



APPROVED

**CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, MAY 20, 2014
7:00 P.M.**

I. CALL TO ORDER –

The meeting was called to order at 7:04 p.m.

II. ROLL CALL –

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

Mayor Pro-Tem Richardson moved, supported by Council Member Murdock, to excuse the absence of Council Member Robb. On a voice vote, the motion carried.

III. INVOCATION –

Mayor Schreiber 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 former City Council Member Bill Nichols, Civil Service Commissioner John McMillian, Downtown Development Board Member Linda French, former City Council Member John Harrington, Ypsilanti Heritage Foundation Board Member Pattie Harrington, Human Relations Commissioner Ben Elmgred, Fiscal Services Director Marilou Uy, Assistant City Attorney Jesse O'Jack, City Clerk Frances McMullan, City Clerk Intern Semaj Ray, City Attorney John Barr, Finance Advisor John Kaczor, and Assistant to the City Manager Ericka Savage.

VI. AGENDA APPROVAL –

Council Member Murdock moved that the balanced budget presentation be postponed to Thursday, May 22.

On a roll call, the vote to postpone the balanced budget presentation was as follows:

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

OFFERED BY: Council Member Murdock
SUPPORTED BY: Council Member Moeller

VOTE:

Yes: 3 No: 3 Absent: 1 (Robb) Motion: Failed

Council Member Murdock moved, supported by Council Member Vogt, that Resolution 2014-111 be heard following "Remarks by the Mayor,"

Agenda approved as amended.

AUDIENCE PARTICIPATION

1. Beverly James, 986 Madison: Expressed concern that the park on Michigan Ave. (Smith Park) was not available for neighborhood children. Instead, the park appeared to being used for a garden. She asked what Council is doing to ensure that the park would be accessible for community children.
2. Ray Gohlston, Ann Arbor: Stated that he is the cofounder of 20/20 Vision, a non-profit focused on providing clothing, food, shelter, and healthcare. The organization hopes to acquire the building which was formally West Middle School. Mr. Gohlston hopes to meet with Council, either individually or as a group.
3. Ben Elmgren, 4795 Gatewood Circle: Stated that he was a LGBT researcher and advocate who was troubled by the comments made by Mayor Pro-Tem Richardson at the April 8th Council Meeting. Mr. Elmgren cited several cases regarding civil rights in which the courts overturned majority rule on the basis of the protection of civil rights. Mr. Elmgren further stated that it takes a court decision to protect the least among us.
4. Mark Hergott, 111 Miles: Thanked the Mayor and Council Members who have supported the amicus brief. He added that the court system purpose is to protect the rights of the minority. Mr. Hergott asked that if Mayor Pro-Tem Richardson could not vote yes for the amicus, that she would at least abstain.
5. Edward Mark: Stated that Memorial Day and the 4th of July were approaching, stated that he was appointed to work at the Ann Arbor VA by the President. Stated that he would inform Council of the specifics of the event once they were solidified as he has always seen them in the past.
6. John McMillian, 504 N. Huron: Stated that he and Linda French would be stepping down as managers of the Depot Town Cruise night after 17 years. Operations would be taken over by the Car Museum. Mr. McMillan requested the assistance of the Council with the imposed fees. Mr. McMillan stated that Cruise nights last from the first Thursday in June till the second Thursday in September.
7. Bill Nichols: Stated that he was here to discuss Cruise Nights. Mr. Nichols added that in order for the event to continue either the City would need to collect only one fee for street closure, or charge for the first night and waive the following night's fees. The fee is \$160.

8. Scott Staley, Second Street: Thanked Council for reconsidering the amicus brief. Mr. Staley stated that he and his husband have adopted a 12 year old boy. He further stated that he wants the same protections for his son that children have whose parents are allowed to marry.
9. Elizabeth Kurtts, 2080 Baker: Cofounder of 20/20 Vision stated that she feels that homelessness is inhuman. She stated that she would like to differentiate between human rights and civil rights. Ms. Kurtts stated that the goal of her organization is to end homelessness by the end of the decade. Ms. Kurtts stated that she would be more than happy to meet with any Council Member to discuss this issue.
10. Sigred Melvin, 41 W. Michigan Ave: Stated that senior citizens are not receiving any help. Ms. Melvin cited examples of lack of legal representation provided by the city, state fees for bedbug removal while landlords are provided funds by HUD, and issues of discrimination of her building.

