APPROVED

CITY OF YPSILANTI
COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, NOVEMBER 19, 2013
7:00 P.M.

I. CALL TO ORDER –

The meeting was called to order at 7:09 p.m.

II. ROLL CALL –

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

A quorum was present.

Mayor Pro-Tem Richardson moved, supported by Council Member Jefferson to excuse the absence. On a voice vote, the motion carried and the absence was excused.

III. INVOCATION –

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

IV. PLEDGE OF ALLEGIANCE –

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

V. INTRODUCTIONS –

Mayor Schreiber introduced Attorney Jesse O'Jack, Interim Police Chief Tony DeGiusti, City Planner Teresa Gillotti, OHM Marcus McNamara, Executive Director of YHC Zachary Folser, YHC Commissioners Ariel Moore, and Renee Smith, Director of Public Services Stan Kirton, and EMU Students.

VI. AGENDA APPROVAL –

Council Member Murdock requested the following:

Move: Resolutions 2013-243 and 2013-245 from Consent Agenda to Motions/Resolution/Discussions.

Mayor Pro-Tem Richardson requested the following:

Move: Resolution 2013-246 from Consent Agenda to Motions/Resolutions/Discussions

With no objections, the items were moved and the agenda was approved as amended.

VII. PRESENTATIONS –

Ypsilanti Housing Commission Update – Ypsilanti Housing Executive Director Zachary Fosler and Vicki Vaughn of Chesapeake Community Advisors.
(PowerPoint Presentation on file in Clerk/Treasury Department)

Traffic Calming Update – Planner Teresa Gillotti

Motor Pool Assessment Report – City Manager Ralph Lange

VIII. ORDINANCES – FIRST READING -

Ordinance No. 1202

1. An ordinance to change the name of the Recreation Commission and add additional duties and powers.

A. Resolution No. 2013-232, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

The certain ordinance entitled "An ordinance to change the name of the Recreation Commission and add additional duties and powers" be adopted on First Reading

OFFERED BY: Mayor Pro-Tem Richardson
SUPPORTED BY: Council Member Jefferson

Attorney John Barr gave the background on the name change. He stated that the Recreation Commissions has asked for the name to be changed to Park and Recreation Commission and he has drafted legislation for those changes.

DPS Director Stan Kirton reiterated request from the Chair of the Recreation Commission Anne Brown.

B. Open the public hearing
-None

C. Resolution No. 2013-233, close public hearing

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

The public hearing on an ordinance entitled "An ordinance to change the name of the Recreation Commission and add additional duties and powers" 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.

Council Member Robb questioned the powers and duties of the Recreation Commission. He asked if a duty is given to the Commission that they do not currently have or is this a technical observation.

Mr. Barr answered yes, it is a technical observation and the language is a carryover from the previous ordinance with "Parks" being added to the name.

Council Member Robb asked who actually does the updating of the Master Plan.

Ms. Gillotti confirmed that their task is offering recommendation.

Council Member Murdock stated that the way the proposed legislation reads, the Commission has the powers and duties to update the Recreation Plan.

Mr. Barr asked if Council would like to add, "Update recommendations for".

Ms. Gillotti asked if Council wanted to add "for Council approval". She went on to give the background of what the commission actually does.

Council Member Robb asked if in the near future the Recreation Commission will offer a Master plan.

Mayor Pro-Tem Richardson asked that the wording be changed to "make recommendations for updates to the City of Ypsilanti Parks and Recreation Program".

Council Member Vogt supported.

Mayor Schreiber read the Recreation Commission ordinance.

Council Member Robb stated that until Council adopts this the Recreation Commission only updates the Recreation Plan not the Master Recreation plan because it is not the same.

Ms. Gillotti stated that it is the same because the Commission does adopt the Recreation Plan.

Mayor Schreiber stated that he will not support.

On a roll call, the vote to approve the amendment was as follows:

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

VOTE:

Yes: 4 No: 1 (Mayor Schreiber) Absent: 2 (Jefferson; Moeller) Vote: Carried

On a roll call, the vote to approve Resolution No. 2013-232 as amended was as follows:

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

VOTE:

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

The meeting recessed at 9:06 p.m.

The meeting reconvened at 9:20 p.m.

Ordinance No. 1203

2. An ordinance to amend Ypsilanti City Code Chapter 94 "Streets, Sidewalks and Certain Other Public Places,"; Article V "Snow Removal" to reduce the time to clear ice and snow to 24 hours, to change the notice provisions to publication once prior to each Winter, and to otherwise clarify and cleanup the code sections.

