



Approved

**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 –

The meeting was called to order at 7:05 p.m.

II. ROLL CALL –

Council Member Jefferson (7:08)	Present	Council Member Robb	Present
Council Member Moeller (7:16)	Present	Council Member Vogt	Present
Council Member Murdock	Present	Mayor Schreiber	Present
Mayor Pro-Tem Richardson	Absent		

Council Member Vogt moved, supported by Council Member Murdock 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. INTRODUCTIONS –

The Mayor introduced YCUA Executive Director Jeff Castro, Assistant City Attorney Jesse O'Jack, Fire Chief Anthouard, Planner Gillotti and Assistant to the Manager Ericka Savage.

VI. AGENDA APPROVAL –

Agenda approved as submitted.

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

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: Council Member Robb

SUPPORTED BY: Council Member Vogt

Planner Teresa Gillotti gave the background on the request.

Staff Report

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 storm water 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.

Ms. Gillotti indicated that the alley is already posted with notices so that people are aware. She added that the public hearing is scheduled for October.

Mr. Tyler Weston, representing the property owner, was present and thanked Council and Ms. Gillotti for bringing this request forward.

Council Member Robb pointed out that a car has been parked in the alley there for two weeks now and asked if a ticket can be issued. He stressed that the current ordinances need to be enforced.

Ms. Gillotti indicated that the alley is closed at this point and said she would follow up on Council Member Robb's observation.

On a roll call, the vote to approve Resolution No. 2013-179 approving an ordinance entitled "Maple-Cross Alley Vacation (Ordinance No. 1197) at first reading was as follows:

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

VOTE:

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

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

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: Council Member Murdock

SUPPORTED BY: Council Member Vogt

Assistant City Attorney Jesse O'Jack gave the background.

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.

Council Member Robb questioned why the ordinance is setting fines. He questioned why the city would not want to have the fine lower initially since there is usually a lot of nuisance violations like snow and weeds. He said the fine seems punitive. He also questioned why fines are not approved with the fee schedule on an annual basis.

Mr. O'Jack replied the ordinance states what the fine is. He said that Council can also set whatever fine it would like when it adopts the fee schedule. Mr. O'Jack explained that Ordinance Enforcement Officer James Jackson gives a warning the first time and then issues the violation.

Council Member Robb pointed out that if the fee schedule is not passed on time the fees carry over, however it seems that the ordinance supersedes that.

Mr. O'Jack explained that the fees are set by resolution and are valid until the next resolution is passed.

Council Member Murdock suggested a friendly amendment on page 1, Section 4(a)(1) as follows:

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

Council Member Vogt accepted the friendly amendment.

B. Open the public hearing

There was no one present to speak.

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

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: Council Member Murdock

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. 2013-180 (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 Hearing Officer and that Officer's duties as amended on First Reading was as follows:

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

VOTE:

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

IX. AUDIENCE PARTICIPATION –

1. Sigrid Melvin, Towne Centre resident, submitted a request for an inspection at the Towne Centre and said the living conditions are bad and are not getting better. She indicated the seniors will no longer be able to get meals without a dishwasher and asked City Council for assistance in securing a dishwasher. She also commented that she would like everyone in the building to have Comcast service and asked for assistance in obtaining service.
2. Heidi Jugenitz, 327 Miles, introduced herself to City Council members and said she is new to the area and looking forward to being involved in the community. She said she likes the creative vibe and diversity in Ypsilanti and she is interested in getting involved in the commissions.
3. William Welsh, 711 Cambridge, questioned the streetlight special assessment and commented that he has a problem with being assessed twice because his home is on a double lot. He said he doesn't understand why his lot cannot be treated as one unit or parcel and charged one fee.

X. REMARKS BY THE MAYOR –

Mayor Schreiber appreciated Ms. Melvin's comments and asked her to resubmit her letter to City Council. He also appreciated Ms. Jugenitz for introducing herself, and said she is being nominated for a commission. The Mayor thanked Mr. Welsh for his comments and explained to

him that there were a number of options considered for the assessments and this option of charging a flat rate for each parcel was the best for the City.

XI. MINUTES –

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

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of September 3, 2013 be approved.

OFFERED BY: Council Member Murdock

SUPPORTED BY: Council Member Vogt

On a voice vote the motion carried and the minutes were approved.

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***

THAT 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 be approved on Second and Final 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***

THAT 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" be approved on Second and Final 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***

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

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: Council Member Moeller

SUPPORTED BY: Council Member Vogt

On a voice vote the motion carried and the Consent Agenda was approved.

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.

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: Council Member Murdock
SUPPORTED BY: Council Member Vogt

City Manager Lange indicated the contract was approved by City Council and entered into a while ago because there was a tight window in order to take advantage of the DTE incentives. He said DTE is all set to begin in October if the resolution is approved. He said it would take about one month for completion and he would like to eliminate the carbon as well as realize the cost savings soon.

Council Member Murdock commented that an ordinance doesn't become effective until 30 days after publication and asked how that affects this.

Attorney O'Jack replied the 30 days is from when the project was initially approved, which was August 20th and 30 days from that date is September 20th so it is okay to start work on October 1st.

Council Member Robb pointed out that the lights on Water Street will be replaced too and asked how it will be assessed.

Mr. Lange replied the lights on Water Street can be reallocated later to another site that really needs them. He said Water Street is not a part of the special assessment district and he has promised the community that he would look into this. He said the lights would however be covered under the general budget.

On a roll call, the vote to approve Resolution No. 2013-188 authorizing the first stage of the Streetlight Special Assessment Improvement and approving the letting of the DTE Contract was as follows:

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

VOTE:

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

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***

THAT 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" be approved on Second and Final Reading.

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

Council Member Moeller commented that she spoke with neighbors on this issue and they mentioned there was a 4% increase in February. She asked when does the request go into effect.

YCUA Executive Director Jeff Castro answered the last rate increase was in July of last year and this increase will be effective November 25th. He said he would be happy to talk with residents who have questions.

On a roll call, the vote to approve Resolution No. 2013-189, approving an ordinance (Ordinance No. 1193) 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" on Second and Final Reading was as follows:

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

VOTE:

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

1. 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*

THAT 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" be approved on Second and Final Reading.

OFFERED BY: Council Member Vogt

SUPPORTED BY: Council Member Jefferson

On a roll call, the vote to approve Resolution No. 2013-190, an ordinance (Ordinance No. 1194) 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" on Second and Final Reading was as follows:

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

VOTE:

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

XIV. LIASON REPORTS -

- A. SEMCOG Update - none
- B. Washtenaw Area Transportation Study – meeting tomorrow
- C. Washtenaw Metro Alliance – meeting next week
- D. Urban Counties – no meeting this month
- E. Freight House - none

XV. COUNCIL PROPOSED BUSINESS –

MURDOCK

- Asked for a status update on the request for "Stop for pedestrian" and "Crosswalk" signs in Depot Town
- Commented that there has been no response regarding installation of stop signals at Hamilton and Michigan and asked if that is still being pursued.
- Commented the speed bump policy was received an hour ago.
- Indicated that the County Road Commission and Ypsilanti Township are doing a road diet project on Michigan Avenue and Hewitt and said the City may want to use the same contractor and continue the work into the City limits and do Ballard Street the same way with bike paths on both sides.
- Asked if there were any issues regarding the parking study and asked for a status on the request to extend parking enforcement hours.

Ms. Gillotti replied the DDA will present the parking study and recommendations to City Council soon. She said the Police Department is agreeable to extending the parking hours and a strategy for implementation needs to be laid out.

- Suggested restriping of the S. Huron lot to regain the spaces that were taken away in the past.

Ms. Gillotti commented the lot was recently paved and said she would look into it further.

ROBB

- Asked what it would take to restripe all of the parking lots in the business district.
- Asked who is allowed to trim trees that are touching buildings.

Ms. Gillotti replied DPS only. She said residents should not be trimming.

MOELLER

- Commented that monitors and officers were placed to control the speeding on Cornell and said it's working and thanked the City Manager.
- She said the issue with the Ann Arbor News deliveries is being worked on.
- Reported that a new pole was installed at Mansfield and Washtenaw and the old pole has been laying there for months.
- Asked for a status update on 720 Cambridge.

Mr. Lange replied interest was shown in the property but the party backed out.

She questioned how long this go could on.

Ms. Gillotti replied the owner lives out of state and plans to come back and tidy things up. She said she would supply Council Member Moeller with a list of next steps to be taken.

VOGT

- Thanked Ms. Gillotti and Mr. Lange for following up on the issue on Ainsley Street.

XVI. COMMUNICATIONS FROM THE MAYOR –

- Mayor Schreiber indicated that Ypsilanti Township has requested that the City write a resolution supporting their inclusion into AAATA.

Council Member Murdock asked when AAATA will take up the issue.

Mayor Schreiber said he wasn't sure.

Council consented to providing a resolution of support and Mayor Schreiber asked staff to come up with a resolution for the next meeting.

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

Council Member Murdock asked about the Millennial Mayor's Congress alternate and if she could replace Morgan Cox.

Mayor Schreiber answered she moved and said he has to find another alternate.

XVII. COMMUNICATIONS FROM THE CITY MANAGER –

- Announced that the DDA signed the lease agreement and moved into city hall today.
- Reported that the QVC bill was examined and he received the one thing that was missing from DPS today
- Reallocation of streetlights is expected to occur from October 1st through November 1st.
- Reported that Ericka Savage is working on the Special Events policy.
- Announced that he and several members of City Council will attend the MML Conference next week.

- Announced that a AHB presentation will occur in December on its third year anniversary. He said staff is looking at ways to streamline the process to allow it to pay for itself.
- Apologized for the delay with the Water Street update and said it has been rescheduled to October 15th.
- Commented that there is a list of trees for removal on the city's website.
- Announced the City is becoming a part of the County's phone system.
- Commented that more police officers are needed and said eight potential officers are being interviewed this week.
- Commented the city is transferring the millage directly to AAATA now to cover the city's costs.

XVIII. AUDIENCE PARTICIPATION -

None

XIX. REMARKS FROM THE MAYOR –

Mayor Schreiber thanked everyone for coming to the meeting.

XX. ADJOURNMENT –

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

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

OFFERED BY: Council Member Jefferson

SUPPORTED BY: Council Member Vogt

On a voice vote the motion carried and the meeting adjourned at 8:10 p.m.