VII. PRESENTATIONS –

1. ~~River Up – Elizabeth Riggs, Deputy Director, Huron River Watershed Council~~
(REMOVED)
2. City of Ypsilanti Balanced Budget Plan and Options – City Manager Lange, Financial Consultant John Kaczor and Fiscal Services Manager Marilou Uy – (ADDED)

Mayor Schreiber asked if assuming the City is unable to sell \$3.9 million worth of property what would be the reduction as a result of the refinancing.

Mayor Pro-Tem Richardson asked if the proposal was to sell \$4,250,000 in property.

City Manager Lange responded that yes that is the proposal. It is the beginning to paying off the \$13.5 million investment.

Mayor Schreiber inquired about a millage to cover the bond payment asking if the principle were to lower would that lower the millage.

John Kaczor stated that yes, the less cash needed for payment would be more palatable for both the city and voters.

Mayor Schreiber asked if there is a way to restructure the debt with property not being sold.

City Manager Lange stated that the issue is that the interest rate needs to stay low. If the interest rates rise above 6% there will be no savings. City Manager Lange stated that with every million paid off there is an \$82,000 in savings.

Mayor Schreiber asked when the debt is restructured what will be the interest rate.

City Manger Lange responded 3%.

Mayor Schreiber asked if the city was unable to sell any more property what would be the payment at 3%.

Council Member Moeller asked what the current interest rate is.

City Manager Lange responded 5.8-6%.

Council Member Moeller asked if the interest rate drops to 3% wouldn't the payment just be cut in half.

City Manager Lange responded that he would have to run the numbers.

Council Member Moeller stated that the number should be close to half.

John Kaczor stated that the number would be around \$200,000.

City Manager Lange stated that real savings come when the principle and the interest is being paid down.

Council Member Moeller stated that the answer to the Mayor's question is instead of \$1.3 million it would be \$1.2 million.

John Kaczor responded that if you are only looking at the debt then, yes. Mr. Kaczor added that there are a lot of moving parts to this plan. The City Manager has put together an achievable plan. Whether or not the city is able to sell \$4 million in property and close by 2016 might be difficult. However, if the city is involved with talks that seem promising it can borrow from the General Fund to help pay down the principle. Once the deal goes through the city can pay back the General Fund. Mr. Kaczor stated that if nothing changed on Water Street, but the city was able to defer the CDBG and achieve savings in other areas Ypsilanti could still improve by \$800,000-\$900,000.

City Manager Lange stated that two to three years ago the Garbage Fund was losing \$330,000 annually. With the new contract the Garbage Fund will now be able to move funds to the Motor Pool. Mr. Lange added that the staff has been very conservative, but the City has been reaching all goals that have been developed.

City Manager Lange stated that Marilou Uy had been a huge part of the budget process and thanked her for her hard work.

Mayor Schreiber stated that this presentation did come in late, which is understandable. The Mayor stated that he appreciates the work of Mr. Lange, Marilou Uy, and John Kaczor. He added that Council was provided a picture of what the city's options are which will be helpful in future decisions.

City Manager Lange stated that these projections do not include the millage increase, which will be discussed at the Thursday meeting.

Mayor Pro-Tem Richardson thanked Mr. Kaczor for his time and apologized for the confusion with scheduling.

~~VIII. AUDIENCE PARTICIPATION~~ – (Moved and heard following the approval of the agenda).

IX. REMARKS BY THE MAYOR –

- Smith Park is owned by Ypsilanti Housing Commission. Mayor Schreiber directed Ms. James to contact them at (734) 482-4430 or to attend their next meeting, which occurs the 4th Thursday of each month.
- In regards to the individuals representing 20/20 Vision, the Mayor stated that the building formally West Middle School is owned by the school district and located in the township.
- Mayor Schreiber stated that he appreciated all other comments.
- In response to Mr. McMillan and Mr. Nichols comments regarding the Cruise Nights, he instructed City Manager Lange to look into the matter.
- In response to Ms. Melvin, Mayor Schreiber stated that he has spoken with Comcast and in a letter dated April 4th, 2014 a reply was given that due to the changeover to digital the company would no longer be able to provide the CCTV viewing of the building's lobby.
 - Mayor Pro-Tem Richardson stated that she has spoken to an individual with MSHDA and a representative should be contacting her soon to discuss the issue.
 - Council Member Murdock stated that the fee schedule was changed stating that reoccurring events only were required to pay a \$100 a month which would include the barricades needed for the Cruise Night.

