1. City Council Agenda

   Documents: 04-19-16 FINAL AGENDA.PDF

2. Revised City Council Packet

   Documents: 4-19-16 COUNCIL MEETING PACKET.PDF

CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS, 1 S. HURON
YPSILANTI, MI 48197
TUESDAY, APRIL 19, 2016
6:00 P.M.

I. CALL TO ORDER –

II. ROLL CALL –

Council Member Anne Brown	P	A	Council Member Robb	P	A
Council Member Nicole Brown	P	A	Council Member Vogt	P	A
Council Member Murdock	P	A	Mayor Edmonds	P	A
Mayor Pro-Tem 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. CLOSED SESSION – (6:00-7:00 p.m.)

Closed Session to discuss pending litigation - (*OMA 15.268(e)*

VII. INTRODUCTIONS –

VIII. PRESENTATIONS –

- RTA Presentation – Update on Michigan Avenue Corridor Rail Option
- AAATA Service Lines

IX. AUDIENCE PARTICIPATION –

X. REMARKS BY THE MAYOR –

XI. PUBLIC HEARING –

Resolution accepting the offer to purchase city-owned land located at 311 S. Grove Street.

A. Resolution No. 2016-078, approving sell of property located at 311 S. Grove
B. Open public hearing
C. Resolution NO. 2016-079, close public hearing.

XII. CONSENT AGENDA - Resolution No. 2016-080

1. Resolution No. 2016-081, approving Ordinance No. 1262 (940-0) to provide for the issuance and sale of water supply and sewage disposal system revenue refunding bonds.

2. Resolution No. 2016-082, approving Ordinance No. 1263 to amend the Ypsilanti City Code, Chapter 10, "Amusements and Entertainments" to remove those provisions relating to licensing.

3. Resolution No. 2016-083, approving Ordinance No. 1264 to amend Ypsilanti City Code, Chapter 14 "Animals" to remove those provisions which are no longer enforced due to the lack of a city Animal Control Officer.

4. Resolution No. 2016-084, approving Ordinance No. 1265 to amend Ypsilanti City Code, Chapter 1 "General Provisions", Section 1-14, "Enforcement Authority for Code" to remove the inclusion of an Animal Control Officer.

5. Resolution No. 2016-085, approving Ordinance No. 1266 to amend Ypsilanti City Code, Chapter 70, "Municipal Civil Infractions", Article I, "In General", Section 70-2, "Authorized City Official" to remove the inclusion of an Animal Control Officer.

6. Resolution No. 2016-086, approving Ordinance No. 1268 to amend Ypsilanti City Code, Chapter 38, "Emergency Services", Article II, "Alarm Systems", Section 38-40, "False Alarms Charges" to simplify language in light of the fee schedule adopted by City Council.

7. Resolution No. 2016-087, approving Ordinance No. 1269 to amend Ypsilanti City Code, Chapter 86, "Solid Waste", Article II, "Collection and Disposal", Division 1 "Generally", Sections 86-33 and 86-34 to correct references and make language consistent with other provisions in the code.

8. Resolution No. 2016-088, approving minutes of April 5, 2016.

9. Resolution No. 2016-089, approving appointments to Boards and Commissions.

10. Resolution No. 2016-090, approving contract between the City of Ypsilanti and Oakland County for CLEMIS service for the police and fire departments for 5 years.

XIII. <u>RESOLUTIONS/MOTIONS/DISCUSSIONS</u> –

1. Resolution No. 2016-091, authorizing final approval for the creation of a Neighborhood Enterprise Zone (NEZ) in the City of Ypsilanti.

2. Resolution No. 2016-092, amending the City's Property Disposition Policy.

3. Resolution No. 2016-093, approving Water Street Debt millage ballot language.

XIV. <u>LIASON REPORTS</u> –

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

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

XVI. COMMUNICATIONS FROM THE MAYOR –

Nominations:

SmartZone LDFA

Phil Tarpley – (reappointment)

Upcoming Budget Meetings:

- Tuesday, May 10th
- Tuesday, May 17th
- Thursday, May 19th

**All meetings will be held at City Hall in the Council Chambers from 6:00 – 10:00 p.m.

XVII. COMMUNICATIONS FROM THE CITY MANAGER –

XVIII. COMMUNICATIONS –

May 3, 2016 - Special Election:

AV Ballots are now available daily from 8:00 a.m. to 5:00 p.m. for pick-up
(for mail, please allow 2-3 days for U.S. mail delivery)

Last day to register for this election is April 4, 2016

Last day to receive AV ballot by mail – April 30, 2016

Last day to obtain an AV ballot in person – May 2, 2016 up to 4:00 p.m.

The Clerk's Office will be open on Saturday, April 30, 2016 from 8 a.m. - 2 p.m. for electors who wish to vote in person in the Clerk's Office.

****April 19, 2016 at 4:00 p.m. is the deadline for partisan and non-partisan nominating petitions.**

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XX. REMARKS FROM THE MAYOR -

XXI. ADJOURNMENT –

Resolution No. 2016-094, adjourning the Council meeting.

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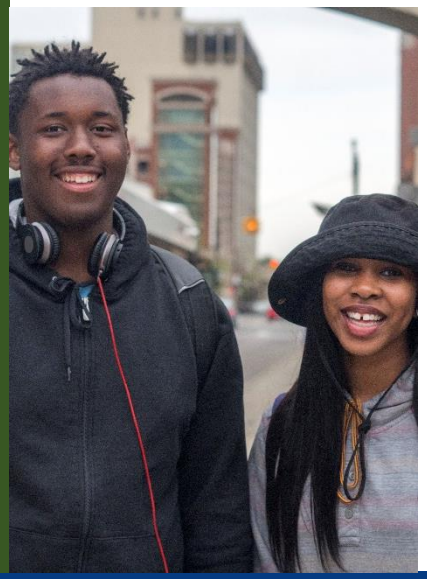
MAY 2016

SERVICE IMPROVEMENTS

Our Progress So Far

- **May 2014 – Voters approve transportation improvement millage**
- **August 2014** – Phase I of 5YTIP service improvements
- **August 2015** – Phase II of 5YTIP service improvements



MAY 1ST

Coming Soon!

What's Happening on May 1, 2016?

- Some routes stay the same
- Routes with new numbers and/or names
- New Ann Arbor area routes
- New Ypsilanti area routes
- New service to Scio Twp.
- New service in Pittsfield Twp.

ROUTES WITH SAME NUMBERS / NAMES

3 Huron River (see Rt. 3 map later)
4 Washtenaw
5 Packard
6 Ellsworth
46 Huron-Textile
67 Platt-Michigan Ave

ROUTES WITH NEW NUMBERS OR NAMES

Old Route	New Route	
17	21	Amtrak - Depot (My Alerts)
1	22	Pontiac – Dhu Varren
2	23	Plymouth
7	24	S. Main - East (My Alerts)
16	25	Ann Arbor – Saline Rd (My Alerts)
8	28	Pauline
13	33	Newport
33	41	EMU COB Shuttle
609	60	Dexter – U-M

Old Route	New Route	
36	62	State – U-M
1U	63	Pontiac – U-M
14	64	Geddes – E. Stadium (My Alerts)
2C	65	U-M – Downtown – Green
22	66	Carpenter – Huron Pkwy
710	91	ExpressRide: Chelsea
711	92	ExpressRide: Canton
787	98	AirRIde

NEW NUMBERING SYSTEM – The method :

Between Ann Arbor & Ypsilanti

Numbered 3 - 6

Ann Arbor Local routes

Numbered 21 - 33

Ypsilanti Local routes

Numbered 41 - 47

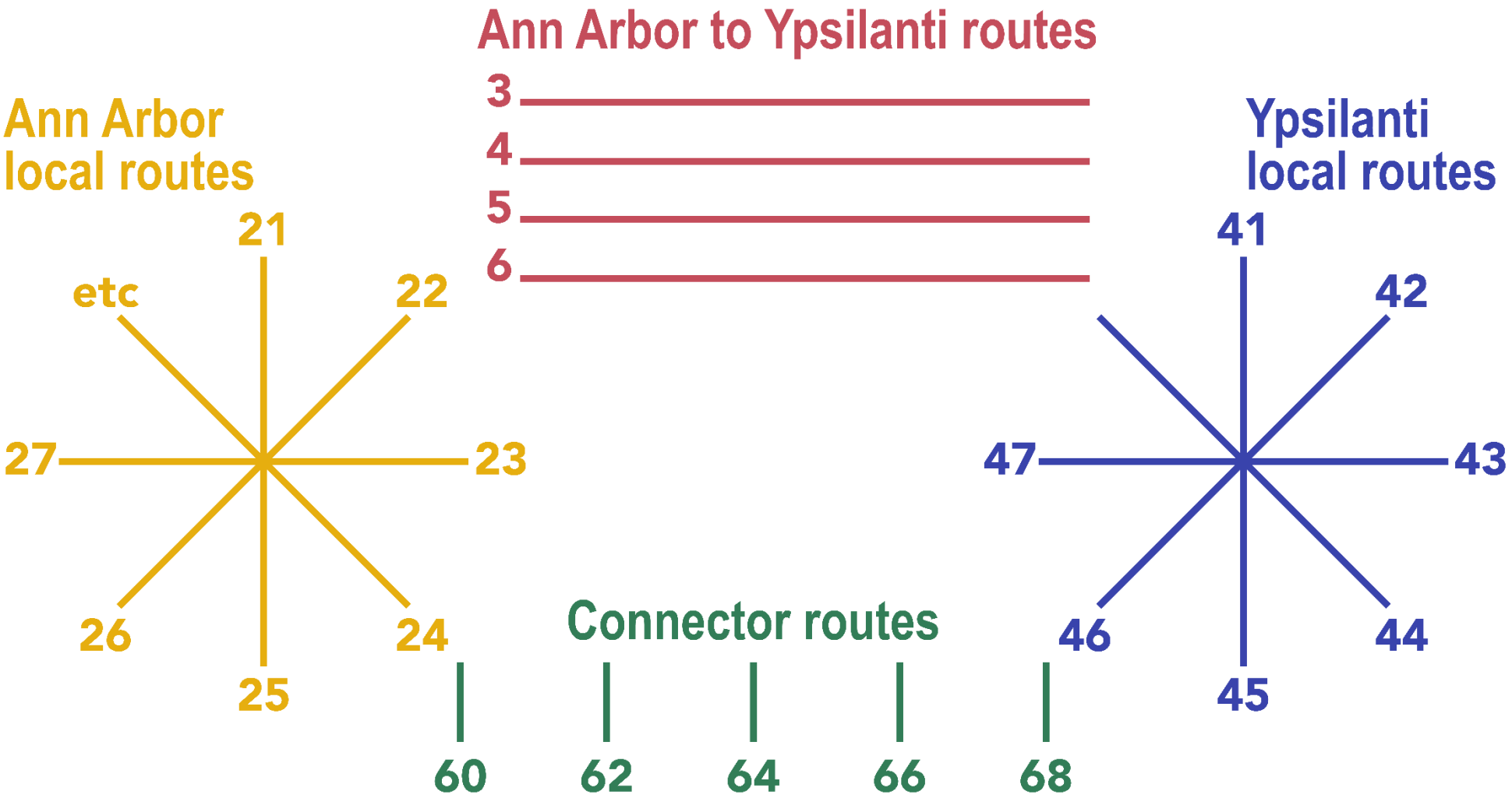
Connector/Crosstown Routes

Numbered 60 - 68

Express Routes

Numbered 91 - 98

NEW NUMBERING SYSTEM



NEW YPSILANTI AREA ROUTES

Ypsilanti Area

Replace routes
10, 11, and 20
with six new routes

TheRide

ROUTE

10

Ypsilanti – Northeast

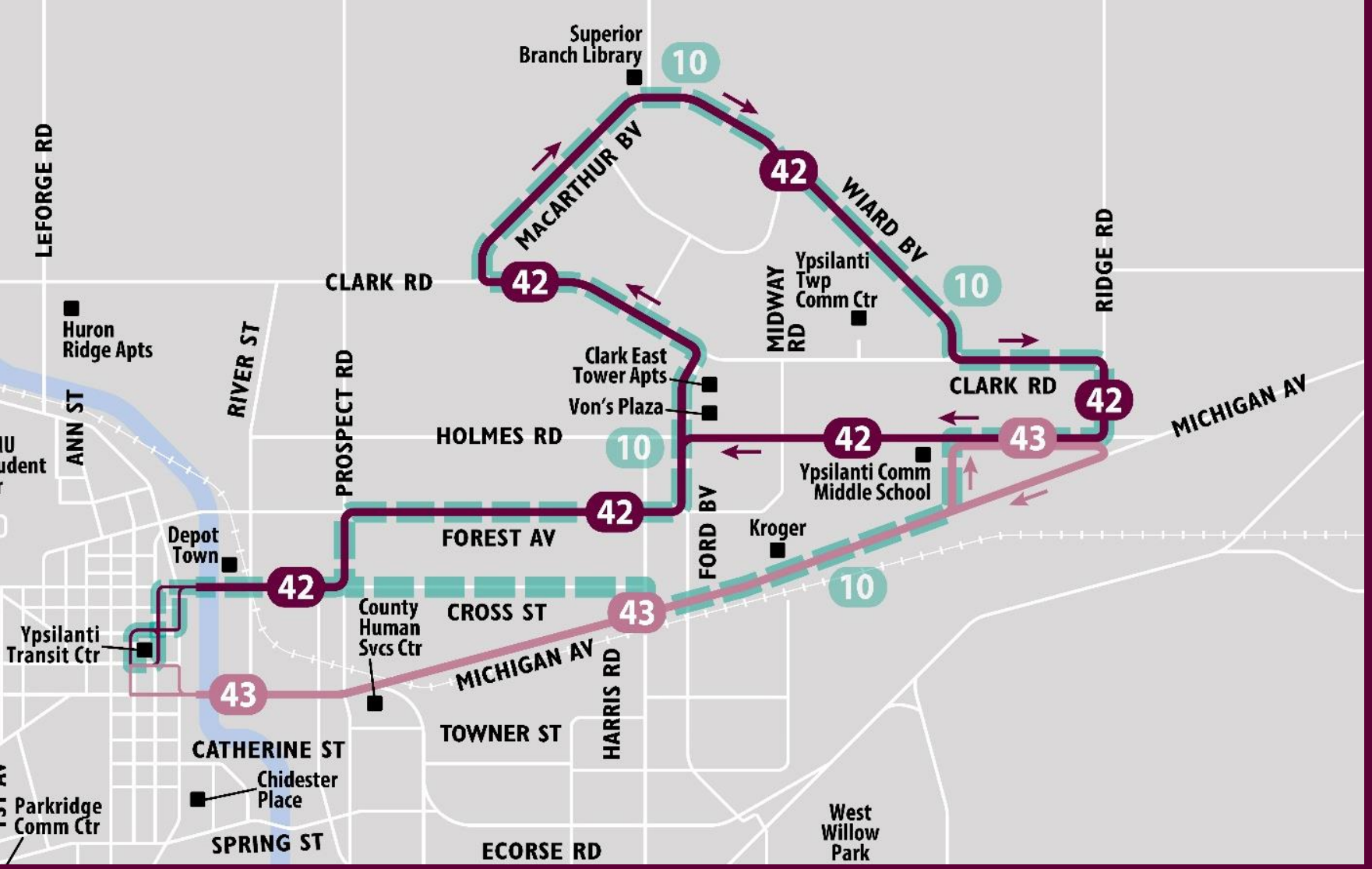
will be replaced by…

42

Forest – MacArthur

43

E. Michigan Ave



Route 42

- Direct service in both directions on Forest Ave & Cross St; loop route through MacArthur Blvd neighborhood
- Similar to route 10 until Holmes Rd
  - Will no longer serve Michigan Ave or Cross St east of Prospect Rd

