – meeting next week
- D. Urban County - none
- E. Freight House - none

**XV. COUNCIL PROPOSED BUSINESS –**

## MURDOCK

- Commented that it's the one year anniversary on the speed bump request and said the people who submitted petitions are waiting for a response. He asked if there is any idea when the traffic committee will get their act together.

Mr. Lange stated that Planner Gillotti is working on this and it should be completed in a couple of weeks. He said that there should be a recommendation from the traffic committee by the next meeting.

- Mr. Murdock inquired about the erection of "Stop Pedestrian" and "Crosswalk" signs in Depot Town.

Mr. Lange replied that the traffic committee met on that issue and recommended against it.

## ROBB

- Commented on statements in the recent CIL regarding IAFF contract and asked if the police chief promotion would still occur?

Mr. Lange replied that issue is still outstanding and he is still working on the final tentative agreement with IAFF so nothing is final. He said the actuarial study is still outstanding.

Council Member Murdock commented that since the city is not doing public safety he finds it difficult to do public safety and the administrative level. He said it creates more bureaucracy at the top.

Council Member Robb agreed with Mr. Murdock's comment.

- Mr. Robb asked what actions are being put in place to prevent the QVC and Fire Muster problem from happening in the future.

Mr. Lange replied he is going to have a summit at the end of this year with Amanda Holsinger, Ericka Savage, the Heritage Festival and others to clean up the events process.

Mr. Robb commented about how quickly the complaint of urine smell in the pavilion was remedied when QVC complained.

Mr. Lange stated that QVC requested the power washing and paid for it.

- Mr. Robb asked if the city uses a checklist when parks are utilized for events.

Mr. Lange replied yes and explained that the city takes pictures of the site and uses the security deposit to cover damages.

- Mr. Robb asked about furlough days ending and said it was not included in the budget. He asked if a request for legislation is coming to Council. He suggested that budget amendments be done quarterly.

Mr. Lange said that is possible. He said he is trying to prepare for goal setting now and would like to have those numbers ready for Council.

- City Manager evaluation is now electronic and said it makes collecting data easier. He said he would send it to Council.

VOGT

- Commented that he is not clear if the city is accumulating complaints regarding trees and how they are being handled. He said it would be nice to take care of them at appropriate time and quickly so that residents know we are paying attention to them.

**XVI. COMMUNICATIONS FROM THE MAYOR –**

- Stated he received an email from the Executive Director of the Housing Commission and federal funds have been reduced to nothing. He announced that there would be a meeting at 6:30 p.m. at Hamilton Crossing to discuss changes and Chesapeake Advisors will be there to discuss their proposal. He said all interested should attend.

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

- Thanked City Council for support of the worker's compensation case
- Thanked Council for support of the Medicare Advantage resolution
- Reported that a Water street report is coming soon
- Tree policy project well done by Ericka Savage
- DDA lease complete
- Invited City Council to see the LED lights upstairs in city hall. He said the capital costs are next to nothing.
- Reported he visited the skate park and they are making progress.
- Commented that the Solar Roof project is good for the city
- Announced he will be away at the MML convention next week and offered Council Member a ride to save gas and parking costs.

**XVIII. AUDIENCE PARTICIPATION -**

None

**XIX. REMARKS FROM THE MAYOR –**

None

**XX. ADJOURNMENT –**

Resolution No. 2013-177, 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: Mayor Pro-Tem Richardson

On a voice vote the motion carried and the meeting adjourned at 10:07 p.m.



Resolution No. 2013 – 183  
September 17, 2013

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

That the following items be approved:

1. Resolution No. 2013-184, approving an ordinance determining that the assessments for the Streetlight Special Assessment District are in proportion to the benefits derived or to be derived, confirming the Special Assessment Roll, placing the Special Assessment Roll on file in the Office of the City Clerk/Treasurer and directing the City Treasurer to collect the various amounts on the roll in accordance with this ordinance pursuant to the authority granted in MCL 117.4d, the City of Ypsilanti Charter and Chapter 90 of the Ypsilanti City Code. (Ordinance No. 1192) ***Second Reading***
2. Resolution No. 2013-185, approving an ordinance entitled, “An Ordinance to Amend Chapter 106, Article V, Section 106-499 of the Code of Ordinances to decrease the restricted debt retirement and capital improvement fund surcharge on water and sewer service bills within the City of Ypsilanti”. (Ordinance No. 1195) ***Second Reading***
3. Resolution No. 2013-186, approving an ordinance to approve lease of part of city hall to Ypsilanti Downtown Development Authority. (Ordinance No. 1196) ***Second Reading***
4. Resolution No. 2013-187, authorizing the Fire Department to apply for a FEMA grant under the 2013 Assistance to Firefighter Grant Program to replace outdated fire turnout gear.