   A. Resolution No. 2013-234, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That a ordinance entitled "AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 94 "STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES," ARTICLE V "SNOW REMOVAL," TO REDUCE THE TIME TO CLEAR ICE AND SNOW TO 24 HOURS, TO CHANGE THE NOTICE PROVISIONS TO PUBLICATION ONCE PRIOR TO EACH WINTER, AND TO OTHERWISE CLARIFY AND CLEANUP THE CODE SECTIONS" be approved on First Reading.

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

Planner Teresa Gillotti gave a brief overview of the ordinance.

SUMMARY BACKGROUND:

City Council had previously requested changes to the snow/ice removal ordinance to improve the timeliness in snow and ice being removed from sidewalks during the winter season. This goal is also documented in the City's Non-Motorized Transportation Plan.

To meet this goal, staff determined that the key to a successful change is reducing the time period between accumulation and snow removal. The changes recommended related to this are:

- Reducing the time frame for removal from 48 hours to 24 hours
- Change the policy requiring notice before every abatement/ticket to a single notice at the beginning of the season

Snow/Ice Removal Ordinance

The attached revised ordinance notes these changes.

- Time frame: Snow to be removed within 24 hours of first accumulation
- Notice to remove snow/ice: Two options are available:
    - Newspaper notice prior to Oct. 1 (similar to weeds ordinance)

  - Notification in person, by telephone, by mail or by written notice at the property (hang tags)
- Notice to clear snow/ice:
  - No additional notice required after initial notice to remove is provided.

Snow/Ice removal Policy

- Under the previous policy, after 48 hours of non-compliance, the code official put a door warning for abatement allowing the owner/agent an additional 18 hours to comply. After 18 hours, the official returns to the property to confirm whether or not sidewalks are cleared. If not, the official orders the abatement.

- Under the changes, after 24 hours, the code official will provide a door warning, the first snow accumulation of the season. This one-time-per season warning will provide another 24 hours for the owner/agent to remove snow/ice on the sidewalk. If not removed, the ordinance officer will order the abatement and ticket the owner.

- For successive snows, the ordinance officer will wait the required 24 hours, and then proceed with ticketing and abatement as needed.

- The previous policy required a door warning for removal (allows 48 hours to remove). A repeat site visit by the code enforcement staff would be required to then tag the door and provide another 12 hours prior to ordering removal

Relationship to Weed Removal policy

Staff has provided the weed removal policy as a reference. It has a similar noticing requirement (once per season) and is recommended to change to a single door warning per season prior to abatement and tickets. This will allow for a shorter waiting period before compliance.

Mayor Schreiber questioned what other communities are doing as far as warning.

Ms. Gillotti answered there policy is not necessarily in their ordinance which made it a little harder to get. We are looking at the abatements within 24 to 48 hours.

Council Member Vogt asked why the term ice was removed from Section 94-133.

Ms. Gillotti answered that it is moved to Section 94-134 in Removal of Ice.

Mr. Vogt said that it should read "ice and snow" because it could be a possible loop hole.

Council Member Murdock accepted the change as a friendly amendment.

Mayor Pro-Tem Richardson asked that "dwelling places" and "vacant property" be distinguished.

Ms. Gillotti stated that she is more interested in the sidewalks being cleared and she wants the areas cleared regardless.

Mayor Pro-Tem Richardson said she would like to see more warnings.

Ms Gillotti stated that the reason staff wants to give less warnings is because the City has only one Code Enforcement officer and the change would allow him to reach more properties, however if Council wanted to give more warnings they could revisit the decision.

B. Open the public hearing

1. Mark Hergott, 111 Miles, stated that currently the class of people that did not clear their sidewalks were the elderly and handicap. He asked how do we have a clean sidewalk network without penalizing the elderly and handicap for being elderly and handicap.

2. Patrick Johnston, 16 S. Normal, questioned the actual language regarding accumulation of one inch or more. He also wanted to know whose measurement the City is using to define one inch.

C. Resolution No. 2013-235, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing on an ordinance entitled "AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 94 "STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES," ARTICLE V "SNOW REMOVAL," TO REDUCE THE TIME TO CLEAR ICE AND SNOW TO 24 HOURS, TO CHANGE THE NOTICE PROVISIONS TO PUBLICATION ONCE PRIOR TO EACH WINTER, AND TO OTHERWISE CLARIFY AND CLEANUP THE CODE SECTIONS" be officially closed.

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

On a voice vote the motion carried to close the public hearing.

Council Member Robb stated that the most important thing about this is the policy however; they are not adopting the policy but the ordinance. He asked how Council could adopt the policy.

Ms. Gillotti stated that the previous policy was never adopted by Council but presented by someone else however; she could not remember who was in charge at that time.