Route 43

- Direct service in both directions on Michigan Ave
- Better service to Kroger

YPSILANTI

ROUTE

20

Ypsilanti: Grove - Ecorse

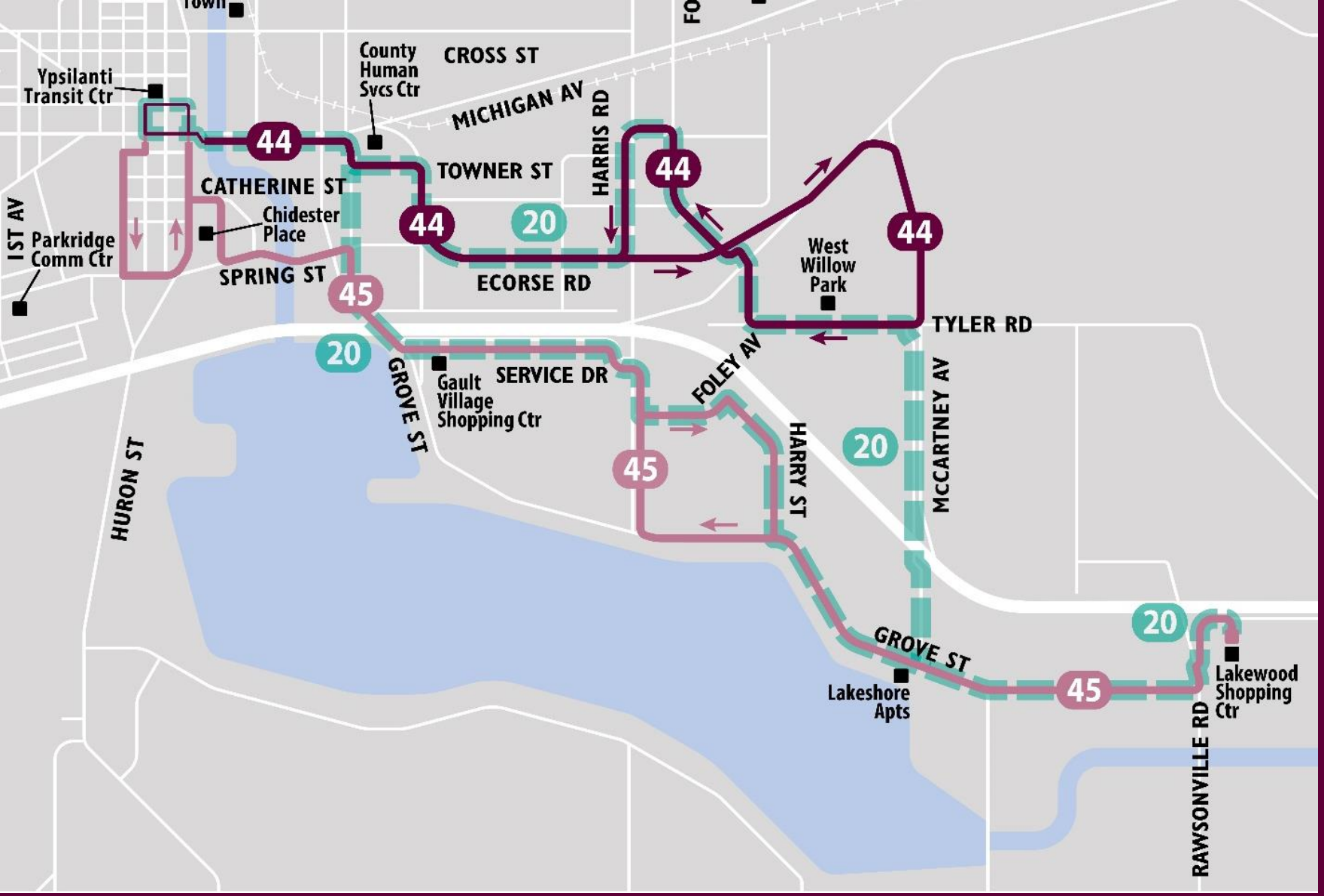
will be replaced by…

44

Ecorse – Tyler

45

Grove



Route 44

- Direct service in both directions on Towner St & Ecorse Rd; loop route through West Willow neighborhood
- Better service to County Human Services Center

Route 45

- Direct service in both directions to Gault Village and on Grove Rd
- Better service to Chidester Place

YPSILANTI

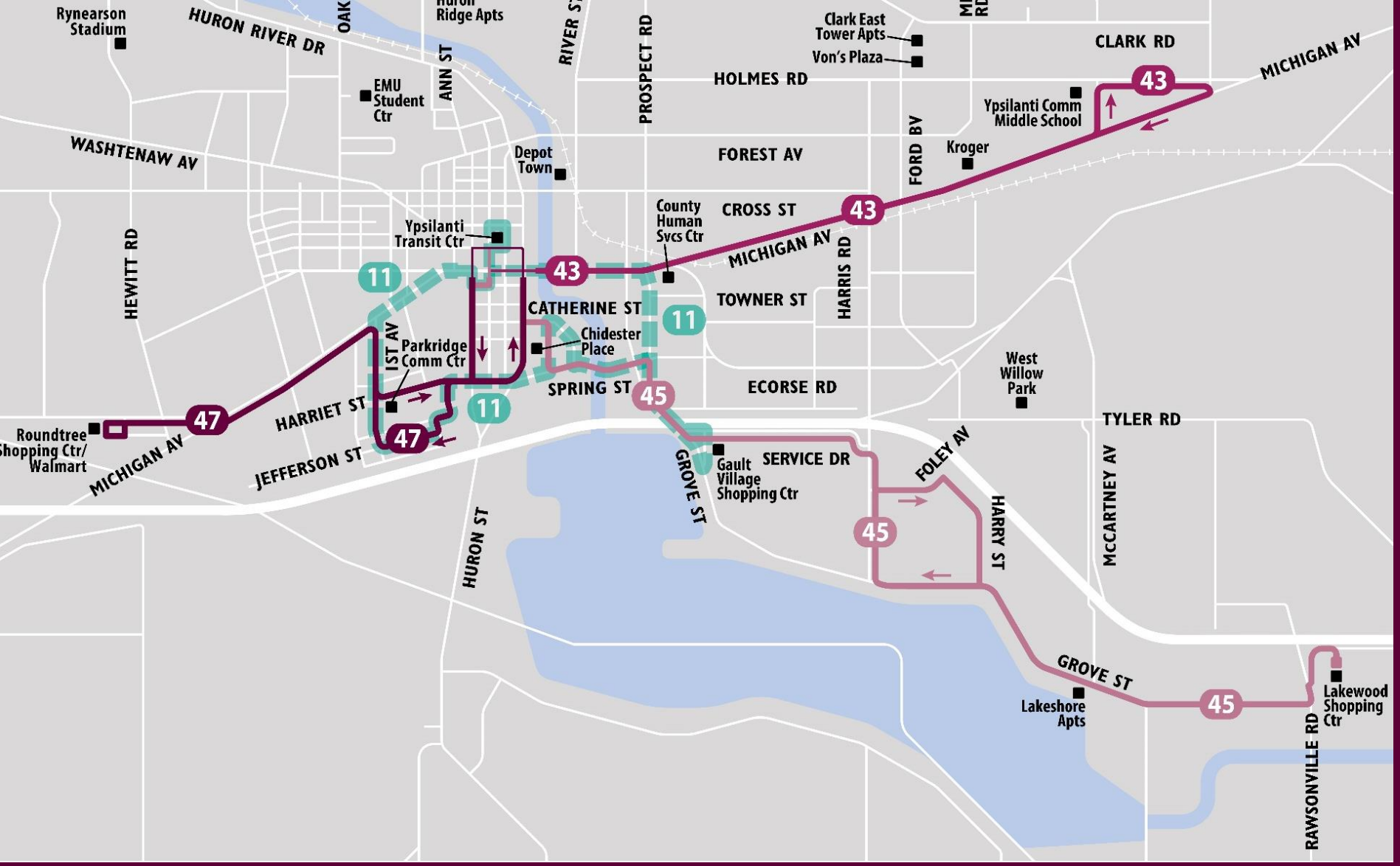
ROUTE

11

Ypsilanti - South

will be replaced by…

43	E. Michigan Ave
45	Grove
47	Harriet – W. Michigan Ave



Routes 43 & 45

Route 47

- Connects the southwest neighborhoods of Ypsilanti to downtown and shopping centers in the Michigan Ave/Hewitt Rd area
- Better service to Parkridge Community Center, WalMart

YPSILANTI

68

Harris – Ford

Route 68

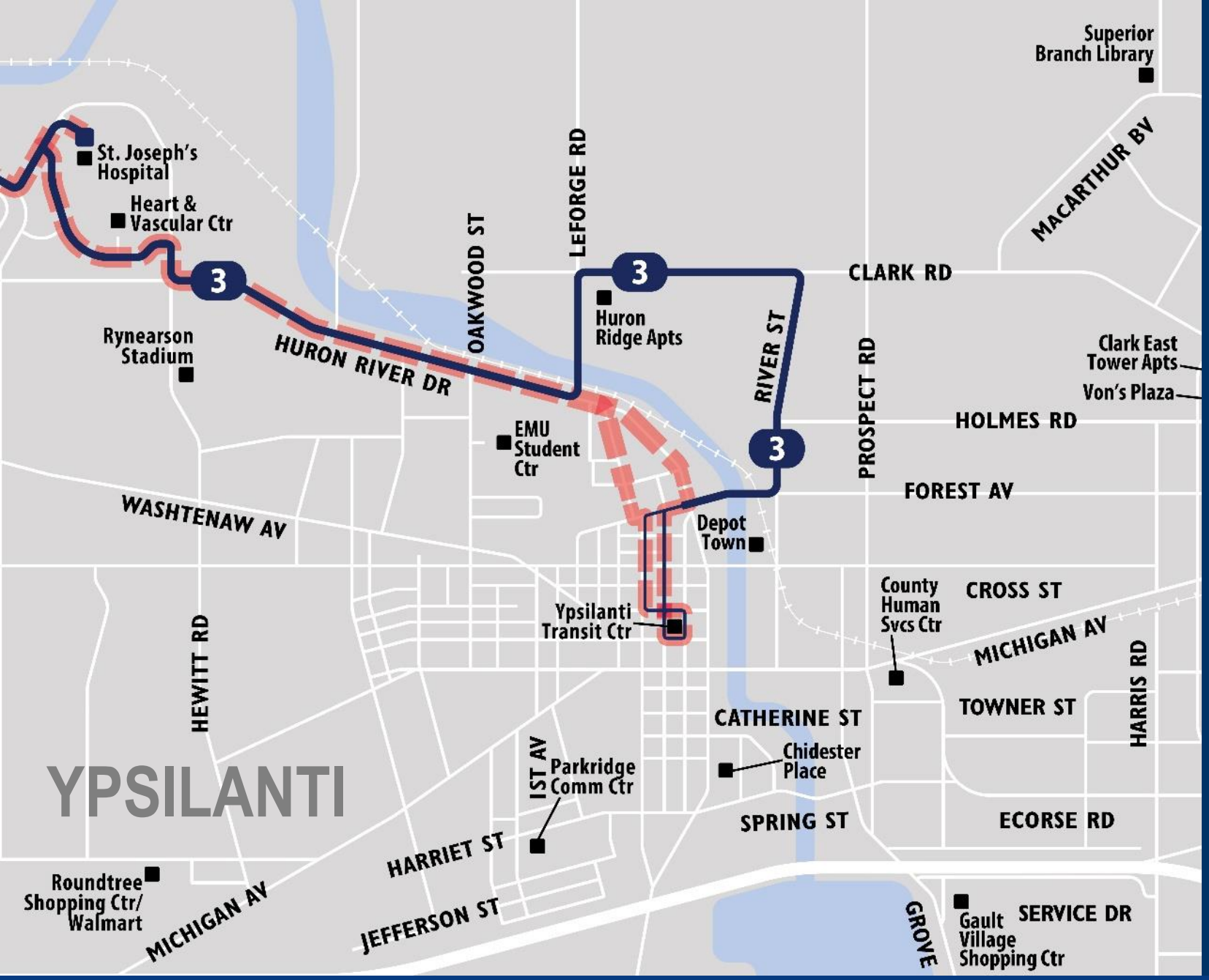
- The Ypsilanti local routes run primarily east-west; route 68 runs north-south to provide connections
- Provides service to shopping
- Connects Clark East Towers to the Ypsilanti Twp Community Canter

The number is staying the same…

3

Huron River

…but part of the route is changing



Route 3

- Providing direct connections for the apartment complexes on LeForge Rd to downtown Ypsilanti, Depot Town, WCC, and Ann Arbor

NEW ANN ARBOR ROUTES

Ann Arbor Routes

Routes Through April 30	New Routes Starting May 1
1	22: Pontiac – Dhu Varren
1U	63: U-M Pontiac
2A/2B	23: Plymouth
2C	65: U-M Downtown - Green
7	24: S. Main-East
8	28: Pauline
9	NEW! Route 30: Jackson NEW! Route 31: Dexter
12	NEW! Route 29: Liberty NEW! Route 32: Miller-Skyline-W. Stadium
13	33: Newport
14	64: Geddes –E. Stadium

Routes Through April 30	New Routes Starting May 1
15	NEW! Route 26: Scio Church NEW! Route 27: W. Stadium – Oak Valley
16	35: Ann Arbor – Saline Rd.
17	21: Amtrak – Depot St.
18	32: Miller-Skyline-W. Stadium
22	66: Carpenter – Huron Pkwy
36	62: U-M State
609	60: U-M Dexter
710	91: ExpressRide - Chelsea
711	92: ExpressRide - Canton
787	98: AirRide (Detroit Metro Airport)

Questions?

