



Approved

**CITY OF YPSILANTI
COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, OCTOBER 1, 2013
7:00 P.M.**

I. CALL TO ORDER –

The meeting was called to order at 7:02 p.m.

II. ROLL CALL –

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

All present

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 City Clerk Frances McMullan, Deputy Clerk Nicole Sumpster, Assistant to the City Manager Ericka Savage, Fire Fighters President Ken Hobbs, Labor Attorney Rick Fanning, and Lieutenant Schultz.

VI. AGENDA APPROVAL –

The agenda was approved as submitted.

VII. PRESENTATIONS –

None

VIII. ORDINANCES – SECOND READING –

Ordinance No. 1197

- ~~1. An ordinance entitled "Maple Cross Alley Vacation".~~
 - ~~1. Resolution No. 2013-192A, determination~~
 - ~~2. Open public hearing~~
 - ~~3. Resolution No. 2013-192, closes public hearing.~~

IX. AUDIENCE PARTICIPATION –

Ken Hobbs, Fire Fighter President, spoke on the Fire Fighters contract negotiations that have been ongoing for about a year and a half. He stated that six months ago they were at a stale mate not sure if they would move forward or not. He stated however that both sides have worked diligently through the process and Rick Fanning, City Negotiations Attorney, could attest to that fact. He said the objective of the matter was to be fair but not sign a contract that included Public Safety. He said that the fire department has done what is in the best interest of the citizens and the best interest of the fire department to keep Fire and Police separate. He said that significant concessions were made on vacations days to cut back on the overtime process and the two tiered benefits. He encouraged council members to look at the work that they had done and vote yes for the contract approval.

X. REMARKS BY THE MAYOR –

None

XI. MINUTES –

Resolution No. 2013-193, approving the minutes of September 17, 2013.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of September 17, 2013 be approved.

OFFERED BY: Mayor Pro-Tem Richardson

SUPPORTED BY: Council Member Vogt

On a voice vote the minutes were approved.

XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2013-194, approving IAFF (International Association of Fire Fighters) contract.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the labor contract between the City of Ypsilanti and Ypsilanti International Association of Fire Fighters (I.A.F.F.) be adopted with the following changes:

Existing Employees:

1. **Five year Contract (July 1, 2012 — June 30, 2017)**
2. **Wage increase of: 0% increase for 2012; 5% upon ratification 2013 (this is restoration of the Fire Department's pay cut that they took in 2010); 1% on July 1, 2014; 1% on July 1, 2015; 1% increase on July 1, 2016.**

Health Insurance:

- a. **Employees will continue to have our current BCBS Community Blue PPO**

b. Health Care – Employee contributions toward health plan premium, prescription premium, wrap plan cost, and administrative costs shall be governed by PA 152 of 2011.

c. Employees hired after July 1, 2012 and who reach a base salary in excess of \$40,000 shall have deductibles of \$250 for single and \$500 for two person and family.

Pension:

- a. Keep at a 3% multiplier and employee contribution at 10%. Employees may withdraw all of their contributions at retirement.
- b. Maximum pension 90% of FAC for current employees.
- c. Employees hired after July 1, 2012 will have a 2.5% multiplier with a 75% cap and a 10% employee contribution.

Life Insurance:

To increase from \$30,000 - \$60,000

Bonus: The 14 current members of the IAFF as of 1/01/2013 who are still actively employed by the City as of the date of ratification by all parties, will receive a bonus of \$1,500; another bonus of \$1,500 will be distributed on July 1, 2014. This bonus will not be included in the FAC calculation.

Dental and Vision Insurance: there will be a modest increase in the quality of these insurances for the 14 IAFF members hired prior to 7/01/2012.

Food Allowance: Each union member of the Fire Department will receive a food allowance for each 24-hour duty or extra duty day actually worked according to the following schedule:

Effective July 1, 2012, \$10.30 per day.
2013, \$10.82 per day, upon ratification.
2014, \$10.93 per day.
2015, \$11.04 per day.
2016, \$11.15 per day.

Uniform Allowance:

Allowance for 54 hour schedule:

Effective July 1, 2012,	\$675.00
2013,	\$709.00, upon ratification
2014,	\$716.00
2015,	\$723.00
2016,	\$730.00

All 40-hour fire personnel shall receive a uniform allowance payable the first pay of July, which will be \$75.00 above 54-hour personnel.

Allowance for 40 hour schedule:

Effective July 1, 2012,	\$750.00
-------------------------	----------

2013,	\$784.00, upon ratification
2014,	\$791.00
2015,	\$798.00
2016,	\$805.00

Drop Program 5%: Letter of Agreements should be placed in Union Contract along with DROP Program language and eliminate the 5% contribution for employees choosing to enter the DROP system. Subject to approval of the Retirement Board 5% accumulated contributions will be paid to any DROP participants as soon as feasible following ratification.

Single Slot Vacation: Currently employees may schedule off 48 hours of vacation, CAD and/or personal time per day. This would be changed as follows:

- **Effective January 1, 2014:** Up to 24 hours of vacation may be scheduled off per day. An additional 24 hours of CAD or personal leave may also be scheduled.
- **Effective July 1, 2016:** Up to 24 hours of vacation or CAD may be scheduled off per day. An additional 24 hours of personal leave may also be scheduled.

Manning: Minimum of four (4) union employees working per day, minimum of fifteen (15) unit personnel, no layoffs of current unit personnel before June 30, 2017.
(Note: this minimum manning is one less fire fighter from the previous contract)

Fire Marshall: Fire Marshall Duties may be contracted out for the duration of the agreement, or performed by other employees. The position will remain in the unit if it is filled by the City. If the City fills the position, the position will be filled under the terms of the agreement.

Contract Language Changes

Additional contract language changes were outlined in the packet provided to City Council previously. This will be found in the document provided by Rick Fanning dated August 13, 2013.

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

Labor Attorney Fanning explained the background on the contract negotiations. He stated that Council members have been kept informed throughout the process. He said that the contract in front of Council shows concessions that the fire fighters have made, particularly with new hires and given the number of employees at the fire department and the drop plan, there could be a good measure of turnover during the lifetime of the contract. The tier two benefits had been discussed previously included no retiree health care, lower starting wage step, lower leave time, and reduced sick payout for retirees. He said the exclusivity provision was discussed and was narrowed through negotiations.

He stated that a method of scheduling called Single Slot Vacationing was obtained which would reduce the amount of overtime and will start in January 2013. In addition Contract Adjustment Days (CAD) would begin in July 2016 also reducing overtime. He stated that the contract included a reduction in minimum staffing requirements, wage adjustments, and two lump sum bonuses. He said that there were many changes that were made to the contract in which Council has been made aware of.

Mayor Schreiber asked if this was a five year contract.

Mr. Fanning answered that it is five years max but it is measured from the expiration of the last contract. So the contract will go through June 30, 2017 however, under Michigan Law any improvements in the collective bargaining agreement are not retroactive pursuant to Public Act 54 of 2011. He stated that in a manner of speaking it is a five year agreement but in reality it is less than four.

Council Member Murdock questioned the bonuses for the current 14 members to begin on July 1, 2014.

Mr. Fanning answered that he would have to look at the tentative agreement but he could not remember right off. He said he would research further and get an answer. He then said that the second payment would then go to any member of the bargaining unit at that time.

Mayor Pro tem Richardson said that she thought it both bonuses were just for the current members.

Mr. Fanning, answered that the first one would be for the current members' and the second bonus would be for anyone who was hired in the interim.

Mayor Pro-Tem Richardson asked what was the modest increase in the quality for the dental and vision insurance. She then proceeded to read the section of the IAFF contract pertaining to dental and vision.

Mr. Fanning answered both increases reflect changes that were already made. He said that it is an increase in what was in the prior contract but not currently in place. He said some changes were made by the City of Ypsilanti that the fire fighters had received the benefits of. He explained the vision was simply to include the current plan and the dental increased the annual maximum. He went on to read the current coverage's and the different classes of service changes. He stated that Ms. Smith was the expert in the subject matter and a member of his team that he relied heavily on. He said however what could have happen is that the City of Ypsilanti had bought better coverage's and implemented it.

Mayor Schreiber asked if there were any final comment or other questions from council for Mr. Fanning

Council Member Robb stated that what is hurting the City right now is the pension cost and retiree health care and the contract doesn't address that however, he said is fine with everything else. He said that next year the City will be at 10 mills, by 2017 at 17 mills. He stated that at this time he would have to vote against the IAFF contract.

On roll call, the vote to approve Resolution No. 2013-194 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	Yes
Council Member Robb	No		

VOTE:

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

Ordinance 1198

2. Resolution No. 2013-195, approving 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. (Second Reading)

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT 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 approved on Second and Final Reading.

OFFERED BY: Council Member Robb

SUPPORTED BY: Council Member Jefferson

Attorney John Barr gave a brief explanation.

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.

On a roll call, the vote to approve Resolution No. 2013-195 was as follows:

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

VOTE:

Yes: 7 No: 0 Absent: 0 Vote: Carried

3. Resolutions No. 2013-196, approving appointments to Boards, and Commissions was as follows:

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

<u>NAME</u>	<u>BOARD</u>	<u>TERM TO EXPIRE</u>
Heidi Jugenitz (replacing Kelly Weger) 327 Miles Street Ypsilanti, MI 48198	Planning Commission	5/1/2014
Adam Gainsley (replacing Alex Easley) 726 N. Prospect Rd. Ypsilanti, MI 48198	YDDA	7/17/2017
Erica Mooney (replacing Morgan Cox) 109 Ferris St., Apt. 4 Ypsilanti, MI 48197	Millennial Mayors' Congress	12/4/2014

OFFERED BY: Council Member Moeller

SUPPORTED BY: Council Member Vogt

Mayor Schreiber introduced Adam Gainsley, one of the nominees and asked if he wanted to say a few words.

Adam Gainsley gave a brief introduction and background on himself.

On a roll call, the vote to approve Resolution No. 2013-196 was as follows:

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

VOTE:

Yes: 7 No: 0 Absent: 0 Vote: Carried

XIII. LIASON REPORTS -

A. SEMCOG Update-

Mayor Pro-Tem Richardson- General Session scheduled for October 24, 2013. Invitations will be emailed.

B. Washtenaw Area Transportation Study-

Council Member Murdock- Washtenaw County Road Commission asked to join in on the extension of the striping and dieting between Hewitt and the Ypsilanti City limits down to Ballard Street. The CIL had a meeting of the minds and the project should be done at a reasonable cost.

C. Washtenaw Metro Alliance- None

D. Urban Counties- None

E. Freight House-

Council Member Murdock- Friends of the Freight House wants the City of Ypsilanti to apply for a 60/40 grant for the fire protection system for \$80k to \$100k.

XV. COUNCIL PROPOSED BUSINESS –

MURDOCK

- Commented that he and Mayor Schreiber attended the public housing meeting for a Rental Assistance demonstration. He would like for the Commission or the Director to give a demonstration on the changes within the program.

Mayor Schreiber asked that Mrs. McMullan contact Mr. Fosler to set-up an appointment.

- Mr. Murdock asked about the eligibility list for the Fire Fighters to fill the vacancies and how the process was moving along. In addition he wanted to get a copy of the biweekly overtime report per division to see exactly how much it is costing.

Mrs. McMullan asked what time period he was requesting for the overtime reports.

Mr. Murdock answered from now going forward.

Mrs. McMullan answered that she will get an update and report back to him with her findings.

ROBB

- Appreciated the presence of the Police patrol downtown however, he said they cannot ride on the sidewalks. He stated that signs are posted and asked that this be relayed to the police department.
- He commented that he is looking for support on the Fire and Police Chief pension Ordinance. He said he would like to get it published and ratified. He stated that three council members were here in February 2007 when they spoke with Mr. Fanning. After Chief Roberts retired we changed his pension to a 3% multiplier for every year that he worked up to 25 years; although he only worked under a contract with a 2.5% multiplier. Also a change was made in his FAC from 75% to 100%. He commented that an actuarial came back and said that Chief Roberts should make more than his salary in retirement, yet they capped out at 100%.

He stated that this should be remediated and Council can do this without any negotiations. He said that the ordinance would also set them up for future Chiefs and would be beneficial in the process of looking for the new Police Chief. He went on to say as an interesting side note, the actuarial said that they increased the unfunded liability of the pension by 6.5% for just one guy. He is waiting for staff to get back with him on this but it is estimated at \$300k

He asked Mr. Barr to please take a look at the ordinance and asked to move forward.

Mayor Schreiber stated that it would be good if Mr. Lange reviewed this and asked if that had been done.

Council Member Robb answered no. He said he is looking for support from Council and wanted bring it to them first. He said that he would have had a memo to go along with his proposal but staff could not get him the information in time.

Mayor Schreiber stated that Mr. Lange should have an opinion on this but if council wanted to support the ordinance as is they were welcome to. He said that he could not support it as is right now. He asked council if they wanted to support it as is.

Council Member Moeller asked if they had to vote on this right now.

Council Member Robb answered they could think it over and give him a call as it is a matter of getting the resolution published.

Mayor Schreiber asked Council Member Robb if he would meet with Mr. Lange.

Council Member Robb answered sure if he has any questions. He said Council is his peer group and he needs four members to do anything, so he wanted to bring it to them first and what Mr. Lange thinks is not necessarily important. He stated that there were two other Council members here when this was originally done. He went on to say that the staff pulled a fast one and after speaking to Mr. Fanning he had never heard of a pension being changed retroactively. So as far as what staff says about the pension he is little cautious and wanted to present this to Council first and would speak to Mr. Lange when he is back in town.

Mayor Schreiber said that maybe they could get this on the next agenda.

Council Member Moeller stated that she does not have any history on this ordinance and she is not sure what this is about. She asked if Robb would explain it to her.

Council Member Robb went on to explain how it changed when Fire Chief Roberts retired.

Council Member Moeller asked about Chief Walker's retirement and if she would be getting 3% and 100%.

Council Member Robb answered yes.

Council Member Moeller asked if the rank and file get is 2% and 75%.

Council Member Robb answered everyone knows that we hire in at 2% and 75%.

Council Member Moeller said then she supported Council Member Robb's proposal to look into the ordinance.

Mayor Schreiber asked if Council Member Moeller was supporting to put it on the agenda and publish it.

Council Member Moeller answered yes is supporting putting it on the agenda for next meeting.

Mayor Schreiber asked if Council Member Moeller was supporting it without Mr. Lange's input. So if so it would be published.

Council Member Robb explained he asked Mr. Barr to look at it for form and to update a couple of numbers.

Mayor Schreiber pointed out that approval to the form is one thing but actual policy is another and a recommendation could be given by the City Manager that maybe he had not thought of.

Council Member Robb replied that he understood and maybe that could be brought up at the first reading.

Mayor Schreiber stated that there is cost associated with publishing and if they publish it without Mr. Lange's input they would have to reprint and that would be an additional cost to the city.

MOELLER

- Commented on EMU students wanting bus passes and AATA cost are approximately \$500k. She wanted to know if the City could provide any help to reduce the burden on EMU.

Council Member Murdock answered that EMU is already looking at something similar to what U of M is doing with their transportation system. He said the EMU is going to have to come up with some of the cost and work it out with AATA.

- Council Member Moeller commented on the safety issues and current on-campus robberies. She inquired about the hiring of more police officers.

JEFFERSON

- Commented on the robbery issues on EMU's campus and said he would like to see the hiring process begin for police officers.
- Council Member Jefferson commented on the Grow Facility at 75 Catherine and questioned whether they are in compliance yet.

Council Member Murdock commented on the DDA questions on fines and fees for illegal dumping and if there is a possibility to increase those fees to mirror the States law.

XVI. COMMUNICATIONS FROM THE MAYOR –

- Mayor Schreiber stated that the Housing Commission is in the process of investigating whether converting public housing into a public/ private partnership using low income housing tax credit funding is feasible. He said they have hired Chesapeake Advisors and would use Hamilton Crossing as a model. He said that the meeting on public housing was well attended.
- Mayor Schreiber questioned where Council members were on the City Managers evaluation.

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 -

None

XVIII. AUDIENCE PARTICIPATION -

None

XIX. REMARKS FROM THE MAYOR -

None

XX. ADJOURNMENT—

Resolution No. 2013-197, 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 7:55 p.m.