



**CITY OF YPSILANTI
COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
ONE SOUTH HURON, YPSILANTI, MI 48197
TUESDAY, AUGUST 14, 2007
7:30 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:31 p.m.

II. ROLL CALL

Council Member Filipiak	Present	Council Member Robb	Present
Council Member Gawlas	Present	Mayor Pro-Tem Swanson	Present
Council Member Nickels	Present	Mayor Schreiber	Present
Council Member Richardson	Present		

III. INVOCATION

Pastor Michael Rosier, Strong Tower Ministries, gave the 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. INTRODUCTIONS

Mayor Schreiber introduced Department of Public Works Director Bill Bohlen, Police Chief Matthew Harshberger, Planning Director Karen Hart, and Assistant City Manager April McGrath.

VI. AGENDA APPROVAL

Council Member Richardson requested that item (E) be moved from the Consent Agenda to Motions/Resolutions/Discussions.

The agenda was approved as amended.

CITY OF YPSILANTI
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CITY COUNCIL CHAMBERS
ONE SOUTH HURON, YPSILANTI, MI 48197
TUESDAY, AUGUST 14, 2007
7:30 P.M.

I. CALL TO ORDER –

II. ROLL CALL –

Council Member Filipiak	P A	Council Member Robb	P A
Council Member Gawlas	P A	Mayor Pro-Tem Swanson	P A
Council Member Nickels	P A	Mayor Schreiber	P A
Council Member Richardson	P A		

III. INVOCATION –

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"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 –

VII. PRESENTATIONS –

A. Solar Panel Presentation – Dave Strenski

VIII. ORDINANCES – FIRST READING

Ordinance No. 1068

A. An ordinance to amend the zoning map for 202 N. Lincoln from B-4, General Business, to R3, Multiple-Family Residential.

1. Resolution No. 2007-158, determination.
2. Open public hearing.
3. Resolution No. 2007-159, close public hearing

Ordinance No. 1069

B. An ordinance to amend the zoning map for 1510-1512-1514 Washtenaw from B-1, Neighborhood Business, to B-2, Community Business.

1. Resolution No. 2007-160, determination.
2. Open public hearing.
3. Resolution No. 2007-161, close public hearing

Ordinance No. 1070

C. An ordinance to amend the text of Chapter 122 of the Zoning Ordinance to add "Antique, consignment and resale stores" to section 122-352 permitted uses in the B-1, Neighborhood Business district.

1. Resolution No. 2007-162, determination.
2. Open public hearing.
3. Resolution No. 2007-163, close public hearing

IX. AUDIENCE PARTICIPATION -

X. ORDINANCES – SECOND READING –

- A. Resolution No. 2007-164, approving an ordinance entitled, “An Ordinance to Sell the Starkweather House”. Ordinance No. 1066
- B. Resolution No. 2007-165, approving an ordinance entitled, “An Ordinance to Reduce Real and Personal Property Millage in Any Year of City Income Tax”. Ordinance No. 1067

XI. REMARKS BY THE MAYOR -

XII. MINUTES -

Resolution No. 2007-166, approving the minutes of July 17, 2007.

XIII. CONSENT AGENDA

Resolution No. 2007-167

- A. Resolution No. 2007-168, approving Michigan Municipal League (MML) Liability and Property Pool renewal premium.
- B. Resolution No. 2007-169, approving recommendation of award for the Police Department Roof Replacement.
- C. Resolution No. 2007-170, approving purchase of one Sterling Acterra Heavy Duty Truck Chassis.
- D. Resolution No. 2007-171, appreciating the Washtenaw Urban County Executive Committee and Office of Community Development.
- E. ~~Resolution No. 2007-172, approving contract agreement with Plante & Moran, PLLC for the annual audit for fiscal year ending June 30, 2007.~~ **(Moved to Motions/Resolutions/Discussions per Council's request)**
- F. Resolution No. 2007-173, supporting cooperation with the Depot Town Community Development Corporation in the development and maintenance of programming in Frog Island and Riverside Parks.

XIV. RESOLUTIONS/MOTIONS/DISCUSSIONS -

- A. Resolution No. 2007-174, requesting appointment of a committee to make recommendations to staff on proposed changes to the Special Events Ordinance.
- B. Resolution No. 2007-175, authorizing the City Manager to submit a work permit application as an Action Item to the Ypsilanti Historic District Commission requesting permission to install photovoltaic panels on the south face of City Hall.
- C. Resolution No. 2007-176, approving Solar Energy Grant Applications.
- D. Resolution No. 2007-177, accepting bid for the purchase of the property located at 1266 N. Huron River Drive (Starkweather House).
- E. Resolution No. 2007-178, approving city income tax ballot language to be placed before the electorate at the November 6, 2007 General Election.
- F. Resolution No. 2007-172, approving contract agreement with Plante & Moran, PLLC for the annual audit for fiscal year ending June 30, 2007. **(Added per Council's request)**

XV. COMMUNICATIONS FROM THE CITY MANAGER -

- XVI. LIAISON REPORTS**
 - A. SEMCOG Update
 - B. Recreation Commission
 - C. Washtenaw Area Transportation Study
 - D. Ypsilanti Area Community Fund
 - E. Smart Zone Local Development Finance Authority
- XVII. COUNCIL PROPOSED BUSINESS**
- XVIII. COMMUNICATIONS FROM THE MAYOR**
- XIX. AUDIENCE PARTICIPATION**
- XX. REMARKS FROM THE MAYOR**
- XXI. ADJOURNMENT**
 - A. Resolution No. 2007-179, adjourning the City Council Meeting.

VII. PRESENTATIONS

- A. Solar Panel Presentation – Dave Strenski (DVD of presentation on file in City Clerk’s Office)

VIII. ORDINANCES – FIRST READING

- A. An ordinance to amend the zoning map for 202 N. Lincoln from B-4, General Business, to R3, Multiple-Family Residential.
 - 1. Resolution No. 2007-158, determination.

Ordinance No. 1068

That an Ordinance entitled, “202 NORTH LINCOLN REZONING”, be approved on First Reading.

THE CITY OF YPSILANTI ORDAINS:

That the following property with the following address and tax code ID#:

202 North Lincoln (11-11-09-109-006) with the following respective legal description:
LOT 85 HUNTER’S ADDITION

BE REZONED FROM B-4, GENERAL BUSINESS TO R-3, MULTIPLE-FAMILY RESIDENTIAL.

OFFERED BY: Council Member Robb
SUPPORTED BY: Council Member Filipiak

Planning Director Karen Hart and Planning Commission Chairman Roderick Johnson were present to answer questions from Council.

Todd Quattro was present to answer questions regarding the project.

- 2. Open public hearing.

- A. LaNee Burgess, 211 N. Lincoln, spoke in opposition to the proposal. She indicated that there is presently a lot of traffic and congestion in the area. Ms. Burgess stated that townhouses or condominiums are too big for that corner.
 - B. Kathryn Faith, 209 N. Lincoln, stated that there is a lot of traffic in the area, and building townhouses will make an already bad situation worse.
 - C. Mr. Faith, 209 N. Lincoln spoke in opposition. He complained of the current traffic level and stated that townhouses will bring more traffic.
3. Resolution No. 2007-159, close public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider the proposed Ordinance entitled "202 NORTH LINCOLN REZONING" be officially closed.

OFFERED BY: Council Member Robb
SUPPORTED BY: Council Member Filipiak

VOTE:

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

The public hearing was closed.

On roll call, the vote to approve the ordinance at First Reading was as follows:

Council Member Filipiak	Yes	Council Member Robb	Yes
Council Member Gawlas	Yes	Mayor Pro-Tem Swanson	No
Council Member Nickels	Yes	Mayor Schreiber	Yes
Council Member Richardson	No		

VOTE:

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

The ordinance was approved as presented.

Ordinance No. 1069

- B. An ordinance to amend the zoning map for 1510-1512-1514 Washtenaw from B-1, Neighborhood Business, to B-2, Community Business.

- 1. Resolution No. 2007-160, determination.

That an Ordinance entitled, "1510-1514 WASHTENAW REZONING", be approved on First Reading.

THE CITY OF YPSILANTI ORDAINS:

That the following properties with the following address and tax code ID#s:

1510 Washtenaw 11-11-05-361-016
1512-1514 Washtenaw 11-11-05-361-015

with the following legal description:

LOTS 372 - 375 INCL. COLLEGE HEIGHTS SUBDIVISION NUMBER ONE

BE REZONED FROM B-1, NEIGHBORHOOD BUSINESS TO B-2, COMMUNITY BUSINESS;

OFFERED BY: Council Member Gawlas

SUPPORTED BY: Council Member Nickels

2. Open public hearing.
 - A. Chundra Johnson, owner of the property, clarified the request and stated that she concurs with the Planning Commission's recommendation.
 - B. Pastor Michael Rosier, spoke in support of the request. He compared the request to consignment shops in Ann Arbor. He commented that consignment shops are proven businesses, will bring in tax dollars, and should be preferred over businesses like Lovers Lane.
 - C. Harry Hutchison, 2020 Roosevelt, opposed the zoning requested and stated that zoning goes with the land, not the business. He stated that the City's land use requirements are not consistent with the request.
 - D. Judith Morey, 1205 Whittier, expressed concern regarding the proposal. She stated that approval would set a precedent and she would like to protect the integrity of the area.
 - E. Kenneth Shannon, 2038 Whittier, spoke in opposition to the request. He commented that he would like to lessen the already congested area.
 - F. Abby Baylis supported the request and stated that the business will bring in needed tax dollars.
 - G. Michal Mannueim, 1637 Whittier, spoke in opposition to the request, stating that it would increase traffic in the area.
 - H. Lonnie Dixon reiterated that the owner concurs with staff's recommendation regarding this request.
 - I. Yvonne Abdo, opposed the request and stated that the entire Washtenaw strip needs to be revisited. She indicated that the tax base in this area is significant.
 - J. Sheila Most, 1646 Whittier, spoke in opposition to the request. She said she is concerned about changes to the ordinance and another business coming in later.
 - K. Caroline Parker, 2156 Lakeview, spoke in support of the request and asked City Council to consider approving it in order to bring more business to Ypsilanti.
3. Resolution No. 2007-161, close public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider the proposed Ordinance entitled "1510-1514 WASHTENAW REZONING" be officially closed.

OFFERED BY: Council Member Gawlas
SUPPORTED BY: Council Member Nickels

VOTE:

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

The public hearing was closed.

On roll call, the vote to approve the ordinance at First Reading was as follows:

Council Member Filipiak	No	Council Member Robb	No
Council Member Gawlas	No	Mayor Pro-Tem Swanson	Yes
Council Member Nickels	No	Mayor Schreiber	No
Council Member Richardson	No		

Yes: 1 (Swanson) No: 6 Absent: 0 Vote: Failed

The vote to approve the ordinance failed.

Ordinance No. 1070

C. An ordinance to amend the text of Chapter 122 of the Zoning Ordinance to add "Antique, consignment and resale stores" to section 122-352 permitted uses in the B-1, Neighborhood Business district.

1. Resolution No. 2007-162, determination.

That an Ordinance Entitled, "ANTIQUE, CONSIGNMENT AND RESALE STORES ZONING ORDINANCE TEXT AMENDMENT", be approved on First Reading.

THE CITY OF YPSILANTI ORDAINS:

That Section 122-352 be amended as follows:

- A. (1) Antique, consignment and resale stores.
- B. Renumber paragraphs 1 through 13 to 2 through 14, respectively.

Planning Director Karen Hart and Planning Commission Chairman Roderick Johnson gave an explanation of the request and answered questions from Council.

Chundra Johnson, owner of the property, explained the difference between consignment and resale, and answered questions from Council.

- 2. Open public hearing.
 - A. Sheila Most, 1646 Whittier, opposed the request and suggested that the issue be addressed as a special use rather than a change to the zoning ordinance.
 - B. Michal Mannueim, 1637 Whittier, stated that the City should not change the zoning ordinance to fit individual requests. She compared the request to the Treasure Mart and said she feels that allowing the business as a special use is a good idea.

- C. Lonnie Dixon supported the request and provided information about consignment shops in surrounding cities.
- D. Leonardo Christian, 526 W. Michigan, urged City Council to approve the request, citing a similar store on Michigan Avenue. He urged Council to give businesses a chance.
- E. Lee Tooson, stated that he has been watching City Council for years and has witnessed favoritism in granting requests. He said he sees nothing wrong with allowing a consignment shop in this area and urged Council to give it a chance.
- F. Real Estate Agent reported that the property had been on the market for the last four years and the City could use the business. He stated that resale is not singled out in any other cities, and is an appropriate use for the area.
- G. Harry Hutchison, 2020 Roosevelt, stated that the purchaser did not do due diligence before buying the property. He stated that this issue is not a matter of discrimination and recalled that a resale shop was rejected in this location in the past. He expressed concern about after-hours enforcement and drop-offs.
- H. James Anderson, 22 Kirk, stated that he has been watching City business for 62 years and he supports the request
- I. Ann Arbor Resident, spoke in support of the proposal and clarified what a thrift shop is versus a consignment shop. She stated that the business does not encourage drop-offs and has no intention of accepting donations. She said consignment shops encourage recycling
- J. Mary Clare Beck, 460 Owendale, encouraged City Council not to make an exception for one person. She stated that there is a lack of consistency in zoning and the City should look at the overall big picture.
- K. Ed Tucker, 401 W. Michigan, #902, supported the request. He said he has been Ypsilanti since 1975 and the location was occupied by Richardson Drugs for many years. He urged the City to help retailers.
- L. Chundra Johnson, owner of the property, stated that the City's Master Plan gives direction and the business is consistent with that direction. She stated that the business represents what the Master Plan wants, and it will help revitalize the City.
- M. Yvonne Abdoop opposed the request and stated that the owner did not do their homework prior to their purchase. She commented that the Planning Commission should have settled wording issues prior to this request. She said a special use permit is another option for the owner.

3. Resolution No. 2007-163, close public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider the proposed Ordinance entitled "ANTIQUA, CONSIGNMENT AND RESALE STORES ZONING ORDINANCE TEXT AMENDMENT" be officially closed.

OFFERED BY: Council Member Gawlas
SUPPORTED BY: Council Member Nickels

The public hearing was closed.

On roll call, the vote to approve the ordinance at First Reading was as follows:

Council Member Filipiak	Yes	Council Member Robb	Yes
Council Member Gawlas	Yes	Mayor Pro-Tem Swanson	Yes
Council Member Nickels	No	Mayor Schreiber	Yes
Council Member Richardson	Yes		

VOTE:

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

The ordinance was approved as presented.

IX. AUDIENCE PARTICIPATION

1. LaNee Burgess expressed dissatisfaction with Council’s decision regarding 202 N. Lincoln. She stated that townhouses do not fit in and are not consistent with the existing neighborhood
2. Earl Taylor thanked City Council for taking care of the bike lane situation on First Avenue.
3. Stewart Beal, 200 W. Michigan Avenue, expressed dissatisfaction with the Starkweather bid offer. For the record, he read a prepared statement of his objection. (Letter on file in the Clerk’s Office)
4. Denise Cutlip, 34 N. Huron, complained of people riding bicycles through the downtown area. She suggested that the City install signage for pedestrians. She questioned the purpose and benefit of the Depot Town CDC.
5. Doug Winters, 104-106 W. Michigan Avenue, stated that he is pleased 100% to defeat the city income tax. He said the police department is out of control and questioned who authorizes investigations. He stated that the City has an 11% clearance rate on major crimes and is wasting time on the wrong issues.
6. Lee Tooson stated that ordinances are made every day for specific people. He said the bicycle ordinance is to control black people. He stated that a federal I investigation into the police department is needed.
7. Kevin Hill, 108 Washtenaw, #4, expressed concern regarding the Depot Town CDC, its role and purpose.
8. Steve Pierce, 118 W. Washington, said he is troubled by the Starkweather purchase, the bid process and the advertising. He said the process was wired and the favor shown was not fair. He encourages City Council to deny the purchase, give it to Mr. Beal or re-bid.
9. Peter Murdock, 504 N. River, opposed the income tax ballot language. He said the language should be fair, simple and straight-forward.
10. Leonardo Christian spoke in opposition to an income tax. He stated that the

decision to place it on the ballot will backfire in Council's face and will result in recalls of Council Members and foreclosures.

X. REMARKS BY THE MAYOR

Mayor Schreiber explained that City Manager Edward Koryzno authorized the Swanson investigation after the City Attorney's office received a formal complaint. He said that information was available under the Freedom of Information Act and could not be kept private.

Mayor Schreiber said that he agrees with Police Chief Harshberger in regard to the bicycle ordinance. He stated that bicycles should be walked downtown due to the risk of injury to pedestrians.

Mayor Schreiber agreed with Mr. Hill's comments regarding the Depot Town CDC and stated that he believes that neither the Depot Town CDD nor Council should be park owners.

Regarding the income tax ballot language, Mayor Schreiber stated that the language proposed in Resolution 2007-178 contains information that voters need to know in order to make an informed decision. He referenced the August 7, 2007 School Bond Proposal ballot language which also contained similar information for the voters.

XI. MINUTES

Resolution No. 2007-166, approving the minutes of July 17, 2007.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of July 17, 2007 be approved.

OFFERED BY: Council Member Richardson

SUPPORTED BY: Council Member Filipiak

VOTE:

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

The minutes were approved as presented.

XII. ORDINANCES – SECOND READING

Ordinance No. 1066

A. Resolution No. 2007-164, approving an ordinance entitled, "An Ordinance to Sell the Starkweather House".

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled, "An Ordinance to Sell the Starkweather House" be approved on Second and Final Reading.

OFFERED BY: Council Member Nickels

SUPPORTED BY: Mayor Pro-Tem Swanson

VOTE:

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

The ordinance was approved as presented.

Ordinance No. 1067

- B. Resolution No. 2007-165, approving an ordinance entitled, "An Ordinance to Reduce Real and Personal Property Millage in Any Year of City Income Tax".

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled, "Ordinance to Reduce Real and Personal Property Millage in Any Year of City Income Tax" be approved on Second and Final Reading.

OFFERED BY: Council Member Filipiak
SUPPORTED BY: Council Member Gawlas

VOTE:

Yes: 4 No: 3 (Swanson, Richardson, Robb) Absent: 0 Vote: Carried

The ordinance was approved as presented.

Mayor Pro-Tem Swanson moved, supported by Council Member Gawlas, to extend the meeting to 12:00 a.m.

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

XIII. CONSENT AGENDA

Resolution No. 2007-167

- A. Resolution No. 2007-168, approving Michigan Municipal League (MML) Liability and Property Pool renewal premium.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT, the invoice submitted for payment to the Michigan Municipal League Liability and Property Pool for issuance of Coverage beginning August 1, 2007 and ending August 1, 2008 in the amount of \$563,389 be approved; and

THAT, Edward Koryzno, City Manager, is authorized to sign and approve payment of the invoice.

- B. Resolution No. 2007-169, approving recommendation of award for the Police Department Roof Replacement.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, sealed bids were opened for the Police Department Roof Replacement Project on July 23, 2007 at 2:00PM; and

Whereas, three bids were received and opened for this project; and

Whereas, Duke Roofing Company of Ypsilanti, MI was the low bidder for this work for a total amount of \$80,200.00; and

Whereas, staff and Orchard, Hiltz, and McCliment has reviewed the low bid and finds that they met the intent of the specifications for this project; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council awards this project to Duke Roofing Company of Ypsilanti, MI, in the amount of \$80,200.00; and

THAT, the City Attorney be requested to prepare a contract for this project;

AND, the City Manager is authorized to sign the necessary contract documents and any change orders with regards to this project within the budget limits.

- C. Resolution No. 2007-170, approving purchase of one Sterling Acterra Heavy Duty Truck Chassis.

Whereas, a purchase proposal was received by Bell Equipment Company of Lake Orion, Michigan for the purchase of a 2007 Sterling Acterra PRL-32F tandem axle chassis for use in the Department of Public Works-Environmental Services Division for a total amount of \$75,500; and

Whereas, the purchase cost of \$75,500 is very favorable and in the best interest of the city to purchase this vehicle; and

Whereas, the information furnished by staff indicates no advantage for competitive bidding in this matter,

NOW THEREFORE, BE IT RESOLVED THAT, no advantage would result to the city with competitive bidding in this matter and competitive bidding is waived and the Ypsilanti City Council approves the purchase of one 2007 Sterling Acterra PRL-32F tandem axle chassis from Bell Equipment Company for the price of \$75,500.

- D. Resolution No. 2007-171, appreciating the Washtenaw Urban County Executive Committee and Office of Community Development.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, The City of Ypsilanti joined the Washtenaw Urban County Executive Committee in 2006 to better utilize Community Development Block Grant (CDBG) funds and other federal funds on behalf of our low and moderate income residents;

Whereas, The City has been successful in securing approximately \$140,000 in CDBG funds this year to make critical improvements to the Parkridge Community Center, the Senior Center and the Rutherford Pool building, as well as to improve mobility by making 50 curb ramps compliant with the Americans with Disabilities Act; and

Whereas, the City recently was awarded \$100,000 in supplemental CDBG funds that will enable additional repairs to these recreation facilities, thanks in large measure to the hard work of the staff of the Office of Community Development and the support of the Washtenaw Urban County Executive Committee;

NOW THEREFORE BE IT RESOLVED, That the Ypsilanti City Council wishes to express its gratitude for and appreciation of the staff of the Office of Community Development and to the members of the Washtenaw Urban County Executive Committee for their guidance and support in improving the quality of life for the residents of the City of Ypsilanti.

- E. Resolution No. 2007-173, supporting cooperation with the Depot Town Community Development Corporation in the development and maintenance of programming in Frog Island and Riverside Parks.

Resolution Providing for Authority to Cooperate with Depot Town Community Development Corporation in Special Event Coordination and Scheduling for Frog Island and Riverside Parks

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, the City of Ypsilanti desires its public parks to be of maximum benefit to the People,
and

Whereas, the Depot Town Community Development Corporation has expressed an interest in
partnering with the City in special event coordination and scheduling for Frog Island and
Riverside Parks, and

Whereas, the City of Ypsilanti encourages the cooperation and partnership between the
Government and Community Organizations,

BE IT THEREFORE RESOLVED that Ypsilanti City Council fully supports the formation of the
DTCDC and looks forward to a close and fruitful partnership on projects and events that will
benefit the city of Ypsilanti and the surrounding communities.

OFFERED BY: Council Member Richardson

SUPPORTED BY: Council Member Filipiak

VOTE:

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

The consent agenda items were approved.

XIV. RESOLUTIONS/MOTIONS/DISCUSSIONS

- A. Resolution No. 2007-174, requesting appointment of a committee to make
recommendations to staff on proposed changes to the Special Events Ordinance.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Resolution to request appointment of a committee of community representatives to assist staff in
making changes to Special Events Ordinance.

Whereas, Council has placed a moratorium on special events; and

Whereas, Council would like to reconsider the moratorium and/or consider changing the ordinance
to allow some additional special events to take place; now therefore:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that a committee shall be formed to
make recommendations to staff on proposed changes to the Special Events Ordinance.

Appointment shall be made by the Mayor and confirmed by City Council.

OFFERED BY: Council Member Filipiak

SUPPORTED BY: Council Member Richardson

Council Member Gawlas moved, supported by Council Member Nickels, to amend the resolution to
state that recommendations should be forwarded to City Council by December 1, 2007.

VOTE:

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

The amendment was approved.

The vote to approve the resolution as amended was as follows:

VOTE:

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

The resolution as amended reads as follows:

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Resolution to request appointment of a committee of community representatives to assist staff in making changes to Special Events Ordinance.

Whereas, Council has placed a moratorium on special events; and

Whereas, Council would like to reconsider the moratorium and/or consider changing the ordinance to allow some additional special events to take place; now therefore:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that a committee shall be formed to make recommendations to staff on proposed changes to the Special Events Ordinance. **Recommendations should be forwarded to City Council by December 1, 2007.**

Appointment shall be made by the Mayor and confirmed by City Council.

- B. Resolution No. 2007-175, authorizing the City Manager to submit a work permit application as an Action Item to the Ypsilanti Historic District Commission requesting permission to install photovoltaic panels on the south face of City Hall.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, there is community support for solar power in the City of Ypsilanti; and,

Whereas, City Council seeks to increase public awareness, and provide educational opportunities, that clean energy technology is a vibrant growth industry that will create thousands of jobs in Michigan in the future; and,

Whereas, both Senator Liz Brater and Representative Alma Smith have sponsored bills calling for Michigan to adopt a renewable energy standard of 20% by the year 2020; and,

NOW THEREFORE BE IT RESOLVED, the City Manager or his designee is authorized to submit a work permit application as an Action Item to the Ypsilanti Historic District Commission requesting permission to install photovoltaic panels on the south face of City Hall.

OFFERED BY: Council Member Robb

SUPPORTED BY: Council Member Filipiak

VOTE:

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

C. Resolution No. 2007-176, approving Solar Energy Grant Applications.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, The City of Ypsilanti is committed both to environmental stewardship and also to pursuing cost savings in City operations;

Whereas, Funding for solar energy projects is available through the Michigan Energy Office's Community Energy Project Grant and Energy Efficiency & Renewable Energy Outreach Grant;

Whereas, this funding would allow for solar energy installations that would reduce the City's energy expenses, educate citizens on the potential of solar energy, and demonstrate the City's interest in environmental initiatives;

NOW THEREFORE BE IT RESOLVED, that the Ypsilanti City Council hereby authorize staff to develop solar energy projects and pursue these funding opportunities.

OFFERED BY: Council Member Robb

SUPPORTED BY: Council Member Filipiak

VOTE:

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

D. Resolution No. 2007-177, accepting bid for the purchase of the property located at 1266 N. Huron River Drive (Starkweather House).

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, the City desires to sell and solicited bids for the purchase of the real property known as the Starkweather House located at 1266 N. Huron River Drive; and,

Whereas, The city received two offers to purchase; and

Whereas, city staff recommends that the City accept the offer submitted by Ronald Rupert; and

Whereas, The City desires to sell the property and close the sale of this property in a timely manner, now therefore:

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

1. The City Council finds that the offer to purchase submitted by Ronald Rupert substantially fulfills the bid requirements and is in the best interest of the City.
2. The bid and offer to purchase submitted by Robert Rupert is accepted.
3. The City Manager, or his designee, is authorized to complete the sale forthwith and execute an acceptance of the Rupert bid, sign the Acceptance of Offer to Purchase, and sign any and all other documents necessary to complete the closing of this transaction in accordance with the Ordinance for sale of the property and subject to the approval of the City Attorney.

OFFERED BY: Council Member Nickels

SUPPORTED BY: Mayor Pro-Tem Swanson

On roll call, the vote was as follows:

Council Member Filipiak	No	Council Member Robb	No
Council Member Gawlas	Yes	Mayor Pro-Tem Swanson	No
Council Member Nickels	Yes	Mayor Schreiber	Yes
Council Member Richardson	No		

Yes: 3 No: 4 (Filipiak, Richardson, Robb, Swanson) Absent: 0 Vote: Failed

- E. Resolution No. 2007-178, approving city income tax ballot language to be placed before the electorate at the November 6, 2007 General Election.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Resolution concerning city income tax.

RESOLVED by the Council of the City of Ypsilanti that the following ballot question be placed before the electorate for their adoption or rejection at the General Election on Tuesday, November 6, 2007:

ADOPTION OF UNIFORM CITY INCOME TAX

Shall Ordinance No. 2007-1065 adopting the Uniform City Income Tax Ordinance, which:

- imposes an annual rate of income tax of 1 % annually on corporations and resident individuals, and 0.5 % annually on non-resident individuals who are employed within the city.*
- allows a \$1,000 exemption for each individual and dependent with additional cumulative exemptions for individuals over age 65 and for individuals with qualifying disabilities.*
- exempts income from pensions, Social Security, annuities, disability payments, and other qualifying sources of income*
- becomes effective July 1, 2008, and*
- expires July 1, 2014*

be approved?

Yes ()
No ()

Ypsilanti City Council adopted Ordinance 2007-1065, Uniform Income Tax Ordinance, subject to voter's approval. The purpose of the city income tax is to increase revenue and expand the tax base. Without a revenue increase, city administration projects that additional service cuts will be required to balance the budget for fiscal years 2009 and 2010. City administration projects that revenue from the proposed income tax would allow current service levels until at least fiscal year 2012. According to the Plante-Moran Income Tax Feasibility Study commissioned by the city in 2005, the income tax would generate approximately \$4 million in annual revenue from 10,600 non-residents who work in the city of Ypsilanti and 11,400 working city residents.

Ypsilanti City Council approved Ordinance 2007-1067 which ordains that during any year in which the city of Ypsilanti levies an income tax, the real and personal

property tax rate shall be 2 mills less than the rate established by city council under the general tax laws of the State of Michigan.

IT IS FURTHER RESOLVED that the City Clerk shall do and perform all acts required by the Charter and the Laws of the state relative to the giving of notice of such election and of the registration of electors therefore; make all necessary arrangements for the registration of electors for said election and the holding of elections and obtain the approval of all required persons or bodies as to the form in which said ballot question shall be presented to the electors.

IT IS FURTHER RESOLVED that, as part of the Notice of Registration and Notice of Election, the proposed ballot question be published in full in The Ann Arbor News, the official newspaper of the City of Ypsilanti.

IT IS FURTHER RESOLVED that the canvass and determination of the votes upon the ballot question be made in accordance with the Charter and the state laws applicable thereto.

OFFERED BY: Council Member Nickels
SUPPORTED BY: Council Member Gawlas

City Attorney Barr answered questions from Council regarding the ballot language.

Mayor Pro-Tem Swanson moved, supported by Council Member Gawlas, to extend the meeting to 12:30 a.m.

VOTE:

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

Mayor Pro-Tem Swanson moved, supported by Council Member Nickels to call the question.

VOTE:

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

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

Council Member Filipiak	Yes	Council Member Robb	No
Council Member Gawlas	Yes	Mayor Pro-Tem Swanson	No
Council Member Nickels	Yes	Mayor Schreiber	Yes
Council Member Richardson	No		

Yes: 4 No: 3 (Richardson, Robb, Swanson) Absent: 0 Vote: Carried

The resolution was approved as presented.

- F. Resolution No. 2007-172, approving contract agreement with Plante & Moran, PLLC for the annual audit for fiscal year ending June 30, 2007.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the certain Letter of Agreement between the City of Ypsilanti and Plante & Moran, PLLC., dated July 20, 2007, for the annual audit for the fiscal year ended July 30, 2007, be and the same hereby is approved. The City Manager is authorized to the same for and on behalf of the City of Ypsilanti.

OFFERED BY: Council Member Richardson
SUPPORTED BY: Council Member Filipiak

VOTE:

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

XV. COMMUNICATIONS FROM THE CITY MANAGER

City Manager Ed Koryzno reported that HUD plans to vacate Parkview and sell the property unoccupied.

XVI. LIAISON REPORTS

- A. SEMCOG Update – There was no report.
- B. Recreation Commission – Council Member Filipiak reported that the Recreation Commission Chair has stated that the Commission is busy coming up with realistic goals and visions. He announced that a community survey will be conducted on August 23rd.
- C. Washtenaw Area Transportation Study – Council Member Nickels announced that a meeting will be held on August 15th at 9:30 a.m.
- D. Ypsilanti Area Community Fund – There was no report.
- E. Smart Zone Local Development Finance Authority – Council Member Gawlas reminded City Council that an appointment to this committee is still needed. Mayor Schreiber asked Council Member Nickels if he would serve on this board and Council Member Nickels declined.

XVII. COUNCIL PROPOSED BUSINESS

Council Member Richardson said that she received a phone call from a woman who identified herself as an African American saying that she had been with a Caucasian friend near the library and that they witnessed an incident that looked like profiling. She reported that two police officers stopped an African American man on a bicycle while saying nothing to a man with a child and a Caucasian woman who went by on bicycles. She said that with two officers present one could have continued to engage the first man while the other engaged the other parties. She said that there is a concern that enforcing the bicycle ordinance will lead to profiling. She said that she understood what Police Chief Harshberger said about crimes being committed on bicycles, but asked how this issue will be handled without profiling.

Police Chief Harshberger responded that everyone is aware of the increased occurrence of bicycles being used in crimes, in particular property crimes and alcohol violations. He said that the Police Department is trying to use the downtown district blight ordinance to help enforce laws. He said that another reason it is being enforced is to stop panhandling in parking lots and larceny of items in vehicles parked along the street.

Police Chief Harshberger asked Council Member Richardson when the incident she spoke of occurred.

Council Member Richardson stated that she believes the event occurred over the weekend but cannot recall specifically what day, but can find out.

Chief Harshberger stated that the Police Department does not want to see officers profiling when enforcing the ordinance and that it should be equal, fair, and should have nothing to do with background, ethnicity, race, or gender. He said that he gives his officers the benefit of the doubt but would like to look at what happened and report back to Council. He said that there are a number of recruits who are training, and when in training they are paired with an officer, so if two officers were seen together it was such a case. He said that this cannot be considered a two-person unit and it is not permissible for the officer to leave the side of the recruit to attend to another incident.

Council Member Richardson asked what color the tickets are.

Chief Harshberger responded that they are standard, white traffic tickets.

Council Member Richardson stated that the Police Department must be careful not to profile.

Council Member Richardson said that looking at ways to expedite Council meetings should be brought up at the next meeting. She expressed displeasure that often times the agenda is short but the meetings must be extended until midnight.

Council Member Richardson stated that City Clerk McMullan received information from the City of Ann Arbor regarding audience participation and Council rules, and asked that she distribute the information to Council Members.

Council Member Richardson stated that August is a month designated for Council break. She pointed out that the State Legislature and the U.S. House of Representatives get a break. She said that Council needs a break and that extra meetings should not be scheduled in August. She said that agenda items should be scheduled so that the Council can retain its break.

Council Member Filipiak In regard to the North Park and Lincoln Street area, Council Member Filipiak stated that there are ongoing enforcement issues that need to be examined that may help mitigate some concerns about new development in the neighborhood.

Council Member Filipiak stated that he is in favor of having all public hearings and comments first. He said that it causes longer meetings but allows all interested parties to speak early in the meeting.

Council Member Filipiak said that there is uncertainty as to who owns a section of the N. Washington St. parking lot where there have been problems with litter, burned out street lighting, and prostitution.

Council Member Filipiak asked whether the enforcement of the bicycle ordinance would apply to electrically-powered personal transportation devices.

Council Member Filipiak expressed congratulations regarding the reduced cost of the Michigan Municipal League Liability and Property Pool expense for the year.

Council Member Filipiak stated that as of August 1 Cady's Restaurant in Depot Town is smoke-free.

Council Member Filipiak stated that Oakland County is looking into paying for electronic tethers for low-risk offenders to ease jail overcrowding, and stated that this is also an issue in Washtenaw County.

Council Member Robb agreed with Council Member Richardson's statement that meeting times should be shortened.

Council Member Robb reported that residents have voiced concerns about grass overgrowing at the Motor Wheel facility.

Council Member Robb requested that all issues related to ordinance enforcement be reported to Council monthly. He also asked that Police Chief Harshberger send his new prostitution statistics to Council because it is an important issue in the Downtown and Depot Town business districts.

Council Member Robb asked that Police Chief Harshberger and Building Official Charles Boulard consider addressing Council with ideas about policy decisions it can make to help City staff improve quality of life in the City. He said that quality of life should be addressed now rather than after the City income tax issue is resolved.

Council Member Nickels asked that he, Council Members Richardson, and Filipiak determine who will collect the City Manager evaluations. Council Member Filipiak responded that the decision can be made via e-mail after the meeting.

Council Member Nickels informed Council that the car for use in the Heritage Festival Parade has been sold. He said would let Council know if other arrangements will be made.

Council Member Nickels announced that the Heritage Festival Committee is selling 50-50 raffle tickets in order to keep the festival free, and encouraged all to purchase them.

Mayor Pro-Tem Swanson stated that she received a call from Tanya Padgett, a Chidester Place employee, who stated that a client became aggravated with her and called the police. She said that Ms. Padgett reported to her that the officer treated her rudely after arriving at the scene, and that when she attempted to speak with Lieutenant Annas about the issue he was rude also, addressing her in the lobby rather than in the office. She stated that she wants Ms. Padgett to file a complaint. She said that Ms. Padgett was a police officer in Ann Arbor and she knows the law. She said that Ms. Padgett told her that the officer had no right to grab her, and that she was upset that the report was incorrect. She stated that the Police Department must be respectful and should not tell lies.

Mayor Pro-Tem Swanson asked City Manager Koryzno what it would take to investigate the Police Department from top to bottom. She said that there are officers that behave differently on her side of town. She said that she is trying to be humble but is upset that good citizens are treated improperly by those that are supposed to protect them. She stated that the officer involved with Ms. Padgett's case is Zachary Allen and that there was another officer involved. She stated that the Police Department should be investigated and that the Police Chief Harshberger knows of hidden incidents. She stated that the Police Department should not protect its own when they are doing wrong.

Mayor Pro-Tem Swanson announced that it is double-trash week.

Mayor Pro-Tem Swan moved, supported by Council Member Nickels, to extend the meeting until 12:40 a.m.

VOTE:

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

XVIII. COMMUNICATIONS FROM THE MAYOR

None.

XIX. AUDIENCE PARTICIPATION

- A. Kevin Hill encouraged City Council to soften the moratorium on special events. He stated that criteria that is objective and straight-forward should be used. Regarding the bike ordinance, he suggested that the City educate the population, be sensitive and post the ordinance, define the areas, and issue warnings before enforcement.
- B. Doug Winters stated that Mayor Pro-Tem Swanson hired attorneys for representation and City Council is responsible, therefore they should make her whole. He questioned what did Stan Eldridge do that was wrong? He stated that City is involved in a smear campaign for Mr. Eldridge.
- C. Lee Tooson stated that the City targeted Stan Eldridge. He indicated that the City shows favoritism in hiring relatives, as well as investigators. He stated that hiring Mr. Fifer is a conflict of interest.
- D. Valory Tooson expressed concern regarding officer's in training. She stated that residents are not aware that they are not authorized to enforce the laws.
- E. Peter Murdock stated that he is disappointed with the income tax ballot language. He stated that bicycles are an invasion on the sidewalks and rules should be posted on the sidewalks. He said owners should be required to have their bicycles inspected and registered.

Mayor Pro-Tem Swanson moved, supported by Council Member Filipiak, to extend the meeting to 12:50 a.m.

VOTE:

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

- F. Steve Pierce stated that the City has adopted Robert's Rules of Order and it states that discussion of an item is allowed one time for each member. He suggested that Council look at how other municipalities conduct their meetings.

XX. REMARKS FROM THE MAYOR

None.

XXI. ADJOURNMENT

- A. Resolution No. 2007-179, adjourning the City Council Meeting.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

APPROVED

OFFERED BY: Mayor Pro-Tem Swanson
SUPPORTED BY: Council Member Nickels

VOTE:

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

The meeting was adjourned at 12:42 a.m.