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

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

YES:

NO:

ABSENT:

VOTE:



Resolution No. 2013-184  
September 17, 2013

**Resolution to Approve  
An Ordinance to amend Chapter 106, Article V, Section 106-454(b) of the Code  
of Ordinances to increase Water rates within the City of Ypsilanti.**

**IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:**

The ordinance entitled **An Ordinance to amend Chapter 106, Article V, Section 106-454(b) of the Code of Ordinances to increase Water rates within the City of Ypsilanti** be approved on Second and Final Reading.

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

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

YES:            NO:            ABSENT:            VOTE:

**Ordinance No. 1193**

**An Ordinance to amend Chapter 106, Article V, Section 106-454(b) of the Code of Ordinances to increase water rates within the City of Ypsilanti.**

**BE IT ORDAINED BY THE CITY OF YPSILANTI:**

That Chapter 106, Article V, Section 106-454(b) of the Code of Ordinances shall be amended as follows:

(b) For all billings rendered prior to October 17, 2013, existing rates shall prevail. For all billings rendered from October 17, 2013, water charges shall be as follows for each bi-monthly (two month) period:

(1) Minimum bi-monthly readiness-to-serve rates based upon size of meter and use of up to the allowed usage of water:

| <u>Meter Size/Inch</u> | <u>Allowed Usage<br/>Cubic Feet</u> | <u>Water Rate</u> |
|------------------------|-------------------------------------|-------------------|
| 5/8 - 3/4              | 600                                 | \$ 23.66          |
| 1                      | 1,000                               | 42.98             |
| 1-1/2                  | 2,100                               | 111.41            |
| 2                      | 4,000                               | 244.64            |
| 3                      | 9,000                               | 502.48            |
| 4                      | 16,200                              | 951.72            |
| 6                      | 36,000                              | 1,975.83          |
| 8                      | 66,000                              | 3,603.66          |
| 10                     | 102,000                             | 5,479.65          |
| 12                     | 150,000                             | 9,069.22          |

(2) Bimonthly consumption rates in excess of allowed usage:

|                                                                 |                          |
|-----------------------------------------------------------------|--------------------------|
| Rate per 100 C.F.<br><u>Bi-monthly Water</u>                    | After<br><u>10/17/13</u> |
| All consumption in excess<br><u>of allowed usage per 100 cf</u> | <u>\$2.23</u>            |

\* \* \* \* \*

This Ordinance shall take effect and be in full force upon publication in the \_\_\_\_\_.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
Paul Schreiber, Mayor

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

**ATTEST**

I do hereby confirm that the above Ordinance No. \_\_\_\_ was published in the \_\_\_\_\_  
on the \_\_\_\_ day of \_\_\_\_\_, 2013.



Resolution No. 2013-185  
September 17, 2013

**Resolution to Approve**

**An Ordinance to amend Chapter 106, Article V, Section 106-499 of the Code of Ordinances to decrease the restricted debt retirement and capital improvement fund surcharge on water and sewer bills.**

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

THAT the ordinance entitled, "An Ordinance to amend Chapter 106, Article V, Section 106-499 of the Code of Ordinances to decrease the restricted debt retirement and capital improvement fund surcharge on water and sewer bills" be approved on Second and Final Reading.