Email: AskUs@TheRide.org

Visit: TheRideYourWay.org

Call: 734-996-0400

REQUEST FOR LEGISLATION
April 19, 2016

From: Bonnie Wessler, City Planner

Subject: Offer to Purchase City-Owned Land

BACKGROUND & SUMMARY

Mr Ayad Jacksi, owner of Complete Auto at 311 S Grove, is proposing to purchase less than a tenth of an acre to the north and adjacent to his property that is currently part of the Factory right-of-way. This process began in late 2012, when Mr Jacksi applied for a conditional rezoning for his property (from B2 to B4) to permit auto sales in addition to the existing auto repair. A part of this plan proposed by Mr Jacksi included purchasing the right of way adjacent to the property to expand the car sales area and get more Factory Street frontage, and exposure/visibility, for the commercial use. Mr Jacksi began this process with Ms Gillotti; in the meantime, no work was done on the site.

At the end of 2014, a new zoning ordinance was adopted. The conditional rezoning, having been "pending" since 2012 and such status being renewed for one year in December 2013 by Council, became moot. Mr Jacksi then applied for a special use permit for auto sales on the site, again including the additional right-of-way to the north in his plans. The special use permit and site plan approval were granted with the condition that the applicant acquire the property (plans attached); should the property not be acquired, he would have to reapply. Negotiations and work began again on the potential sale. The applicant obtained an acceptable survey, and the purchase agreement (attached) and price ($2,500) from the previous negotiations were used.

Note that this process was begun prior to Council's adoption of a policy regarding disposition of City-owned parcels, which will in the future help serve to inform the staff's recommendation to Council regarding these types of transactions.

RECOMMENDED ACTION: Approval

Attachments:

- Site plan
- Survey
- Offer to Purchase
- Resolution to Accept Offer

CITY MANAGER APPROVAL: COUNCIL AGENDA DATE: 4/19/2016

CITY MANAGER COMMENTS:

FINANCE DIRECTOR APPROVAL:

Resolution No. 2016 - 078
April 19, 2016

RESOLUTION TO ACCEPT AN OFFER TO PURCHASE CITY-OWNED LAND

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, a certain parcel of land is located in the City of Ypsilanti, commonly known as "the Maus Parcel," without a parcel number, and legally described as:

> **"Said Parcel being a part of Factory Street Right-of-Way (Now to be known as Spring Street) of Hunter's Addition to the City of Ypsilanti Subdivision as recorded in Liber 5, of deeds, pages 166 and 167, Washtenaw County Records, State of Michigan being more particularly described as Beginning at the intersection of the south line of Spring Street and the East Line of Grove Street for a Place of Beginning; Thence proceeding Northwesterly 20.50 feet to the New Right-of-Way Line of Spring Street 94 feet wide. Thence Northwesterly along said Right-of-Way 96.60 feet to a point; thence Southeasterly 46.38 feet to a point; thence West 100 feet to the Place of Beginning. Contains 3,287.15 Square feet."**

WHEREAS, the City is the owner of said land; and

WHEREAS, there are no structures or improvements located on said parcel; and

WHEREAS, Ayad Jacksi, a married man, owns a parcel of land that lies adjacent to said "Maus Parcel"; and

WHEREAS, Mr Jacksi has delivered an Offer to Purchase the "Maus Parcel" from the City for $2500 and have deposited $500 of this amount with the City Planner; and

WHEREAS, the City is interested in conveying whatever interest it may have in the "Maus Parcel" in order that it be privately owned and taxable.

NOW THEREFORE BE IT RESOLVED that the Mayor and City Clerk are authorized to execute and accept the attached Offer to Purchase Real Estate; and

BE IT FURTHER RESOLVED that the City Manager and City Attorney are authorized to complete the sale with Mr Jacksi and the City Manager is authorized to sign any and all documents to close and complete the transaction.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Resolution No. 2016 - 079
April 19, 2016

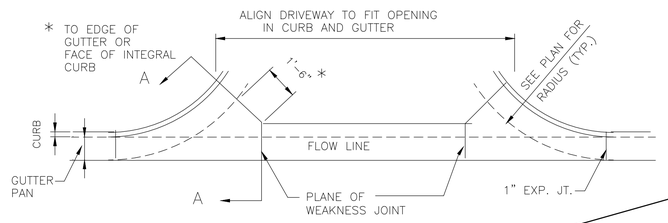
RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to accept an offer to purchase city owned land (311 S. Grove), be officially closed.

OFFERED BY: _____

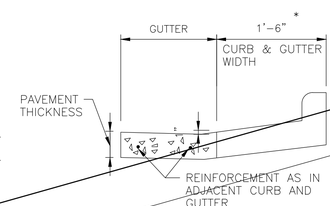
SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



NEW CONCRETE APPROACH

M.DOT II-29E

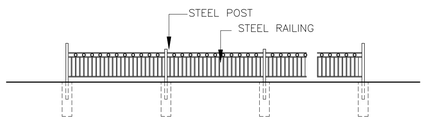


SECTION A-A

M.DOT II-29E

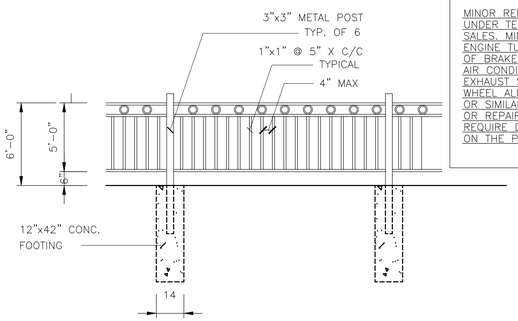
NEW LANDSCAPING TABLE

	QUANTITY	DESCRIPTION	SIZE
	32+	BOXWOOD	30" MIN SPREAD
	8	SUGAR MAPLE	2 1/2" CAL. 7' CLEAR STEM MIN
	1	DOGWOOD	1.75" CAL
	15	ORNEMENTAL GRASS	



PROSPECTIVE METAL ORNNAMENTAL FENCE AT SPRING RD

SCALE: 1"=20'-0"

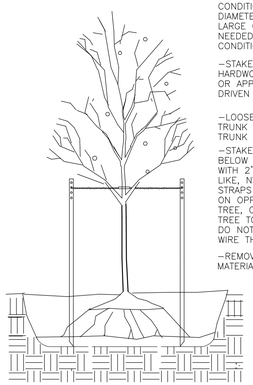


MINOR REPAIR ONLY IS PERMITTED UNDER TERMS 122-412(6) AUTOMOBILE SALES. MINOR REPAIR MEANS:
ENGINE TUNE UPS AND SERVICING OF BRAKES
AIR CONDITIONING
EXHAUST SYSTEMS, OIL CHANGE OR LUBRICATIONS
WHEEL ALIGMENT OR BALANCING
OR SIMILAR SERVICING. REBUILDING
OR REPAIR THAT NORMALLY DOES NOT REQUIRE DISASSEMBLY OR STORING ON THE PREMISES OVERNIGHT

PARTIAL FENCE ELEVATION

SCALE: 1/4"=1'-0"

CONSTRUCTION SEQUENCE	OPERATION TIME SCHEDULE – LATE 2013											
			OCT		NOV		DEC					
STAKE BUILDING												
SEDIMENT CONTROL MEASURES												
A.												
B.												
REMOVE TREES												
STOCKPILE TOPSOIL												
A.												
B.												
ROUGH GRADE												
TEMPORARY EROSION CONTROL												
A.												
B.												
EXCAVATE FOOTINGS/BASEMENT												
INSTALL UNDERGROUND UTILITIES												
CONSTRUCT FOOTINGS/FOUNDATIONS												
CONSTRUCT STRUCTURE												
APPLY AGGREGATE BASE TO DRIVES												
FINAL GRADE												
PERMANENT EROSION CONTROL												
A. SEEDING												
B. SODDING												
C.												



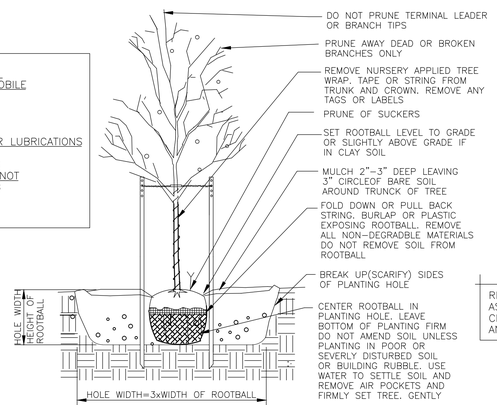
DO NOT STAKE UNLESS IN HEAVY CLAY SOIL, WINDY CONDITIONS, 3" OR GRATER DIAMETER TREE TRUNK OR LARGE CROWN. IF STAKING NEEDED DUE TO THESE CONDITIONS:

–STAKE WITH 2x2 HARDWOOD STAKES OR APPROVED EQUAL DRIVEN 6"–8" OUTSIDE

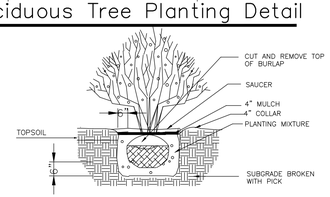
–LOOSELY STAKE TREE TRUNK TO ALLOW FOR TRUNK FLEXING

–STAKE TREES JUST BELOW FIRST BRANCH WITH 2"–3" WIDE BELT LIKE, NYLON OR PLASTIC STRAPS (2 PER TREE ON OPPOSITE SIDES OF TREE. CONNECT FROM TREE TO STAKE HORIZONTALLY. DO NOT USE ROPE OR WIRE THROUGH A HOSE).

–REMOVE ALL STAKING MATERIALS AFTER 1 YEAR



Deciduous Tree Planting Detail



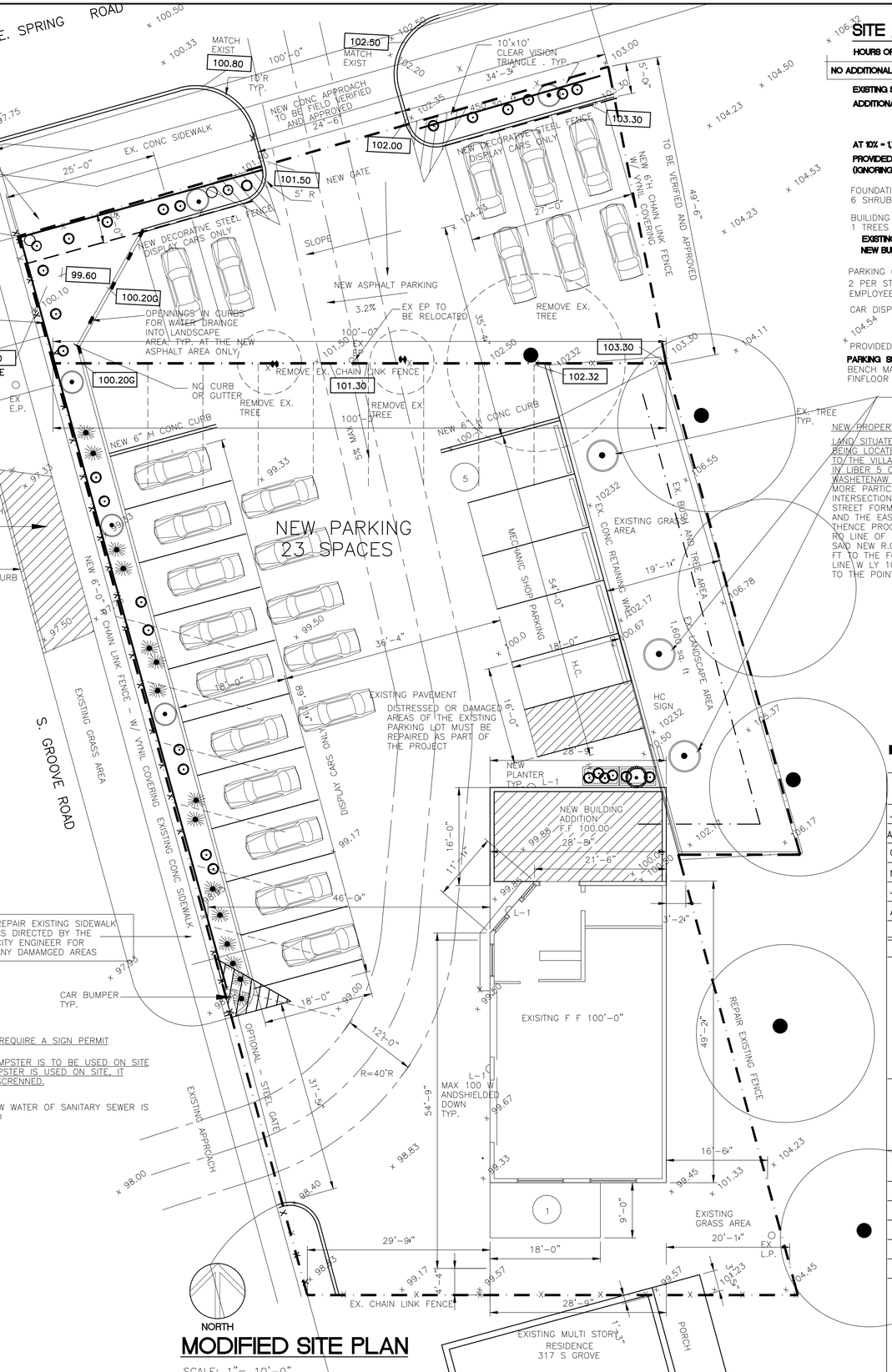
Shrub Planting

NTS

LANDSCAPING NOTES:

PROTECTED FROM EXTREME WEATHER CONDITIONS, BAD SOIL TO BE DISPOSED IN LEGAL MANNER.