Council Member Robb stated the ordinance is fine and can be shortened. He said in conversation, according to Ms. Gillotti, this is the way enforcement should be done. He goes on to give the process of abatements and states that the purpose of the code enforcement is not to make money but for compliance. He said that he wants to change the policy.

Ms. Gillotti asked him for some points of clarification on the warning to abate after 24 hour at each accumulation at an inch or more, or the first time.

Mr. Robb stated yes at the first accumulation only and to keep it at two trips for the Enforcement Officer.

Mayor Schreiber asked Ms. Gillotti to answer Mr. Johnston question about the one inch metric.

Ms. Gillotti answered that the City does not use airport standards but local standards.

Council Member Murdock asked Council Member Robb if he wanted to change the ordinance, policy, and fee schedule.

Ms. Gillotti stated that they can bring that concern up at the second reading.

On roll call, the vote to approve Resolution No. 2013-235, close public hearing 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	Absent
Council Member Vogt	Yes		

VOTE:

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

Ordinance No.1204

3. An ordinance to amend Chapter 71: Administrative Hearing Bureau of the Ypsilanti City Code to revise the rules and procedures.

   A. Resolution No. 2013-236, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI

That a ordinance entitled "AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 71 "ADMINISTRATIVE HEARINGS BUREAU," TO MAKE ADMINISTRATIVE HEARINGS MORE EFFICIENT BY ADDING RULES AND PROCEDURES FOR INFORMAL AND FORMAL AHB HEARINGS, TO SET FORTH ADDITIONAL STATUTORY REQUIREMENTS, TO CLARIFY THE CHAPTER AND CORRECT ERRORS AND OMMISSIONS, AND TO ALLOW CITY COUNCIL TO SET BY RESOLUTION AN AMOUNT WHICH WILL BE SUBTRACTED FROM A JUDGMENT ENTERED IF THE JUDGMENT IS PAID TIMELY" be approved on First Reading.

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

Attorney Jesse O'Jack gave a brief overview of the AHB procedures and hearing process.

Council Member Robb asked what makes the hearings formal or informal.

Mr. O'Jack explained how the formal versus informal will be handled.

Council Member Robb asked which sections were added regarding the Home Rule Act.

Mr. O'Jack gave the sections.

Council Member Robb asked if all those sections were listed in the Home Rule Act.

Mr. O'Jack answered yes and said this is what authorizes the creation of the Blight Court and he said it is statutory.

Council Member Robb asked what if the ordinance officer goes out for a Rental Inspection and notices that the grass has exceeded the limits, could a ticket be issued.

Mr. O'Jack explained the process and what is included in the ordinance.

Council Member Murdock questioned why AHB was holding so many hearings. He explained if a person does not show up in court then they automatically lose the case in court and the AHB should do the same.

Mr. O'Jack answered that AHB is switching to that same model. He said that AHB would do everything at one hearing. He said there may be times when a continuation is due because the resident is waiting for inspections of repairs that were needed.

B. Open the public hearing
-None

C. Resolution No. 2013-237, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing for an ordinance entitled "AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 71 "ADMINISTRATIVE HEARINGS BUREAU," TO MAKE ADMINISTRATIVE HEARINGS MORE EFFICIENT BY ADDING RULES AND PROCEDURES FOR INFORMAL AND FORMAL AHB HEARINGS, TO SET FORTH ADDITIONAL STATUTORY REQUIREMENTS, TO CLARIFY THE CHAPTER AND CORRECT ERRORS AND OMMISSIONS, AND TO ALLOW CITY COUNCIL TO SET BY RESOLUTION AN AMOUNT WHICH WILL BE SUBTRACTED FROM A JUDGMENT ENTERED IF THE JUDGMENT IS PAID TIMELY" be officially closed.

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

On a voice vote, the motion carried to close the public hearing.

On a roll call, the vote to approve Resolution No. 2013-236 was as follows:

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

VOTE:

Yes: 6	No:	Absent: 1 (Moeller)	Vote: Carried

Ordinance No.1205

4. An ordinance to rezone from B3 (Central Business District), right-of-way, R1, single family residential and Historic Overlay (HO) to a Planned Unit Development (PUD) for the development of the former Thompson Block building (400 N. River St.), a portion of the public alley to the east, and 107 E. Cross St.

A. Resolution No. 2013-238, determination

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

THAT An Ordinance Entitled, "THOMPSON BLOCK REDEVELOPMENT PROJECT ORDINANCE" be adopted on First Reading.

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

Planner Teresa Gillotti gave brief overview.

SUMMARY BACKGROUND

Thompson Block Partners, LLC has applied for Planned Unit Development (PUD) rezoning and site plan approval for approximately 0.56 acres including the parcel at 400-412 N. River Street (Thompson Block parcel), the newly vacated alley east of the property and 107 E. Cross Street.