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

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

YES:                      NO:                      ABSENT:                      VOTE:

**ORDINANCE NO. 1195**

**An Ordinance to amend Chapter 106, Article V, Section 106-499 of the Code of Ordinances to decrease the restricted debt retirement and capital improvement fund surcharge on water and sewer service bills.**

**BE IT ORDAINED BY THE CITY OF YPSILANTI:**

That, effective October 17, 2013, and not before, Chapter 106, Article V, Section 106-499 of the Code of Ordinances be amended to read as follows:

**A surcharge of sixty-seven percent (67%) is hereby added to each water and sewage bill for billings rendered on or after October 17, 2013. The proceeds of sixty-seven percent (67%) of gross billings shall be deposited in a restricted debt retirement and capital improvements fund. The funds in this account shall be used for debt retirement on authority of the YCUA Board and for capital improvements on approval of City Council.**

\* \* \* \* \*

This Ordinance shall take effect and be in full force upon local publication in the Ypsilanti Courier.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
Paul Schreiber, Mayor

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

**ATTEST**

I do hereby confirm that the above Ordinance No. \_\_\_\_ was published in the \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 2013.



Resolution No. 2013-186  
September 17, 2013

RESOLUTUION TO APPROVE ORDINANCE TO LEASE PART OF CITY HALL  
TO YPSILANTI DOWNTOWN DEVELOPMENT AUTHORITY

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

THAT an ordinance to lease part of city hall to the Ypsilanti Downtown Development Authority be approved on Second and Final Reading.

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

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

YES:            NO:            ABSENT:            VOTE:



**CITY OF YPSILANTI  
NOTICE OF ADOPTED ORDINANCE  
Ordinance No. 1196**

An ordinance to approve lease of part of city hall to Ypsilanti Downtown Development Authority

**1. THE CITY OF YPSILANTI HEREBY ORDAINS That**

**new section:** the Ypsilanti City Code is hereby amended by adding a section, to be numbered \_\_\_\_\_, to lease part of city hall to the Ypsilanti Downtown Development Authority (DDA) , which section reads as follows:

It is ordained by the Council of the City of Ypsilanti that the City shall lease part of the city hall to the Ypsilanti DDA pursuant to the terms of a lease, a copy attached hereto, and the Mayor and City Clerk may sign said lease.

**2. Severability.** If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

**3. Repeal.** All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

**4. Savings Clause.** The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

**5. Copies to be available.** Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office

hours. A complete copy of the ordinance is also available for inspection on the City's website, [www.cityofypsilanti.com](http://www.cityofypsilanti.com).

**6. Publication and Effective Date.** The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the publication of record. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

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

Attest

I do hereby confirm that the above Ordinance No. \_\_\_\_ was published in The Ypsilanti Courier on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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