Resolution No. 2014-111, authorizing Ypsilanti City Council to file or join amicus briefs in the litigation captioned Deboer v. Snyder and Schuette. *(Reconsideration)*

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

Whereas the voter approved "Michigan Marriage Amendment" (MMA), Article 1, Section 25 of the Michigan Constitution, prohibits same-sex marriages, and

Whereas Article 1, Section 25 of the Michigan Constitution (MMA) was determined to be unconstitutional by the United States District Court, Eastern District of Michigan, Southern Division, on March 21, 2014, in the case of April Deboer et al v Richard Snyder, et al, Civil Action No. 12-CV-10285, Hon. Bernard A. Friedman, finding that the MMA impermissibly discriminates against same-sex couples in violation of the Equal Protection Clause of the U.S. Constitution because the MMA does not advance any conceivable legitimate state interest and

Whereas defendants have appealed the decision to the United States Court of Appeals for the Sixth Circuit, case number 6th Cir#14-1341 ED Mi #12-civ-10285, and

Whereas parties supporting plaintiff's position are filing an amicus brief in the appeal in support of the lower court decision and have requested that the City Council of the City of Ypsilanti join in the amicus brief, and

Whereas the Council of the City of Ypsilanti are in support of the findings and holding of the lower court that the MMA, Article 1, Section 25 of the Michigan Constitution is unconstitutional,

NOW THEREFORE, permission is given for the City of Ypsilanti to file or join amicus brief in the appeal litigation.

Further that the City Clerk shall forward a certified copy of this resolution to attorney Cameron R. Getto, Zausmer, Kaufman, August & Caldwell, P.C., attorney at law to take all appropriate action to add the City of Ypsilanti to amicus brief in support of the position that the MMA, Article 1, Section 25 of the Michigan Constitution is unconstitutional.

OFFERED BY: Council Member Murdock

SUPPORTED BY: Council Member Vogt

Council Member Murdock moved, supported by Council Member Vogt, to reconsider Resolution 2014-111.

On a roll call, the vote to reconsider Resolution 2014-111 was as follows;

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

VOTE:

Yes: 5 No: 1 Absent: 1 (Robb) Motion: Carried

Council Member Murdock stated that this is a resolution that would have Ypsilanti join the amicus brief defending Judge Friedman's ruling. Council Member Murdock stated that Ypsilanti supports gay marriage and that rights should not be subject to a vote. Council Member Murdock also stated that this Council represents Ypsilanti and when the vote defining marriage was cast in 2004, Ypsilanti voted against it two to one.

Council Member Vogt commended Mr. Elmgren on his comments and stated that he has his support.

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Council Member Murdock apologized for the parliamentary process that had to be followed in order to be where we are today.

Mayor Pro-Tem Richardson stated that individuals have misjudged her comments. Mayor Pro-Tem Richardson stated that she is not in support of the appeal she is just in support of the process.

Mayor Schreiber stated that he is in support of same sex marriage and other initiatives of Ypsilanti. Mayor Schreiber added that there were two votes that changed Ypsilanti's Charter which removed discriminatory policies. Mayor Schreiber further stated that same sex marriage will eventually pass.

Mayor Schreiber stated that he is proud to support this and will be voting for it tonight.

On a roll call, the vote to approve Resolution 2014-111 was as follows:

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

VOTE:

Yes: 5 No: 1 (Richardson) Absent: 1 (Robb) Motion: Carried

X. MINUTES –

Resolution No. 2014-113, approving minutes of May 8, and May 13, 2014.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of May 8 and May 13, 2014 be approved.

OFFERED BY: Council Member Moeller

SUPPORTED BY: Council Member Vogt

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

XI. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. ~~Resolution No. 2014-111, authorizing Ypsilanti City Council to file or join amicus briefs in the litigation captioned Deboer v. Snyder and Schuette. (Reconsideration)~~
(Moved and heard after Remarks by the Mayor)

XII. CONSENT AGENDA –

Resolution No. 2014-113A

1. Resolution No. 2014-114, declaring the Ypsilanti Heritage Foundation as a non-profit in the City of Ypsilanti for the purpose of charitable gaming.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council recognizes the Ypsilanti Heritage

Foundation as a nonprofit organization operating in the City of Ypsilanti for the purpose of obtaining a charitable gaming license.

OFFERED BY: Council Member Vogt

SUPPORTED BY: Council Member Jefferson

2. Resolution No. 2014-115, approving permanent relocation of Ward 2, Precincts 2 and 4 to Estabrook Elementary School, 1555 Cross St.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti is always striving to improve efficiencies when conducting elections; and

WHEREAS, due to the recent consolidation of the Ypsilanti and Willow Run Public Schools, the Ypsilanti Middle School is no longer open as a school and thus cannot be used as a polling location

WHEREAS, on May 19, 2014, the Election Commission passed Resolution No. 2014-08 approving the permanent location change.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council approves the permanent relocation of Ward 2, Precincts 2 and 4 to Estabrook Elementary School, 1555 Cross St., for all future elections.

OFFERED BY: Council Member Vogt

SUPPORTED BY: Council Member Jefferson

3. Resolution No. 2014-116, approving permanent relocation of Ward 1, Precinct 3 to Perry Child Development Center, 550 Perry St.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, the City of Ypsilanti is always striving to improve efficiencies when conducting elections; and

Whereas, Washtenaw International High School (WIHI), formerly East Middle School, is no longer operated by the Ypsilanti Consolidated School system; and

WHEREAS, the operators of WIHI, the Washtenaw Intermediate School District, has indicated the building is no longer available to be used as a polling location; and

WHEREAS, on May 19, 2014, the Election Commission passed Resolution No. 2014-09 approving the permanent location change.

NOW THEREFORE BE IT RESOLVED that the Ypsilanti City Council approves the permanent relocation of Ward 1, Precinct 3 to Perry Child Development School (550 Perry St.), for all future elections.

OFFERED BY: Council Member Vogt

SUPPORTED BY: Council Member Jefferson

On a voice vote, the motion carried and the consent agenda was approved.

~~XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS~~ (MOVED after 'Minutes')

1. ~~Resolution No. 2014-111, authorizing Ypsilanti City Council to file or join amicus briefs in the litigation captioned Deboer v. Snyder and Schuette.~~
(Reconsideration)
2. ~~Resolution No. 2014-118, approving 3rd amendment to the purchase agreement with Ninety Nine 90, LLC in order to add an extension not later than June 6, 2014.~~
(Added) (REMOVED)

XIV. LIASON REPORTS –

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

XV. COUNCIL PROPOSED BUSINESS –

Richardson

- We are looking into the issues with the Town Center building. Mayor Pro-Tem Richardson stated that she and Council Member Murdock ran the election for Chidester Residents and will continue to do so.

Moeller

- What is going on with the Road Diet.
 - City Manager Lange stated that he had spoken with Brett Slack, the Traffic Safety Representative with the Washtenaw Road Commission. Mr. Lange further stated that hopefully the striping will be done on either Thursday or Friday this week to complete 90% of the work with weather permitting. City Manager Lange stated that he would follow up on the matter.

- Council Member Moeller stated that traffic is backed up to Mansfield around 5 p.m. Council Member Moeller further stated that this issue has not improved stating that the discussion is always that this issue is improving and it isn't.
 - City Manager Lange stated that OHM is still working on the report and that restriping was scheduled for May 21st. City Manager Lange stated that the report should be completed in the beginning of June.
- Council Member Moeller responded that the situation is terrible stating that there was an understanding that the light configuration was supposed to be addressed to improve traffic flow.
 - City Manager Lange stated that Bonnie Wessler, of the Planning Department, as well as Washtenaw Road Commission have provided OHM with comments how to best address these issues and they will be included in the report.
- Council Member Moeller asked if the restriping had not been completed due to the weather.
 - City Manager Lange responded that yes, weather had been an issue, but also that the striping that the City is planning on using is pricy. City Manager Lange also stated that tape striping will not be used at the transition points. Once the OHM report is finished the striping will be completed.
- Council Member Moeller stated that citizens are complaining.
- Council Member Moeller inquired what was being done with Ahmo's Restaurant dumpster problem.
 - City Manager Lange responded that they have been placed on the docket for Administrative Hearings Bureau.
- Council Member Moeller asked if the Sutherlands know about the hearing and would they be allowed to speak.
 - Assistant City Attorney Jesse O'Jack stated that they would not be allowed to speak.
 - Assistant to the City Manager Ericka Savage stated that if it were a trial, then yes the Sutherland's would have on opportunity to speak.
 - Assistant City Attorney Jesse O'Jack stated that even if it were a trial it would be unusual unless their testimony was relevant to the case. How the issue is affecting individuals is not something that the hearing officer would allow.
- Council Member Moeller asked if the hearing was about tickets that the property owner had received.