The 400-412 N. River parcel is comprised almost entirely of the two structures of the Thompson Block. Right-of-way improvements are proposed along the River Street frontage. The proposed reuse of the existing structure will include restoring the building and façade, with 16 upper story residential lofts, and a combination of commercial/retail uses on the first floor totaling approximately 10,000 sf. The vacated alley and the vacant 107 E. Cross will provide for parking, storm water management, and buffer between the development and adjacent properties.

PUD Development requirements

Section 122-575 of the Zoning Ordinance provides review procedures for Planned Unit Development applications:

1) Pre-application conference
2) Formal PUD Application
3) Planning Commission Review, Public hearing, and Recommendation
4) City Council Action

The project is currently at stage #4 above. Planning and Development staff held several meetings with the development team. The Planning Commission held a public hearing on Wednesday, August, 28, 2013 where they postponed action until the next meeting, pending some revisions of the site plan. On Wed., September 18, 2013, they recommended zoning and site plan approval with conditions.

Remaining Conditions and site plan revision

Staff received revised plans (attached) dated 11-11-13 which addressed the following conditions.

1. Install fencing in accordance with 122-703 along north side of structure in cooperation with adjacent owners
   - Staff met with one of the owners of 414 N. River (the immediately adjacent apartment house) and Stewart Beal of Thompson Block partners to discuss the pathway and egress on the north side of the property.

The primary residential ingress/egress will be to the east off the parking lot. A secondary ingress/egress will be located on the east of the building. Gates will be located to the east and west with a push bar for egress and a punch-code available to residents to limit pedestrian traffic.

To secure the gate on the east and west ends, a fence will be run along the property line to the edge of the property at 414 N. River. That property owner has agreed to let the fence then run north and affix to the house in two locations. This will limit the fencing and provide more space for building maintenance for both owners. This is shown on A-2. An easement will be required for access.

2. Detailed grading plans shall demonstrate how ADA requirements are met on River and Cross intersection
    - Plans will be submitted during the detailed engineering phase.

3. Sidewalk on Cross Street shall continues through drive at 6 feet width
    - Shown on sheet A-1.

4. Update required percentage to reflect entire project area and confirm calculation
    - Calculation provided and standard met (shown on sheet 4)

5. Add bicycle parking
    - Bicycle parking is shown in two locations, one along River Street (for visitors/customers) and a second on the north side of the parking area (presumably for tenants).

6. Consider a metal gate on the east side of the pedestrian access on north side of the building
    - Gates are provided and have been coordinated with adjacent neighbor.

7. All items from engineering review letter dated 9-13-13
    - Items will be addressed in detailed engineering, if not already addressed above.

8. A list of plantings for the bioswales should be provided.
    - Seed mix details have been provided to staff.

9. Provide a maintenance plan for bioswales,
    - Schedule provided on page 4

10. Provide height for all pole lights
    - Additional lights will be DTE Granville model which meets height requirements.

11. All fixtures on north side of building shall be down-directed and full cutoff.
    - Cut sheet requested prior to HDC application for staff review.

12. Add one additional tree to parking area
    - Requirement met.

13. Note all exemptions from zoning basis on the site plan.
    - Exemptions noted on cover sheet

14. HDC approval is required for all exterior work.
    - Noted on page

A few modifications are still needed on the site plan and will need to be corrected between the first and second reading should council move the project forward:

- Cover sheet – note about a mutual easement for ingress and egress between parking lots should be removed
- Cover sheet – note that copy of recorded easement for use of a portion of 414 N. River to add fence and attach to the house to help secure fence and gate will be needed prior to construction
- Fencing on north side to be shown on A-1 as well.

Next Steps:
The public hearing and first reading will occur on Nov. 19, 2013. At the Dec. 3 meeting, a second reading will be held as well as a resolution for approval of a PUD agreement.

B. Open the public hearing

1. Mark Hergott, 111 Miles, stated that Mr. Beal is non-compliant and wasting the Planning Department's time.

2. Tyler Weston, 302 N. Grove, on behalf of the Thompson Block Partners, stated that he was present to answer any questions the Council may have.

C. Resolution No. 2013-239, close public hearing

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

THAT the public hearing on an ordinance Entitled, "THOMPSON BLOCK REDEVELOPMENT PROJECT ORDINANCE" be officially closed.

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

On a voice vote the motion carried to close the public hearing.

Mayor Schreiber stated that he is in favor of the Thompson Block redevelopment.

Council Member Murdock asked if the property at 107 E. Cross would no longer be zoned R1 and if it would be a part of the DDA.

Ms. Gillotti said she would find out from the Assessor and get an answer for Council Member Murdock.

On a roll call, the vote to approve Resolution No. 2013-238 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	Absent
Council Member Jefferson	Yes		

VOTE:

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

IX. <u>AUDIENCE PARTICIPATION</u> –

1. Patrick Johnston, 16 S. Normal, asked about the Traffic Calming proposal.

2. Mark Hergott, 111 Miles, commented on the traffic calming methods.

X. <u>REMARKS BY THE MAYOR</u> –

Mayor Schreiber appreciated remarks of Mr. Johnston and Mr. Hergott.

Mr. Lange asked Interim Police Chief Tony DeGiusti to make comments.

DeGiusti commented on Mayor Pro-Tem Richardson's statement from the November 5th meeting regarding the help from the Washtenaw County Sheriff Department. He explained that he investigated and found out that there was communication from Washtenaw County Sheriffs via text messages. He said however the information was not given to the actual decision makers of the Police Department. He stated, to make the record clear; the Sheriff Department did offer assistance. He said they have met and currently have an open dialogue.

Mr. Lange stated that he met with Washtenaw County in a one on one with the Sheriff.

XI. <u>MINUTES</u> –

Resolution No. 2013-240, approving the minutes of November 5, 2013.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of November 5, 2013 be approved.

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

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

XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2013-242, approving agreement with the Washtenaw County CDBG grant program to utilize the appropriated CDBG funds for the 2012-2013 City of Ypsilanti Infrastructure Improvement Project.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Washtenaw County administers CDBG funds received through the United States Department of Housing and Urban Development's (HUD) Community Development Block Grant Entitlement Communities Grant (CDBG) and

WHEREAS, the City of Ypsilanti is a member of the Washtenaw County, Urban County Program and;

WHEREAS, the Urban County Program disperses Community Development Block Grant (CDBG) funding to participating members; and

WHEREAS, the 2011-2012 CDBG Urban Funding and 2012-2013 CDBG Urban Funding includes funds for Infrastructure Improvement Projects, including funds for ADA sidewalk ramp replacement in low to moderate income areas within the city (The City of Ypsilanti Sidewalk Ramp Replacement Program) in the amounts of $46,000 in 2011-2012 funding and $50,000 in 2012-2013 funding for a total of $96,000; and

WHEREAS, an agreement is needed between the City and Washtenaw County in order to utilize the appropriated funds.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the proposed agreements; and

FURTHER, that the Mayor and City Clerk are authorized to sign this agreement, subject to approval by the City Attorney

OFFERED BY: Council Member Robb
SUPPORTE BY: Council Member Vogt

On a roll call, the vote to approve Resolution No. 2013-242 CDBG Grant was as follows:

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

VOTE:

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

2. Resolution No. 2013-243, approving City of Ypsilanti Limited English Proficiency Plan.

RESOLUTION TO APPROVE LIMITED ENGLISH PROFICIENCY (LEP) PLAN

WHEREAS This Plan is implemented in compliance with Title VI of the Civil Rights Act of 1964; and

WHEREAS The City of Ypsilanti is the recipient of Federal funding that would require the City to comply with Title VI of the Civil Rights Act of 1964; and

WHEREAS The City of Ypsilanti desires to have the ability to implement a Limited English Proficiency (LEP) Plan; and

WHEREAS This Plan will provide LEP individuals with meaningful access to City services; and

WHEREAS The City of Ypsilanti has a need to enforce the provisions of that Plan, specifically with Identification of the LEP Population, and Recalculation of the City's Primary Language Groups; and

WHEREAS The City of Ypsilanti shall update this Plan as the needs of the City should require; and

WHEREAS The City of Ypsilanti shall remain in compliance with Federal and State Laws.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that the Limited English Proficiency (LEP) Plan is hereby approved pursuant to the requirements of Title VI of the Civil Rights Act of 1964.

OFFERED BY: Mayor Pro-Tem Richardson
SUPPORTED BY: Council Member Vogt

Mr. Barr gave brief background on the Limited English Proficiency plan.