Notice Published: August 14, 2013

First Reading: September 3, 2013

Second Reading: September 17, 2013

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

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



**Barr,  
Anhut &  
Associates, P.C.**  
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John M. Barr  
Karl A. Barr  
~~~~~

Jesse O'Jack ~ Of Counsel
William F. Anhut ~ Of Counsel – Retired
Jane A. Slider ~ Legal Assistant

REQUEST FOR LEGISLATION

DATE: September 10, 2013

FROM: John M. Barr

SUBJECT: Resolution to Let agreement with DTE for Streetlights

SUMMARY/BACKGROUND

Now that the street light special assessment district legislation has been completed and the Special Assessment Roll approved, this resolution approves the letting of the DTE contract and the start of work.

ATTACHMENTS: Resolution to authorize first stage of streetlight improvement

RECOMMENDED ACTION: Adoption of resolution

DATE RECEIVED: _____ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF: _____ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:



RESOLUTION AUTHORIZING THE FIRST
STAGE OF THE STREETLIGHT SPECIAL
ASSESSMENT IMPROVEMENT TO BE LET

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 2013-155, a "Resolution Ordering District and Directing Assessor to Prepare Special Assessment Roll for the Streetlight Special Assessment District," wherein City Council established the district and finally determined to proceed with the improvement; and

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

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

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

WHEREAS, the City approved an agreement between DTE ENERGY and the City of Ypsilanti in Resolution 2013-133 and that contract needs to be let; and

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council hereby declares and orders that the City Council reaffirms Resolution 2013-133 which approved an agreement and issuance of the required purchase order and authorizes that the contract be let.

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, September 17, 2013.

Frances McMullan, City Clerk



Resolution No. 2013-189
September 17, 2013

**Resolution to Approve
An Ordinance to amend Chapter 106, Article V, Section 106-454(b) of the Code
of Ordinances to increase Water rates within the City of Ypsilanti.**

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

The ordinance entitled **An Ordinance to amend Chapter 106, Article V, Section 106-454(b) of the Code of Ordinances to increase Water rates within the City of Ypsilanti** be approved on Second and Final Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Ordinance No. 1193

An Ordinance to amend Chapter 106, Article V, Section 106-454(b) of the Code of Ordinances to increase water rates within the City of Ypsilanti.

BE IT ORDAINED BY THE CITY OF YPSILANTI:

That Chapter 106, Article V, Section 106-454(b) of the Code of Ordinances shall be amended as follows:

(b) For all billings rendered prior to October 17, 2013, existing rates shall prevail. For all billings rendered from October 17, 2013, water charges shall be as follows for each bi-monthly (two month) period:

(1) Minimum bi-monthly readiness-to-serve rates based upon size of meter and use of up to the allowed usage of water:

<u>Meter Size/Inch</u>	<u>Allowed Usage Cubic Feet</u>	<u>Water Rate</u>
5/8 - 3/4	600	\$ 23.66
1	1,000	42.98
1-1/2	2,100	111.41
2	4,000	244.64
3	9,000	502.48
4	16,200	951.72
6	36,000	1,975.83
8	66,000	3,603.66
10	102,000	5,479.65
12	150,000	9,069.22

(2) Bimonthly consumption rates in excess of allowed usage:

Rate per 100 C.F. <u>Bi-monthly Water</u>	After <u>10/17/13</u>
All consumption in excess <u>of allowed usage per 100 cf</u>	<u>\$2.23</u>

* * * * *

This Ordinance shall take effect and be in full force upon publication in the _____.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS _____
DAY OF _____, 2013.

Paul Schreiber, Mayor

Frances McMullan, City Clerk

ATTEST

I do hereby confirm that the above Ordinance No. ____ was published in the _____
on the ____ day of _____, 2013.



Resolution No. 2013-190
September 17, 2013

**Resolution to Approve
An Ordinance to amend Chapter 106, Article V, Section 106-455(a) of the Code
of Ordinances to increase sewage disposal service rates
within the City of Ypsilanti.**

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

The ordinance entitled **An Ordinance to amend Chapter 106, Article V, Section 106-454(b) of the Code of Ordinances to increase Water rates within the City of Ypsilanti** be approved on Second and Final Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

ORDINANCE NO. 1194

An ordinance to amend Chapter 106, Article V, Section 106-455(a) of the Code of Ordinances, City of Ypsilanti, to increase sewage disposal service rates.

BE IT ORDERED BY THE CITY OF YPSILANTI, that:

That Section 106-455(a) of Chapter 106, Article V of the Code of Ordinances shall be revised as follows:

(a) For all billings rendered prior to October 17, 2013, existing rates for sewage disposal services shall prevail. For all billings rendered from October 17, 2013, rates for sewage disposal services shall be as shown in Schedule A:

Schedule A:

Meter Size (inch)	Allowed Usage Cubic Feet	CAPITAL CHARGE		OM&R		TOTAL	
		Contract Community	All Others	Contract Communities	All Others	Contract Community	All Others
5/8-3/4	600	\$1.23	\$1.23	\$16.49	\$20.41	\$17.72	\$21.64
1	1000	\$2.08	\$2.08	\$27.57	\$34.75	\$29.65	\$36.83
1-1/2	2100	\$4.55	\$4.55	\$56.56	\$71.44	\$61.10	\$75.98
2	4000	\$8.26	\$8.26	\$109.10	\$137.31	\$117.35	\$145.57
3	9000	\$18.59	\$18.59	\$238.09	\$307.24	\$256.68	\$325.83
4	16200	\$33.46	\$33.46	\$454.18	\$553.74	\$487.64	\$587.20
6	36000	\$74.36	\$74.36	\$979.25	\$1,232.34	\$1,053.61	\$1,306.70
8	66000	\$136.29	\$136.29	\$1,787.24	\$2,251.06	\$1,923.53	\$2,387.34
10	102000	\$207.53	\$207.53	\$2,766.51	\$3,483.39	\$2,974.04	\$3,690.92
12	150000	\$309.77	\$309.77	\$4,072.19	\$5,126.45	\$4,381.96	\$5,436.22

For all usage in excess of allowed usage the rate per 100 cubic feet shall be as follows:

	CAPITAL CHARGE	OM&R	TOTAL
Contract Communities	\$0.208	\$1.785	\$1.993
All Others	\$0.208	\$1.881	\$2.089

* * * * *

This Ordinance shall take effect and be in full force upon local publication in

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS
_____ DAY OF _____, 2013.

Paul Schreiber, Mayor

Frances McMullan, City Clerk

ATTEST

I do hereby confirm that the above Ordinance No. ____ was published in the
_____ on the _____ day of _____, 2013.

Statement from Heidi Jugenitz

Heidi Jugenitz is an independent consultant specializing in program management and strategic planning for public and non-profit organizations. She completed a master's degree in Public Administration at the University of Michigan in 2011, purchased a home in Ypsilanti in 2012, and now resides here, consulting for non-profit organizations supporting community economic development in the greater Detroit area. Previously, she has lived and worked in a number of US cities, including New Orleans, Chicago, Washington DC, Kenosha, and Ann Arbor and has done comparison research on the role of public policies in shaping economic, social and cultural opportunities and quality of life in these places. She looks forward to applying this experience in Ypsilanti as the city moves forward with its new Master Plan.

HEIDI JUGENITZ

327 Miles Street, Ypsilanti, MI 48198 ♦ jugenitz@gmail.com ♦ Skype: Heidi Jugenitz ♦ 312-330-2313

PROFESSIONAL PROFILE

Experienced manager of public health and development projects
Strategic planning and management consultant
Able to work and communicate effectively in cross-cultural contexts
Strong command of qualitative and quantitative program evaluation methods

KEY SKILLS

- Program design, management and evaluation
- Strategic and operational planning
- Policy analysis
- Grantmaking and grantwriting
- French and Spanish

EDUCATION

Master of Public Administration, 2011. University of Michigan, Ann Arbor, MI, USA. *Riecker fellowship.*

MA, Latin American Studies, 2002. Tulane University, New Orleans, LA, USA. *Foreign language and area studies (FLAS) fellowship.*

BA, English and Spanish, 2000. Carthage College, Kenosha, WI, USA. *Summa cum laude. All-College Honors.*

PROGRAM MANAGEMENT

Health Systems Strengthening Advisor, United States Agency for International Development/Cote d'Ivoire (May 2012 – June 2013)

- Co-developed mixed-methods site assessment protocol to determine root causes of low 12-month retention rates among patients on HIV treatment in Cote d'Ivoire
- Led development of health systems strengthening strategy for US President's Emergency Plan for AIDS Relief (PEPFAR)/Cote d'Ivoire, focusing on policy and governance, human resources for health and supply chain and logistics management
- Manage health systems strengthening program activities (representing more than \$40 million annually)
- Designed new health systems strengthening interventions targeting the decentralized levels of the health pyramid
- Advise other branches of PEPFAR on program-wide health systems strengthening considerations

Project Management Consultant, Voxiva, Inc (March - July 2010)

- Led user requirements gathering and design of Jhpiego Results Information System for Excellence (J-RISE) global performance management system

Country Manager, Phones for Health Public-Private Partnership, Dar es Salaam, Tanzania (2007 – 2009).

- Directed Phones for Health public-private partnership in Tanzania (including budget of \$1.2 million/year in direct funding and \$1 million/year in contributions from private partners)
- Led the implementation of Africa's first mobile phone- and Internet- based integrated disease surveillance and response (IDSR) system, Tahadhari! Tanzania, resulting in a weekly IDSR reporting rate of >80% in Urambo district