- City Attorney Jesse O'Jack stated that if it were to go to trial the property owner would try to prove that they were not the responsible party and the City would provide evidence that they were responsible.
- Mayor Schreiber stated that this is exactly what the AHB should do, bring the issue to the attention of the property owner and how to resolve it in a timely fashion.
 - Assistant City Attorney Jesse O'Jack stated that sometimes the process moves faster than others. It is the hope of the Bureau that issuing the ticket will resolve the problem.
 - Mayor Pro-Tem Richardson inquired what time this problem occurs. She added that while getting gas at the Citgo she has not noticed a problem.
- City Council Member Moeller responded that there is no clear line of sight to the dumpster from the Citgo. She added that the issue is more easily seen from Owendale.
 - City Manager Lange stated that DTE still has not moved the overhead line out of the way of the dumpster.
 - Assistant City Attorney O'Jack stated that the DTE line will be the defense that is used in Administrative Hearings Bureau. However, Mr. O'Jack stated that this would not apply to the ordinance violation.
- Council Member Moeller asked about a property building a fence on Collegewood without a permit. Ms. Moeller stated that the city failed to follow through on the permit and that the inspector forgot about the issue. Council Member Moeller further stated that the property owner is now constructing a detached garage that might have an apartment above it.
 - City Manager Lange stated that the structure would not be allowed to have a residency above it.
- Council Member Moeller asked why the city employee forgot to follow up with the fence permit.
 - City Manager Lange stated that staff improvements have been made to avoid those errors.

Vogt

- Thanked City Manager Lange and City Staff for handling the Ansley St. Barrier issue.
 - City Manager Lange stated that he has received an apology from Leigh Greden of Eastern Michigan University.
- Council Member Moeller asked why Mr. Greden Apologized.
 - City Manager Lange responded that EMU did not provide proper notice.

- Council Member Vogt stated that this had been discussed in years passed but the specifics had not been discussed in a long time.

Jefferson

- Council Member Jefferson stated that there is some concern with a single family home being converted into three units. Council Member Jefferson asked is there a process for Washtenaw County for developing adult care facilities. Is there any input from the city if it is wanted in a specific neighborhood.
 - City Manager Lange stated that he will look into it.
- Council Member Moeller stated that there are a couple group homes on Roosevelt not entirely sure how it happened.
- Mayor Pro-Tem Richardson stated that there are three on East Ainsworth.

XVI. COMMUNICATIONS FROM THE MAYOR –

Thanked staff for all their hard work during the budget process.

XVII. COMMUNICATIONS FROM THE CITY MANAGER –

- Stated that it was a good budget process. City Manager Lange stated that Ann Arbor's budget meeting lasted until 4 a.m.
 - o Mayor Schreiber stated that Ann Arbor follows a different budget process than Ypsilanti. In Ypsilanti, the City Manager receives all amendments from Council as a body which creates very little change in the final document.
- Informed Council that the City Manager had been reappointed by SPARK to sit on the Public Sector Committee, which has been enlightening.
- Two SAFER firefighters have been hired to satisfy minimum staffing. Two firefighters will be retiring. To fill those vacancies the city is working with the Civil Service Commission to approve a new list of candidates.
- June will be a busy month; the City will be working on the trash contract, the COAM and POAM contracts, the budget, and the emergency road repairs.
- The repairs on Prospect should begin on June 9th.
- The bridge repairs should begin the week after the 4th of July.
- The streetlight conversions have been pushed forward and should begin in Mid-June.
- Rutherford Pool opens this weekend.
- The City Manager attended his first Ypsi-Pride Day along with Assistant to the City Manager, Ericka Savage.
- The City Building light conversions are moving along. The conversions provide better lighting at less cost.
- The City is working on the Queen's Bed and Breakfast issue.
- The City is selling equipment that it no longer uses, however repairs have to be made so that the equipment is in useable condition.
- The Prospect Park Basketball Hoops have been installed.

- Parkridge Pavilion has been removed. In order to provide for higher savings, the City employed the service of Washtenaw Community College's Construction Department.

XVIII. AUDIENCE PARTICIPATION –

1. Beverly James, 986 Madison; stated that she felt the budget process was very interesting. Ms. James asked that if a citizen has a question regarding the budget would City Council, The Mayor, or the City Manager be able to answer questions.
 - City Manager Lange stated that budgets are incredible complex and are prepared by a team of individuals. If Ms. James would like to email Assistant to the City Manager Savage than staff would promptly answer her questions.
2. Ben Elmgren: Thanked Council and The Mayor for passing the resolution in support of the amicus brief and their continued support of the LGBT Community.
3. Desmond Miller, EMU Student Government: Stated that Emu was planning a block party at the beginning of the next school year, sometime in early September with the hope to improve community relations between EMU and the surrounding community.

XIX. REMARKS FROM THE MAYOR –

Mayor Schreiber thanked all those for staying for audience participation.

XX. ADJOURNMENT -

Resolution No. 2014-117, adjourning 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 meeting is adjourned at 9:04 p.m.