On a roll call, the vote to approve Resolution No. 2013-243 LEP was follows:

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

VOTE:

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

3. Resolution No. 2013-244, approving appointments to Boards and Commissions.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

NAME	**BOARD**	**TERM EXPIRATION**
Richard Smith (open) **1327 Elmwood Ct. Apt 6** **Ypsilanti, 48197**	**YDDA**	**7/7/2016**

OFFERED BY: Mayor Pro-Tem Richardson
SUPPORTED BY: Council Member Murdock

On a roll call, the vote to approve Resolution No. 2013-244 was as follows:

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

VOTE:

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

4. Resolution No. 2013-245, approving Storm water, Asset Management and Wastewater (SAW) Grant Application.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, part 52 (strategic water quality initiatives) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("Part 52"), provides at MCL 324.5204e that the Michigan Finance Authority (the "MFA") in consultation with the Michigan Department of Environmental Quality (the "DEQ") shall establish a strategic water quality initiative grant program; and

WHEREAS, in accordance with the provisions of 2012 PA 511, which provides grants to municipalities for sewage collection and treatment systems or storm water or nonpoint source pollutions control; and

WHEREAS, in accordance with the provisions of 1985 PA 227, as amended, Part 52, and other applicable provisions of law, the MFA, the DEQ, ant the Municipality that is a grant recipient shall enter into a grant agreement (the "SAW grant Agreement") that requires the Municipality to repay the grant under certain conditions as set forth in MCL 324.5204e, as amended: and

WHEREAS, the Municipality does hereby determine it necessary to establish a(n) storm water management plan, of

disadvantaged community construction activities (up to $500,000).

WHEREAS, it is the determination of the Municipality that at this time, a grant in the aggregate principal amount not to exceed $420,000 ("Grant") be requested from the MFA and The DEQ to pay for the planning an/or design activities; and

WHEREAS, the Municipality shall obtain this Grant by entering into the SAW Grant Agreement with the MFA and the DEQ.

NOW THEREFORE, BE IT RESOLVED, that DPS Director, a position currently held by Stan Kirton, is designated as the Authorized Representative for purposes of the SAW Grant Agreement.

The proposed form of the SAW Grant Agreement between the Municipality, the MFA and DEQ (attached hereto as Appendix I) is hereby approved and the Authorized Representative is authorized and directed to execute the SAW Grant Agreement with such revisions as are permitted by law and agreed to by the Authorized Representative.

The Municipality shall repay the Grant, within 90 days of being informed to do so, with interest at a rate not to exceed eight percent per year, to the Authority if the Municipality is unable to, or decides not to, proceed with construction the project or implementing the asset management program for which the funding is provided within three years of the Grant award.

The Grant, if repayable, shall be first budget obligation from the general funds of the Municipality, and the Municipality is required, if necessary, to levy ad valorem taxes on all taxable property in the Municipality for the payment thereof, subject to applicable constitutional statutory and Municipality tax rate limitations.

The municipality shall not invest, reinvest, or accumulate any moneys deemed to be Grand funds, nor shall it use Grand funds for the general local government administration activities or activities performed by municipal employees that are unrelated to the project.

The Authorized Representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirements of the MFA and the DEQ is connection with the issuance of the Grant. The Authorized Representatives is hereby jointly or severally authorized to other papers as may be required by the MFA or the DEQ or as may be otherwise necessary to effect the approval and delivery of the Grant.

The Municipality acknowledges that the SAW Grant Agreement is a contract between the Municipality, the MFA and the DEQ.

All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

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

Marcus McNamara, OHM gave overview on the SAW Grant.

SUMMARY BACKGROUND

The first part of the resolution explains the funding source, up to $500,000 for stormwater management planning with a ten (10) percent match.

Council approval of the attached resolution is a necessary component of a complete application for the SAW Grant Funds. Basically, the resolution states that the Municipality will pay back, with interest the grant funds (if awarded) if the project is not completed within three (3) years of the grant award. The Municipality is not obligated to this stipulation with the application but, only if the grant is awarded and accepted by the Municipality.

The SAW Grant covers all costs including computer hardware, software, costs for data collection, CCTV (filming) storm mains, Asset Management Planning with a ten (10) percent match from the municipality. The total grant application is for the amount of $420,000 with a maximum match of $42,000.

Recommendation: That City Council considers approving the resolution for application purposes.

Council Member Murdock stated that they were going to do CCTV (filming) for approximately eight miles of system which really is not a lot for the City.

Mr. McNamara answered that the system is not for storm water because there is more value out of a larger sewer.

Council Member Murdock thanked Mr. McNamara.

On a roll call, the vote to approve Resolution No. 2013-245 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	Absent
Council Member Vogt	Yes		

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

5. Resolution No. 2013-246 approving 2014 Council Meeting schedule.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

The Ypsilanti City Council will hold Regular Meetings at 7:00 p.m. in the City Council Chambers, located at One South Huron Street, Ypsilanti, Michigan 48197, for the year 2014 on the following dates:

January 7	July 1
January 21	July 15
February 4	August 7 **(Thursday)**
February 18	August 19
March 4	September 2
March 18	September 16
April 1	October 7
April 15	October 21
May 6	November 6 **(Thursday)**
May 20	November 18
June 3	December 2
June 17	December 16

The City of Ypsilanti encourages persons with disabilities to participate and will provide necessary reasonable auxiliary aids and services, such as signed for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon two (2) days notice to the City. Individuals with disabilities requiring auxiliary aids or services should contact the City by writing or calling the following:

City Clerk's Office
One South Huron Street
Ypsilanti, Michigan 48197-5420
(734) 483-1100

All persons are welcome to attend. Additional information may be obtained at the City Clerk's Office and written comments may be sent to the City Clerk's Office at the above listed address.

OFFERED BY: Mayor Pro-Tem Richardson
SUPPORTED BY: Council Member Vogt

Mayor Pro-Tem Richardson stated that she wanted to amend the resolution to have one meeting in July and one in August (remove 2nd meetings).

Mayor Pro-Tem Richardson moved and seconded by Council Member Dan Vogt to amend the resolution to have one meeting in July and one in August (remove 2nd meetings).

On a roll call, the vote to approve Resolution No: 2013-246 as amended was as follows:

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

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

On a voice vote Resolution 2013-246 was approved as follows:

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

The Ypsilanti City Council will hold Regular Meetings at 7:00 p.m. in the City Council Chambers, located at One South Huron Street, Ypsilanti, Michigan 48197, for the year 2014 on the following dates:

January 7	July 8
January 21	August 7 **(Thursday)**
February 4	September 2
February 18	September 16
March 4	October 7
March 18	October 21
April 1	November 6 (**Thursday**)
April 15	November 18
May 6	December 2
May 20	December 16
June 3	
June 17	

The City of Ypsilanti encourages persons with disabilities to participate and will provide necessary reasonable auxiliary aids and services, such as signed for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon two (2) days notice to the City. Individuals with disabilities requiring auxiliary aids or services should contact the City by writing or calling the following:

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All persons are welcome to attend. Additional information may be obtained at the City Clerk's Office and written comments may be sent to the City Clerk's Office at the above listed address.

1. Resolution No. 2013-247, adopting the "80/20 Cap" health care option.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Public Act 152 of 2011 (hereinafter "the Act") establishes restrictions on how much public employers, including the City of Ypsilanti, can pay toward the medical benefit plans offered to employees; and

WHEREAS, the City of Ypsilanti has four (3) options as provided for in the Act under which compliance with all provisions of the Act can be achieved; and

WHEREAS, the City Council, by majority vote, may select an option under which it would pay no more than eighty percent (80%) of the "total annual costs" of the medical benefit plans it offers to employees; and

WHEREAS, the Act does not apply to medical benefit plans that include benefits provided to individuals retired from a public employer; and

WHEREAS, the Act applies to medical insurance (including prescription drugs) but does not apply to dental, vision or other insurance plans, such as life or disability insurance; and

WHEREAS, the Act states that groups of employees who are covered by a collective bargaining agreement or "other contract" which is in effect "on the effective date of the Act" are exempted from the "80/20 Cap" requirements; and

WHEREAS, the Act requires that no agreement "executed" after January 1, 2014, can include terms which are inconsistent with the requirements of the "80/20 Cap" option and that the collective bargaining agreement and "other contract" exemption last until the contract expires.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council does hereby approve and adopt the "80/20 Cap" option as provided for in Public Act 152 of 2011, to become effective January 1, 2014.

OFFERED BY: Mayor Pro-Tem Richardson
SUPPORTED BY: Council Member Vogt

Mr. Lange stated that he wanted to clear up two items. The first item was the typo in the Resolution because it should be three options, the hard cap, 80/20 rule, and the percentage of pay. He stated that the second item was that Mr. Fanning went to great lengths to protect the rights of the City employees. He went on to give an overview of the health care option.

Council Member Robb gave an overview of how the 80/20 program works. He went on to say that Council can adopt the 80/20 plan where the employee pays 5.322% of their salary.

Mayor Pro-Tem Richardson asked if there is a provision within the 80/20 an option that allows Council to set the percentage amount that the employee should pay.

Council Member Robb read the 80/20 Public Act.

Mr. Lange stated that he agreed with Council Member Robb. He went on to give his opinion on the benefits for 80/20 and the percentage options. He said that employees made no objections to the 80/20 plan in any of the negotiations.

Mayor Schreiber asked to delay this resolution until Mr. Fanning has a chance to review it.

Mayor Pro-Tem Richardson moved, supported by Council Member Vogt to table the resolution.

On a voice vote the motion carried and Resolution No. 2013-247 was tabled until next meeting.

2. Resolution No. 2013-248, approving purchase of two (2) patrol vehicles (2014 Ford Police Interceptors) from Gorno Ford.