- Coordinated technical and financial contributions from partners: Accenture Development Partnerships, MTN, Motorola, Office of the US Global AIDS Coordinator, US Centers for Disease Control and Prevention, CDC Foundation, Ministry of Health and Social Welfare of Tanzania
- Developed, managed and monitored annual country work plan, contract and budget

Program Officer, CDC/Global AIDS Program, Kigali, Rwanda (2004 – 2006)

- Managed CDC Cooperative Agreements with Rwanda Ministry of Health/Treatment and Research AIDS Center, Population Services International (PSI)
- Served as organizational lead on CDC-funded HMIS/ICT projects and initiatives, including TRACnet (Rwanda's national electronic reporting system for HIV/AIDS), District Connectivity Project, and Health Management Information Systems (HMIS) integration

Program Coordinator, Tulane University, Ouagadougou, Burkina Faso (2002-2004)

- Coordinated six-week Tulane/United National Development Programme course, "Mainstreaming HIV/AIDS into University Curricula in Francophone West and Central Africa" (Ouagadougou, September-October 2003)

PROGRAM DESIGN AND EVALUATION

Consultant, International Center for AIDS Care and Treatment Programs (ICAP), January 2011-March 2012

- Conducted review of Multi-country Columbia Antiretroviral Program (MCAP) program achievements in South Africa and Tanzania based on program documents, site visits, one-on-one interviews, and focus group discussions
- Wrote closeout reports for MCAP South Africa and MCAP Tanzania to document and communicate ICAP's innovations and contributions with respect to national scale-up of HIV prevention, care and treatment services
- Developed logic model to guide development of ICAP and SEV-CI (Sante-Espoir-Vie Cote d'Ivoire) funding proposals for 2011

Strategic Planning Consultant, USAID Cote d'Ivoire, June 2009-Feb. 2010

- Conducted key informant interviews, document review and budget analysis to assess the programmatic response to HIV/AIDS in the first phase of PEPFAR in Cote d'Ivoire
- Co-authored Programmatic Response Analysis report detailing recommended strategic and operational changes for the second phase of PEPFAR

Country Manager, Phones for Health Public-Private Partnership, Dar es Salaam, Tanzania, 2007 – 2009

- Designed Tanzania program from scratch, drawing on the Phones for Health mission and partners' competitive advantages
- Led the design of an innovative, bi-lingual training curriculum for district health managers and health workers
- Contributed to global Phones for Health logic model and evaluation design through development of Tanzania-specific indicators at the process, output and outcome levels

Consultant, Tulane University Burkina Faso, 2006

- Adapted three-country ARV management study protocol and developed study implementation plan
- Conducted rapid assessment of collaboration between Tulane University and the West African Health Organization (WAHO); developed report on status of Tulane-WAHO activities

STRATEGIC PLANNING

Strategic Planning Consultant, USAID Cote d'Ivoire (June 2009-February 2010)

- Designed and co-facilitated participatory strategic planning process for the second phase of PEPFAR in Cote d'Ivoire
- Co-authored 2010-2014 strategic priorities document for PEPFAR Cote d'Ivoire, a \$120 million/year program
- Planned and organized a series of thematic workshops for PEPFAR stakeholders focusing on quality of services, human capacity and systems strengthening, efficiency and coordination
- Developed internal and external virtual share points for document inventory and exchange using Google Sites

Hananasif Orphanage Center (HOCET), Dar es Salaam, Tanzania (2008-2009)

- Facilitated HOCET strategic planning process
- Wrote HOCET five-year strategic plan document (2009-2013)

Program Officer, CDC/Global AIDS Program, Kigali, Rwanda (2004 – 2006)

- Wrote PEPFAR Rwanda five-year strategy document (2004-2008)
- Designed and planned CDC activities including ICT infrastructure support to health districts and mobile voluntary counseling and testing (VCT) services targeting secondary school teachers and students

Consultant, Centers for Disease Control (CDC) Cote d'Ivoire (2006)

- Planned & facilitated a national workshop to educate local NGOs about the PEPFAR New Partners Initiative
- Coordinated informational New Partners Initiative meetings with umbrella NGOs in Cote d'Ivoire

GRANT WRITING EXPERIENCE

Title: Supporting Local Organizations to Implement and Expand Comprehensive HIV/AIDS Prevention, Care, and Treatment Services in the Republic of Côte d'Ivoire in Support of the President's Emergency Plan for AIDS Relief (PEPFAR)

Clients: Sante-Espoir-Vie Cote d'Ivoire (SEV-CI), ICAP

Donor: CDC

Result: >\$20 million/5 years

Title: Implementation of Programs for the Prevention, Care and Treatment of HIV/AIDS in the Republic of Côte d'Ivoire under the President's Emergency Plan for AIDS Relief (PEPFAR)

Clients: ICAP

Donor: CDC

Result: \$8 million/5 years