2. ALL LANDSCAPED AREA (L.S. AREA) TO RECEIVE MIN. 4" TOP SOIL WITH SOD. PROVIDE FERTILIZER UNDER SOD , ALL PER CITY STANDARDS.
3. ALL PLANT MATERIALS ARE TO BE FIRST QUALITY NURSERY STOCK, FREE FROM DISEASE OR OBJECTIONABLE DISFIGUREMENTS, AND PLANTED IN CONFORMANCE WITH SOUND NURSERY PRACTICE.
4. ALL NEW TREES ARE TO BE STAKED WITH TWO 6 FT., CEDAR STAKES GUYED WITH HOSE COVERED WIRE.
5. ALL PLANTING PITS ARE TO RECEIVE 3 AGRIFORM TABS (3–YEAR FERTILIZER) AT TIME OF PLANTING
6. ALL PLANT MATERIALS ARE TO BE GUARANTEED FOR ONE YEAR TO BE IN HEALTHY AND VIGOROUS CONDITION. IT IS UNDERSTOOD THAT THE OWNER WILL PROVIDE ADEQUATE AND TIMELY CARE DURING THE GUARANTEE PERIOD



MODIFIED SITE PLAN

SCALE: 1"= 10'-0"

SITE / BLDG. DATA

HOURS OF OPERATION - 9A M TO 6 PM

NO ADDITIONAL LIGHTS ARE PROPOSED FOR THE SITE

EXISTING SITE AREA	13,773 SQ. FT	= .32 AC
ADDITIONAL SITE AREA	3,497 SQ. FT	= .08 AC
	17,270 SQ. FT	= .40 AC

AT 10% = 1,727 sq.ft MIN LANDSCAPE AREA

PROVIDED 2,050 SQ. FT = 11.8 %
(IGNORING FOUNDATION LANDSCAPING)

FOUNDATION PLANTING = 1 ORNMENTAL TREE+ 6 SHRUBS / 30FT OF BLDG FRONTAGE

BUILIDNG FRONTAGE =28'–8"/30 = 1 TREES AND 6 SHRUBS

EXISTING BUILDING	1,383 SQ. FT
NEW BUILDING ADDDITION	456 SQ. FT
	1,839 SQ. FT

PARKING CALCULATION:	
2 PER STALL = 3x2	6 SPACES
EMPLOYEES	1 SPACES
CAR DISPALY	23 SPACES
	30 SPACES
PROVIDED PARKING	30 spaces
PARKING SIZES	9'-0"x20'-0"

BENCH MARK : 100'–0" EXISITNG BUILDING FINFLOOR AT THE FRONT DOOR.

NEW TREE
INTERIOR LANDSCAPING

EX. TREE TYP.

NEW PROPERTY LEGAL DESCRIPTION

LAND SITUATED IN THE CITY OF YPSILANTI BEING LOCATED WITHIN THE HUNTERS ADDITION TO THE VILLAGE OF YPSILANTI SUBDIVISIONRECORED IN LIBER 5 OF DEEDS, PAGES 166 AND 167 WASHETENAW COUNTY RECORDS
MORE PARTICULAR DESCRIBED AS BEING AT THE INTERSECTION OF THE SOUTH LINE OF SPRING STREET FORMERLY KNOWN AS FACTORY STREET AND THE EAST SIDE LINE OF GROOVE STREET THENCE PROCEEDING NW 2LY 21.5 FT TO THE NEW RO LINE OF SPRING STREET THENCE NE LY ALOG SAID NEW R.O.W 100,000 FT , THENCE S.E. LY 49.50 FT TO THE FORMER R.O.W. LINE , THENCE ALONG SAID LINE W LY 100.00 FT
TO THE POINT OF BEGINING

ZIAD EL-BABA ENGINEERING
674 GAUTHIER
TECUMSEH ONTARIO
N8N3P8 CANADA
CELL : 313-938-8767
CELL - 519-796-9882
FAX - 519-979-3535

DATE	REV. NO.	ISSUED FOR
JUL.12.13		SITE PLAN
AUG 31 13		ENGINEERING
OCT.12.13		SITE PLAN
NOV.20.13		SITE PLAN
JULY.18.14		COUNCIL APPROVAL
AUG.30.14		COUNCIL APPROVAL

Project:
NEW SITE
311 S GROVE
YPSILANTI MI

OWNER
311 S GROVE
YPSILANTI MI

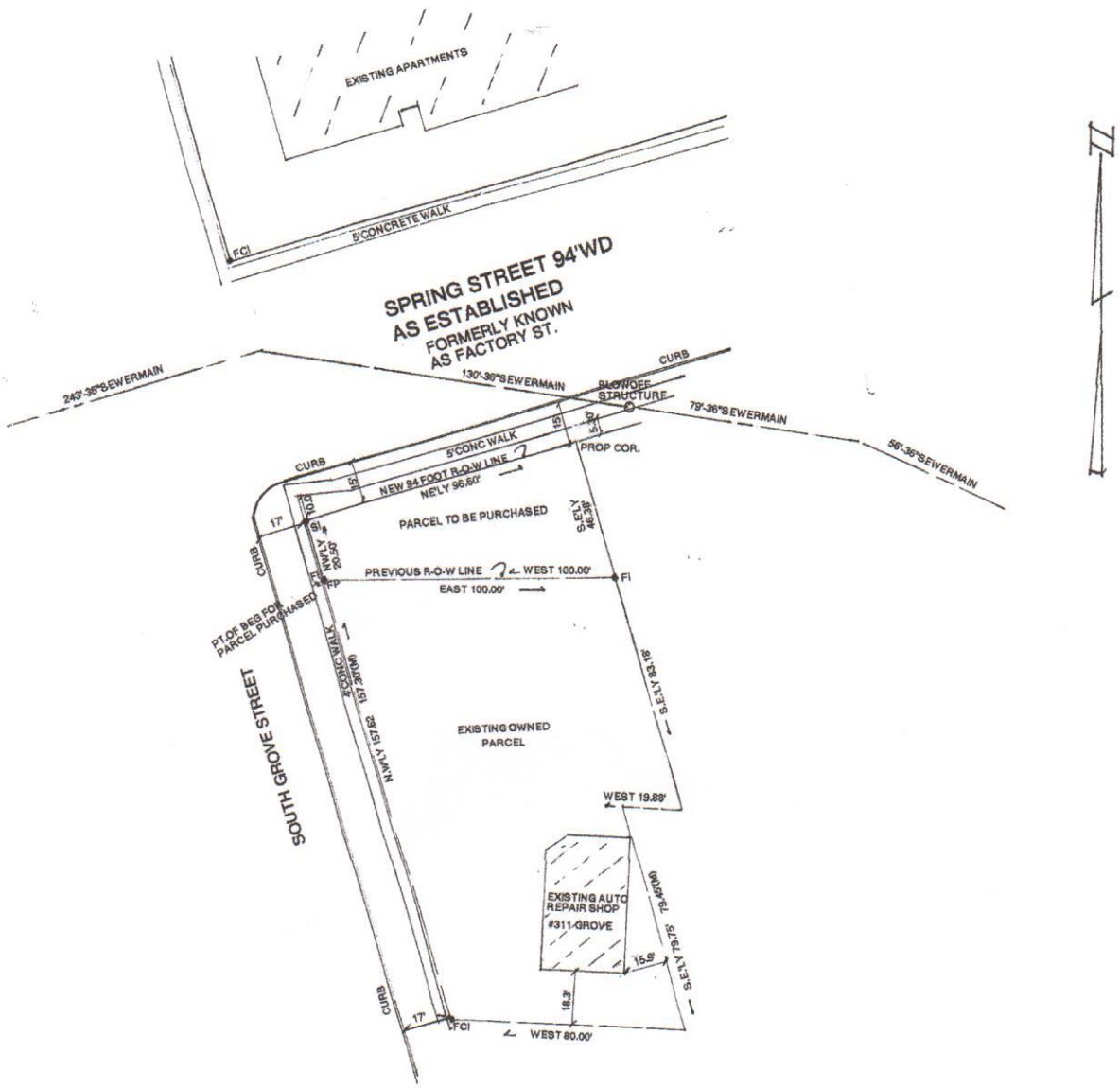
Drawing Title:
SITE PLAN PLANS

Project Number	
Scale	AS NOTED
Date	
Drawn By	
Checked By	

Drawing No.

SP–1

SURVEY OF PROPERTY TO BE PURCHASED



Legal Description for Original Parcel:

Said Parcel being part of Lots 101 and 102 of Hunter's Addition to the City of Ypsilanti, County of Washtenaw, State of Michigan being more particularity described as Beginning at the intersection of the south line of Factory Street (AKA: Spring Street) and the East Line of Grove Street for a Place of Beginning; Thence proceeding East along the South Line of Factory Street AKA Spring Street 100.00 feet to a point; thence Southeasterly 83.18 feet to a point on the South line of Lot 101, Hunter's Addition to the City of Ypsilanti ; Thence West along the South Line of Lot 101, Hunter's Addition, 19.88 to a point ;Thence Southeasterly 79.75 feet;79.45 measured to a point ; Thence West 80.00 feet to the East Line of Grove Street; Thence Northwesterly along the East Line of Grove Street, 157.62 feet to the Place of Beginning.

Legal Description for Parcel to be purchased from City:

Said Parcel being part of Factory Street Right-of-Way (Now to be known as Spring Street) of Hunter's Addition to the City of Ypsilanti Subdivision as recorded in Liber 5, of deeds, pages 166 and 167, Washtenaw County Records, State of Michigan being more particularity described as Beginning at the intersection of the south line of Spring Street and the East Line of Grove Street for a Place of Beginning; Thence proceeding Northwesterly 20.50 feet to the New Right-of-Way Line of Spring Street 94 feet wide. Thence Northwesterly along said Right-of-Way 96.60 feet to a point; thence Southeasterly 46.38 feet to a point; thence West 100 feet to the Place of Beginning. Contains 3,287.15 Square feet.

We hereby certify that we have surveyed the parcel hereon delineated in accordance with the legal description as furnished by you and the boundaries and corners of said parcel are as indicated herein and that their exists no encroachments upon said parcel except as otherwise noted.

By [redacted]
Clive Cantor, L.S. # 10682

STATE OF MICHIGAN
SURVEYOR
CLIVE CANTOR
REGISTERED LAND SURVEYOR

LOUIS CANTOR COMPANY 17600 NORTHLAND PARK CT STE 201 SOUTHFIELD,MI.48075		248 559-7840 FAX 248 559-4604 louiscantor2@cs.com
SCALE: 1"=40' DATE: AUG 26,2015	APPROVED BY REVISED 9/10/2015	DRAWN BY J.OGLETREE JR.
CLIENT: AYAD JACKSI 734 972-9090		DRAWING NUMBER 35-70

REAL ESTATE SALES AGREEMENT
FOR THE PURCHASE OF VACANT LAND

This real estate sales agreement (the "Agreement") is entered into on this 22 day of February, 2016, by and between the City of Ypsilanti, a Michigan home rule city of One S. Huron Street, Ypsilanti, MI 48197 ("Seller"), and **Ayad Jacksi**, a **Married Man** of **4287 Woodstream Drive, Ypsilanti MI 48197** ("Buyer"), on the terms and conditions set forth below.

1. **Background.** Seller is the owner of a parcel of real property located in the City of Ypsilanti, County of Washtenaw, State of Michigan, a portion of which Buyer wishes to purchase consisting of approximately 3,287.15 square feet of land as described in Exhibit A (the "Premises"). This Agreement sets forth the terms and conditions on which Buyer agrees to purchase the Premises from Seller.

2. **Purchase and sale.** Seller agrees to sell the Premises to Buyer, and Buyer agrees to purchase the Premises from Seller, together with all easements, rights, hereditaments, and appurtenances, on the terms and conditions set forth below.

3. **Purchase price.** At the Closing of this Agreement as defined below, Buyer shall pay Seller $2,500 (two thousand, five hundred dollars), which shall be paid at Closing in immediately available funds.

4. **Earnest money deposit.** On signing this Agreement, Buyer shall deposit with the title insurance company providing the title insurance for this transaction, as escrow agent (Escrow Agent), $500 in certified funds. Escrow Agent shall hold and disburse that earnest money as provided below. The earnest money together with any interest (cumulatively, the Deposit), shall constitute a credit against the Purchase Price at Closing. The Deposit shall be placed in an interest-bearing account with the interest to accrue and be a part of the Deposit and be returned to Buyer or paid to Seller as part of the Deposit as stated in this Agreement.

5. **Due Diligence Period.** Buyer has the right to conduct a due diligence review of the Premises as follows: The term Due Diligence Period means the 120-day period beginning with the Effective Date of this Agreement. If, on or before the expiration of the Due Diligence Period, Buyer elects to terminate this Agreement, for any reason as determined in its sole discretion, Buyer shall deliver a notice of its election to terminate to Seller, with a copy to Escrow Agent, and this Agreement shall automatically terminate. Escrow Agent shall deliver the Deposit to Buyer, and neither Seller nor Buyer shall have any further rights or obligations under this Agreement. If Buyer fails to deliver a notice of termination of this agreement during the Due Diligence

Period, Buyer shall close on the terms stated in this Agreement without further extensions.

6. **Buyer's access to the Premises.** During the Due Diligence Period, Buyer and its employees, agents, contractors, and invitees will have reasonable access to the Premises for the purpose of inspecting and evaluating the Premises. While Buyer and its employees, agents, contractors, or invitees are on the Premises, (a) they shall not unreasonably interfere with any use of the Premises by Seller; (b) Seller shall not be liable for any damage, loss, or injury caused by them, and (c) Buyer shall indemnify and hold Seller harmless from any damage, loss, or injury, including, without limitation, costs and expenses of investigating, defending, and settling or litigating any claim, including reasonable attorney fees, arising out of their presence on the Premises before the date of Closing. On completion of all such inspections and evaluations, Buyer shall return the Premises substantially to their prior condition.

7. **Title insurance.** Following the signing of this Agreement, Buyer may obtain a title insurance commitment for an owner's policy of title insurance for the Premises at Buyer's cost, issued by a title insurance company of its choosing.

8. **Taxes and assessments.** Because Seller is a home rule city, there are no real or personal taxes owed for the Premises. Buyer shall pay all real property taxes for the Premises and personal property taxes assessed against the personal property on the Premises after the date of Closing. Seller will pay all special assessments; deferred assessments; hook-up charges; or other fees, assessments, or charges imposed against the Premises that exist as of the date of Closing at or before closing.

9. **Closing date and possession.** Buyer and Seller shall complete the sale and transfer possession of the Premises from Seller to Buyer (the Closing) at a closing to be held within 30 days after the end of the Due Diligence Period. The Closing shall take place at the office of the title insurance company involved in the transaction or at another location agreeable to Seller and Buyer.

10. **Form of conveyance.** At the Closing, Seller shall grant and convey legal title to the Premises to Buyer pursuant to a quitclaim deed. The deed shall state the consideration as "for good and valuable consideration," and Buyer shall sign and file a transfer valuation affidavit to evidence the Purchase Price.

11. **Closing.** Seller shall prepare the closing documents and deliver them to Buyer for review and approval at least 10 days before the Closing. At or before the Closing, Buyer shall be responsible for the payment of the state

and county transfer taxes, the title insurance premium to issue a policy pursuant to the title commitment referenced above, and the costs of any recording fees to record any documents to clear title. At or before closing, Buyer shall pay the fees necessary to record the deed and any other documents to transfer title, the cost of the survey referenced above, any closing costs charged by any closing agent, and the cost of any inspections it obtained on the Premises. Buyer and Seller shall each pay their own attorney and other professional fees.

12. **Condemnation.** If all or any portion of the Premises are taken by the exercise of eminent domain or condemnation proceedings before the Closing, Buyer may, at its option, terminate this Agreement by giving written notice to Seller and a copy to Escrow Agent. In the event of a condemnation proceeding as a result of which Buyer elects to terminate this Agreement, any Deposit paid by Buyer shall be returned to Buyer. In the event of such a termination, this Agreement shall be null and void, and the parties shall have no further rights or obligations under this Agreement. If Buyer does not elect to terminate this Agreement in the event of the exercise of eminent domain, Buyer shall accept title to the Premises without any reduction of the Purchase Price, and Seller shall assign to Buyer, at the Closing, all of Seller's right, title, and interest in and to any resulting condemnation award.

13. **Seller's default.** In the event of any default by Seller that continues without cure for 10 days after delivery by Buyer of notice to Seller, Buyer shall have the right (but not the obligation) to terminate this Agreement by notice to Seller and Escrow Agent within 15 days after the end of the cure period, and Buyer shall have any and all rights and remedies available to Buyer in law and at equity arising out of the default, including, without limitation, specific performance. Notwithstanding anything in this Agreement to the contrary, in the event of such a termination, Escrow Agent shall promptly return the Deposit it holds to Buyer.

14. **Buyer's default.** In the event of any default by Buyer that continues without cure for 10 days after the delivery by Seller of notice to Buyer, Seller shall have the right (but not the obligation) to terminate this Agreement by notice to Buyer and Escrow Agent within 15 days after the end of the cure period, and Seller shall have any and all rights and remedies available to Seller in law and at equity arising out of the default, including, without limitation, specific performance. Notwithstanding anything in this Agreement to the contrary, in the event of such a termination, Escrow Agent shall promptly return the Deposit it holds to Seller.

15. **Real estate broker.** Seller and Buyer represent and warrant to each other that no real estate broker or any other person or entity has been involved in or is entitled to a commission as a result of the sale and purchase of the Premises contemplated by this Agreement.

16. **Escrow terms.**

a. Escrow Agent shall hold the Deposit until the Closing or until it receives a notice from one of the parties of a default by the other party under this Agreement. If Escrow Agent receives a notice of the schedule of the Closing from either of the parties, it will tender the earnest money at the closing pursuant to a closing agreement or statement approved by both parties. If Escrow Agent receives a copy of a notice of default from one of the parties to this Agreement, it shall send a copy of that notice to the other party. If an objection is received from the other party within 10 days from the delivery of the notice to that party, Escrow agent shall hold the Deposit until it receives approval from both parties to dispose of the Deposit in a stated manner. If no objection is received within the 10-day period of time, Escrow Agent shall forward the Deposit to the party that has given notice of a default.

b. Seller and Buyer agree that Escrow Agent assumes no liability under this Agreement except that of the holder of the Deposit. In the event of any dispute whether Escrow Agent is obligated to deliver the Deposit or whether any given disbursement shall be made to Seller or Buyer, Escrow Agent shall not be obligated to make any disbursements but may hold the Deposit until Escrow Agent receives authorization in writing, signed by both Seller and Buyer, directing the disposition of the Deposit. In the absence of any such authorization, Escrow Agent may hold the Deposit until the final determination of the rights of Seller and Buyer in an appropriate proceeding. If written authorization is not given or proceedings for determination are not begun and diligently continued, Escrow Agent shall have no obligation to bring an appropriate action or proceeding for leave to deposit the Deposit with a court of competent jurisdiction.

c. Seller and Buyer agree to jointly and severally indemnify, save, and hold Escrow Agent harmless from any liability resulting from Escrow Agent's duties, absent any commission or omission by Escrow Agent amounting to willful misconduct or gross negligence. Seller and Buyer agree to each pay one-half of any fee charged by Escrow Agent for its duties under this Agreement.

d. On disbursement of the Deposit in accordance with the Agreement, Escrow Agent is released and acquitted from any further liability under this Agreement, it being expressly understood that Escrow Agent's liability is limited by the terms and conditions set forth above.

17. **Notices.** Except as otherwise provided, all notices required under this Agreement shall be effective only if in writing or in a form of electronic or facsimile transmission that provides evidence of receipt and shall be either

personally served, electronically transmitted, or sent with postage prepaid to the appropriate party at its address as set forth in the introductory paragraph of this Agreement. However, notices to Escrow Agent shall be delivered to Escrow Agent at its address provided above. Either party or Escrow Agent may change its address by giving notice of the change or a facsimile transmission number to the other two as provided in this section.

18. **Entire agreement.** This Agreement and all exhibits constitute the entire agreement between the parties with respect to the subject matter of this Agreement, and all prior agreements between the parties with respect to the Premises, whether written or oral, are of no further force or effect. This Agreement may not be modified except by a written document signed by Seller and Buyer.

19. **Applicable law.** This Agreement shall be applied, construed, and enforced in accordance with the laws of the State of Michigan, without giving effect to conflicts of law principles. Venue for any disputes under this Agreement shall lie in Washtenaw County, Michigan.

20. **Binding effect.** This Agreement shall be binding on and inure to the benefit of the parties and their respective successors and permitted assigns. Seller and Buyer are permitted to assign this Agreement to affiliated business entities that are owned in total by either Seller or Buyer, but neither party shall assign or otherwise transfer its interest under this Agreement to any other third party without the prior approval of the other party to this Agreement, which shall not be unreasonably withheld.

21. **Severability.** If any term, covenant, or condition of this Agreement or its application is, to any extent, held to be invalid or unenforceable, the remainder of this Agreement or the application of the term, covenant, or condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall remain effective; and each term, covenant, or condition of this Agreement shall be valid and enforced to the fullest extent permitted by law.

22. **Time of the essence.** Time is of the essence of this Agreement.

23. **Counterparts.** This Agreement may be executed in one or two counterparts, each of which will be an original, and all of which together shall constitute one and the same document. Facsimile signatures shall be effective as originals.

26. **Exhibits.** The following is an exhibit attached to and a part of this Agreement:

- Exhibit A—Legal description of the Premises

27. **Effective date.** This Agreement has been signed and shall be effective as of the date indicated in the introductory paragraph of this Agreement.

In witness whereof, the parties hereto set their hands.

By the duly elected or appointed representatives of the **CITY OF YPSILANTI**:

Mayor, Amanda Edmonds	Date
City Clerk, Frances M. McMullan	Date
By Ayad Jacksi [redacted]	3-24-16
By: Ayad Jacksi	Date

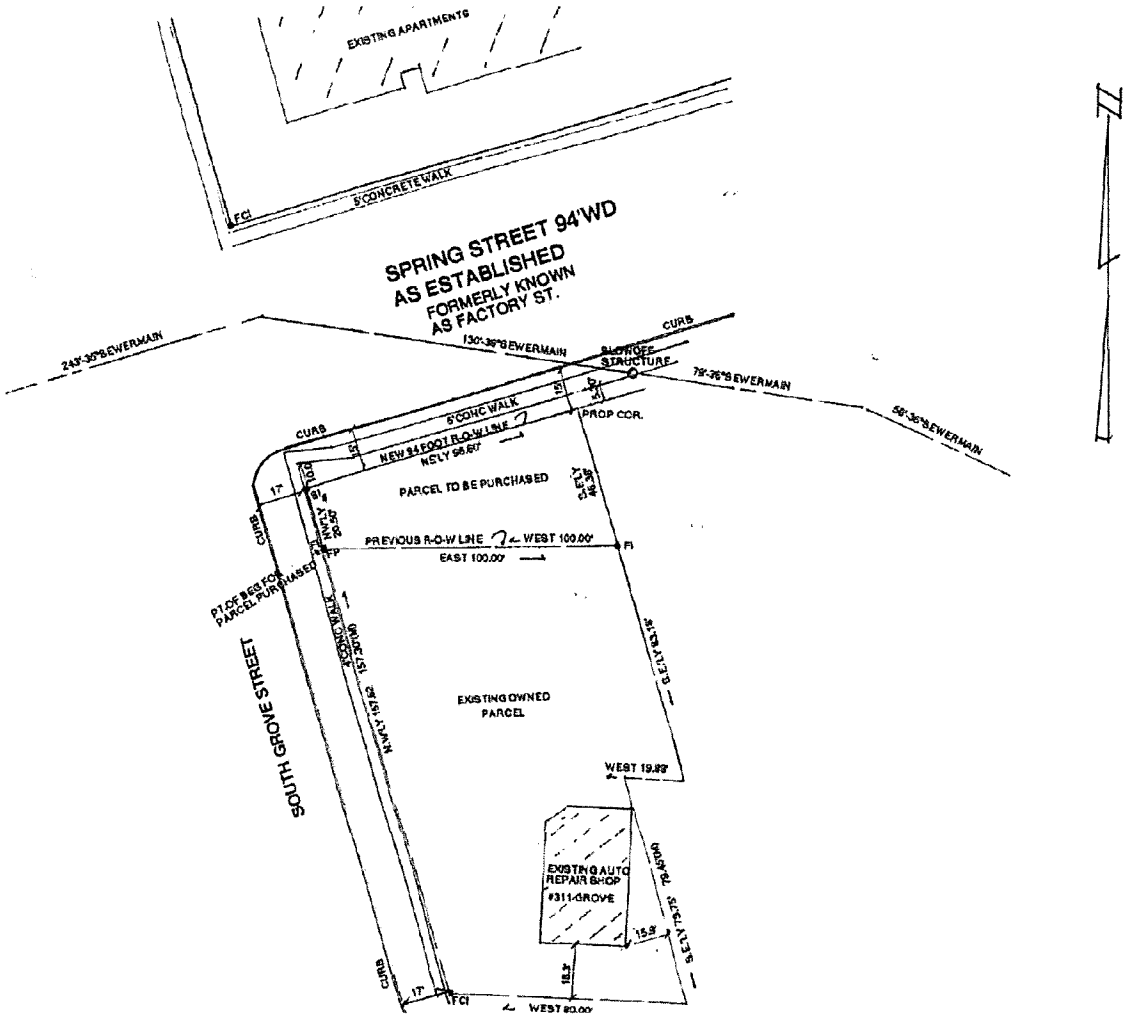
APPROVED AS TO FORM:

JOHN M. BARR P-10475
Ypsilanti City Attorney

EXHIBIT A – LEGAL DESCRIPTION

Said Parcel being a part of Factory Street Right-of-Way (Now to be known as Spring Street) of Hunter's Addition to the City of Ypsilanti Subdivision as

recorded in Liber 5, of deeds, pages 166 and 167, Washtenaw County Records, State of Michigan being more particularly described as Beginning at the intersection of the south line of Spring Street and the East Line of Grove Street for a Place of Beginning; Thence proceeding Northwesterly 20.50 feet to the New Right-of-Way Line of Spring Street 94 feet wide. Thence Northwesterly along said Right-of-Way 96.60 feet to a point; thence Southeasterly 46.38 feet to a point; thence West 100 feet to the Place of Beginning. Contains 3,287.15 Square feet.



Resolution No. 2016-080
April 19, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following items be approved:

1. Resolution No. 2016-081, approving Ordinance No. 1262 (940-0) to provide for the issuance and sale of water supply and sewage disposal system revenue refunding bonds.

2. Resolution No. 2016-082, approving Ordinance No. 1263 to amend the Ypsilanti City Code, Chapter 10, "Amusements and Entertainments" to remove those provisions relating to licensing.

3. Resolution No. 2016-083, approving Ordinance No. 1264 to amend Ypsilanti City Code, Chapter 14 "Animals" to remove those provisions which are no longer enforced due to the lack of a city Animal Control Officer.

4. Resolution No. 2016-084, approving Ordinance No. 1265 to amend Ypsilanti City Code, Chapter 1 "General Provisions", Section 1-14, "Enforcement Authority for Code" to remove the inclusion of an Animal Control Officer.

5. Resolution No. 2016-085, approving Ordinance No. 1266 to amend Ypsilanti City Code, Chapter 70, "Municipal Civil Infractions", Article I, "In General", Section 70-2, "Authorized City Official" to remove the inclusion of an Animal Control Officer.