RESOLVED BY THE CITY COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti Police Department desires to replace two (2) Patrol Vehicle with 2014 Ford Police Interceptors, and

WHEREAS, the City of Ypsilanti Police Department has been allocated funds in the FY 2013-14 budget for the purpose of purchasing these vehicles, and

WHEREAS, Gorno Ford of Woodhaven, Michigan has provided State of Michigan bid pricing in the amount of $49,040.00.

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

OFFERED BY: Council Member Murdock
SUPPORTED BY: Mayor Pro-Tem Richardson

Council Member Robb asked if new equipment was being purchased.

Mr. Degiusti stated that the fleet varied.

Council Member Murdock asked if the vehicles are alternative fuel.

Mr. Degiusti answered no.

On a roll call, the vote to approve Resolution No. 2013-248 was as follows:

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

VOTE:

Yes: 6 No: 0 Absent: 1 (Moeller) Carried: Carried

3. Resolution No. 2013-249, approving Transportation Funding Agreement with AAATA.

Resolution to approve Transportation Funding Agreement with Agreement with Ann Arbor Area Transportation Authority

WHEREAS the Ann Arbor Transportation Authority had provided public transportation services to the City of Ypsilanti under contract for many years; and

WHEREAS the voters of the City of Ypsilanti, in 2010, adopted a City Charter amendment to dedicate 0.9789 mills of approved millage each year to fund public transportation; and

WHEREAS in June of this year the City of Ypsilanti joined the Ann Arbor Transportation Authority as a member and the organization's name was changed to the Ann Arbor Area Transportation Authority; and

WHEREAS the City of Ypsilanti and the Ann Arbor Area Transportation Authority have been discussing an agreement to formally outline the operational relationship between the two organizations for some time; and

WHEREAS the attached Transportation Funding Agreement is the fruit of those discussions; and

WHEREAS this proposed Transportation Funding Agreement provides in part that the City will use the dedicated millage to fund public transportation services through the Ann Arbor Area Transportation Authority and that the Ann Arbor Area Transportation Authority will make regular reports to the City for input and recommendations.

Now Therefore, IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that the attached Transportation Funding Agreement between the City and the Ann Arbor Area Transportation Authority is herby approved, and the City Clerk is directed and authorized to transmit a copy of this resolution to the Ann Arbor Transportation Authority.

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

Council Member Robb asked if the 1% fee that Council objected to before will start being collected.

Mr. Lange stated that he did not know at this time.

On a roll call, the vote to approve Resolution No. 2013-249 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 Vogt	Yes		

VOTE:

Yes: 6 No: Absent: 1 (Moeller) Vote: Carried

XIII. <u>LIASON REPORTS</u> –

A. SEMCOG Update-None
B. Washtenaw Area Transportation Study-None
C. Washtenaw Metro Alliance-None
D. Urban County-None
E. Freight House-None

XIV. <u>COUNCIL PROPOSED BUSINESS</u> –

<u>Richardson</u>

- Stated that she was very happy to see the street sweeper. She wanted to know if signs could be posted for "No Parking" during that time.

- She said that there is a badly repaired cut on Harriet Street east of Perry Street. She said that she remembers a clause that stated if any Utility company made a cut that was not repaired properly they had to pay the City of Ypsilanti.

<u>Murdock</u>

- Questioned when the Audit Report would be ready.
- Noticed that the Civil Service meeting was cancelled and asked what the status of the Fire Fighter list was.

City Clerk McMullan answered that the next meeting is scheduled for the first Friday in December.

Mr. Lange stated that they have interviews scheduled.

-Commented on if the repairs are ever going to be repaired on Cross Street. He stated that there is a tree that is falling down from the storm.

<u>Robb</u>

- Asked Council to move the last meeting in December to the 18th.

- Asked Mr. Lange to relay to Ms. Gillotti the Thompson Block issue.

Vogt

- Reminded Mr. Lange about the debris and weeds on North Mansfield and Washtenaw.

Jefferson

- Commented on the cut on Harriet Street and the pot holes that need to be repaired.

- Commented on the Michigan traffic light has become an issue and it needs to be shorten.

XV. COMMUNICATIONS FROM THE MAYOR –

None

Motion moved by Council Member Vogt, supported by Council Member Jefferson to change December meeting to the 18^{th}.

On a roll call the vote to approve the motion to change the December meeting to the 18^{th} was as follow:

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

VOTE:

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

XVI. COMMUNICATIONS FROM THE CITY MANAGER –

Commented on Prospect Road repairs.

XVII. AUDIENCE PARTICIPATION –

None

XVIII. REMARKS FROM THE MAYOR –

None

XIX. ADJOURNMENT –

Resolution No. 2013-250, 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) Member of Council.

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

On a voice vote the motion carried and the meeting adjourned at 11:39 p.m.