Title: Implementation of a Two-phase Study on the Potential of Male Circumcision using PrePex as a Scalable HIV Prevention Intervention

Clients: ICAP, Rwanda Ministry of Health

Donor: Gates Foundation

Result: Pending: Under review

Title: Alliance to Harness Information Technology for Decision-making and Capacity-building in West Africa (2004)

Clients: Helen Keller International, Tulane University and the West African Health Organisation

Donor: USAID/Global Development Alliance

Result: \$3 million/2.5 years

Title: Rwanda Health Metrics Network Application (2005)

Client: Government of Rwanda (Ministry of Health)

Donor: Health Metrics Network

Result: Initial funding of \$80,000 for assessment

Title: [Building Health-Sector Capacity for Planning, Coordination, Monitoring, Evaluation and Mobilization of Resources in Support of Decentralized HIV/AIDS Interventions in the Republic of Cote d'Ivoire under the President's Emergency Plan for AIDS Relief \(2006\)](#)

Client: Ministry of Health, Cote d'Ivoire

Donor: CDC/Global AIDS Program

Result: \$7 million/5 years

Statement from Adam Gainsley

Goals

I would like to put effort into creating public spaces. Studies and examples have shown that freely available places where people can sit, read, and eat as well as public restrooms will improve the performance in the surrounding commercial area.

I also want to see downtown Ypsilanti become more connected with the surrounding area. I consider continuing efforts towards improving non-motorized and mass transportation very valuable. Implementing a program similar to the Get Downtown program in Ann Arbor would go a long way towards accessibility.

There are many underutilized event spaces downtown. I would like to find ways to encourage events of all types to take place in downtown. In general I want to nurture and grow the arts and theater culture that is beginning to blossom here.

To make filling vacant storefronts more appealing I would like to explore the possibility of offering more grants for facade improvements and repair. In general keeping downtown attractive, clean, and safe will make our community more appealing to investors and entrepreneurs.

Relevant Experience

I am consistently up to date with current events and aware of political developments as they occur. My involvement with Bike Ypsi, the Ypsilanti Non Motorized Advisory Committee, and politics in general in Ypsilanti means that I am familiar with both the businesses and the people in our community.

I am a perfect example of a consumer of downtown Ypsilanti. While I am not a business owner right now I will bring the important perspective of the other side of the counter.

Also, perhaps tangentially, I have much experience with event creation and planning. I would love to see more special events happening around town - everything from Nerd Nights to plays to art shows to meetups. Any effort I can spare to encourage this would be well spent.

Finally as both a member of the tech industry and a former member of the foodservice industry I am uniquely acquainted with two industries that we should consider high priority targets for recruitment to downtown. Both have unique needs in terms of opening or expanding locations and I will be able to communicate effectively with industry professionals as well as outsiders.

Statement from Erica Mooney:

I am very excited and interested at the opportunity to represent Ypsilanti in the MMC. I am studying urban and regional planning (with a minor in G.I.S.) at Eastern and have worked with the MI Suburbs Alliance in the past. I have coordinated focus groups on campus for both the Climate Action and Master plan processes. I gladly participated in virtually every single CAP event and other planning and municipal events.

As a transplant to Ypsi like yourself, I feel a special attachment to the first place I've lived and loved where I can achieve all I need within not much more than a few blocks walking distance. My goals would be to represent the city with a dignity and clarity of expression that would transcend my own personal goals and be a voice for the town. I hope to understand more about ways to link what has already happened with the MMC and the public - linking citizens, private and public enterprises is the main goal of my own work. Communicating from the public to existing groups and institutions seems best achieved in many places with some form of coalition. My personal thesis project and work is around feeling out the creation of some kind of action-based capacity-building group in Ypsilanti. Facilitating collaboration between "silo-ed" groups is what calls to me and I believe the chance to represent our town in the Millennial Mayors Congress would allow us to work towards a more thriving and verdant Ypsilanti.

Thank you for your time and for this opportunity, please let me know the best next steps for engagement.

Best,
Erica M



Resolution No. 2013-191
September 17, 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: