

1. Revised Council Agenda

Documents:

[AGENDA 1-24-17.PDF](#)

2. Revised Council Packet

Documents:

[COUNCIL PACKET 1-24-17.PDF](#)

3. Council Action Minutes

Documents:

[ACTION MINUTES 1-24-17.PDF](#)



**CITY OF YPSILANTI
REGULAR COUNCIL MEETING
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, JANUARY 24, 2017
7:00 p.m.**

I. CALL TO ORDER –

II. ROLL CALL –

Council Member Bashert	P A	Council Member Robb	P A
Mayor Pro-Tem Brown	P A	Council Member Vogt	P A
Council Member Murdock	P A	Mayor Edmonds	P A
Council Member Richardson	P A		

III. INVOCATION –

IV. PLEDGE OF ALLEGIANCE –

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

V. AGENDA APPROVAL –

VI. PRESENTATIONS –

— Resolution No. 2017-001, supporting the "Don't Stand Idly By" campaign.

VII. INTRODUCTIONS –

VIII. AUDIENCE PARTICIPATION –

IX. REMARKS BY THE MAYOR –

X. ORDINANCE – FIRST READING –

Ordinance No. 1281

1. An Ordinance amending Ypsilanti City Code by adding Article V. Solicitation of Immigration Status, to Chapter 58 Human Relations.

- A. Resolution No. 2017-016, determination
- B. Open public hearing
- C. Resolution No. 2017-017, close public hearing

Ordinance No. 1282

2. An Ordinance amending Ypsilanti Zoning Code for PMD, Production, Manufacturing, and Distribution.

- A. Resolution No. 2017-018, determination
- B. Open public hearing
- C. Resolution No. 2017-019, close public hearing

XI. CONSENT AGENDA –

Resolution No.2017 - 020

1. Resolution No. 2017 - 021, approving the minutes of December 17, 2016.
2. Resolution No. 2017 - 022, approving nominations to Boards and Commissions.
3. Resolution No. 2017 – 023, supporting the submission of a grant application to the Ralph C. Wilson Jr. Foundation for playground equipment for Riverside Park.

XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2017- 024, approving Ordinance 1279 amending Article III Discrimination of Chapter 58 Human Relations, being Section 58-91 through Section 58-99 of the Ypsilanti City Code.
(Second Reading)
2. Resolution No. 2017-025, approving Ordinance 1280 amending Ypsilanti City Code by adding a new Division 5 Sustainability Commission, to Chapter 2 Administration, Article IV Boards and Commissions. **(Second Reading)**
3. Resolution No. 2017-026, authorizing staff to apply for the SAFER Grant.
4. Resolution No. 2017-027, approving Parkridge Center endowment agreement with Mr. John Barfield.
5. Resolution No. 2017-028, authorizing the Community-Policing and Black Lives Matter Task Force to develop a Community and Police Commission.

XIII. LIASON REPORTS –

- A. SEMCOG Update
- B. Washtenaw Area Transportation Study
- C. Urban County
- D. Freight House
- E. Parks and Recreation
- F. Ypsilanti Downtown Development Authority
- G. Eastern Washtenaw Safety Alliance
- H. Police-Community Relations/Black Lives Matter Joint Task Force
- I. Friends of Rutherford Pool

XIII. COUNCIL PROPOSED BUSINESS –

XIV. COMMUNICATIONS FROM THE MAYOR –

Nominations

Historic District Commission
Hank Prebys **(Reappointment)**
31 N. Grove
Ypsilanti, MI 48198
Exp. 1/2020

XV. COMMUNICATIONS FROM THE CITY MANAGER –

XVI. COMMUNICATIONS –

— January 31st – Council Goal Session Meeting, held at SPARK East, 215 Michigan Ave, from 6:00 p.m. to 10:00 p.m.

XVII. AUDIENCE PARTICIPATION –

XVIII. REMARKS FROM THE MAYOR –

XIX. ADJOURNMENT -

Resolution No. 2017 - 029, adjourning the City Council meeting.



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RESOLUTION NO. 2017- 001
January 24, 2017

COUNCIL RESOLUTION ON DNSIB

WHEREAS more than 33,000 people per year in the United States have been killed with firearms in recent years; and

WHEREAS a resident of the United States is [25 times as likely](#) to be murdered with a gun than is a resident of other advanced nations; and

WHEREAS Americans from across the political spectrum agree that our nation should strive to reduce the number of our neighbors who are killed or injured with firearms or terrorized by gun-related crime; and

WHEREAS the companies that manufacture and distribute firearms have the ability to take actions that will reduce the incidence of gun-related crimes and accidental shootings in the United States; and

WHEREAS these actions – including improvements and innovations in gun-safety technologies and distribution practices – can be taken voluntarily by these companies and without the slightest harm to the established rights of Americans to own and use firearms; and

WHEREAS in a growing number of municipalities, counties and states across the nation – more than 100 jurisdictions to date – public officials and law enforcement leaders have taken steps to initiate dialogue with leading gun manufacturers about these actions; and

WHEREAS these public-sector leaders and their jurisdictions are customers of the gun industry, purchasing firearms for the purpose of equipping law enforcement officers in order to protect public safety; and

WHEREAS the public sector collectively represents a significant share of the marketplace for guns and ammunition in the United States; and

WHEREAS religious and civic leaders, public officials and law enforcement officials across the nation have created the “Do Not Stand Idly By” campaign to use the collective purchasing power of the public sector to encourage life-saving innovation in the gun industry; now, therefore,

BE IT RESOLVED that the City Council of the City of Ypsilanti call upon the Mayor Amanda Edmonds and Police Chief DeGiusti to participate in this nationwide effort by taking the following actions:

- Adding their names, as representatives of the City of Ypsilanti, to the Request for Information being submitted to leading firearms manufacturers from more than 100 public-sector jurisdictions seeking information about the companies' gun-safety technologies and distribution practices.
- Taking additional steps as they see fit to encourage leadership within the gun industry in the improvement of distribution practices and the development of new safety technologies, such as:
 - Testing and evaluating existing gun-safety technologies – including “smart guns” – as well as new technologies as they become available.
 - Developing purchasing practices and specifications that maximize the public safety benefits achieved through [the City's] firearms purchases.
 - Collaborating with peers in other jurisdictions in these efforts.

BE IT FURTHER RESOLVED that we call upon the leaders of the gun manufacturers that receive the Request for Information from the City of Ypsilanti and other jurisdictions across the United States to respond in writing to the “Do Not Stand Idly By” campaign and participating jurisdictions.

BE IT FURTHER RESOLVED that suitable copies of this resolution be presented to the chief executive officers of Glock, SIG Sauer, Beretta, Smith & Wesson, Colt, Remington, and Sturm, Ruger & Co.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:



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

105 Pearl Street
Ypsilanti, MI 48197
(734) 481-1234
Fax (734) 483-3871
www.barrlawfirm.com
e-mail: jhealy@barrlawfirm.com

John M. Barr
Karl A. Barr
Daniel J. DuChene

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

REQUEST FOR LEGISLATION

DATE: January 10, 2017

FROM: John M. Barr, Ypsilanti City Attorney

SUBJECT: Solicitation of Immigration Information Ordinance

SUMMARY/BACKGROUND

The attached proposed ordinance to regulate and restrict the solicitation of immigration information is modeled on a similar ordinance in the City of Detroit. It is a companion ordinance to the additions to the anti-discrimination ordinance that Council recently approved. The proposed ordinance prohibits solicitation of immigration information unless it is required by law.

RECOMMENDED ACTION:

DATE RECEIVED: _____ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF: _____ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:



RESOLUTION NO. 2017-016
January 24, 2017

**RESOLUTION TO ADOPT AN ORDINANCE TO ADD A NEW ARTICLE V.
TO CHAPTER 58 OF THE YPSILANTI CITY CODE, SOLICITATION OF IMMIGRANT
STATUS**

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

An ordinance titled an ordinance to add a new Article V. to Chapter 58 of the Ypsilanti City Code, Solicitation of Immigrant Status is hereby adopted, on first reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1281**

An ordinance to add a new Article V. to Chapter 58 of the Ypsilanti City Code, Solicitation of Immigrant Status

1. **THE CITY OF YPSILANTI HEREBY ORDAINS** That
the Ypsilanti City Code is hereby amended by adding Article V. Solicitation of Immigration Status, to Chapter 58 Human Relations, to read as follows:

Chapter 58 HUMAN RELATIONS

ARTICLE V. SOLICITATION OF IMMIGRATION STATUS

Sec.58-200- Statement of purpose.

It is the policy of the City of Ypsilanti to respect the rights of, and provide equal services to, all persons regardless of appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, sexual orientation, or gender identity or expression; to ensure the enforcement of rights under the United States Constitution, including due process and equal protection; to promote community safety; to encourage victims of crime and witnesses to cooperate with law enforcement authority without regard to immigration status; to prevent bias-based policing; and to promote acceptance. In order to permit members of immigrant communities to access services that are provided by the City of Ypsilanti government to which they are entitled; and to ensure that city public servants are acting consistent with federal law regarding local governments cooperating with federal immigration authorities, the City of Ypsilanti enacts this article as an effective way to guide city public servants in adhering to rights under the United States Constitution, including due process and equal protection, and under federal law, while protecting the safety and health of all members of the Ypsilanti community.

Sec.58-201- Definitions

- (a) *Public servant* means the mayor, members of the city council, the city clerk, any member of any city agency, board, commission, or other voting body that is established by the Ypsilanti City Charter or by this Code, and any appointee, any employee, or any individual who provides services to the City of Ypsilanti within or outside of its offices or facilities pursuant to a personal services contract

Sec.58-203. - Bias-based policing by public servants, who are police officers, on the basis of appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, sexual orientation, or gender identity or expression prohibited;

A public servant, who is a police officer, shall not exercise differential treatment of individuals in rendering police services based on a person's appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, or sexual orientation, or gender identity or expression. A public servant, who is a police officer, shall not base reasonable suspicion for an investigative detention, probable cause for an arrest, or any other police action, on a person's appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, sexual orientation, or gender identity or expression. A public servant, who is a police officer, may take into account the reported appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, sexual orientation, or gender identity or expression for the purpose of identifying a described individual.

Sec. 58-204. - Solicitation of immigration status by public servants, prohibited; exceptions.

(a) Prohibited

A public servant, while acting within the scope of public service employment and/or authority shall not:

- (1) solicit information concerning immigration status for the purpose of ascertaining a person's compliance with federal immigration law; or
- (2) solicit information for the purpose of determining immigration status from a person who is seeking police services, or is a victim, or is a witness; or
- (3) inquire into the immigration status of any person, or engage in activities for the purpose of ascertaining the immigration status of any person.

(b) Exceptions

Notwithstanding the prohibitions set forth in subsection (a) of this section, public servants, are expressly permitted to engage in the following activities, which shall not constitute a violation of this article:

(1)

Solicitation of information concerning immigration status when performing public safety functions while assisting federal law enforcement in the investigation of a criminal or civil offense; or

(2)

Solicitation of information concerning immigration status from the subject of an investigation only when relevant to the investigation or prosecution of a criminal offense, or when processing an arrested person; or

(3)

Solicitation of information concerning immigration status where specifically required by any federal, state, or city law or program as a condition of eligibility for the service sought; or

(4)

Solicitation of information concerning immigration status for the purpose of completing I-9 Forms, and, when relevant, in making hiring and payroll withholding decisions, including, but not limited to, completing I-9 Forms, questioning a person to complete the I-9 Form, obtaining documents that support the I-9 Form, and allowing federal authorities to audit an I-9 Form in accordance with law; or

(5)

Solicitation of information concerning immigration status for a subpoena issued in a criminal proceeding, civil litigation, or an administrative proceeding for the production of City documents or for testimony of a public servant, including where related to immigration issues or other security issues.

Sec.58-205. - Violations and penalties.

Where a public servant is alleged to have violated this article, the matter shall be referred, as appropriate, to the city council or to the department director or agency head, for review, investigation, and disposition. Any disciplinary action shall be carried out in accordance with the provisions of the Ypsilanti City Charter and other laws, city personnel rules, civil service rules, union contracts, or other departmental or agency rules and regulations.

The City Manager shall provide an annual report to City Council of all violation complaints of this ordinance and their disposition.

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

the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

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

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

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours. A complete copy of the ordinance is also available for inspection on the City's website, www.cityofypsilanti.com.

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

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS _____
DAY OF _____, 2017.

Andrew Hellenga, Interim City Clerk

Attest

I do hereby confirm that the above Ordinance No. ____ was published in The Washtenaw Legal News on the _____ day of _____, 2017.

Andrew Hellenga, Interim City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the _____ day of _____, 2017.

Andrew Hellenga, Interim City Clerk

Notice Published: _____

First Reading: _____

Second Reading: _____

Published: _____

Effective Date: _____



RESOLUTION NO. 2017-017
January 24, 2017

**RESOLUTION TO ADOPT AN ORDINANCE TO ADD A NEW ARTICLE V.
TO CHAPTER 58 OF THE YPSILANTI CITY CODE, SOLICITATION OF IMMIGRANT
STATUS**

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

That the public hearing for an ordinance titled an ordinance to add a new Article V. to Chapter 58 of the Ypsilanti City Code, Solicitation of Immigrant Status be **officially closed**.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



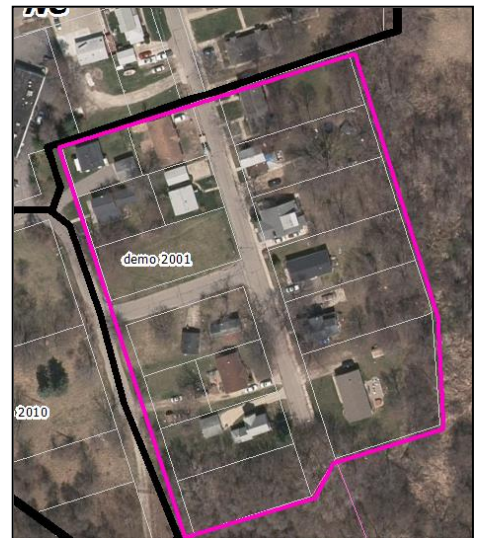
REQUEST FOR LEGISLATION

From: Bonnie Wessler, City Planner
Subject: Bell Kramer Neighborhood Rezoning

Background

In 2014 the Bell-Kramer neighborhood was rezoned industrial as part of the comprehensive, City-wide rezoning that followed the Master Plan update. This had the effect of both preventing new residential construction and making the existing residences nonconforming. The nonconformity has presented significant roadblocks to property sales, as loans on such properties generally cannot be underwritten. Residents have expressed a desire to return to residential zoning; Council has also expressed a desire to remove the nonconformity issue and thus lighten the economic burden on residents/property owners.

In November of 2016, Council directed Planning Commission to examine the possibility of changing the zoning ordinance to allow one and two-family homes in the PMD zoning district to be rebuilt in the event of a casualty.



In December 2016, Planning Commission reviewed this proposal and recommended that Council adopt it as part of the zoning ordinance.

Discussion

At this point in time, neither soil testing nor other subsurface analyses have taken place on the properties north of the former City landfill; air quality testing is taking place in some homes in the neighborhood. Testing could reveal contamination by migration from the landfill, by migration from other adjacent past and present uses, a mixture of both, or nothing at all.

A concern with zoning the properties for residential is that environmental site analyses (ESAs) are not required for the construction of single-family residences. With the current site conditions being unknown, allowing new single-family construction by-right would mislead potential builders, and possibly expose the City to liability.

Conclusion

Maintaining the industrial classification of the land to prevent new construction without ESAs and allowing the existing one- and two-family uses to be rebuilt in the case of a casualty strikes a balance between the immediate need to prevent additional development until more is known

and protecting the investments of existing residents. The Planning Commission recommends that Council proceed with this amendment to the zoning ordinance.

RECOMMENDED ACTION: Approval

ATTACHMENTS: Resolution
 Ordinance
 Memo to Planning Commission (Dec 2016)

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2017 - 018
January 24, 2017

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, the Bell-Kramer neighborhood has a residential character; and

Whereas, the current zoning of PMD does not permit existing residences to be rebuilt in the case of a casualty; and

Whereas, the amendment to the Zoning Ordinance will help to ensure that current owners of residential properties can retain value in those properties;

Now therefore be it resolved that the Ypsilanti City Council approve the amendment to Chapter 122, Article IV, Section 205 of the City's Code of Ordinances on FIRST READING.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1282**

An ordinance entitled, "RESIDENTIAL REBUILD IN PRODUCTION, MANUFACTURING, AND DISTRIBUTION"

An ordinance to AMEND the Zoning Ordinance of the City of Ypsilanti, Section 122-205(4), to Revise "Class B Nonconforming Uses of Buildings."

THE CITY OF YPSILANTI HEREBY ORDAINS:

- 1. THE CITY OF YPSILANTI ORDAINS** that Section 122-205(4) of the Ypsilanti City Code be amended as follows:

Sec. 122-205. Class B nonconforming uses of buildings.

(4) *Removal or destruction.* If a building or structure in which a nonconforming use is being conducted is removed, destroyed, or severely damaged to the extent that the cost of restoration of the structure exceeds 100 percent of the state equalized value (SEV) or 50 percent of a higher value established by the most recent appraisal of the structure exclusive of the foundation and land, the nonconforming use shall not be renewed, and any subsequent use of the premises must conform to the use regulations of the district in which the premises are located. Single-family homes on individual lots that are considered a non-conforming use in the NC, Neighborhood Corridor Zoning District, shall be allowed to be rebuilt regardless of the amount of damage done to the structure so long as the rebuilt building is not enlarged or expanded. Single-family and two-family homes on individual lots that are considered a non-conforming use in the PMD, Production, Manufacturing, and Distribution Zoning District, shall be allowed to be rebuilt regardless of the amount of damage done to the structure so long as the rebuilt building is not enlarged or expanded.

For the purpose of calculating a fair and equitable cost of restoration regulated by this section, the average of two bid estimates from licensed contractors must be used. All work requiring permits under state and local regulations, and materials necessary to bring the structure up to current code must be included. Clean up costs, demolition, furnishings, appliances, and site work, i.e. landscaping, fencing, paving, shall not be included. The actual repair and reconstruction may be done by the owner or contractor of his or her choice.

- 2. Severability.** If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.
- 3. Repeal.** All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, repealed.
- 4. Saving Clause.** The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective

date of this ordinance.

- 5. Copies to be available.** Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.
- 6. Publication and Effective Date.** The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the newspaper of record. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED, AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS _____ DAY OF _____, 2016

FRANCES MCMULLAN, City Clerk

Attest

I do hereby confirm that the above Ordinance No. _____ was published in the Ypsilanti Courier on the _____ day of _____, 2016.

FRANCES MCMULLAN, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the _____ day of _____, 2016.

FRANCES MCMULLAN, City Clerk

Notice Published: _____
First Reading: _____
Second Reading: _____
Published: _____
Effective Date: _____



Memo

To: Planning Commission

From: Bonnie Wessler, City Planner
Cynthia Kochanek, Associate Planner

Date: 15 December 2016

Subject: Zoning Text Amendment: PMD Nonconforming A

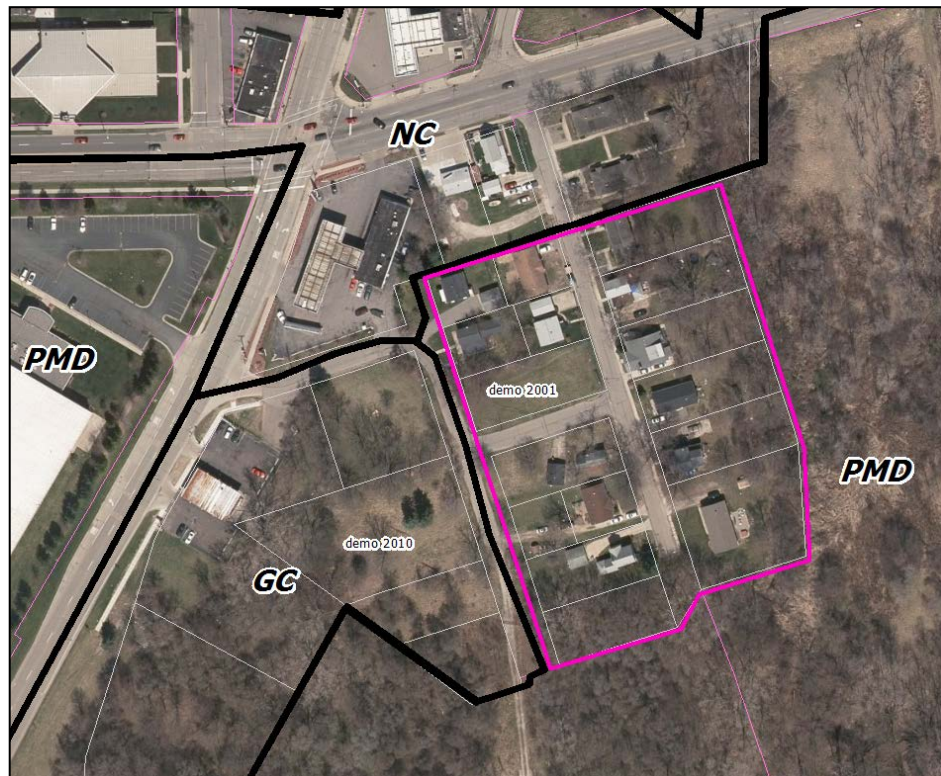
Background

In 2014, in response to new information about potential environmental contamination in the area of the former City landfill, the Bell-Kramer neighborhood was rezoned industrial as part of the comprehensive, City-wide rezoning. This halted new residential construction and made existing residences nonconforming. The nonconformity has presented significant roadblocks to property sales, as loans on such properties generally cannot be underwritten. Residents have expressed a desire to return to residential zoning; Council has also expressed a desire to remove the nonconformity issue and thus lighten the economic burden on residents/property owners.

At the November 14th City Council meeting, Council approved a resolution that directed staff to proceed with an application to rezone the residential Bell-Kramer properties to be more compatible with the current use and character of the neighborhood.

Discussion

The most recent zoning classification prior to PMD for the area was R2, One- and Two-Family Residential, and had been R2 since at least



1967. The most similar modern zoning classification is CN-Mid, which is not a good fit for the character of the neighborhood.

A concern with zoning the properties as residential is that environmental site analyses (ESAs) are not required for the construction of single-family residences. With the current site conditions being unknown, allowing new single-family construction by-right would mislead potential builders, and possibly expose the City to liability.

After discussions with Council, rezoning the area to Neighborhood Corridor was rejected in favor of rezoning all the residences in the PMD district to a special nonconforming (nonconforming A) status which would allow for the residences to be rebuilt as they were prior to a casualty.

It should be noted that the Bell-Kramer neighborhood will not be the only properties affected. This rezoning will also apply to a single family home at 311 Babbitt, just west of Marsh Plating.

Rezoning Considerations

The following are generally accepted criteria for evaluating a rezoning request and staff responses to each:

- 1) *Is the rezoning consistent with the policies, guiding values and Future Land Use Map in the Master Plan, including any subarea or corridor studies?*

Yes. The Master Plan recommends that the future use of this parcel be a “district” that is dedicated to a single type of activity. While this rezoning will permit a different activity (residential that already exists in PMD), it will not allow the residential to expand. This rezoning meets the Shape Ypsilanti master plan goal of “anyone, no matter what age or income, can find a place to call home in Ypsilanti” (p 6). This rezoning preserves an existing neighborhood.

- 2) *Does the rezoning sustain the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district?*

Yes. This rezoning allows for the existing structures to remain but does not allow for expansion or any other new uses.

- 3) *Can the property that is proposed to be re-zoned accommodate the requirements of the proposed zoning district?*

Yes. These structures already exist on site.

- 4) *Are all of the potential uses and building types allowed in the proposed zoning district compatible with surrounding uses, buildings, and zoning in terms of land suitability, impacts on the environment, impacts on the transportation network, density, nature of use, aesthetics, infrastructure and potential influence on property values?*

Yes. This allows the current nonconforming structures to remain and/or be rebuilt.

- 5) *Is the capacity of City infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, sustainability and welfare of the City?*

Yes. As this preserves existing residences, current services and infrastructure will not be affected.

- 6) *Will the rezoning be detrimental to the financial stability and economic welfare of the City?*

No.

7) *Would the rezoning negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square-foot lease or sale rates, and other impacts?*

No. This rezoning should not have any impact on the existing vacancy rates and may positively impact the sale rates.

8) *Is the rezoning consistent with the trend of development in the neighborhood or surrounding area?*

Yes. The neighborhood and surrounding area has not seen any new construction since 2004, so development trends will not be affected.

9) *Was the property in question improperly zoned or classified when this Chapter was adopted or amended?*

No. The current zoning was in response to new information about potential environmental contamination in the area of the former City landfill. The Bell-Kramer neighborhood was rezoned industrial as part of the comprehensive, City-wide rezoning. This halted new residential construction.

10) *Where a rezoning is reasonable given the above criteria, is the map amendment or rezoning to the proposed zoning district more appropriate than another district or than amending the list of permitted or special land uses within a district?*

Yes. For reasons listed in the discussion area above this rezoning is the best possible solution.

Conclusion

Staff recommends that the Planning Commission recommend ***approval*** of a rezoning that grants a Special Nonconforming Use status for all residences in PMD- Production, Manufacturing, Distribution to City Council with the following findings:

1. This rezoning is consistent with the policies and guiding values in the Master Plan.
2. The properties that are proposed to be re-zoned can accommodate the requirements of the proposed zoning.
3. The rezoning is consistent with the trend of development in the neighborhood and surrounding area.
4. This rezoning is more appropriate than rezoning to another district as it allows for control of new development while permitting the single and two-family homes to be rebuilt or repaired in cases of casualty.



Resolution No. 2017 - 019
January 24, 2017

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing for an ordinance to amend Chapter 122, Article IV, Section 205 of the City's Code of Ordinances by **officially closed**.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2017-020
January 24, 2017

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following items be approved:

1. Resolution No. 2017 - 021, approving the minutes of December 17, 2016.
2. Resolution No. 2017 - 022, approving nominations to Boards and Commissions.
3. Resolution No. 2017 – 023, supporting the submission of a grant application to the Ralph C. Wilson Jr. Foundation for playground equipment for Riverside Park.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:



Resolution No. 2016 – 021
January 24, 2017

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of December 17, 2016 be approved.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Draft

**CITY OF YPSILANTI
SPECIAL COUNCIL MEETING
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
SATURDAY, DECEMBER 17, 2016
8:00 a.m.**

I. CALL TO ORDER –

The meeting was called to order at 8:07 a.m.

II. ROLL CALL –

Council Member Bashert	Present	Council Member Robb	Present
Mayor Pro-Tem Brown	Present	Council Member Vogt	(8:28) Present
Council Member Murdock	Present	Mayor Edmonds	Present
Council Member Richardson	Present		

III. INVOCATION –

Mayor Edmonds 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 –

VI. AGENDA APPROVAL –

Council Member Murdock moved, seconded by Council Member Bashert, to approve the agenda.

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

VII. AUDIENCE PARTICIPATION –

None

VIII. REMARKS BY THE MAYOR –

None

IX. MICHIGAN MUNICIPAL LEAGUE INTRODUCTION –

Kathie Grinzing, MML, informed Council of what documents they have and explained their use. She asked not to compare the candidates to each other rather base your selection on how closely a candidate fits the profile Council developed.

Council Member Murdock asked to include the following; "given the recent election, how would you approach protecting vulnerable communities in the City". Ms. Guzzinger responded that is similar to question eighteen which highlights social equity and could be a follow-up to that question. Mr. Murdock added he wants the applicants to know only 12.4% of the City's population voted for the Republican Presidential Candidate, and Ypsilanti does not reflect the population that did. Ms. Guzzinger formed the question as "we are expecting major policy changes in the next four years and how would you protect vulnerable populations".

X. CITY MANAGER INTERVIEWS -

1. 8:30 a.m. – Darwin McClary

Why you to want to be the city manager in Ypsilanti and what particular skills, experience or talents do you possess that will make your tenure here successful?

Darwin McClary responded his husband is from the City and Ypsilanti is progressive, rich in history, and the pride the citizens of Ypsilanti take in their community. He stated he understands the City is financially stressed but he has worked in three financially stressed communities and has 20 twenty years of experience.

From your resume, it appears you have a career filled with accomplishments. Tell us about two of which you are most proud.

Mr. McClary responded while he was employed by Eastpointe he oversaw the construction of a \$5 million structure to move City Hall operation to. He said he also helped create a Human Rights Ordinance and added a leader must also discuss issues with those who disagree with your position on a topic

If offered the position of City Manager in Ypsilanti how will you go about getting to know the community?

Mr. McClary replied he would hold a town hall meeting in each Ward with the Council Members of that ward and meet with the business owners.

Have you ever been terminated, asked to resign or had a contract not renewed? Tell us about that.

Mr. McClary responded in the affirmative and explained the communities he was terminated from were financially stressed resulting from a drop in property value and had fallen into political turmoil. He said he provided difficult options and ultimately took the fall as a result.

What is the biggest error or mistake you have made in your professional life? What did you learn from that experience and how would you approach it now?

Mr. McClary responded we are all human and make mistakes and cited a time while employed by Garden City a council member was unhappy that a Middle Eastern family purchased a home in their neighborhood. He said the Council Member made the hurtful comments publically and he wished he had contacted the Council Member to persuade them to see things differently.

When we call on the folks who have worked with you over the years, what will they tell us about you? Will your employees use different words to describe you than your bosses or elected officials will?

Mr. McClary replied Councils he has worked with would describe him as a policy and procedural driven manager while past employees would describe him of having a good sense of humor, he does not see himself as above anyone, and he is very collaborative.

When hiring a new department director to join and strengthen your team, what characteristics and/or attributes are you looking for and why?

Mr. McClary replied someone that possesses the skills and knowledge to be successful. He added a Department Director would need to be innovative, able to build trust, hold a belief of diversity and inclusion, and be a supporter of continuous learning and training.

If that new team member was the Assistant or Deputy City Manager and your chief administrative partner how would the profile be altered?

Mr. McClary replied his ideal Deputy would have a well-rounded background in City Management and have more honed skills in areas that he was lacking.

Are you more of a leader or a manager? Describe for me how that descriptor informs the kind of administrator you are.

Mr. McClary responded a little of both. He said he is a leader in creating a collaborative environment built on trust however that process must be managed.

What approach do you use to get the highest level of performance excellence from your staff?

Mr. McClary responded he believes in 360 degree evaluation. He described this process by the manager evaluates the staff and the staff evaluates the manager. He said this process helps to motivate employees and let them know they are important.

Ypsilanti has pared staffing down to a lean profile. With such a roster, timely and shared communication efforts between employees; between city hall and residents and between all stakeholders and the Council could be overlooked when it is most critical. What are your strategies to ensure accurate information flows between all parties?

Mr. McClary responded he would create an environment that allows for open communication, and Council has the right to know what is happening at City Hall.

How would you create that environment?

Mr. McClary replied by living it each day and leading by example until that culture is created.

Can you describe your personal "code of values" and/or ethical standards for us? Tell us about a time when you were confronted with an ethical challenge and had to rely on those standards as a municipal executive. How did you handle the situation and what would you do differently now, if anything?

Mr. McClary replied he believes very strongly the City Manager is responsible for the public trust and integrity should never be compromised and he would expect the same from City Council.

City Council Meeting Minutes

December 17, 2016

What will your first three months look like in Ypsilanti?

Mr. McClary responded he would meet with Council to understand what its expectations are. He said he would meet with City staff and Department Heads to assess budgetary issues and other strengths and weaknesses of the City and difficult decisions will have to be made. He said he would also speak with citizens and those in the business community. He explained establishing working relationships early will assist in setting the direction of management. He added he would institute new technology to the community and move toward improving technological systems and integrate those systems.

From what you have learned about us, what do think our two biggest challenges will be in the next three years? How would you tackle them and what processes will you follow?

Mr. McClary responded financial and personnel issues. He said it is the perception of some community members Ypsilanti is not taking a leadership role in regional issues. He added there is also a perception of division and segregation in the City and said even if it is only a perception the City must make changes necessary to improve the perception.

We are realistic about a number of issues we must face. Which concern did you uncover in your research that will cause you the most difficulty...*what are you least prepared to tackle...*and how will you increase your odds of success?

Mr. McClary replied he would employee a generalist focus and relay on Department Head expertise in their areas. He stated he had not worked in brownfield redevelopment but does have experience with other styles of tax increment financing. He added the City is currently facing \$22 million in Water Street debt and would require each lot to produce \$2 million in tax revenue in order to pay down that debt.

Every community in Michigan has faced severe financial difficulties over the last decade. When you reviewed our budget, what did you see? And... What are you bringing to the table that will help us meet and manage the challenges we may face?

Mr. McClary stated the City is facing a structural problem and is not operating at a deficit rather a budget shortfall. He said currently the City is drawing from revenues, which is not sustainable and the City must identify possible cuts and revenue enhancements. He said if changes are not made in two to three years the City will be facing serious problems.

What experiences have you had in securing and administering alternative project funding like grants; sponsorships, or private funds? And, looking at the state and federal landscape going forward, what projects and external funding streams would you suggest pursuing here?

Mr. McClary stated he has much experience with applying for grants such as; environmental, transportation alternative program, and several others. He said he has worked closely with the Michigan Economic Development corporations but to be realistic there aren't many Community Development Block Grants available.

Finding solutions to community issues in a conflictive atmosphere can be difficult. Tell us about one of those times you lived through and walk us through the problem solving steps you used.

Mr. McClary stated in a past position a public safety millage was brought to referendum and he met with citizens and questions he was asked were insightful and some people's minds were changed. He added communication is the best tool.

Tell us about your experience with public unions and explain how you would approach negotiations to assure a solid working relationship with employees after the agreement was inked?

Mr. McClary explained he is a pro-union manager and has had a great working relationship with past unions he has worked with. He said it is important the manager sits down with employees and discuss what can and cannot be done with collective bargaining strategies. He added the goal is to avoid arbitration which can take several months to negotiate.

Experts tout the necessity of triple bottom line planning or the three legged stool of environmental protection, economic development and social equity to make local governments sustainable. What efforts in environmental sustainability or social equity have you instituted or would suggest for us to affect Ypsilanti's triple bottom line?

Mr. McClary responded a strong community would employ all three. He said at a past job he was instrumental in passing a coal tar ordinance and mentioned that Ypsilanti is on the cutting edge for solar power. He said there is still a long way to go in improving social equity but it must be ensured that all people have equal opportunities and protection.

We are expecting major policy changes in the next four years and how do you expect to protect vulnerable populations?

Mr. McClary responded he would create an environment of inclusion, which Ypsilanti already possess a strong message of inclusion. He added it is a matter of everyone having equal rights.

What intergovernmental, regional cooperation or partnership efforts have you championed in the past? While you tell us about those endeavors can you highlight how you brought people together and how you measured the success of the resultant agreement?

Mr. McClary responded communication is the key to overcoming hurdles of regional cooperation. He said while employed in Garden City he reached out to the City of Wayne and the City of Inkster to attempt to consolidate the district courts into one facility to create greater efficiency and cost effectiveness. A great deal of time was spent by stakeholders discussing the issue. Unfortunately, the attempt failed; however, he has worked with other communities to jointly provide dispatch services as well as equipment sharing.

The Rotary club would like to meet you and have you explain how the Council/Manager form of local government is supposed to work. Give us the highlights of that presentation. Include remarks about your philosophy as well as what a council should expect from a city manager and what a manager should expect from the elected officials?

Mr. McClary responded stated a City Manager monitors daily operations and ensures the departments are all moving toward the goals set by City Council.

What tools and techniques have you used to keep the community informed and engaged with what is going on in their local government? Once you have told us what has worked for you in other places, what would you recommend for us here in Ypsilanti?

Mr. McClary responded he would use social media, website, and other interactive components to make it convenient to work with City Government. He added he likes "Ypsi Connect" but the City would do a better job of responding to complaints. He stated he would have the system set up so he would receive an email each time a complaint was filed so he could follow-up with the person.

Fit between a community and manager goes both ways. What do you need to know about a community to determine whether you have found the right place to work?

Mr. McClary responded he already knows a great deal about the community and mentioned his husband is from the City but he would like to know more about the relationships with neighboring governments.

Mr. McClary asked what Council would like to see in a City Manager. Mayor Edmonds responded to find solutions for the state of the City's finances, build and unify on a strong staff team, improve both internal and external communications, encourage transparency of both good and bad happenings in the City, and successfully negotiate union contracts.

2. 10:00 a.m. – Gerald Smith

Why you to want to be the city manager in Ypsilanti and what particular skills, experience or talents do you possess that will make your tenure here successful?

Mr. Smith responded he has a set of skills that would be useful that would be beneficial to the community. He was born and raised in the Midwest and has spent his entire career in the Midwest, which makes Ypsilanti appealing to him.

From your resume, it appears you have a career filled with accomplishments. Tell us about two of which you are most proud.

If offered the position of City Manager in Ypsilanti how will you go about getting to know the community?

Mr. Smith replied he would employ an open door policy, reach out to Council as well as citizens to discuss his management style.

Have you ever been terminated, asked to resign or had a contract not renewed? Tell us about that.

Mr. Smith responded he had never been terminated however; he stepped down from a position because a Council was taking a new direction and he was advised not to move his family. He added he stepped down from another position because the community was not a good fit for his family. He added his children are now all grown and that would no longer be an issue.

What is the biggest error or mistake you have made in your professional life? What did you learn from that experience and how would you approach it now?

Mr. Smith responded his biggest error was accepting his first City Manager job in North Chicago. He stated the FBI found issue with Council and Council was told to change its form of government.

When we call on the folks who have worked with you over the years, what will they tell us about you? Will your employees use different words to describe you than your bosses or elected officials will?

Mr. Smith replied the response would be the same that he is an open, collaborative, has goals to develop and improve any organization he is a part of, and is fair.

When hiring a new department director to join and strengthen your team, what characteristics and/or attributes are you looking for and why?

Mr. Smith responded he would search for individuals who would fit into an open collaborative environment and an open communicator to ensure all information filtered up.

If that new team member was the Assistant or Deputy City Manager and your chief administrative partner how would the profile be altered?

Mr. Smith replied a Deputy would need to be able to take over certain aspects of the City Manager's office such as Human Resources and ensure the City is compliant with all State and Federal Laws.

Are you more of a leader or a manager? Describe for me how that descriptor informs the kind of administrator you are.

Mr. Smith replied he is both, a manager and a mentor. He said he would meet with department heads as a group weekly and individual department heads biweekly to ensure that institutional goals set by Council are completed.

Ypsilanti has pared staffing down to a lean profile. With such a roster, timely and shared communication efforts between employees; between city hall and residents and between all stakeholders and the Council could be overlooked when it is most critical. What are your strategies to ensure accurate information flows between all parties?

Mr. Smith responded he would hold Department Heads responsible to report information to him and he would report to Council. He said distribution of information would occur weekly with transparency and keeping Council informed as the goal. He added he would be available to individual Council Members as needed as long as it did not violate law.

Can you describe your personal "code of values" and/or ethical standards for us? Tell us about a time when you were confronted with an ethical challenge and had to rely on those standards as a municipal executive. How did you handle the situation and what would you do differently now, if anything?

Mr. Smith responded he holds himself to a code of conduct and would work within the confines of the City Manager position. He added he would consistently be attentive to upholding a positive image to the community.

What will your first three months look like in Ypsilanti?

Mr. Smith responded getting to know Council, working with staff and understanding what direction they wish to take, and getting to know citizens and the business community.

From what you have learned about us, what do think our two biggest challenges will be in the next three years? How would you tackle them and what processes will you follow?

Mr. Smith stated Water Street is the biggest issue facing the City and the greatest challenge is to create additional revenue and be realistic in the solutions. He said the City should have had an alternative plan in place along with the debt millage. He stated he would have presented a list of alternative plans Council could have selected. He explained staff levels are also an issue and there has been a drop from 137, in 2003, to 90.

Every community in Michigan has faced severe financial difficulties over the last decade. When you reviewed our budget, what did you see? And... What are you bringing to the table that will help us meet and manage the challenges we may face?

Mr. Smith responded solutions to solve organizational issues, manpower issues, solutions to address the City's debt.

What experiences have you had in securing and administering alternative project funding like grants; sponsorships, or private funds? And, looking at the state and federal landscape going forward, what projects and external funding streams would you suggest pursuing here?

Mr. Smith responded any and all, both state a federal. He said in a previous position he was tasked with monitoring all grants awarded to that organization. He said it will be in the City's best interest to monitor all facilities and maintain them in good order to avoid more costly rehabilitation efforts.

Finding solutions to community issues in a conflictive atmosphere can be difficult. Tell us about one of those times you lived through and walk us through the problem solving steps you used.

Mr. Smith explained while employed in Kansas City, which was a big City with a small city mentality causing a rift when expansions were needed. He said his responsibility was to maintain contracts and to ensure all jobs were completed, and build community confidence in the projects.

Community and economic development can take many forms. As you review Ypsilanti's needs, resources and personality what philosophy, strategy or approach might you suggest for us and what steps do you suggest we take first?

Mr. Smith replied there are a lot of strategies available however, not every strategy is appropriate for different situations. Mr. Smith explained while he was employed by Junction City uncontrolled growth became an issue. He stated this problem created a situation in which part of the City was subsidizing another section, this was not an equitable solution and did not create revenue for the City.

Tell us about your experience with public unions and explain how you would approach negotiations to assure a solid working relationship with employees after the agreement was inked?

Mr. Smith responded he has worked as chief negotiator in past position and in order to be effective good relationship with the collective bargaining must be maintained. He added he has fifteen years of experience in labor negotiations and understands how mutually beneficial terms can be developed.

Experts tout the necessity of triple bottom line planning or the three legged stool of environmental protection, economic development and social equity to make local governments sustainable. What efforts in environmental sustainability or social equity have you instituted or would suggest for us to affect Ypsilanti's triple bottom line?

Mr. Smith responded he would research and find any initiatives to benefit the community. He explained at a previous position accommodated electric cars by installing electric car refueling station. He said grant funds are available to fund these types of project.

We are expecting major policy changes in the next four years and how do you expect to protect vulnerable populations?

Mr. Smith replied we would look to Council for guidance and examine the possibility of sanctuary cities.

What intergovernmental, regional cooperation or partnership efforts have you championed in the past? While you tell us about those endeavors can you highlight how you brought people together and how you measured the success of the resultant agreement?

Mr. Smith responded stated a community he worked at was having an issue with staffing police dispatch. He said the dispatch personnel would be trained by his jurisdiction and then would leave to work for a more affluent community. He stated a regional partnership was formed that would be mutually beneficial for all involved.

The Rotary club would like to meet you and have you explain how the Council/Manager form of local government is supposed to work. Give us the highlights of that presentation. Include remarks about your philosophy as well as what a council should expect from a city manager and what a manager should expect from the elected officials?

Mr. Smith replied the Council/Manager form provides professional management with solid experience. He said a manager keeps council informed and acts as a point of access to the public.

Tell me a story about an employee you worked with of whom you are most proud. What happened to get him or her there?

Mr. Smith said he hired a procurement manager and the professionalism that person brought was exemplary.

What tools and techniques have you used to keep the community informed and engaged with what is going on in their local government? Once you have told us what has worked for you in other places, what would you recommend for us here in Ypsilanti?

Mr. Smith responded he uses balancing, benchmarking and performance measures and disseminates that information to the public.

Fit between a community and manager goes both ways. What do you need to know about a community to determine whether you have found the right place to work?

Mr. Smith replied whether or not the community is progressive and engaging. He added a community that appreciates the City and volunteers.

3. 11:30 a.m. – Paul Brake

Why you to want to be the city manager in Ypsilanti and what particular skills, experience or talents do you possess that will make your tenure here successful?

Mr. Brake responded he enjoys that Ypsilanti is a university town and in a transitional period. He stated he has had twenty years of experience working in government. He added while working for Grand Blanc he was able to complete a project that sat idle for eight years and while employed with Meridian Township he acted as chief negotiator through contract negotiations.

From your resume, it appears you have a career filled with accomplishments. Tell us about two of which you are most proud.

Mr. Brake responded he is most proud of the brownfield redevelopment of a former gas station. He said a developer wanted to back out of the project but he refused to take no for an answer and was able to complete the project.

If offered the position of City Manager in Ypsilanti how will you go about getting to know the community?

Mr. Brake responded he would hold "one on one" meetings. He stated he has already spoken with several stakeholders in the City and would also like to speak with the neighborhood associations to understand what they want from their City.

Have you ever been terminated, asked to resign or had a contract not renewed? Tell us about that.

Mr. Brake responded he had not been fired from any position but while working for a private company his position was eliminated.

What is the biggest error or mistake you have made in your professional life? What did you learn from that experience and how would you approach it now?

Mr. Brake responded there was a data error on a spreadsheet for an important project but he was able to identify the error before any harm was done.

When we call on the folks who have worked with you over the years, what will they tell us about you? Will your employees use different words to describe you than your bosses or elected officials will?

Mr. Brake responded past employees would say that he had a consistent message; he was respectful, loyal, calm, open-minded, and imaginative.

When hiring a new department director to join and strengthen your team, what characteristics and/or attributes are you looking for and why?

Mr. Brake responded he would search for an individual that has passion, drive, and determination. He said he would want that person to work well in a group with excellent communication skills, and willing to take measured risks. He would want someone who contrasts himself and challenge him.

Are you more of a leader or a manager? Describe for me how that descriptor informs the kind of administrator you are.

Mr. Brake responded he is a servant leader and would enable his department heads to thrive and find answers on their own.

Ypsilanti has pared staffing down to a lean profile. With such a roster, timely and shared communication efforts between employees; between city hall and residents and between all stakeholders and the Council could be overlooked when it is most critical. What are your strategies to ensure accurate information flows between all parties?

Mr. Brake responded there can never be too much communication, and he would provide detail explanation to all involved until they are comfortable with the decision.

Can you describe your personal "code of values" and/or ethical standards for us? Tell us about a time when you were confronted with an ethical challenge and had to rely on those standards as a municipal executive. How did you handle the situation and what would you do differently now, if anything?

Mr. Brake responded he belongs to the International Council of Manager, which follow a certain code of ethics. He added it is important to be impartial and provide good info to those needing to make the decisions.

What will your first three months look like in Ypsilanti?

Mr. Brake responded he would get to know Council as well as other internal and external stakeholders. He said he would also begin to understand the personnel on staff and understanding the City's financials and upcoming contracts.

From what you have learned about us, what do think our two biggest challenges will be in the next three years? How would you tackle them and what processes will you follow?

Mr. Brake responded financial issues and sustainability. He said he would examine all potential revenues and strengthen dialogue with the community.

What experiences have you had in securing and administering alternative project funding like grants; sponsorships, or private funds? And, looking at the state and federal landscape going forward, what projects and external funding streams would you suggest pursuing here?

Mr. Brake stated he has written several grant applications securing \$1.8 million in alternate funding which had the ability to leverage further partnerships. He added other creative ideas should be researched and look outside traditional avenues.

Finding solutions to community issues in a conflictive atmosphere can be difficult. Tell us about one of those times you lived through and walk us through the problem solving steps you used.

Mr. Brake responded legacy costs involving pensions was not sustainable in a community he worked. He said it was a difficult process to navigate through, however, at the end those in the system were able to stay whole.

Community and economic development can take many forms. As you review Ypsilanti's needs, resources and personality what philosophy, strategy or approach might you suggest for us and what steps do you suggest we take first?

Mr. Brake responded the City would need to maximize its resources and relationships with stakeholders. He said the City would need to leverage funds from the County, the Eastern Leaders Group (ELG). He added the City would also need to tap the Convention and Visitors Bureau and the business community.

Tell us about your experience with public unions and explain how you would approach negotiations to assure a solid working relationship with employees after the agreement was inked?

Mr. Brake responded he has worked with eight bargaining units and the most valuable tool is trust. He said it has always been his goal to have contracts complete before the current ones expire. He added it is important to be honest and open with employees during that difficult process.

Experts tout the necessity of triple bottom line planning or the three legged stool of environmental protection, economic development and social equity to make local governments sustainable. What efforts in environmental sustainability or social equity have you instituted or would suggest for us to affect Ypsilanti's triple bottom line?

Mr. Brake responded he is attuned to respect the environment and strategies of sustainability. Concerning social justice it is important to be respectful and dignified to all people.

We are expecting major policy changes in the next four years and how do you expect to protect vulnerable populations?

Mr. Brake responded to be a leader and take the high road. Have community dialogue and make certain people understand their rights. He mentioned smart policing and creating higher confidence in the city.

Mr. Brake replied the answer is to be a leader and take the high road. He said it is important to keep an open dialogue with the community and be certain people are aware of their rights. He added having smart policing and be able to identify issues and go above and beyond to create greater confidence.

The Rotary club would like to meet you and have you explain how the Council/Manager form of local government is supposed to work. Give us the highlights of that presentation. Include remarks about your philosophy as well as what a council should expect from a city manager and what a manager should expect from the elected officials?

Mr. Brake responded he would explain the dichotomy and administration between the two and describe what the Council can expect from a manager.

What tools or techniques do you use to ensure the Council is always well-prepared to make the best possible decisions?

Mr. Brake replied individuals receive information differently and he would want sufficient time to prepare, however, make that timeframe reasonable.

Tell me a story about an employee you worked with of whom you are most proud. What happened to get him or her there?

Mr. Brake responded in a past position he employed a Deputy Manager who was to grow into a position of higher responsibility. He said he encouraged her and she is now currently the City manager in that community.

What tools and techniques have you used to keep the community informed and engaged with what is going on in their local government? Once you have told us what has worked for you in other places, what would you recommend for us here in Ypsilanti?

Mr. Brake replied he would use social media to help keep the community informed and try to stay ahead of any rumors that might spread. He said he would provide as much information to the public to cultivate a relationship of trust.

Fit between a community and manager goes both ways. What do you need to know about a community to determine whether you have found the right place to work?

Mr. Brake replied the individuals he spoke with in the community provided insight into the community. He asked Council what has motivated them to be leaders in the community.

Mayor Edmonds responded she is passionate about Ypsilanti as an underdog community that has so much to offer. She would like to help the City develop economically and build upon the diversity present in the City. Council Member Richardson said she does not see the City as an underdog and her tagline for the City is "Ypsilanti is the best kept secret in Southeast Michigan".

2. 1:00 p.m. – Council Break

3. 1:30 p.m. – Daniel Elsass

Why you to want to be the city manager in Ypsilanti and what particular skills, experience or talents do you possess that will make your tenure here successful?

Mr. Elsass responded he has family ties to Ypsilanti. He said he has eighteen years of experience at the municipal and county level and has vast human resource skills. He said he has worked in communities from 10,000 to 25,000 in population.

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From your resume, it appears you have a career filled with accomplishments. Tell us about two of which you are most proud.

Mr. Elsass responded a two year project studying best practices of local government regional service mergers such as police, fire, waste and water treatment, libraries, and other services. When he worked for Chippewa Falls he was able to finance expansion of technological infrastructure to assist small business to access internet.

If offered the position of City Manager in Ypsilanti how will you go about getting to know the community?

Mr. Elsass stated he would join various organizations in the community such as the Rotary Club, attend social forums, church events. He added he would make his phone number available to the public and always hold an open door policy.

Have you ever been terminated, asked to resign or had a contract not renewed? Tell us about that.

Mr. Elsass responded he once had a contract not renewed. He explained he was operating on a two year contract and there was a major change in Council and that Council decided to not renew his contract.

What is the biggest error or mistake you have made in your professional life? What did you learn from that experience and how would you approach it now?

Mr. Elsass responded he advocated for the installation of sidewalks for collector streets in a rural area and Council did not agree with his stance. He said he would have not done anything differently and would still advocate for the installation of sidewalks in that area today. He added he also pushed to have a library in a rural area and that failed by 85% in a vote by the public.

When we call on the folks who have worked with you over the years, what will they tell us about you? Will your employees use different words to describe you than your bosses or elected officials will?

Mr. Elsass stated he is fair and even handed and he has always had a good relationship with employees. He added he has always pushed for wellness and safety but in order to be successful it requires employee buy-in. When hiring a new department director to join and strengthen your team, what characteristics and/or attributes are you looking for and why?

Mr. Elsass replied at a past job he had to build a staff from scratch so he has extensive experience in recruitment. He hired a younger person to act as the head of public works and engineering and that person has stayed for twenty years at that position. He added he stresses the importance of employee retention.

Are you more of a leader or a manager? Describe for me how that descriptor informs the kind of administrator you are.

Mr. Elsass responded he views the question as steering versus rowing. He said he believes the heavy lifting should come from the department heads and the manager should "steer" so that all have the same overall goal. He added he does not believe in micro-managing as an effective management style.

Ypsilanti has pared staffing down to a lean profile. With such a roster, timely and shared communication efforts between employees; between city hall and residents and between all stakeholders and the Council could be overlooked when it is most critical. What are your strategies to ensure accurate information flows between all parties?

Mr. Elsass responded Council relations and public relations are essential to the success of a city manager. He added he would employ several methods of disseminating information; City website, newsletters, and text alerts, and he would provide a manager's report at each Council meeting.

Can you describe your personal "code of values" and/or ethical standards for us? Tell us about a time when you were confronted with an ethical challenge and had to rely on those standards as a municipal executive. How did you handle the situation and what would you do differently now, if anything?

Mr. Elsass responded he is a Methodist and his religious views act as his code of ethics. He added he is also a member of the Society of Human Resources Managers which also follows a code of ethics.

What will your first three months look like in Ypsilanti?

Mr. Elsass replied the first three months will contain a portion of learning and listening. He stated he would tour all of the City's facilities and begin to understand staff and fiscal issues.

From what you have learned about us, what do think our two biggest challenges will be in the next three years? How would you tackle them and what processes will you follow?

Mr. Elsass responded the City is having financial issues with an operational fund of around \$15 million which now is the time to hold the line and keeping that from decreasing further. He said the Water Street development needs to begin creating revenue. He stated further testing needs to be completed and remediation completed to make the site shovel ready.

What experiences have you had in securing and administering alternative project funding like grants; sponsorships, or private funds? And, looking at the state and federal landscape going forward, what projects and external funding streams would you suggest pursuing here?

Mr. Elsass stated he has experience with EPA grants and other superfund possibilities.

Finding solutions to community issues in a conflictive atmosphere can be difficult. Tell us about one of those times you lived through and walk us through the problem solving steps you used.

Mr. Elsass responded he has had experience in conflict with issues such as creating group homes, installation of sidewalks, and garbage pick-up. He said it is important to work positively with the state and local officials.

Tell us about your experience with public unions and explain how you would approach negotiations to assure a solid working relationship with employees after the agreement was inked?

Mr. Elsass responded he has worked as a chief negotiator and with labor attorneys in the past. He said he feels it is important to remove the mayor from negotiations and take the final decision to council for approval. He added it is important to have negotiations complete before the current contract expires.

Experts tout the necessity of triple bottom line planning or the three legged stool of environmental protection, economic development and social equity to make local governments sustainable. What efforts in environmental sustainability or social equity have you instituted or would suggest for us to affect Ypsilanti's triple bottom line?

Mr. Elsass responded sustainability can be both fiscal and environmental. He has assisted in the formation of the first curbside recycling program and was instrumental in using recycled plastic for high density park benches in previous positions. He helped to increase retention and detention ponds and has used finding to have rain barrels retrofitted to city facilities. He supports social investment and has been an advocate for needs of senior citizens, the arts, and homeless issues.

We are expecting major policy changes in the next four years and how do you expect to protect vulnerable populations?

Mr. Elsass responded he would promote equal access to all residents, however, he believes it would be more the duty of the Mayor and Council to make resolutions to protect citizens throughout the community.

What intergovernmental, regional cooperation or partnership efforts have you championed in the past? While you tell us about those endeavors can you highlight how you brought people together and how you measured the success of the resultant agreement?

Mr. Elsass replied since state aid has been cut regionalization has been the salvation of local governments. He said it is important to work with Ann Arbor, the townships, and Eastern Michigan University and negotiate mutually beneficial agreements. He added the City should tap all local universities for the possibility of interns from the Public Administration Department.

What tools and techniques have you used to keep the community informed and engaged with what is going on in their local government? Once you have told us what has worked for you in other places, what would you recommend for us here in Ypsilanti?

Mr. Elsass replied the use of the City website, newsletter, emergency text, and cable television.

Fit between a community and manager goes both ways. What do you need to know about a community to determine whether you have found the right place to work?

Mr. Elsass responded he is interested in the diversity of the community and the challenges currently facing the City would allow him to be creative in search for solutions.

Mr. Elsass asked where the City receives its water.

Mayor Edmonds responded water and sewer comes from the Ypsilanti Communities Utilities Authority which flows from Lake St. Clair. Council Member Murdock stated the City's water is provided by an authority servicing Ypsilanti and the Township.

Mr. Elsass asked about the bus system.

Mayor Edmonds responded the Ann Arbor Area Transit Authority based in Ann Arbor and the City pays into the program as well as other communities for the service.

Mr. Elsass asked about the City's relationship with the County and Ann Arbor.

Mayor Edmonds responded there are 28 units of local government in the County and a few between the City and Ann Arbor. Much of her role is sitting on County bodies and Council takes turns sitting on those boards. She added there is not much logistical overlap with Ann Arbor more shared countywide leadership.

4. 3:00 p.m. – Louis Starks

Why you to want to be the city manager in Ypsilanti and what particular skills, experience or talents do you possess that will make your tenure here successful?

Mr. Starks responded Ypsilanti has tremendous potential with the university providing a very strong asset. He is a strong generalist with a broad based background in economic development. He added effective communication and team building skills.

From your resume, it appears you have a career filled with accomplishments. Tell us about two of which you are most proud.

Mr. Starks replied during his tenure at the Detroit Land Bank he was able to create positive change in the landscape and real estate of Detroit. He was able to secure EPA clean-up grant for a brownfield redevelopment in Waterloo.

If offered the position of City Manager in Ypsilanti how will you go about getting to know the community?

Mr. Starks responded get out in the community because it is extremely important for the City Manager to be visible. He would keep an open door policy with a humble yet confident approach.

Have you ever been terminated, asked to resign or had a contract not renewed? Tell us about that.

Mr. Starks responded he has never been terminated from a position and has always been blessed with opportunity.

What is the biggest error or mistake you have made in your professional life? What did you learn from that experience and how would you approach it now?

Mr. Starks replied he believes in humility, accountability, and ownership. He once said things he regrets working with a project philanthropist who wished to upgrade a library and a recreation center. He miscalculated how people would perceive outsiders and should have taken a grass roots approach.

When we call on the folks who have worked with you over the years, what will they tell us about you? Will your employees use different words to describe you than your bosses or elected officials will?

Mr. Starks responded people would describe him as smart, hardworking, inspirational, and tactful.

When hiring a new department director to join and strengthen your team, what characteristics and/or attributes are you looking for and why?

Mr. Starks responded people who are confident and capable but not to a degree that might be off-putting to the public, or other employees.

If that new team member was the Assistant or Deputy City Manager and your chief administrative partner how would the profile be altered?

Mr. Starks replied that person would need to have a strong technological understanding, expertise in economic development, and effective in the collective bargaining.

Are you more of a leader or a manager? Describe for me how that descriptor informs the kind of administrator you are.

Mr. Starks responded a leader you uses intellectual competency to empower those around him.

Ypsilanti has pared staffing down to a lean profile. With such a roster, timely and shared communication efforts between employees; between city hall and residents and between all stakeholders and the Council could be overlooked when it is most critical. What are your strategies to ensure accurate information flows between all parties?

Mr. Starks replied active engagement in the community and an open door policy.

Can you describe your personal "code of values" and/or ethical standards for us? Tell us about a time when you were confronted with an ethical challenge and had to rely on those standards as a municipal executive. How did you handle the situation and what would you do differently now, if anything?

Mr. Starks responded a strong work ethic and be as transparent as possible so the community is aware of his ethical standards.

What will your first three months look like in Ypsilanti?

Mr. Starks replied focusing on the downtown, business and brownfield development, grant possibilities, engaging in the community, learn as much as possible about the collective bargaining units in the City, and get to know the leadership.

From what you have learned about us, what do think our two biggest challenges will be in the next three years? How would you tackle them and what processes will you follow?

Mr. Starks responded brownfield development. The City might have to work regionally, possibly filing joint grant applications with surrounding jurisdictions. He said business attraction is another issue and the City will need a consistent message to build its image.

Every community in Michigan has faced severe financial difficulties over the last decade. When you reviewed our budget, what did you see? And... What are you bringing to the table that will help us meet and manage the challenges we may face?

Mr. Starks replied an erosion of tax base and the perception of Ypsilanti affecting development. The City will need to attract residents and possible use underutilized buildings as incubators.

What experiences have you had in securing and administering alternative project funding like grants; sponsorships, or private funds? And, looking at the state and federal landscape going forward, what projects and external funding streams would you suggest pursuing here?

Mr. Starks responded he has experience leveraging funding from the EPA, HUD, and the Department of Commerce. He was once employed as a contracts and grants coordinator.

Finding solutions to community issues in a conflictive atmosphere can be difficult. Tell us about one of those times you lived through and walk us through the problem solving steps you used.

Mr. Starks responded having a sense of humor and thick skin and being an excellent listener.

Community and economic development can take many forms. As you review Ypsilanti's needs, resources and personality what philosophy, strategy or approach might you suggest for us and what steps do you suggest we take first?

Mr. Starks replied examining possible Economic Development Corporations exist in the area.

Mayor Edmonds stated there is not currently an Economic Development Corporation in the area. Mr. Starks replied there should be.

Tell us about your experience with public unions and explain how you would approach negotiations to assure a solid working relationship with employees after the agreement was inked?

Mr. Starks responded he was somewhat responsible for personnel while he was employed as an assistant administrator.

Experts tout the necessity of triple bottom line planning or the three legged stool of environmental protection, economic development and social equity to make local governments sustainable. What efforts in environmental sustainability or social equity have you instituted or would suggest for us to affect Ypsilanti's triple bottom line?

Mr. Starks replied he would work with HUD to provide funding. He believes in a municipality being as green as possible and there is money to be made in green business.

We are expecting major policy changes in the next four years and how do you expect to protect vulnerable populations?

Mr. Starks replied people will need to organize nationally and the possibility that privatization expands is very real under the next administration. He said the City could create empowerment zones.

The Rotary club would like to meet you and have you explain how the Council/Manager form of local government is supposed to work. Give us the highlights of that presentation. Include remarks about your philosophy as well as what a council should expect from a city manager and what a manager should expect from the elected officials?

Mr. Starks explained a manager makes business decisions while a council makes political decisions.

What tools or techniques do you use to ensure the Council is always well-prepared to make the best possible decisions?

Mr. Starks responded technology involved in order to be more collaborative. He added it is important to be certain everyone is on the same page.

Tell me a story about an employee you worked with of whom you are most proud. What happened to get him or her there?

Mr. Starks responded an employee he once worked with became more and more confident and improved their skillset and now have received a job in Royal Oak.

Getting agreement around the whole "vision thing" can be tough. Often times there are significant resistance to change; other times people have very different opinions on how to get there. Walk us through a time when you faced a challenge of building consensus around a set of Council's goals. What strategies did you use to get to the best possible solution?

Mr. Starks responded it is important to be a good listener, take ownership for your actions and being transparent, the use of technology, and understanding a solution.

What tools and techniques have you used to keep the community informed and engaged with what is going on in their local government? Once you have told us what has worked for you in other places, what would you recommend for us here in Ypsilanti?

Mr. Starks replied he would use public hearings, community meetings, and work closely with neighborhood associations.

Fit between a community and manager goes both ways. What do you need to know about a community to determine whether you have found the right place to work?

Mr. Starks responded he would want to work in a "close-knit" community, a community that is open-minded, and a community that is there for every citizen.

Mr. Stark asked what challenges are currently facing Ypsilanti. Mayor Edmonds responded the City is facing fiscal issues as a result of Water Street, a failing school system, and none existent revenue sharing.

5. 4:30 p.m. – Council Break

X. AUDIENCE PARTICIPATION –

None

XII. REMARKS BY THE MAYOR –

None

XIII. COUNCIL DELIBERATION –

— 5:00 P.M.

Kathie Grinzinger, MML, reminded Council to examine their profile notes before they begin deliberation. She explained the point of the deliberation is to produce two motions; the first is direct MML to extend a conditional offer of employment to a candidate and conduct a background check. The second motion is to direct the City Attorney's Office to begin conducting contract negotiations.

Council Member Murdock asked if there will be further background investigation. Ms. Grinzinger responded in the affirmative. Mr. Murdock asked if there will be further interviewing of the selected candidates employers. Ms. Grinzinger responded if Council wishes to conduct further reference reviews it may do so. Ms. Grinzinger suggested avoiding speaking negatively about a candidate.

Mayor Edmonds asked Council to provide their overall opinion of the candidates.

Council Member Robb responded Council has received over 100 answers from questions today, and he would prefer to wait to vote allowing Council time to digest information. He was shocked how many of the candidates did not shake hands and many of the candidates did not mention EMU. He has narrowed down to three candidates and could select a City Manager from this group. His top three candidates are; Paul Brake, but his concern is he currently has multiple job offers. Darwin McClary, but he listed his biggest accomplishment as building a building which is not necessarily in line with the issues of Ypsilanti. Daniel Elsass would be his third selection who provided solid answers. He would eliminate Mr. Starks, although he loved his interview he specializes in economic development and the City already has an economic developer and he has zero labor experience.

Council Member Vogt stated Mr. Brake and Mr. McClary are a "toss up" for him. Mr. Brake came across as in command with complete confidence. Mr. McClary was slightly more quite but the same characteristics still were present. There was a bit of a drop off for the next three applicants. He said he would eliminate Mr. Starks as a candidate.

Mayor Pro-Tem Brown stated she liked Mr. Brake saying he came across very confident and answered many of the questions before they were asked, and liked his comments regarding rumors and perception. Darwin McClary had a good interview and he is a strong in community engagement and on building community trust in the City. She said she would eliminate Mr. Elsass as a potential candidate.

Mayor Edmonds asked where Mr. Brake currently has offers. Council Member Robb responded he was not certain. Ms. Grinzinger responded Mr. Brake was in the interview stage for two other jobs however he has not received an offer.

Council Member Bashert stated she is in consensus with Brake and McClary, but she prefers McClary to Brake. She said the difference is McClary would better fit this community. Brake would be more professional and less personable, but when asked he could not think of an instance that he made an error, or a spot that could be improved. Mayor Pro-Tem Brown agreed but thought it could have been a result of his interview style, and said the question regarding a Deputy Manager he said he would want a person that contrasts his strengths. Ms. Bashert stated she would eliminate Mr. Elsass from contention, she liked Mr. Starks but his background does not fit the job, and Mr. Smith did not impress one way or the other.

Council Member Murdock agreed, and said this is the wrong job for Mr. Starks, Mr. Elsass's presentation did not impress him, and Mr. Smith did not seem to have done much research on the issues facing Ypsilanti. Mr. Murdock stated Mr.

Brake's had one of the best resumes and McClary struck him as having all the skills needed to be successful in this community. Mr. Murdock stated McClary would be his first choice, although Mr. Brake could be successful.

Council Member Richardson stated before the interviews Mr. Brake would have been her first choice, but after the interview she would rate him number four, or five. She felt Mr. Brake would not resonate with this community. She said Mr. Elsass would be her last choice. She liked Mr. Starks's presentation and felt he would be able to communicate with this community and that he would be willing to learn. She said some skills can transfer to other job classifications and doesn't see his background would keep him from being a successful Manager. She said her top three candidates, in no specific order are McClary, Smith, and Starks.

Mayor Edmonds stated McClary and Brake are at the top for most of Council, with the exception of Council Member Richardson. She said Mr. Smith was highly impressive but the wrong fit for this City. She felt Mr. Elsass has a fine person with fine experience and really enjoyed Mr. Starks but does not have the experience as a City Manager. She said Mr. Starks is a solid third and her top two are McClary and Brake, but McClary would be her first choice.

Ms. Grinzinger stated from this first discussion there are two candidates at the top; Mr. McClary and Mr. Brake.

Mr. Robb stated Mr. McClary did not mention EMU in his interview, which was very surprising. He said Mr. McClary mentioned "Ypsi Connect", but also said all messages would go to him. Mr. Robb said that is a small town mentality. Mayor Edmonds responded she did not view the comment in the same manner. Council Member Bashert replied if a car is returned to a dealership within the first 90 days after being purchased the general manager of the factory that built it would be notified. Ms. Bashert added she did not view the comment as "small town" mentality. Mr. Robb responded Mr. McClary was referencing he would be the individual that would delegate an employee to resolve the issue. Council Member Murdock stated the impression he received was Mr. McClary looked at the system and noticed flaws. Mr. Robb stated Mr. Brake interviewed well and should not be punished because his interview seemed too polished. Mr. Robb added if there are real reasons to not hire Mr. Brake then fine, but he should not be eliminated because his interview was too refined.

Council Member Bashert stated both McClary and Brake mentioned good reasons to come to Ypsilanti, but one reason she liked McClary more is because of his familial connection to Ypsilanti. She stated her daughter and grandson both live in this community which makes her very committed to the City's success. Council Member Richardson responded Mr. Brake mentioned he has a sister who is a dean at EMU. Ms. Bashert replied that does not necessarily mean she lives in the City. Council Member Robb replied living in the City opposed to the township does not make a large difference to him.

Mayor Edmonds appreciated Mr. Brake discussing his specific skills in management and that he took the time to speak with members of the community to form a bigger picture of the community and form different perspectives. She added she isn't sure how diverse the community members were he spoke to, but they were major stakeholders.

Mayor Pro-Tem Brown liked Mr. Brake mentioned he walked the Water Street development area.

Council Member Bashert liked Mr. Brake's comments regarding servant leadership. Mayor Pro-Tem Brown said it might be Mr. Brake knows how to prepare for interviews but he did do these things which should not be overlooked.

Mayor Edmonds stated Mr. Brake has had the longest tenure with his current position among the candidates.

Council Member Richardson did not like the way Mr. Brake referred to staff as subordinates, rather than staff. Mayor Edmonds added Mr. Smith used the same term.

Council Member Vogt was impressed that Council is focused on small details between these two candidates, which means it is a very difficult decision.

Mayor Edmonds asked staff what their impressions were regarding the candidates.

Interim City Manager Frances McMullan had Mr. Brake and Mr. McClary as the top candidates and leaned more toward Mr. McClary because he was more inclusive and strong collective bargaining experience. Economic Development

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Director Beth Ernat echoed the comments that Mr. Brake and Mr. McClary would be the top two candidates. She said Mr. McClary mentioned a lot of "hot spots" the City is facing and looked to be enthusiastic. Interim Clerk Andrew Hellenga stated both candidates are excellent but would select Mr. Brake.

Mayor Pro-Tem Brown stated Mr. McClary mentioned he was instrumental in adopting a human rights ordinance in a previous position in Lake Orion. Ms. Ernat added the passage of a human rights ordinance in that community could have been difficult. Mayor Edmonds stated Mr. McClary mentioned as a part of that process it was important to engage with community members with opposing viewpoints.

Council Member Bashert stated every other candidate when asked about ethics leaned on ICMA's ethical standards and McClary said civil servants are in a position of public trust. She said in illustrating his ethical standard he provided a specific circumstance, which no other candidate did. Council Member Robb asked how important would Council Member Bashert rank that specific question. Mr. Robb expects all candidates to follow a strong code of ethics. Mayor Pro-Tem Brown ranked that question very high out of the 25 asked. Ms. Bashert wants a Manager who possesses both a strong skillset and must be a person who can work with Council easily and comfortably, and ethics is extremely important. Ms. Grinzinger explained some questions are designed so a candidate can discuss situations that are relatable to this Community.

Council Member Vogt stated Ypsilanti has a Task Force working on police and community relations because of a background in this community. He asked what Council thinks about which of these two candidates would be best for the community regarding that issue. Council Member Richardson felt McClary would be better suited to address those issues. Mayor Edmonds responded Mr. McClary because of his own passion and values around those issues he would be better suited to represent Council to the community. Mayor Pro-Tem Brown stated Mr. McClary appears to have a passion for social justice while Mr. Brake discussed respect and dignity but seemed he would be more by "the book". Ms. Brown added both candidates could effectively manage these situations but they are stylistically different. Ms. Richardson liked that Mr. McClary said both the manager and Council need to be above reproach.

Council Member Vogt asked Council which of these two gentlemen would be best suited to help the City with its financial and economic issues. Council Member Robb responded when Council created the City profile ethics and social justice was not mentioned and there was great stress put on finding solutions to the City's financial issues. Mr. Robb said Mr. Brake two top issues facing the City were its finances and Water Street and Mr. McClary said financial situations and personnel cost. Mr. Robb added he feels ethics are important but does not believe it should be the deciding factor.

Council Member Richardson didn't like that Mr. Brake focused on fees, fines, and other revenue sources and the budget cannot be balanced off of fees and fines. That would be attempting to balance the budget on the backs of the citizens. Council Member Robb replied that is an issue for Goal Setting, and he disagrees with the sentiment.

Council Member Murdock stated nothing new was mentioned by any of the candidates regarding economic development. He liked what Mr. McClary said about his management style and how it would fit in this community.

Council Member Bashert stated she would be happy to work with either of the candidates, but Council Member Richardson feels very strongly against Mr. Brake. She said a consensus could be reached for one of the applicants, which might not be the case for the other.

Council Member Murdock moved, seconded by Council Member Richardson to move to extend a conditional offer of employment to Darwin McClary and direct the MML to complete a background investigation and conduct further reference review.

On a roll call, the vote to approve the extension of a conditional offer to Darwin McClary was as follows:

Council Member Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

Mayor Pro-Tem Brown moved, seconded by Council Member Bashert to authorize the City Attorney to initiate discussions with Darwin McClary on terms of a mutually acceptable employment agreement. Such contract will be presented to the entire Council for approval prior to signature and execution.

On a roll call, the vote to approve authorizing the City Attorney to initiate contract discussions with Darwin McClary was as follows:

Council Member Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

XIV. ADJOURNMENT –

Council Member Robb moved, seconded by Council Member Vogt, to adjourn the meeting.

On a voice vote, the motion carried, and the meeting adjourned at 4:49 p.m.



Resolution No. 2017 - 022
January 24, 2017

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 EXPIRATION</u>
Ann Stevenson (Reappointment) 707 Collegewood Ypsilanti, MI 48197	Historic District Commission	1/31/2020

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2017-023
January 24, 2017

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, there is community support for a playground in Riverside Park; and,

WHEREAS, the proposed park design was community-driven, design of the playground was vetted publically by the Park Task Force, the proposed park has been formally adopted in the Ypsilanti Parks Plan, and the City Park and Recreation Commission supports the proposed plan; and

WHEREAS, the proposed park includes accessible features, low-maintenance equipment, and equipment for varying age groups; and

WHEREAS, the City of Ypsilanti needs grant support in order to implement the proposed park improvement in Riverside Park.

NOW THEREFORE BE IT RESOLVED, the City Council of Ypsilanti supports the application for grant being made to the Ralph C. Wilson, Jr. Foundation for grant funds in the amount \$50,000 for the creation of a playground in Riverside Park. Additionally, the City Council approves of the in-kind match for installation and maintenance of said playground. .

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



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

105 Pearl Street
Ypsilanti, MI 48197
(734) 481-1234
Fax (734) 483-3871
www.barrlawfirm.com
e-mail: jbarr@barrlawfirm.com

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

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

**REQUEST FOR LEGISLATION**

DATE: December 23, 2016

FROM: John M. Barr, Ypsilanti City Attorney

SUBJECT: Amendments to Discrimination Ordinance

**SUMMARY/BACKGROUND**

The Human Relations Commission (HRC) has reviewed the city Discrimination Ordinance and suggested several changes as follow:

1. The HRC made some grammatical changes.
2. Added a class of gender as a protected class.
3. Added the provision of a "perceived" status, mainly regarding gender classifications.
4. Added immigration status as a protected class.

This office reviewed the draft ordinance and met with a representative of the HRC to discuss the changes. After review we have added an exception to section 58-71 of any action required by law. In other words, if an action is mandated by law, such as not employing an undocumented alien, that would be an exception to the ordinance and not a violation of the ordinance.

**ATTACHMENTS:** Proposed Ordinance

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

January 20, 2017  
Page 2

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RECOMMENDED ACTION: No recommendation

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

CITY MANAGER COMMENTS:

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

COUNCIL ACTION TAKEN:



RESOLUTION NO. 2017- 024  
January 24, 2017

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

The certain ordinance entitled **"An ordinance to amend the Discrimination Ordinance of the City of Ypsilanti" Article III Discrimination of Chapter 58 Human Relations, being Section 58-91 through Section 58-99 of the Ypsilanti City Code** be adopted on second and final reading.

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

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

YES:            NO:            ABSENT:            VOTE:



**CITY OF YPSILANTI  
NOTICE OF ADOPTED ORDINANCE  
Ordinance No. 1279**

An ordinance to amend the Discrimination Ordinance of the City of Ypsilanti

- 1. THE CITY OF YPSILANTI HEREBY ORDAINS** That Article III Discrimination of Chapter 58 Human Relations, being Section 58-91 through Section 58-99 of the Ypsilanti City Code is hereby amended to read as follows:

ARTICLE III. - DISCRIMINATION  
DIVISION 1. - GENERALLY

Sec. 58-61. - Intent.

- (a) It is the intent of the city that no person be denied the equal protection of the laws; nor shall any person be denied the enjoyment of ~~his~~*their* civil or political rights or be discriminated against because of *actual or perceived* race, color, religion, national origin, immigration status, sex, sexual orientation, *gender identity, gender expression* age, marital status, ~~having a~~ *disability status*, familial status, educational association, source of income, height or weight.
- (b) Nothing herein contained shall be construed to prohibit any affirmative action laws passed by any level of government. Further, nothing in this article shall be construed to establish affirmative action for any of the classes defined herein.

(Ord. No. 865, § I, 12-16-1997)

Sec. 58-62. - Definitions.

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Age* means chronological age.

*Contractor* means a person who by contract furnishes services, materials or supplies. The term "contractor" does not include persons who are merely creditors or debtors of the city, such as those holding the city's notes or bonds or persons whose notes, bonds or stock is held by the city.

*Disability* means a functional limitation that interferes with a person's ability to see, walk, lift, hear or learn. It may refer to a physical, sensory or mental condition unrelated to one's ability to safely perform the work involved in jobs or positions available to such person for hire or promotion or a limitation of physical capabilities unrelated to one's ability to acquire, rent and maintain property. Impairment refers to loss or abnormality of an organ or body mechanism, which may result in disability.

*Discriminate* means to subject anyone to different or separate treatment, based in whole or in part, on the person's actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, *gender identity*, age, marital status, ~~having a~~ *disability status*, *gender expression*, familial status, educational association, height, or weight. Discrimination based on sex includes sexual harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:

- (1) Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodations or housing.

- (2) Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment, public accommodations or housing.
- (3) Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, or housing environment.
- (4) Prohibited conduct constitutes sexual harassment whether it occurs between people of the same or opposite sex.

*Educational association* means the fact of being enrolled or not enrolled at any educational institution.

*Employer* means a person employing five or more persons.

*Familial status* means the state of being related by blood or affinity to the fourth degree.

*Housing facility* means any dwelling unit or facility used for a person to regularly sleep and keep personal belongings including, but not limited to, a house, apartment, roominghouse, housing cooperative, hotel, motel, tourist home, retirement home or nursing home.

*Income* means any of the following:

- (1) Commissions, earnings, salaries, wages, and other income due or to be due in the future to an individual from his employer and successor employers.
- (2) A payment due or to be due in the future to an individual from a profit-sharing plan, a pension plan, an insurance contract, an annuity, social security, unemployment compensation, supplemental unemployment benefits, or worker's compensation.
- (3) An amount of money that is due to an individual as a debt of another individual, partnership, association, or private or public corporation, the United States or a federal agency, the state or a political subdivision of the state, another state, or another legal entity that is indebted to the individual.

*Marital status* means the state of being married, unmarried, divorced, separated or widowed.

*Place of public accommodation* means an educational, governmental, health, day care, entertainment, cultural, recreational, refreshment, transportation, financial institution, accommodation, business or other facility of any kind, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold or otherwise made available to the public, or which receives financial support through the solicitation of the general public or through governmental subsidy of any kind.

*Sexual orientation* shall mean, emotional, romantic, and/or sexual attractions, or the absence thereof, to people. Sexual orientation also refers to a person's sense of identity based on those attractions, related behaviors, and membership in a community of others who share those attractions.

*Gender Identity* shall mean, shall be defined as, an individual's internal sense of their own sex and a defining component of sex.

*Gender Expression* shall be defined as, a gender-based appearance, expression, or behavior of an individual, regardless of the individual's assigned sex at birth.

(Ord. No. 865, § II, 12-16-1997)

### **Cross reference—** Definitions generally, § 1-2.

Sec. 58-63. - Discriminatory housing practices.

- (a) No person shall discriminate in leasing, selling or otherwise making available any housing facilities.

- (b) No person shall discriminate in the terms, conditions, maintenance or repair in providing any housing facility.
- (c) No person shall refuse to lend money for the purchase or repair of any real property solely because of the location in the city of such real property.
- (d) No person shall promote real estate transactions by representing that changes are occurring or will occur in an area with respect to *actual or perceived* race, color, religion, national origin, immigration status, sex, sexual orientation, *gender identity, gender expression* age, marital status, ~~having a~~ disability status, familial status, educational association, source of income, height or weight.
- (e) No person shall place a sign or other display on any real property which indicates that the property is for sale or has been sold when it is not for sale or has not recently been sold.

(Ord. No. 865, § III, 12-16-1997)

Sec. 58-64. - Discriminatory public accommodation practices.

No person shall discriminate in making available full and equal access to all goods, services, activities, privileges and accommodations of any place of public accommodation.

(Ord. No. 865, § IV, 12-16-1997)

Sec. 58-65. - Discriminatory employment practices.

- (a) No employer shall discriminate in the employment, compensation, work classifications, conditions or terms, promotion or demotion, or termination of employment of any person.
- (b) No person shall discriminate in limiting membership, conditions of membership or termination of membership in any labor union or apprenticeship program.

(Ord. No. 865, § V, 12-16-1997)

**Cross reference—** Businesses, ch. 22.

Sec. 58-66. - Other prohibited practices.

- (a) No person shall adopt, enforce or employ any policy or requirement, publish, post or broadcast any advertisement, sign or notice which discriminates or indicates discrimination in providing housing, employment or public accommodations.
- (b) No person shall discriminate in the publication or distribution of advertising material, information or solicitation regarding housing, employment or public accommodations.
- (c) No agent, broker, labor union, employment agency or any other intermediary shall discriminate in making referrals, listings or providing information with regard to housing, employment or public accommodations. A report of the conviction of any such person for a violation of this article shall be made to the applicable licensing or regulatory agency for such person or business.
- (d) No person shall coerce, threaten or retaliate against a person for making a complaint or assisting in the investigation regarding a violation or alleged violation of this article, nor require, request, conspire with, assist or coerce another person to retaliate against a person for making a complaint or assisting in an investigation.
- (e) No person shall conspire with, assist, coerce or request another person to discriminate in any manner prohibited by this article.

(Ord. No. 865, § VI, 12-16-1997)

Sec. 58-67. - Information and investigation.

- (a) All persons claiming to be aggrieved by a discriminatory or unfair practice may, by themselves or by counsel, file with the city attorney a verified, written complaint which shall state the details, name and address of the person or entity alleged to have committed the discriminatory or unfair practice.
- (b) After the filing of a verified complaint, a true copy shall be served within ten days by certified mail on the person against whom the complaint [is] filed, by the complainant.

- (c) The city attorney shall refer this complaint to appropriate city departmental units and agencies for investigation as to the basis of the complaint.
- (d) After sufficient review and determination, the city attorney shall issue a written opinion to the human relations commission whether probable cause exists to believe a discriminatory practice or practices occurred as alleged by the complainant.
- (e) For an investigation, a person may be required to produce books, papers, records or other documents that may be relevant to a violation or alleged violations of this article. If such person does not comply with such request, the city attorney may apply to county circuit court for an order requiring production of such materials.
- (f) If it is determined that no probable cause exists, the city attorney shall notify the complainant and respondent in writing of the dismissal of the complaint.
- (g) *All complaints received by the human relations commission shall retained for three years.*

(Ord. No. 865, § VII, 12-16-1997; Ord. No. 947, 9-18-2001)

Sec. 58-68. - Conciliation agreements and mediation.

- (a) If probable cause has been determined, the human relations commission shall notify the complainant and respondent of mediation. Participation in mediation is voluntary, and either party may reject the offer to mediate. If the mediation request is accepted, the notice shall inform the parties of the identity of the mediator and shall request a time for the mediation to occur, no later than 45 days from the date probable cause was determined. Mediation shall be an informal process conducted by the human relations commission in accordance with the procedures established by the city council.
- (b) Mediation sessions are not open to the public, but any resolution of the dispute reached through mediation shall not be final until released by the human relations commission. Violations of such agreements shall be violations of this article.

(Ord. No. 865, § VIII, 12-16-1997)

Sec. 58-69. - Injunctions.

Nothing in this article shall prohibit an aggrieved person from commencing civil action to obtain injunctive relief to prevent discrimination prohibited by this article.

(Ord. No. 865, § IX, 12-16-1997)

Sec. 58-70. - Discriminatory effects.

No person shall adopt, enforce or employ any policy or requirement which has the effect of creating unequal opportunities according to race, color, religion, national origin, sex, sexual orientation, immigration status, age, source of income, familial status, educational association, marital status, having a disability, height or weight for a person to obtain housing, employment or public accommodation, except for a bona fide business necessity. Such a necessity does not arise due to a mere inconvenience or because of suspected or actual objection to such a person by neighbors, customers, or other persons.

(Ord. No. 865, § X, 12-16-1997)

Sec. 58-71. - Exceptions.

Notwithstanding anything contained in this article, the following practices shall not be violations of this article:

- (1) This article shall not be construed to prohibit or interfere with the exercise of a person's First Amendment rights.
- (2) For a religious organization or institution to restrict any of its facilities of housing or accommodations which are operated as a direct part of religious activities to persons of the denomination involved or to restrict employment opportunities for officers, religious instructors and clergy.

- (3) For the owner of an owner-occupied one-family or two-family dwelling, or a housing facility or public accommodation facility, respectively, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use on the basis of sex.
- (4) To limit occupancy in a housing project or to provide public accommodations or employment privileges or assistance to persons of low income, over 55 years of age or who are handicapped.
- (5) To engage in a bona fide effort to establish or enforce an affirmative action program to improve opportunities in employment for minorities and women.
- (6) To discriminate based on a person's age when state, federal or local law requires such discrimination.
- (7) To refuse to enter into a contract with an unemancipated minor.
- (8) To refuse to admit to a place of public accommodation serving alcoholic beverages a person under the legal age for purchasing alcoholic beverages.
- (9) To refuse to admit person under 18 years of age to a business providing entertainment or selling literature or merchandise of a sexually explicit matter as defined by section 3 of Act No. 33 of the Public Acts of Michigan of 1978 (MCL 722.673).
- (10) For an educational institution to limit the use of its facilities to those affiliated with such institution.
- (11) To provide discounts on products or services to students, minors and/or senior citizens.
- (12) For a person to discriminate in any arrangement for the sharing of his own dwelling unit in which that person resides.
- (13) To restrict use of lavatories and locker room facilities on the basis of sex.
- (14) To use marital status limitations in health or pension plans if they conform to federal and state laws and regulations.
- (15) Any action required or mandated by law.

(Ord. No. 865, § XI, 12-16-1997)

Sec. 58-72. - Affirmative action by city contractors.

All contractors proposing to do business with the city shall abide by article VI of chapter 2.

(Ord. No. 865, § XII, 12-16-1997)

Sec. 58-73. - Penalties.

- (a) A violation of any provision of this article is a civil infraction punishable by a fine of not more than \$500.00 plus all costs of the action. A court of competent jurisdiction may issue and enforce any judgment, writ, or order necessary to enforce this article. This may include, but is not limited to, reinstatement, payment of lost wages, hiring, or promotion, sale, exchange, lease or sublease of real property, admission to a place of public accommodation, or other relief deemed appropriate.
- (b) Nothing contained in this article shall be constituted to limit in any way the remedies, legal or equitable, which are available to the city or any other person for the prevention or correction of discrimination.

(Ord. No. 865, § XIII, 12-16-1997)

Sec. 58-74. - Private actions for damages or injunctive relief.

- (a) An individual who is the victim of discriminatory action in violation of this article may bring a civil action for appropriate injunctive relief or damages or both against the person who acted in violation of this article.
- (b) As used in this article, the term "damages" includes any injury or loss caused by each violation of this article, including, but not limited to, reasonable attorney's fees.

- (c) Private actions and remedies under this section are in addition to any actions for violations that the city may take.

(Ord. No. 865, § XIV, 12-16-1997)

Sec. 58-75. - Limitation of action.

No complaint shall be accepted nor action taken unless filed within one year from the date of the alleged unlawful practice. Where the alleged unlawful practice is of a continuing nature, the limitation period shall not commence to run until the unlawful practice has ceased.

(Ord. No. 865, § XV, 12-16-1997)

Sec. 58-76. - Immunity concerning performance of city duties.

This article shall not apply to the following persons concerning the performance of their official city duties:

- (1) Mayor.
- (2) Mayor pro tem.
- (3) City council members.
- (4) City attorney and all assistants.
- (5) All employees and staff of the city attorney.
- (6) All members of the human relations commission and the clerk and secretary thereof.

(Ord. No. 947, 9-18-2001)

Sec. 58-77. - Immunity concerning actions or non-actions concerning performance of city duties.

The following persons shall have absolute immunity concerning their actions or non-actions for the performance of their duties concerning this article:

- (1) Mayor.
- (2) Mayor pro tem.
- (3) City council members.
- (4) City attorney and all assistants.
- (5) All employees and staff of the city attorney.
- (6) All members of the human relations commission and the clerk and secretary thereof.

(Ord. No. 947, 9-18-2001)

Sec. 58-78. - Appeal.

An aggrieved party may appeal a decision made pursuant to this article to the circuit court by filing a claim of appeal within 21 days of the date of the order or action appealed from.

(Ord. No. 947, 9-18-2001)

Sec. 58-79. - Complaints against city attorney or human relations commission members.

In the event of a complaint against the city attorney, assistant city attorneys, or human relations commission members in other than the official capacity, the matter shall be referred to the city manager for review. The city manager shall make a determination as to whether or not probable cause exists. If probable cause does exist, the city manager shall refer the matter to the human relations commission for action. If probable cause does not exist, the city manager shall so determine and notify the human relations commission and the parties. If the complaint is against a human relations commission member, the member shall not serve on the commission until determination of such complaint.

(Ord. No. 947, 9-18-2001)

**Editor's note**— A portion of Ord. No. 947, adopted Sept. 18, 2001, did not specifically amend the Code and has been codified herein as § 58-79 at the discretion of the editor.

Secs. 58-80–58-90. - Reserved.

DIVISION 2. - FAIR HOUSING<sup>[3]</sup>

Footnotes:

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**Cross reference**— Businesses, ch. 22.

**State Law reference**— Similar provisions, MCL 37.2501 et seq.

Sec. 58-91. - Definitions.

The following words, terms and phrases when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Handicap* means a determinable physical or mental characteristic of an individual or a history of the characteristic which may result from disease, injury, congenital condition of birth, or functional disorder which is unrelated to the individual's ability to acquire, rent or maintain property.

*Housing accommodations* means improved or unimproved real property, or a part thereof, which is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence of one or more persons. Housing accommodations shall include unimproved real property located in any residentially zoned area of the city.

*Manager* means a person authorized by the owner to sell, rent, transfer or lease any real property, housing accommodations, or any interest therein.

*Owner* means possessor of any interest in real property including lessor, sublessor, assignor, or other person having the right of ownership or possession or the right to sell, rent, transfer, or lease any real property, housing accommodations or any interest therein.

*Real estate broker or salesperson* means a person, whether licensed or not, who, for or with the expectation of receiving consideration:

- (1) Lists, sells, purchases, exchanges, rents or leases real property, housing accommodations, or an interest therein;
- (2) Negotiates or attempts to negotiate any listing, sale, purchase, exchange, rental or lease of real property, housing accommodations, or an interest therein;
- (3) Holds himself as listing, selling, purchasing, exchanging, renting or leasing real property, housing accommodations, or an interest therein;
- (4) Negotiates or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance on real property, housing accommodations, or an interest therein; or
- (5) Engages in the business of listing real property, housing accommodations, or an interest therein in publications.

The term "real estate broker or salesperson" shall include a person employed, acting as an independent contractor, or otherwise acting on behalf of a real estate broker or salesperson.

*Real estate transaction* means the sale, purchase, exchange, rental, lease, transfer, assignment or sublease of real property, housing accommodations, or an interest therein or the listing thereof for such purpose.

*Real property* means property used or zoned for residential purposes including a building, structure, mobile home, unimproved real estate, land, leasehold or an interest in a real estate cooperative or condominium.

*Sexual orientation* means male or female homosexuality, heterosexuality or bisexuality, by preference or practice.

(Code 1983, § 6.200)

**Cross reference—** Definitions generally, § 1-2.

Sec. 58-92. - Discrimination prohibited.

Except as otherwise provided in this division, no person engaging in a real estate transaction concerning housing accommodations, and no real estate broker or salesperson, shall, wholly or partly for reasons of *actual or perceived* race, color, religion, national origin, immigration status, sex, sexual orientation, *gender identity, gender expression* age, marital status, ~~having a disability status~~, familial status, educational association, source of income, height or weight, or any other protected classification specified by state or federal law:

- (1) Refuse to engage in a real estate transaction with a person;
- (2) Discriminate against a person in the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities, maintenance or services in connection therewith;
- (3) Refuse to receive from a person or to transmit to a person a bona fide offer to engage in a real estate transaction;
- (4) Refuse to negotiate for real estate transaction with a person;
- (5) Represent to a person that real property or an interest therein is not available for inspection, lease, sale and rental when in fact it is so available, or knowingly fail to bring a listing of real property to a person's attention, or refuse to permit a person to inspect real property;
- (6) Print, post, circulate, mail or otherwise cause to be published a statement, advertisement, notice or sign, or use a form of application for a real estate transaction, or make a record of inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a preference, limitation, specification or discrimination with respect to *actual or perceived* race, color, religion, national origin, immigration status, sex, sexual orientation, *gender identity, gender expression* age, marital status, ~~having a disability status~~, familial status, educational association, source of income, height or weight., or any other protected classification specified by state or federal law;
- (7) Offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;
- (8) Deny a person access to or membership or participation in multiple listing services, real estate broker's organizations or other real estate services;
- (9) Place a sign or other display on any real property which indicates that the property is for sale or lease, or has been sold or leased when it is not for sale or lease or has not recently been sold or leased.

(Code 1983, § 6.201)

Sec. 58-93. - Exemptions.

Notwithstanding anything contained in this division, the following practices shall not be violations of this division:

- (1) For a religious organization or institution to restrict any of its facilities of housing or accommodations which are operated as a direct part of religious activities to persons of the denomination or having membership in the organization involved.
- (2) A housing facility operated by a student organization recognized by the university dean of students, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use on the basis of sex.

- (3) To limit occupancy in a housing project to persons of low income, over 55 years of age or who are handicapped.
- (4) To discriminate based on a person's age when such discrimination is required by state, federal or local law.
- (5) To refuse to engage in a real estate transaction with a unemancipated minor.
- (6) For an educational institution to limit the use of its housing facilities to those affiliated with such institution.
- (7) For the owner of an owner occupied, single-family dwelling to limit the gender of the renter.

(Code 1983, § 6.202)

Sec. 58-94. - Discrimination by financial or insurance institutions.

(a) Except as otherwise provided in this division, a person to whom application is made for financial assistance or financing in connection with a real estate transaction or in connection with the insurance, construction, rehabilitation, repair, maintenance or improvement of real property, or an interest therein, which is utilized for housing accommodations, or a representative or such person shall not:

- (1) Discriminate against the applicant because of *actual or perceived* race, color, religion, national origin, immigration status, sex, sexual orientation, *gender identity, gender expression* age, marital status, ~~having a~~ disability status, familial status, educational association, source of income, height or weight. or any other protected classification specified by state or federal law; or
  - (2) Use a form of application for insurance or financial assistance or financing, or make or keep a record or inquiry in connection with an application for financial assistance or financing, which indicates, directly or indirectly, a preference, limitation, specification or discrimination based on *actual or perceived* race, color, religion, national origin, immigration status, sex, sexual orientation, *gender identity, gender expression* age, marital status, ~~having a~~ disability status, familial status, educational association, source of income, height or weight. or any other protected classification specified by state or federal law.
- (b) Subsection (a)(2) of this section shall not apply to a form of application for financial assistance prescribed for the use of a lender regulated as a mortgagee under the National Housing Act, as amended, being 12 USC 1701 to 1750(g), as amended, or by a registration board or officer acting under the statutory authority of the state or the United States.
- (c) Nothing in this division shall be deemed to prohibit an owner, lender, or an agent from requiring that an applicant who seeks to buy, rent, lease, or obtain financial assistance for housing accommodations supply information concerning the applicant's financial, business, or employment status or other information designed solely to determine the applicant's financial, business, or employment status or other information designed solely to determine the applicant's credit worthiness, but not concerning handicaps for reasons contrary to the provisions or purposes of this division.

(Code 1983, § 6.203)

Sec. 58-95. - Unlawful representations to induce transaction.

It shall be unlawful for a person, for the purpose of inducing a real estate transaction from which that person may benefit financially, to represent that a change has occurred or will or may occur in the composition of an area with respect to the *actual or perceived* race, color, religion, national origin, immigration status, sex, sexual orientation, *gender identity, gender expression* age, marital status, ~~having a~~ disability status, familial status, educational association, source of income, height or weight. or any other protected classification specified by state or federal law, of the owners or occupants in the block, neighborhood or area in which the real property is located, or to represent that this change will or may result in the lowering of property values, an increase in criminal or anti-social behavior or a decline in the quality of schools in the block, neighborhood or area in which the real property is located.

(Code 1983, § 6.204)

Sec. 58-96. - Property offered to public.

Nothing in this division shall require an owner to offer property to the public at large before selling or renting it, nor shall this division be deemed to prohibit owners from giving preference to prospective tenants or buyers for any reason other than *actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, having a disability status, familial status, educational association, source of income, height or weight*. or any other protected classification specified by state or federal law.

(Code 1983, § 6.205)

Sec. 58-97. - Enforcement.

- (a) *Report of violation.* Any person claiming a violation of this division shall make a written complaint to the city manager or his designee setting forth the details, including location of the property, names, dates, witnesses and other factual matter. All such complaints shall be verified by the claimant. Such complaints shall be filed with the city manager's office within 120 days after the alleged commission of the offense.
- (b) *Investigation of complaints.* Within 30 days after a written, verified complaint is received, the city manager or his designee shall make a full investigation of the alleged violation. After such investigation, or at the end of such 30-day period, whichever occurs first, the city manager or his designee shall be given written notice to the person accused of the violation that he shall have 30 days within which to submit a written statement of his version of the facts or schedule a meeting with the city manager or the manager's designee to attempt to resolve the matter by conciliation.
- (c) *Conciliation agreements.* The city manager may enter into agreements whereby persons agree to methods of terminating discrimination or to reverse the effects past discrimination. Such agreement shall be made in writing and approved as to form by both parties. Violations of such agreement shall be violations of this division.

(Code 1983, § 6.206)

Sec. 58-98. - Injunctions.

The city attorney or the city attorney's designee may commence a civil action to obtain injunctive relief to prevent discrimination prohibited by this division, to reverse the effects of such discrimination or to enforce a conciliation agreement.

(Code 1983, § 6.207)

Sec. 58-99. - Related prohibitions.

- (a) No person shall provide false or substantially misleading information to any authorized person investigating a complaint regarding a violation of this division, or sign a complaint for a violation of this division based upon false or substantially misleading information.
- (b) No person shall coerce, threaten, or retaliate against any individual or organization for making a complaint or assisting in an investigation regarding a violation or alleged violation of this division or require, request, conspire with, assist or coerce another person to retaliate against any individual or organization for making a complaint or assisting in any investigation pursuant to this division.
- (c) No person shall conspire with, aid, assist, compel, coerce or request another person to discriminate in any manner prohibited by this division.
- (d) No person shall attempt directly or indirectly to commit an act prohibited by this division.

**2. Severability.** If any clause, sentence, section, paragraph, or part of this

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

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

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

**5. Copies to be available.** Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours. A complete copy of the ordinance is also available for inspection on the City's website, [www.cityofypsilanti.com](http://www.cityofypsilanti.com).

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

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
Andrew Hellenga, Interim City Clerk

Attest

I do hereby confirm that the above Ordinance No. \_\_\_\_ was published in The Washtenaw Legal News on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Andrew Hellenga, Interim City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Andrew Hellenga, Interim City Clerk

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

First Reading: \_\_\_\_\_

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

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

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



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

105 Pearl Street  
Ypsilanti, MI 48197  
(734) 481-1234  
Fax (734) 483-3871  
www.barrlawfirm.com  
e-mail: jbarr@barrlawfirm.com

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

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

REQUEST FOR LEGISLATION

DATE: September 18, 2012

FROM: John M. Barr, Ypsilanti City Attorney

SUBJECT: Sustainability Commission

SUMMARY/BACKGROUND

City Council at the November 14, 2016 passed Resolution # 2016-258, creating a Sustainability Commission. The Ypsilanti City Charter in section 9.03 provides that City Council may create boards and commissions by ordinance.

I recommend that the Sustainability Commission be finalized by ordinance.

Attached is a draft Ordinance to create a Sustainability Commission.

ATTACHMENTS: Proposed Sustainability Ordinance and Resolution to Adopt

RECOMMENDED ACTION: Adoption of the ordinance

DATE RECEIVED: _____ AGENDA ITEM NO.



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

January 20, 2017
Page 2

CITY MANAGER COMMENTS:

FOR AGENDA OF: _____ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:



RESOLUTION NO. 2017- 025
January 24, 2017

RESOLUTION TO ADOPT STAINABILITY COMMISSION ORDINANCE

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

The Attached Ordinance entitled Stainability Commission Ordinance be adopted on Second and Final reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1280**

An ordinance to establish a Sustainability Commission

1. THE CITY OF YPSILANTI HEREBY ORDAINS That

The Ypsilanti City Code is hereby amended by adding a new Division 5 Sustainability Commission, to Chapter 2 Administration, Article IV Boards and Commissions, as follows:

Division 5. SUSTAINABILITY COMMISSION

Section 2.171 Sustainability Commission Rationale

City Council by resolution 2016-258, dated November 14, 2016 set forth the reasons for a Sustainability Commission, including:

- a. To create a model of sustainability through efforts to advocate, educate and promote the social, economic and environmental health of the community now and into the future.
- b. To broaden the lens and scope of energy and environmental needs in the future such as wind, solar, clean air, water and improving infrastructure.
- c. To recognize natural resources as chief assets of the City of Ypsilanti and encouraging responsible stewardship of these assets.
- d. To collaborate with citizens, employees, employers, service providers and other governmental agencies and educational agencies to share ideas.
- e. To create a Sustainability Plan.
- f. To review the City of Ypsilanti's Climate Action Plan, Alternate Fuel Policy, the Michigan Green Communities Challenge, and other plans and policies and to continue the work of said plans and policies.
- g. To prioritize sustainability policies.

Section 2.172. Created

Pursuant to Ypsilanti City Charter section 9.03, a commission is hereby created known as the Ypsilanti Sustainability Commission,

- a. to consist of nine regular members, serving for staggered three year terms, and two non-voting youth members serving one year terms. two non-voting youth members to serve one year terms.

- b. There shall be a staff person assigned to the commission.
- c. There shall be a Council liaison appointed to the Commission by City Council.
- d. Commissioners shall be city residents, except that not more than three commissioners may be non-residents of the city of Ypsilanti.

Section 2.173 Appointment

Commissioners shall be appointed by the Mayor with the approval and confirmation of a majority of city council. Non-resident commissioners shall require a finding of the best interest of the city and approval and confirmation of not less than five affirmative votes of city council members.

Section 2.174 Duties

Duties of the Ypsilanti Sustainability Commission shall be to:

- a. Establish by-laws, subject to the approval of the City Council.
- b. Elect officers including a Commission chairperson.
- c. Establish a meeting schedule and meet at least quarterly.
- d. Take action to fulfill the reasons and rationale for the Sustainability Commission set out in Section 2.171, above.
- e. To report Commission actions and findings and make recommendations to City Council at least annually.

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

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

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

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours. A complete copy of the ordinance is also available for inspection on the City's website, www.cityofypsilanti.com.

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

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS _____
DAY OF _____, 2017.

Andrew Hellenga, Interim City Clerk

Attest

I do hereby confirm that the above Ordinance No. ____ was published in The Washtenaw Legal News on the _____ day of _____, 2016.

Andrew Hellenga, Interim City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the _____ day of _____, 2017.

Andrew Hellenga, Interim City Clerk

Notice Published: _____

First Reading: _____

Second Reading: _____

Published: _____

Effective Date: _____



REQUEST FOR LEGISLATION
January 24, 2017

To: Mayor and Council

From: Chief Max Anthouard

Subject: Grant Application Authorization

SUMMARY & BACKGROUND:

The City of Ypsilanti Fire Department is eligible to apply for a FEMA grant under the 2016 Staffing for Adequate Fire & Emergency Response (SAFER) Grants. The goal of SAFER is to enhance local fire departments' ability to comply with the staffing, response, and operational standards established by NFPA 1710.

I am asking for authorization to apply for this grant. If awarded, this grant will replace 2 firefighters we will lose by attrition in April 2017 and the person that was promoted to the position of Fire Marshal in January 2017. The total amount of the grant for the three year period is \$819,216. This amount is based on a firefighter first year salary and benefits. There is a 25% match for the first and second year and a 35% match for the third year. The City participation will be \$314,033 or \$104,677 per year. A "cost share" waiver is available for distressed communities.

In addition to our current automatic agreement, these three additional firefighters will put the Fire Department back into compliance with NFPA 1710 and will also make us compliant with MIOSHA's "two-in, two-out" requirement. Three additional personnel will reestablish a staffing level of six persons per shift and will tremendously reduce overtime.

The reduction of overtime will cover the City's financial participation.

The application process opened Monday, January 9, 2017 and will close on February 10, 2017. The anticipated award date is no later than July 2017.

RECOMMENDED ACTION: (Approval/Denial)

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2017 – 026
January 24, 2017

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The Fire Department qualifies to apply for a FEMA grant under the 2016 Staffing for Adequate Fire & Emergency Response (SAFER) Grants. The goal of SAFER is to enhance the local fire departments' ability to comply with the staffing, response, and operational standards established by the NFPA 1710; And,

WHEREAS, three firefighters will place the Fire Department back into compliance with NFPA 1710 and will also make the Department compliant with MIOSHA's "two-in, two-out" requirement.

WHEREAS, the total amount of the three year grant is \$819,216 and the maximum City's financial participation due to matching requirement will be \$314,033 if we do not obtain a "cost share" waiver; And,

WHEREAS, three additional personnel will reestablish a staffing level of six persons per shift and reduce overtime in excess of the City's maximum financial participation.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council authorizes the Fire Department to apply for the grant.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

2016 SAFER Strategic Planning

The Safer requirements for 2016 had changed compared to the one we obtained in 2013. The grant still covers wages and benefits period but a financial participation is required. FEMA will cover:

- 75 percent of the actual costs incurred in the first year of the grant;
- 75 percent of the actual costs incurred in the second year of the grant;
- 35 percent of the actual costs incurred in the third year of the grant.

FEMA participation is based on the first year salary and OPEBs in effect the day the grant application is submitted.

Considering the above FEMA participation percentages and that raises are not included in this grant, the average yearly cost of three firefighters hired under safer will be \$104,668. 18 firefighters in fire suppression versus 15 will have a considerable impact on overtime. In fiscal year 2013-14 our overtime was \$253,255 when our fire suppression staffing was at 15. Our average yearly overtime with 18 fire suppression personnel for the past year is \$72,642. Additionally, the new fire fighters I will be replacing tier 1 personnel.

A conservative figure is that hiring three personnel under safer will not increase the fire department budget or possibly decrease it.

Though there is no retention requirement after the grant expires, three personnel will be retiring just after the end of the of performance period of this grant.

YEARLY BUDGET FLUCTUATION WITH OR WITHOUT 3 ADDITIONAL SAFER POSITIONS

Date	Staffing Changes	Change in Fire Suppression Staffing					
			With Safer			Without Safer	
1-Jan-17	Current Staffing		18			18	
Jan-17	Fire Marshal Promotion	-1	17		-1	17	
10-Feb-17	SAFER application closes		17			17	
April,2017	2 retirements	-2	15		-2	15	
Summer2017	SAFER award notification		15			15	
Jan 2018	New SAFER personnel hiring	3	18	\$ 104,668		15	
3-Mar-19	1 retirement	-1	17		-1	14	
	Hire one new person	1	18	\$ 91,024	1	15	\$ 91,024
10-Nov-19	Fire Chief retirement		18			15	
15-Mar-20	1 retirement	-1	17		-1	14	
	Hire one new person	1	18	\$ 91,024	1	15	\$ 91,024
Jan 1st 2021	SAFER performance ends		18			15	
14-Jan-21	2 retirements	-2	16	\$ 10,502.77	-2	13	
5-May-21	1 retirement	-1	15	\$ 31,508.31	-1	12	
		Total		\$ 328,728			\$ 182,048
			Balance	\$ 146,680			
			1st and 2nd year increase x3 personnel	\$ 16,599			
			Anticipated decrease in OT	\$ 180,613			
			budget changes	\$ (17,334)			
Notes:							
FF 1st year salary + OPEBs (Feb 2017)				\$ 91,024			
Overtime spending in 2013-2014 with 15 personnel				\$ 253,255			
Overtime spending in 2014- 2015 with 18 personnel				\$ 94,440			
Overtime spending in 2015- 2016 with 18 personnel				\$ 50,844			



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

105 Pearl Street
Ypsilanti, MI 48197
(734) 481-1234
Fax (734) 483-3871
www.barrlawfirm.com
e-mail: jbarr@barrlawfirm.com

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

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

**REQUEST FOR LEGISLATION**

DATE: January 19, 2017

FROM: John M. Barr, Ypsilanti City Attorney

SUBJECT: Parkridge Center endowment agreement with Mr. John Barfield

**SUMMARY/BACKGROUND**

I met with Mr. Barfield's accountant, Mr. George Borel, CPA to finalize the proposed endowment agreement for Parkridge Center. The proposed agreement is that Mr. Barfield will authorize the use of the income on the existing \$200,000 endowment fund at the Ann Arbor Community Center for Parkridge, and add to that amount, up to \$27,000 per year, to match the amount that the city spends for operation of Parkridge.

In addition, Mr. Barfield will pay for the purchase of a house adjoining Parkridge. The city would demolish the house and make the land available for a development to be funded by the activities of Mr. Barfield.

Mr. Barfield has signed the agreement.

ATTACHMENTS: Proposed Agreement

RECOMMENDED ACTION: Approval of Agreement

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

CITY MANAGER COMMENTS:

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



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

January 20, 2017  
Page 2

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COUNCIL ACTION TAKEN:



RESOLUTION NO. 2017-027  
January 24, 2017

**RESOLUTION TO APPROVE AGREEMENT  
BETWEEN THE CITY AND JOHN BARFIELD FOR PARKRIDGE CENTER  
ENDOWMENT**

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

The agreement between the City of Ypsilanti and John Barfield for endowment and financial support for Parkridge Center, entitled MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF YPSILANTI AND JOHN BARFIELD REGARDING PARKRIDGE COMMUNITY CENTER be approved and the Mayor and City Clerk are authorized to sign for and on behalf of the city, subject to the approval of the city attorney.

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

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

YES:            NO:            ABSENT:            VOTE:

**MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF YPSILANTI AND  
JOHN BARFIELD REGARDING PARKRIDGE COMMUNITY CENTER**

This agreement is entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the City of Ypsilanti, a Michigan Home Rule City located at 1 South Huron Street, Ypsilanti, MI 48197 (hereinafter "City") and John Barfield, an individual residing at 2072 Valleyview Drive, Ann Arbor, MI 48105 (hereinafter "Mr. Barfield").

WHEREAS, the City owns the Parkridge Community Center, located at 591 Armstrong Drive in the City of Ypsilanti, State of Michigan (hereinafter "Center"); and

WHEREAS, the City also owns Parkridge Park, which is located adjacent to and southwest of the Center (hereinafter "Park"); and

WHEREAS, Mr. Barfield has expressed interest in cooperating with the City to establish a long-term plan to enhance the viability and sustainability of the Center to benefit the Parkridge neighborhood and the whole City; and

WHEREAS, the City is interested in so cooperating with Mr. Barfield.

NOW, THEREFORE, in consideration of the foregoing and in consideration of the agreements of the Parties hereto, the City and Mr. Barfield mutually agree as follows:

1. Center Operating Costs.

- A. The parties recognize that the annual cost of operation of the Center is approximately \$54,000. Mr. Barfield will beginning in the City's 2016-2017 fiscal year, contribute twenty seven thousand dollars (\$27,000) toward the costs of operation of the Center if the City contributes at least twenty seven thousand dollars (\$27,000) for payment of such costs.
- B. For the purposes of this agreement, operating costs for the Center include:
  - i. Repair and maintenance of the building.
  - ii. Custodial services, snow plowing, lawn mowing, and waste removal.
  - iii. Employment costs for staff at the Center.
  - iv. Costs to insure the building.
- C. Both parties agree and understand that the City owns and operates the Center. The parties shall establish a Parkview Advisory Committee (PAC) to make recommendations to the City with respect to the operation of the Center and the budget for such operation. The City shall give due consideration to such recommendations, but the final decision with respect to the operation shall lie solely with the City Manager. The PAC may appeal any City Manager decision to the Ypsilanti City Council.  
For every fiscal year that the costs of operation of the Center equal or exceed \$54,000, provided that the City has paid at least \$27,000 of such costs, the

City will invoice Mr. Barfield at his address above, with a copy to Mr. George E. Borel, CPA, at 555 Briarwood Circle, Suite 300, Ann Arbor, MI 48108 for \$27,000, to be applied to payment of operating costs of the Center. In addition to the invoice, the City shall provide a copy of the budget for the particular year and evidence of the payment of \$27,000 by the City. The invoice shall be due and payable within 30 days of the date of delivery of said invoice. The City's fiscal year runs annually from July 1 to June 30. The first such invoice will be issued on or about January 1, 2017 for fiscal year 2016-17, and every year thereafter.

2. Establishment of Endowment.

- A. An endowment in the amount of \$200,000 has been established at the Ann Arbor Area Community Foundation ("Foundation"). The purpose of the Parkridge Endowment will be to support the operation of the Center.
- B. Over the next 5 years, Mr. Barfield will use his best efforts to encourage others to make contributions to the Parkridge Endowment with a goal of increasing the amount held in the Parkridge Endowment. Any and all funds raised shall be part of the irrevocable Parkridge Endowment. This commitment by Mr. Barfield shall not be construed to require Mr. Barfield to provide funds in addition to the initial contribution of \$200,000.

3. Property Acquisition and Improvement.

- A. Mr. Barfield will facilitate the acquisition by the City of the property located at 767 Harriet Street in the City of Ypsilanti, County of Washtenaw, State of Michigan; having the parcel ID number 11-11-39-468-008; and legally described as (hereinafter "the Property"):
  - \*OLD SID - 11 11-010-258-00 YP CITY 1-W237 REWRITE PER QCD L4520 P626 YP CITY 1-W237 LD COM ON CENT LINE HARRIET ST 666.24 FT E'LY OF CENT LINE FIRST AVE, TH S 24.75 FT TO POB, TH CONT S 134.91 FT, TH N'ELY PARALLEL TO HARRIET ST 107 FT, TH N'LY 134.32 FT TO A PT 103.84 FT E'LY OF POB, TH SW'LY 103.84 FT TO THE POB. PT OF FRENCH CLAIM 690.
- B. Upon obtaining an agreement from the current owner to convey the Property to the City upon payment of purchase price not to exceed \$35,000, and upon satisfaction of any conditions to close, Mr. Barfield agrees to pay the purchase price to the owner and to cause the owner to deed the Property directly to the City. The City shall not be obligated to pay the purchase price.
- C. After the Property is conveyed to the City, the City agrees to demolish the existing structure on the Property and landscape both the Property and the City-owned adjacent parcel (Parcel ID number 11-11-39-007) according to City standards.

- D. Mr. Barfield commits, over the next five years, to use his best efforts to encourage others to contribute additional funds in an amount necessary to build an approximate 8,000- 12000 square-foot building on the above-described parcels. The building will belong to the City. The funds collected will be irrevocably donated to the Foundation and applied to pay the costs of construction and operation of the said building. In the event that sufficient funds to pay the costs of construction are not raised, the funds shall be transferred to the Parkridge Endowment, and applied to the other purposes of that endowment as described above.
  - E. This new building would be located adjacent, but not attached, to the Center to serve as a cultural, employment and job training center with the purpose of further enhancing educational opportunities for the residents of the community, to provide children an opportunity to understand their cultural heritage in a positive way, to teach children the value of entrepreneurship, and to serve as a job training center.
  - F. Once the funds are secured to construct this new building, Mr. Barfield and the City will cooperate with one another to determine the appearance and construction of the building and how this building will be operated and staffed. All construction will meet city codes. The City agrees to waive building permit and inspection fees. Both parties anticipate a further agreement or memorandum of understanding to this end.
4. Miscellaneous Provisions.
- A. Each provision of this agreement shall be separately enforceable and in the event that a court of competent jurisdiction determines or adjudges that any provision of this agreement is invalid or illegal, such decision shall not affect the rest of the agreement, which shall remain in full force and effect.
  - B. This agreement is to be performed in the City of Ypsilanti, County of Washtenaw, State of Michigan and all legal venue shall exclusively lie therein.
  - C. This agreement shall be governed by and construed in accordance with the laws of the State of Michigan.
  - D. This agreement shall bind the successors, assigns and heirs of the parties, but in the event of the death of Mr. Barfield, his estate shall not be responsible for any additional fund raising or have any commitment to make any contributions to the Parkridge Endowment. This agreement constitutes the entire agreement between the City and Mr. Barfield. It cannot be assigned by either party without the written consent of the other party. It cannot be amended or changed without the mutual written consent of both parties, following review and approval of the Ypsilanti City Attorney.

E. Termination. Both parties reserve the right to cancel and terminate this agreement by giving six (6) months written notice to the Ann Arbor Area Community foundation at 301 North Main Street, Ann Arbor, MI 48104.

IN WITNESS, WHEREOF, the parties have read, understand, and agree to the terms herein, having duly executed and delivered this agreement on the day and year referenced below. Each signor affirms that they are duly authorized to sign on behalf of their respective organization.

**CITY OF YPSILANTI**

\_\_\_\_\_  
Amanda Edmonds  
Mayor of the City of Ypsilanti

Dated: \_\_\_\_\_

\_\_\_\_\_  
Frances McMullan  
Clerk of the City of Ypsilanti

Dated: \_\_\_\_\_

**MR. JOHN BARFIELD**

\_\_\_\_\_  
John Barfield

Dated: 1-4-27

APPROVED AS TO FORM:

\_\_\_\_\_  
John M. Barr P-10475  
Ypsilanti City Attorney  
26766374.2\005942-00003



RESOLUTION NO. 2017- 028  
January 24, 2017

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

**Whereas**, by act of City Council the Community-Policing and Black Lives Matter Task Force was created in October of 2015 to examine police procedure to better serve the City of Ypsilanti; and

**Whereas**, the Task Force has examined several possibilities to improve community relations, one of which is the formation of a Community and Police Commission; and

**Whereas**, a sub-committee was established to develop structure of said commission and forward to the Task Force for approval; and

**Whereas**, the sub-committee listed four main responsibilities of the Commission; to review accusations of police misconduct, facilitate review of two to three policies per year, promote community policing, and promote the Citizens Police Academy; and

**Whereas**, the Task Force asks for City Council approval to continue its work to develop a Community and Police Commission, and to engage with the appropriate City Staff to complete its task.

**Now therefore be it resolved, that the City Council of the City of Ypsilanti** authorizes the Task Force to pursue the development of a Community and Police Commission and engage with the appropriate personnel to complete its task.

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

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

YES:            NO:            ABSENT:            VOTE:



Resolution No. 2017-029  
January 24, 2017

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

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

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

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

YES:      NO:      ABSENT:      VOTE:



## ACTION MINUTES

**CITY OF YPSILANTI  
REGULAR COUNCIL MEETING  
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.  
YPSILANTI, MI 48197  
TUESDAY, JANUARY 24, 2017  
7:00 p.m.**

**I. CALL TO ORDER –**

**The meeting was called to order at 7:03 p.m.**

**II. ROLL CALL –**

|                           |         |                     |         |
|---------------------------|---------|---------------------|---------|
| Council Member Bashert    | Present | Council Member Robb | Present |
| Mayor Pro-Tem Brown       | Present | Council Member Vogt | Present |
| Council Member Murdock    | Present | Mayor Edmonds       | Present |
| Council Member Richardson | Present |                     |         |

**III. INVOCATION –**

**IV. PLEDGE OF ALLEGIANCE –**

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

**V. AGENDA APPROVAL –**

**The agenda was approved as amended**

**Change:**

- **Move Resolution No. 2017-023 from Section XI, Consent Agenda, to Section XII, Resolutions/Motions/Discussions.**

**VI. PRESENTATIONS –**

- Resolution No. 2017-001, supporting the "Don't Stand Idly By" campaign.  
**Offered By: Mayor Pro-Tem Brown; Seconded By: Council Member Vogt**  
**Approved: Yes – 7; No – 0; Absent - 0**

**VII. INTRODUCTIONS –**

**VIII. AUDIENCE PARTICIPATION –**

**IX. REMARKS BY THE MAYOR –**

**X. ORDINANCE – FIRST READING –**

Ordinance No. 1281

1. An Ordinance amending Ypsilanti City Code by adding Article V. Solicitation of Immigration Status, to Chapter 58 Human Relations.

- A. Resolution No. 2017-016, determination  
**Offered By: Council Member Murdock; Seconded By: Council Member Vogt**

**Approved: Yes – 7; No – 0; Absent - 0**

- B. Open public hearing
- C. Resolution No. 2017-017, close public hearing

**Offered By: Council Member Murdock; Seconded By: Council Member Richardson**

**Approved: Yes – 7; No – 0; Absent - 0**

Ordinance No. 1282

- 2. An Ordinance amending Ypsilanti Zoning Code for PMD, Production, Manufacturing, and Distribution.

- A. Resolution No. 2017-018, determination

**Offered By: Council Member Vogt; Seconded By: Mayor Pro-Tem Brown**

**Approved: Yes – 7; No – 0; Absent - 0**

- B. Open public hearing
- C. Resolution No. 2017-019, close public hearing

**Offered By: Council Member Vogt; Seconded By: Mayor Pro-Tem Brown**

**Approved: Yes – 7; No – 0; Absent - 0**

## **XI. CONSENT AGENDA –**

Resolution No.2017 - 020

- 1. Resolution No. 2017 - 021, approving the minutes of December 17, 2016.

**Offered By: Council Member Vogt; Seconded By: Mayor Pro-Tem Brown**

**Approved: Yes – 7; No – 0; Absent - 0**

- 2. Resolution No. 2017 - 022, approving nominations to Boards and Commissions

**Offered By: Council Member Vogt; Seconded By: Mayor Pro-Tem Brown**

**Approved: Yes – 7; No – 0; Absent - 0**

- ~~3. Resolution No. 2017 – 023, supporting the submission of a grant application to the Ralph C. Wilson Jr. Foundation for playground equipment for Riverside Park. (Moved and Heard during Section XII)~~

## **XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –**

- 1. Resolution No. 2017- 024, approving Ordinance 1279 amending Article III Discrimination of Chapter 58 Human Relations, being Section 58-91 through Section 58-99 of the Ypsilanti City Code.

**(Second Reading)**

**Offered By: Council Member Bashert; Seconded By: Council Member Murdock**

**Approved: Yes – 7; No – 0; Absent - 0**

- 2. Resolution No. 2017-025, approving Ordinance 1280 amending Ypsilanti City Code by adding a new Division 5 Sustainability Commission, to Chapter 2 Administration, Article IV Boards and Commissions. **(Second Reading)**

**Offered By: Council Member Murdock; Seconded By: Council Member Bashert**

**Approved: Yes – 6; No – 1 (Robb); Absent - 0**

- 3. Resolution No. 2017-026, authorizing staff to apply for the SAFER Grant.

**Offered By: Council Member Murdock; Seconded By: Mayor Pro-Tem Brown**

**Approved as Amended: Yes – 7; No – 0; Absent - 0**

4. Resolution No. 2017-027, approving Parkridge Center endowment agreement with Mr. John Barfield.  
**Offered By: Council Member Richardson; Seconded By: Mayor Pro-Tem Brown**  
**Approved: Yes – 7; No – 0; Absent - 0**
5. Resolution No. 2017-028, authorizing the Community-Policing and Black Lives Matter Task Force to develop a Community and Police Commission.  
**Offered By: Mayor Pro-Tem Brown; Seconded By: Council Member Richardson**  
**Approved as Amended: Yes – 7; No – 0; Absent - 0**
6. Resolution No. 2017 – 023, supporting the submission of a grant application to the Ralph C. Wilson Jr. Foundation for playground equipment for Riverside Park.  
**Offered By: Council Member Robb; Seconded By: Mayor Pro-Tem Brown**  
**Approved: Yes – 7; No – 0; Absent - 0**

**XIII. LIASON REPORTS –**

- A. SEMCOG Update
- B. Washtenaw Area Transportation Study
- C. Urban County
- D. Freight House
- E. Parks and Recreation
- F. Ypsilanti Downtown Development Authority
- G. Eastern Washtenaw Safety Alliance
- H. Police-Community Relations/Black Lives Matter Joint Task Force
- I. Friends of Rutherford Pool

**XIII. COUNCIL PROPOSED BUSINESS –**

**XIV. COMMUNICATIONS FROM THE MAYOR –**

**Nominations**

**Historic District Commission**  
Hank Prebys (**Reappointment**)  
31 N. Grove  
Ypsilanti, MI 48198  
**Exp. 1/2020**

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

**XVI. COMMUNICATIONS –**

- January 31<sup>st</sup> – Council Goal Session Meeting, held at SPARK East, 215 Michigan Ave, from 6:00 p.m. to 10:00 p.m.

**XVII. AUDIENCE PARTICIPATION –**

**XVIII. REMARKS FROM THE MAYOR –**

**XIX. ADJOURNMENT -**

Resolution No. 2017 - 029, adjourning the City Council meeting.  
**The meeting adjourned at 10:47 p.m.**