6. Resolution No. 2016-086, approving Ordinance No. 1268 to amend Ypsilanti City Code, Chapter 38, "Emergency Services", Article II, "Alarm Systems", Section 38-40, "False Alarms Charges" to simplify language in light of the fee schedule adopted by City Council.

7. Resolution No. 2016-087, approving Ordinance No. 1269 to amend Ypsilanti City Code, Chapter 86, "Solid Waste", Article II, "Collection and Disposal", Division 1 "Generally", Sections 86-33 and 86-34 to correct references and make language consistent with other provisions in the code.

8. Resolution No. 2016-088, approving minutes of April 5, 2016.

9. Resolution No. 2016-089, approving appointments to Boards and Commissions.

10. Resolution No. 2016-090, approving contract between the City of Ypsilanti and Oakland County for CLEMIS service for the police and fire departments for five years.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Resolution No. 2016-081
April 19, 2016

THAT AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM REVENUE REFUNDING BONDS TO PAY THE COST OF REFUNDING CERTAIN OUTSTANDING WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM REVENUE BONDS AND TO PRESCRIBE THE FORM OF THE BONDS; TO PROVIDE FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM AND TO PAY THE PRINCIPAL OF AND INTEREST ON THE REFUNDING BONDS AND CERTAIN OUTSTANDING BONDS OF EQUAL STANDING OF THE SYSTEM; TO PROVIDE AN ADEQUATE RESERVE FUND FOR THE BONDS; TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF THE REVENUES; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE BONDS IN ENFORCEMENT THEREOF; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE BONDS AND THE SYSTEM be approved on Second and Final Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Founded in 1852
by Sidney Davy Miller

MILLER CANFIELD

MICHIGAN: Ann Arbor
Detroit • Grand Rapids
Kalamazoo • Lansing • Troy
FLORIDA: Tampa
ILLINOIS: Chicago
NEW YORK: New York
OHIO: Cincinnati
CANADA: Windsor
CHINA: Shanghai
MEXICO: Monterrey
POLAND: Gdynia
Warsaw • Wrocław

PATRICK F. MCGOW
TEL (313) 496-7684
FAX (313) 496-8450
E-MAIL mcgow@millercanfield.com

Miller, Canfield, Paddock and Stone, P.L.C.
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
TEL (313) 963-6420
FAX (313) 496-7500
www.millercanfield.com

March 23, 2016

Ms. Frances McMullan
City Clerk
City of Ypsilanti
One South Huron Street
Ypsilanti, MI 48197-5453

Re: City of Ypsilanti - Water Supply and Sewage Disposal System Revenue Refunding Bonds, Series 2015

Dear Frances:

As we discussed with the City Manager, I have enclosed an Ordinance authorizing the issuance of the above-captioned Bonds to be considered for approval by the City Council at its meeting on April 5th. Due to the low interest rate environment and the ability to call certain bonds for early redemption, the City has the opportunity to refinance its existing Water Supply and Sewage Disposal System Revenue Refunding Bonds which were issued in 2006 to refinance several prior series of revenue bonds which were issued in 2001 and 2002 (the "Prior Bonds") at lower interest rates to achieve debt service savings for the benefit of the City and the users of the System.

The Ordinance authorizes the issuance of the Bonds in an aggregate amount not to exceed $10,000,000 to pay the costs of refunding the Prior Bonds. The Bonds will be payable from the Net Revenues of the City's Water Supply and Sewage Disposal System. After issuance, the Bonds would be senior lien revenue bonds of the System. The Bonds are expected to be sold at a negotiated sale to Hutchinson, Shockey, Erley & Co. (the "Underwriter") as a public offering.

The Ordinance contains the mandatory requirements for Revenue Bond Ordinances as required by Act 94 of 1933 (the "Revenue Bond Act"). The Ordinance sets forth the terms of the Bonds and provides for a negotiated sale of the Bonds to the Underwriter. The Ordinance also authorizes the Mayor, City Manager, City Clerk and/or Finance Director to take any other steps necessary related to the issuance, sale and delivery of the Bonds. There are some blanks in the Ordinance in the form of the Bond

that do not need to be completed at or prior to adoption, but will instead be completed in the final Bond form once the final terms been determined. The Ordinance is similar in form to prior bond authorizing ordinances adopted by the City Council. This Ordinance is the only action item required by the City Council relating to the Bonds.

The City is authorized to proceed with the sale of the Bonds only if the City achieves net present value savings of at least 3% per annum through the refinancing. If approved, this would allow the City to move forward with the refinancing of the Bonds with a closing by August 1st to pay off the Prior Bonds on September 1, 2016.

Pursuant to Section 6 of the Revenue Bond Act, the Ordinance may be adopted in one reading without the need for a public hearing, regardless of any contrary provision in the City's ordinance adoption procedures. The Ordinance is required to be published once in full in your local newspaper after its adoption. Upon adoption by the City Council, we would appreciate receiving three (3) certified copies of the Ordinance and three (3) Affidavits of Publication of the Ordinance for bond transcripts.

I plan on attending the City Council meeting on April 5th to answer any questions from Council. If you or anyone copied have any questions, please do not hesitate to contact me.

Very truly yours,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By: [redacted]

Patrick F. McGow

Enclosures

cc: (w/ Encl.)
Ralph Lange, City Manager
Marilou Uy, Finance Director
Paul Stauder, Public Financial Management, Inc.
Michael Gormely, Hutchinson Shockey
John Barr, Esq.
Ronald C. Liscombe, Esq.

ORDINANCE NO._940-O

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM REVENUE REFUNDING BONDS TO PAY THE COST OF REFUNDING CERTAIN OUTSTANDING WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM REVENUE BONDS AND TO PRESCRIBE THE FORM OF THE BONDS; TO PROVIDE FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM AND TO PAY THE PRINCIPAL OF AND INTEREST ON THE REFUNDING BONDS AND CERTAIN OUTSTANDING BONDS OF EQUAL STANDING OF THE SYSTEM; TO PROVIDE AN ADEQUATE RESERVE FUND FOR THE BONDS; TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF THE REVENUES; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE BONDS IN ENFORCEMENT THEREOF; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE BONDS AND THE SYSTEM.

THE CITY OF YPSILANTI ORDAINS:

Section 1. Definitions. Whenever used in this Ordinance, except when otherwise indicated by the context, the following terms shall have the following meanings:

(a) "Act 94" means Act 94, Public Acts of Michigan, 1933, as amended.

(b) "Authorized Officers" mean the Mayor, City Manager, City Clerk, and the Finance Director of the City, each individually an Authorized Officer.

(c) "Bonds" mean the Series 2016 Bonds, the Outstanding Bonds and any additional Bonds of equal standing hereafter issued.

(d) "Issuer" or "City" means the City of Ypsilanti, County of Washtenaw, State of Michigan.

(e) "Outstanding Bonds" means the Issuer's Water Supply and Sewage Disposal System Revenue Bonds, Series 2002B, Water Supply and Sewage Disposal System Revenue Refunding Bonds, Series 2006, and Water Supply and Sewage Disposal System Revenue Refunding Bonds, Series 2013.

(f) "Outstanding Junior Bonds" means the Issuer's outstanding Water Supply and Sewage Disposal System Revenue Bonds, Series 2003C, Water Supply and Sewage Disposal System Revenue Bonds, Series 2003D, Water Supply and Sewage Disposal System Revenue Bonds, Series 2004B, Water Supply and Sewage Disposal System Revenue Bonds, Series 2007, Water Supply and Sewage Disposal System Revenue Bonds, Series 2008, Water Supply and

Sewage Disposal System Revenue Bonds, Series 2009, and the Water Supply and Sewage Disposal System Revenue Bonds, Series 2012.

(g) "Outstanding Ordinances" means Ordinances Nos. 940, 940-B, 1052, and 940-N authorizing the issuance of the Outstanding Bonds.

(h) "Outstanding Junior Lien Ordinances" means Ordinances Nos. 940-F, 940-G, 940-J, 940-K, 940-L, 940-M and Amended and Restated Ordinance 940-I authorizing the Outstanding Junior Bonds.

(i) "Refunded Bonds" means all or a portion of the Outstanding Bonds as shall be finally identified in the Sale Order referred to herein, but preliminarily refers to the Series 2006 Bonds maturing in the years 2017 to 2027, inclusive.

(j) "Reserve Amount" means the lesser of (i) the maximum annual debt service due on the Bonds in the current or any future year, (ii) 125% of the average annual debt service on the Bonds or (iii) 10% of the principal amount of the Outstanding Bonds.

(k) "Revenues" and "Net Revenues" mean the revenues and net revenues of the System and shall be construed as defined in Section 3 of Act 94, including with respect to "Revenues", the earnings derived from the investment of moneys in the various funds and accounts established by the Outstanding Ordinances and this Ordinance.

(l) "Sale Order" means a Sale Order to be executed by an Authorized Officer regarding the sale of the Series 2016 Bonds.

(m) "Series 2016 Bonds" means the Water Supply and Sewage Disposal System Revenue Refunding Bonds, Series 2016 of the Issuer authorized by this Ordinance.

(n) "Sufficient Government Obligations" means direct obligations of the United States of America or obligations the principal of and interest on which is fully guaranteed by the United States of America, not redeemable at the option of the issuer, the principal and interest payments upon which, without reinvestment of the interest, come due at such times and in such amounts as to be fully sufficient to pay the interest as it comes due on the Bonds and the principal and redemption premium, if any, on the Bonds as it comes due whether on the stated maturity date or upon earlier redemption. Securities representing such obligations shall be placed in trust with a bank or trust company, and if any of the Bonds are to be called for redemption prior to maturity, irrevocable instructions to call the Bonds for redemption shall be given to the paying agent.

(o) "System" means the entire Water Supply and Sewage Disposal System of the City, both inside and outside the City including all plants, works,

instrumentalities and properties, used or useful in connection with the collection and treatment of sanitary sewage, and all facilities used or useful in the supply and distribution of water as the same now exists, and all enlargements, extensions, repairs and improvements thereto hereafter made.

(p) "Transfer Agent" and/or "Escrow Agent" means The Bank of New York Trust Company, N.A., Detroit, Michigan.

(q) "Underwriter" means Hutchinson, Shockey, Erley & Co., Inc., as the purchaser of the Series 2016 Bonds.

Section 2. Necessity; Public Purpose; Estimated Cost. It is hereby determined to be a necessary public purpose of the Issuer to refund all or part of the Refunded Bonds. The estimated cost of refunding the Refunded Bonds, including legal and financing expenses, in an amount of not to exceed Ten Million Dollars ($10,000,000), is hereby approved.

Section 3. Payment of Cost; Bonds Authorized. To pay the costs associated with the refunding of the Refunded Bonds, including all legal, financial and other expenses incident thereto and incident to the issuance and sale of the Bonds, the Issuer shall borrow the sum of not to exceed Ten Million Dollars ($10,000,000), as finally determined in the Sale Order and issue the Series 2016 Bonds pursuant to the provisions of Act 94. The remaining costs, if any, of refunding the Refunded Bonds shall be defrayed from System funds on hand and legally available for such use, including moneys in the bond and interest redemption fund established for the Refunded Bonds.

Section 4. Bond Details, Registration and Execution. The Series 2016 Bonds hereby authorized shall be designated WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM REVENUE REFUNDING BONDS, SERIES 2016, shall be payable solely and only out of the Net Revenues, as set forth more fully herein, shall consist of bonds of the denomination of $5,000, or integral multiples of $5,000 not exceeding in any one year the amount maturing in that year, dated as of the date of delivery or such other date as shall be determined in the Sale Order, numbered in order of authentication, and shall mature on September 1st in the years 2017 to 2027, inclusive, or such other years of maturity as shall be determined in the Sale Order.

The Series 2016 Bonds shall bear interest at a rate or rates determined on sale thereof, but in any event not exceeding 6% per annum, payable on March 1 and September 1 of each year, commencing September 1, 2016, or such other date as shall be determined in the Sale Order, by check or draft mailed by the Transfer Agent to the person or entity which is, as of the 15th day of the month preceding the interest payment date, the registered owner at the registered address as shown on the registration books of the Issuer maintained by the Transfer Agent. The date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the Issuer to conform to market practice in the future. The principal of the Series 2016 Bonds shall be payable at the principal corporate trust office of the Transfer Agent.

The Series 2016 Bonds may be issued as serial or term bonds or both and may be subject to redemption prior to maturity at the times and prices and in the manner finally determined in the Sale Order.

In case less than the full amount of an outstanding Series 2016 Bond is called for redemption, the Transfer Agent upon presentation of the Series 2016 Bond called in part for redemption shall register, authenticate and deliver to the registered owner a new bond in the principal amount of the portion of the original bond not called for redemption. Notice of redemption shall be given in the manner specified in the form of the Bonds contained in Section 13 of this Ordinance.

The Series 2016 Bonds shall be executed in the name of the Issuer with the manual or facsimile signatures of the Mayor and the City Clerk and shall have a facsimile of the Issuer's seal printed on them. No Bond signed by a facsimile signature shall be valid until authenticated by an authorized signer of the Transfer Agent. The Series 2016 Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the Underwriter in accordance with instructions from an Authorized Officer upon payment of the purchase price for the Bonds in accordance with the bid therefor when accepted. Executed blank bonds for registration and issuance to transferees shall simultaneously, and from time to time thereafter as necessary, be delivered to the Transfer Agent for safekeeping.

Section 5. Registration and Transfer. Any Bond may be transferred upon the books required to be kept pursuant to this section by the person in whose name it is registered, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond or Bonds shall be surrendered for transfer, the Issuer shall execute and the transfer agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The Transfer Agent shall require payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer. The Transfer Agent shall not be required (i) to issue, register the transfer of or exchange any Bond during a period beginning at the opening of business 15 days before the day of the giving of a notice of redemption of Bonds selected for redemption as described in the form of Bonds contained in Section 13 of this Ordinance and ending at the close of business on the day of that giving of notice, or (ii) to register the transfer of or exchange any Bond so selected for redemption in whole or in part, except the unredeemed portion of Bonds being redeemed in part.

The Transfer Agent shall keep or cause to be kept, at its principal office, sufficient books for the registration and transfer of the Bonds, which shall at all times be open to inspection by the Issuer; and, upon presentation for such purpose, the Transfer Agent shall, under such reasonable regulations as it may prescribe, transfer or cause to be transferred, on said books, Bonds as hereinbefore provided.

If any Bond shall become mutilated, the Issuer, at the expense of the holder of the Bond, shall execute, and the Transfer Agent shall authenticate and deliver, a new Bond of like tenor in exchange and substitution for the mutilated Bond, upon surrender to the Transfer Agent of the mutilated Bond. If any Bond issued under this Ordinance shall be lost, destroyed or stolen, evidence of the loss, destruction or theft may be submitted to the Transfer Agent and, if this evidence is satisfactory to both and indemnity satisfactory to the Transfer Agent shall be given, and if all requirements of any applicable law including Act 354, Public Acts of Michigan, 1972, as amended ("Act 354"), being sections 129.131 to 129.135, inclusive, of the Michigan Compiled Laws have been met, the Issuer, at the expense of the owner, shall execute, and the Transfer Agent shall thereupon authenticate and deliver, a new Bond of like tenor and bearing the statement required by Act 354, or any applicable law hereafter enacted, in lieu of and in substitution for the Bond so lost, destroyed or stolen. If any such Bond shall have matured or shall be about to mature, instead of issuing a substitute Bond the Transfer Agent may pay the same without surrender thereof.

The Series 2016 Bonds may be issued in book-entry-only form through the Depository Trust Company in New York, New York ("DTC") and any Authorized Officer of the City is authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the Series 2016 Bonds in book-entry-only form and to make such changes in the Series 2016 Bond form with the parameters of this resolution as may be required to accomplish the foregoing.

Section 6. Payment of Series 2016 Bonds. The Series 2016 Bonds and the interest thereon shall be payable solely and only from the Net Revenues, and to secure such payment, there is hereby created a statutory lien upon the whole of the Net Revenues which shall be a first lien to continue until payment in full of the principal of and interest on all Bonds payable from the Net Revenues, or, until sufficient cash or Sufficient Government Obligations have been deposited in trust for payment in full of all Bonds of a series then outstanding, principal and interest on such Bonds to maturity, or, if called for redemption, to the date fixed for redemption together with the amount of the redemption premium, if any. The first lien referred to herein shall be of equal standing and priority of lien with the City's Outstanding Bonds which are not being refunded with this issue and senior in standing and priority of lien with the Issuer's Outstanding Junior Bonds. Upon deposit of cash or Sufficient Government Obligations, as provided in the previous sentence, the statutory lien shall be terminated with respect to that series of Bonds, the holders of that series shall have no further rights under this Ordinance except for payment from the deposited funds, and the Bonds of that series shall no longer be considered to be outstanding under this Ordinance.

Section 7. Bondholders' Rights; Receiver. The holder or holders of the Series 2016 Bonds representing in the aggregate not less than twenty percent (20%) of the entire principal amount thereof then outstanding, may, by suit, action, mandamus or other proceedings, protect and enforce the statutory lien upon the Net Revenues of the System, and may, by suit, action, mandamus or other proceedings, enforce and compel performance of all duties of the officers of the Issuer, including the fixing of sufficient

rates, the collection of Revenues, the proper segregation of the Revenues of the System and the proper application thereof. The statutory lien upon the Net Revenues, however, shall not be construed as to compel the sale of the System or any part thereof.

If there is a default in the payment of the principal of or interest on the Bonds, any court having jurisdiction in any proper action may appoint a receiver to administer and operate the System on behalf of the Issuer and under the direction of the court, and by and with the approval of the court to perform all of the duties of the officers of the Issuer more particularly set forth herein and in Act 94.

The holder or holders of the Series 2016 Bonds shall have all other rights and remedies given by Act 94 and law, for the payment and enforcement of the Series 2016 Bonds and the security therefor.

Section 8. Rates and Charges. The rates and charges for service furnished by and the use of the System and the methods of collection and enforcement of the collection of the rates shall be those in effect on date even herewith, as the same may be increased from time to time.

Section 9. No Free Service or Use. No free service or use of the System, or service or use of the System at less than the reasonable cost and value thereof, shall be furnished by the System to any person, firm or corporation, public or private, or to any public agency or instrumentality, including the Issuer.

Section 10. Fixing and Revising Rates. The rates presently in effect in the City are estimated to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the System in good repair and working order, to provide for the payment of the principal of and interest on the Bonds as the same become due and payable, and the maintenance of the reserve therefor and to provide for all other obligations, expenditures and funds for the System required by law, this Ordinance and the Outstanding Ordinances. The rates shall be reviewed not less than once a year and shall be fixed and revised from time to time as may be necessary to produce these amounts, including, but not limited to providing Net Revenues each year at least equal to 125% of the annual debt service on the Bonds, and it is hereby covenanted and agreed to fix and maintain rates for services furnished by the System at all times sufficient to provide for the foregoing.

Section 11. Bond Reserve Fund. The Reserve Account in the Bond and Interest Redemption Fund, as established by the Outstanding Ordinances shall be adjusted, so that upon issuance of the Series 2016 Bonds, the Bond Reserve Account shall total a sum equal to Reserve Amount. In the event that the amount in said Reserve Account is greater than such debt service requirement, such excess amount shall be promptly transferred to the Escrow Fund and used to reduce the principal amount of the Bonds.

Section 12. Bond Proceeds; Escrow Fund. From the proceeds of the sale of the Series 2016 Bonds there shall be immediately deposited in the Redemption Fund an

amount equal to the accrued interest and premium, if any, received on the delivery of the Series 2016 Bonds. Certain of the proceeds of the Series 2016 Bonds along with moneys on hand in the Bond and Interest Redemption Fund for the Refunded Bonds, if any, shall be deposited in an escrow fund or funds (the "Escrow Fund") consisting of cash and investments in direct obligations of or obligations of the principal of and interest on which are unconditionally guaranteed by the United States of America or other obligations the principal of and interest on which are fully secured by the foregoing not redeemable at the option of the Issuer in amounts fully sufficient to pay the principal and interest on the Refunded Bonds upon call for redemption. The Escrow Fund shall be held by the Escrow Agent pursuant to an escrow agreement (the "Escrow Agreement") which shall irrevocably direct the Escrow Agent to take all necessary steps to pay the principal of and interest on the Refunded Bonds when due and to call the Refunded Bonds for redemption on the first call date, as specified by the Issuer. The amounts held in the Escrow Fund shall be such that the cash and investments and income received thereon will be sufficient without reinvestment to pay the principal of and interest on the Refunded Bonds when due at maturity or by call for redemption as required by the Sale Order. The remaining proceeds of the Series 2016 Bonds shall be used to pay the costs of issuance of the Series 2016 Bonds. Any proceeds in excess of the proceeds deposited in the Escrow Fund or required to pay costs of issuance shall be deposited in the Bond and Interest Redemption Fund and used to pay interest on the Series 2016 Bonds on the next available interest payment date. The Authorized Officers are each authorized to select and appoint an Escrow Agent, and negotiate and enter into an Escrow Agreement on behalf of the Issuer.

Section 13. Bond Form. The Series 2016 Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MICHIGAN

COUNTY OF WASHTENAW

CITY OF YPSILANTI

WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM
REVENUE REFUNDING BOND, SERIES 2016

Interest Rate	Maturity Date	Date of Original Issue	CUSIP
	September 1, ____	_____, 2016	

REGISTERED OWNER:

PRINCIPAL AMOUNT: DOLLARS

The City of Ypsilanti, County of Washtenaw, State of Michigan (the "Issuer"), for value received, hereby promises to pay, solely and only out of the hereinafter described Net Revenues of the Issuer's Water Supply and Sewage Disposal System (hereinafter defined) the Principal Amount shown above in lawful money of the United States of America to the Registered Owner shown above, or registered assigns, on the Maturity Date shown above, unless prepaid prior thereto as hereinafter provided, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) from the Date of Original Issue shown above or such later date to which interest has been paid, until paid, at the Interest Rate per annum shown above, payable on September 1, 2016, and semiannually thereafter. Principal of this bond is payable upon surrender of this bond at the designated office of The Bank of New York Trust Company, N.A., Detroit, Michigan (the "Transfer Agent") or such other Transfer Agent as the Issuer may hereafter designate by notice mailed to the registered owner not less than 60 days prior to any interest payment date. Interest on this bond is payable by check or draft mailed by the Transfer Agent to the person or entity who is, as of the 15th day of the month preceding the interest payment date, the registered owner of record, at the registered address as shown on the registration books of the Issuer kept by the Transfer Agent. For prompt payment of principal and interest on this bond, the Issuer has irrevocably pledged the revenues of the Water Supply and Sewage Disposal System of the Issuer (the "System"), including all appurtenances, extensions and improvements thereto, after provision has been made for reasonable and necessary expenses of operation, maintenance and administration (the "Net Revenues"), and a statutory first lien thereon is hereby recognized and created.

This bond is one of a series of bonds of even Date of Original Issue aggregating the principal sum of $_____, issued pursuant to certain ordinances of the Issuer, duly adopted by the City Council of the Issuer (the "Ordinances"), and under and in full

compliance with the Constitution and statutes of the State of Michigan, including specifically Act 94, Public Acts of Michigan, 1933, as amended, for the purpose of paying the cost of refunding certain of the Issuer's outstanding Water Supply and Sewage Disposal System Revenue Bonds, Series 2006.

For a complete statement of the revenues from which and the conditions under which this bond is payable, a statement of the conditions under which additional bonds of equal standing as to the Net Revenues may hereafter be issued and the general covenants and provisions pursuant to which this bond is issued, reference is made to the above-described Ordinances. The bonds of this issue are of equal standing and priority of lien as to the Net Revenues with the Issuer's outstanding Water Supply and Sewage Disposal System Revenue Bonds, Series 2002B, the Issuer's outstanding Water Supply and Sewage Disposal System Revenue Bonds, Series 2006 not being refunded by this issue, and the Issuer's outstanding Water Supply and Sewage Disposal System Revenue Bonds, Series 2013 (the "Outstanding Bonds").

Bonds of this issue maturing in the years 2017 to 2026, inclusive, are not subject to redemption prior to maturity. Bonds or portions of bonds in multiples of $5,000 maturing in the year 2027 and thereafter may be redeemed at the option of the Issuer, in such order as the Issuer shall determine and within any maturity by lot, on any date on or after September 1, 2026 at par and accrued interest to the date fixed for redemption.

In case less than the full amount of an outstanding bond is called for redemption the Transfer Agent upon presentation of the bond called in part for redemption shall register, authenticate and deliver to the registered owner a new bond in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption of any bond or portion thereof shall be given by the Transfer Agent at least thirty (30) days prior to the date fixed for redemption by mail to the registered owner at the registered address shown on the registration books kept by the Transfer Agent. Bonds shall be called for redemption in multiples of $5,000 and any bond of a denomination of more than $5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the bond by $5,000 and such bond may be redeemed in part. Notice of redemption for a bond redeemed in part shall state that upon surrender of the bond to be redeemed a new bond or bonds in aggregate principal amount equal to the unredeemed portion of the bonds surrendered shall be issued to the registered owner thereof. No further interest on a bond or portion thereof called for redemption shall accrue after the date fixed for redemption, whether presented for redemption or not, provided funds are on hand with the Transfer Agent to redeem the bond or portion thereof.

This bond is a self-liquidating bond and is not a general obligation of the Issuer and does not constitute an indebtedness of the Issuer within any constitutional, statutory or charter debt limitation of the Issuer but is payable solely and only, both as to principal and interest, from the Net Revenues of the System. The principal of and interest on this bond are secured by the statutory lien hereinbefore mentioned.

The Issuer has covenanted and agreed, and does hereby covenant and agree, to fix and maintain at all times while any bonds payable from the Net Revenues of the System shall be outstanding, such rates for service furnished by the System as shall be sufficient to provide for payment of the interest on and the principal of the bonds of this issue, the Outstanding Bonds and any additional bonds of equal standing as and when the same shall become due and payable, and to create and maintain a bond redemption fund (including a bond reserve account) therefor, to provide for the payment of expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the System as are required by the Ordinances.

This bond is transferable only upon the books of the Issuer kept for that purpose at the office of the Transfer Agent by the registered owner hereof in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the Ordinance authorizing the bonds, and upon the payment of the charges, if any, therein prescribed.

It is hereby certified and recited that all acts, conditions and things required by law precedent to and in the issuance of this bond and the series of bonds of which this is one have been done and performed in regular and due time and form as required by law.

This bond is not valid or obligatory for any purpose until the Transfer Agent's Certificate of Authentication on this bond has been executed by the Transfer Agent.

IN WITNESS WHEREOF, the City of Ypsilanti, County of Washtenaw, State of Michigan, by its City Council, has caused this bond to be executed with the facsimile signatures of its Mayor and its City Clerk and a facsimile of its corporate seal to be printed on this bond, all as of the Date of Original Issue.

CITY OF YPSILANTI

By: _____
Mayor

(Seal)

Countersigned:

By: _____
City Clerk

Certificate of Authentication

This bond is one of the bonds described in the within-mentioned Ordinances.

THE BANK OF NEW YORK TRUST COMPANY, N.A.,
Detroit, Michigan

By: _____
Authorized Signatory

Date of Registration:

Section 14. Adjustment of Bond Terms. The Authorized Officers are each hereby authorized to adjust the final bond details as set forth herein to the extent necessary or convenient to complete the sale of the Series 2016 Bonds and in pursuance of the forgoing is each authorized to exercise the authority and make the determinations pursuant to Sections 7a(1)(c) of Act 94, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, date of issuance, interest payment dates, redemption rights and other matters within the parameters established by this Ordinance.

Section 15. Authorization for Negotiated Sale. The City has considered the option of selling the Series 2016 Bonds through a competitive sale and a negotiated sale and determines that a negotiated sale of the Series 2016 Bonds will allow more flexibility in accessing the municipal bond market, and to price and sell the Series 2016 Bonds at the time that is expected to best achieve the most advantageous interest rates and costs to the City, and will provide the City with greater flexibility in structuring bond maturities and adjust terms for the Series 2016 Bonds.

Section 16. Selection of Underwriter; Bond Purchase Agreement and Award. The Authorized Officers are each hereby authorized on behalf of the City to negotiate and execute a bond purchase agreement with the Underwriter, to execute a Sale Order evidencing the final terms for the Series 2016 Bonds, and to take all other necessary actions required to effectuate the sale, issuance and delivery of the Series 2016 Bonds within the parameters authorized in this Ordinance, provided that the true interest cost of the Series 2016 Bonds shall not exceed 3.5%, the Series 2016 Bonds shall be sold with an underwriter's discount not greater than 0.75% of par and the refunding shall result in a net present value savings to the City of not less than 3% per annum.

Section 17. Tax Covenant. The Issuer shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Series 2016 Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditures and investment of Bond proceeds and moneys deemed to be Series 2016 Bonds proceeds.

Section 18. Other Matters. The Authorized Officers are each authorized and directed to take the following actions, if necessary: (a) approve the circulation of a preliminary official statement describing the Series 2016 Bonds and to deem the preliminary official statement "final" for purposes of Rule 15c2-12 of the SEC; (b) solicit bids for and approve the purchase of a municipal bond insurance policy for the Series 2016 Bonds; (c) apply for ratings on the Series 2016 Bonds; (d) enter into a continuing disclosure undertaking for the benefit of the holders and beneficial owners of the Series 2016 Bonds in accordance with the requirements of Rule 15c2-12 and (e) do all other acts and take all other necessary procedures, and to make such other filings with any parties, including the Michigan Department of Treasury, necessary or desirable to effectuate the sale, issuance and delivery of the Series 2016 Bonds.

Section 19. Appointment of Bond Counsel. The representation of the City by Miller, Canfield, Paddock and Stone, P.L.C. as bond counsel is hereby approved, notwithstanding its periodic representation in unrelated matters of the Underwriter and other potential parties to the transaction.

Section 20. Appointment of Financial Advisor. The City hereby appoints Public Financial Management, Inc., as its financial advisor with respect to the Series 2016 Bonds.

Section 21. Savings Clause. The Outstanding Ordinances shall continue in effect, except as specifically supplemented or altered herein.

Section 22. Severability; Paragraph Headings; and Conflict. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of this Ordinance.

Section 23. Publication and Recordation. This Ordinance shall be published in full in the ***Ypsilanti Courier***, a newspaper of general circulation in the City, qualified under State law to publish legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the Issuer and such recording authenticated by the signatures of the Mayor and City Clerk.

Section 24. Effective Date. Pursuant to the provisions of Section 6 of Act 94, this Ordinance shall be approved on the date of first reading and accordingly this Ordinance shall immediately be effective upon its adoption.

Adopted and signed this 5th day of April, 2016.

Signed: _____
Mayor

Signed: _____
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Ypsilanti, County of Washtenaw, Michigan, at a regular meeting held on the 5th day of April, 2016 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting:

_____

and that the following Members were absent: _____.

I further certify that Member _____ moved adoption of said Ordinance, and that said motion was supported by Member _____.

_____.

I further certify that the following Members voted for adoption of said Ordinance:

_____

and that the following Members voted against adoption of said Ordinance:

_____.

I further certify that said Ordinance has been recorded in the Ordinance Book and that such recording has been authenticated by the signatures of the Mayor and City Clerk.

_____
City Clerk

26082353.3\099368-00043

Resolution No. 2016-082
April 19, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 10 "AMUSEMENTS AND ENTERTAINMENTS" TO REMOVE THOSE PROVISIONS RELATING TO LICENSING" be approved on Second and Final Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1263

AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 10 "AMUSEMENTS AND ENTERTAINMENTS" TO REMOVE THOSE PROVISIONS RELATING TO LICENSING.

THE CITY OF YPSILANTI HEREBY ORDAINS:

1. Amendments, additions, and deletions to the Code of Ordinances, City of Ypsilanti, Michigan. That Chapter 10 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Amusements and Entertainments," is hereby amended as follows:

ARTICLE II. - AMUSEMENT DEVICES

~~DIVISION 1. - GENERALLY~~

Sec. 10-31. - 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:

Amusement arcade means any place of business or establishment containing four or more coin-operated amusement devices.

Coin-operated amusement device means any mechanical or electrical device which provides amusement or entertainment which may be operated or set in motion upon the insertion of a coin or token, or payment of a fee. This definition shall not include juke boxes, music machines, telephone devices, machines which dispense merchandise or machines or devices that provide film or video tape presentations to a customer/user who is merely a passive spectator of the such presentation. This exclusion shall not be deemed to exclude any machines or devices in which the customer/user is engaged in a form of competition against the machine or another customer/user.

~~Licensee means the holder of an amusement arcade license or coin-operated amusement device license issued pursuant to this article.~~

Operator means proprietor, lessee, manager, or employee of any amusement arcade~~ or business establishment having one or more coin-operated amusement devices on the premises.~~

Premises means a building or a part of a building where an amusement arcade is ~~coin-operated amusement devices are~~ located, under the ownership or control of the operator, but expressly excludes private residences.

~~Sec. 10-32. - Existing businesses.~~

~~(a) Businesses which have been operating lawfully under Ordinance No. 528, and amendments thereto shall be required to fully comply with this article excepting only those provisions describing the qualifications of applicants for licenses and those provisions describing distance requirements, restrictions or parking requirements. The exceptions to this article shall apply to the owners and operators of licensed arcades or other businesses containing licensed coin-operated amusement devices as of June 12, 1982, and all succeeding owners and operators who are approved by city council.~~

~~(b) Upon sale or transfer of the business the succeeding owner and/or operator shall be required to comply with this article regarding qualifications of applicants for licenses.~~

~~(c) An owner or operator seeking to make use of the exceptions outlined in this section shall supply sufficient proof of prior legal operation to the city clerk.~~

~~Sec. 10-33. - Proration of license fees.~~

~~The city clerk shall prorate license fees and machine license fees collected under this article in the following manner:~~

~~Date of License~~	~~Percent of Fee~~
~~January 1—March 31~~	~~100~~
~~April 1—June 30~~	~~75~~
~~July 1—September 30~~	~~50~~
~~October 1—December 31~~	~~25~~

~~Secs. 10-34—10-45. - Reserved.~~

~~DIVISION 2. - AMUSEMENT ARCADE LICENSE~~

~~Sec. 10-46. - Required.~~

~~(a) No amusement arcades shall be established, maintained or conducted in the city by any person, firm or corporation without first obtaining an amusement arcade license to operate such an arcade from the city manager of the city, and no operator, shall allow or permit the use of four or more coin-operated amusement devices unless an amusement arcade license for such use shall have been obtained from the city manager.~~

~~(b) A person who violates this section is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 70-38.~~

~~Sec. 10-47. - License application.~~

~~Every person, firm or corporation desiring to obtain a license for an amusement arcade as required by this article shall file a written application with the city clerk on forms approved by the city clerk, together with an annual, nonrefundable application fee as set by resolution of council. The application shall include the following information:~~

~~(1) The applicant's correct name, and aliases, date of birth, post office address and residence, the length of time the applicant has resided within the state, the applicant's places of residence for the five years immediately preceding the time of such application; the applicant's driver's license number, social security number, a record of fingerprints to be taken at the police department; whether or not the applicant has ever been convicted of any crime involving a controlled substance, alcohol, minors, receiving and concealing stolen property, or any other offense involving moral turpitude; and at least five references of reputable citizens of such community wherein the applicant currently resides, of which at least two citizens of such community shall recommend the applicant's moral character. The applicant shall specify in such application the type of business and the exact location of the premises for which an amusement arcade license is requested.~~

~~(2) In case the applicant for an amusement arcade license is a corporation authorized to do business in this state, the application shall be made by the agent of such corporation who will have principal charge of the premises established. Such application shall contain all of the statements and furnish all the facts and recommendations in respect to such agent as are required in the case of an individual. Such amusement arcade license to a corporation shall be void 30 days after a change in the agents while managing such premises unless a new agent is licensed. A transfer fee shall be set as provided by resolution of the city council and shall be paid to the city clerk for any such transfer. Multiple agents may be licensed for an additional fee as set by resolution of the city council.~~

~~(3) In case of a partnership, each active partner in such business shall join in the application for an amusement arcade license, and shall furnish all of the information and recommendations required of an individual applicant.~~

~~(4) Such application shall also contain a diagram with dimensions of the premises on which the business will be conducted, showing the location of each coin-operated amusement device on the premises, and each exit from the premises.~~

~~(5) Each applicant for an amusement arcade license shall specify on the application the number of coin-operated amusement devices to be licensed.~~

~~(6) Every such application shall be accompanied by the fee as set by resolution of the city council, payable to the city.~~

~~(7) Each applicant for an amusement arcade license must include a certificate from the city assessor/treasurer certifying there are no unpaid city taxes in the name of the applicant.~~

~~Sec. 10-48. - Inspection of premises.~~

~~(a) Before any amusement arcade license shall be issued, investigation of the applicant and inspection of the premises shall be made by the city building department, fire marshal, police department, and such other city departments or agencies as may be deemed necessary by the city manager to determine whether the applicant and the premises fully comply with all pertinent ordinances and regulations.~~

~~(b) Before any amusement arcade license may be recommended for approval by such city departments or agencies, the police department and such other agencies or departments as are deemed necessary by the city manager shall determine whether the applicant is providing sufficient off-street parking and sufficient aids and regulations whereby vehicular traffic shall not constitute a nuisance or danger. For a standard for such determination, minimum off-street parking facilities shall be the same as required by the zoning ordinance and off-street parking ordinance of the city, with additional facilities for general peak load parking requirements of the business being operated.~~

~~(c) Before the fire marshal approves the license, he must determine whether the premises, and the location of the coin-operated amusement devices therein, permit safe ingress and egress.~~

~~Sec. 10-49. - Denial of license.~~

~~No license for an amusement arcade license shall be issued:~~

~~(1) Where the individual owner, managing agent of a corporation, or an active partner has been convicted of a crime involving a controlled substance, alcohol, minors, receiving or concealing stolen property, or other crimes involving moral turpitude, within a period of five years from date of such application.~~

~~(2) For any premises, unless the building code, fire code and other pertinent provisions of all city ordinances, as far as can be determined, are being complied with.~~

~~(3) For any premises that is located within 1,000 feet of any school building attended by students below the age of 16 years of age. Measurement shall be made from front door to front door by following the shortest route of ordinary pedestrian travel along a public thoroughfare.~~

~~(4) For any premises that does not provide off-street parking as provided in section 10-48.~~

~~(5) For any premises that does not provide space for safe ingress and egress in such premises.~~

~~(6) For any premises that has living quarters with direct entry to the premises.~~

~~(7) For any premises within 1,000 feet of an amusement arcade. Measurement shall be made from front door to front door by following the shortest route of ordinary pedestrian travel along a public thoroughfare.~~

~~(8) For any premises within 1,000 feet of any bar or tavern. Measurement shall be made from front door to front door by following the shortest route of ordinary pedestrian travel along a public thoroughfare. This requirement does not apply to a bar or tavern which has coin-operated amusement devices located on its premises.~~

~~(9) Whenever real or personal property taxes are due and delinquent for more than 30 days in the name of the owner or agent-applicant.~~

~~Sec. 10-50. - Waiver of requirements.~~

~~Council may waive any of the requirements of this section on a proper showing that such waiver would be in the public interest.~~

~~Sec. 10-51. - Grant of license; term; form; fee per machine.~~

~~(a) The city manager upon receiving such application, if presented in due form, shall pass upon the application within 30 days of application, and if satisfied that such possesses the qualifications herein prescribed and such premises conform to the requirements hereof, shall grant an amusement arcade license to the applicant for a term expiring on December 31 of each year. All such licenses shall be in such form as the city manager may prescribe and shall contain the name, address, place of business, the number of coin-operated amusement devices on the premises, and the date of expiration of such license, and shall be authenticated by the signature of the city clerk.~~

~~(b) Upon approval of the amusement arcade license, the applicant shall pay to the city clerk the sum as set by resolution of the city council for each machine indicated, and a like sum annually upon renewal of the amusement arcade license.~~

~~Sec. 10-52. - License issued to specific person and location.~~

~~The amusement arcade license shall be issued to a specific person for a specific location.~~

~~Sec. 10-53. - Appeal.~~

~~Any denial of an amusement arcade license by the city manager may be appealed to the city council.~~

~~Sec. 10-54. - License fees.~~

~~The annual fee to be paid upon granting of licenses issued hereunder shall be set by resolution of the city council.~~

~~Sec. 10-55. - Renewal; transfer.~~

~~Any license issued in accordance with this article may be renewed for an additional year upon the same terms and subject to the same requirements as provided herein for an original license. Whenever the holder of an arcade license desires to effect a change of place of doing business, such holder shall notify the city manager and make application for a license for such new place in the same manner as in the first instance, excepting that proof of good character may be dispensed with by the city council.~~

~~Sec. 10-56. - Revocation of license.~~

~~(a) The city manager shall have the right to revoke any license once granted or deny any renewal thereof whenever the operator or licensee has been convicted by a competent jurisdiction of violating this article, or convicted of any crime involving controlled substances, alcohol, minors, receiving or concealing stolen property, or any other offense involving moral turpitude.~~

~~(b) Notice of the revocation shall be given the licensee or operator by certified mail, return receipt requested. The licensee shall be entitled to a hearing before the city manager or his designee by giving written notice. Notice of request for hearing before the city manager must be given within 15 days after the date of service or receipt of the notice of revocation. The city manager or his designee shall thereafter conduct such hearing within ten days of the date of receipt of notice of request for hearing. The decision of the city manager or his designee on the appeal shall be made within ten days thereafter. If no such decision is made within such ten-day period, the decision shall be deemed to be a denial of the appeal. Thereafter the aggrieved licensee or owner may appeal the decision of the city manager or his designee directly to the city council by giving notice of appeal within ten days. The city council, upon receiving the appeal shall act on and decide the appeal not later than the third regularly scheduled council meeting from the date that the appeal is filed with the city manager. Hearings may be adjourned by mutual consent from time to time.~~

~~Secs. 10-57—10-70. - Reserved.~~

~~DIVISION 3. - COIN-OPERATED AMUSEMENT DEVICE LICENSE~~

~~Sec. 10-71. - Requirement for three or fewer coin-operated amusement devices.~~

~~(a) No place of business or establishment in the city shall place, maintain, or locate three or less coin-operated amusement devices on its premises without first having obtained a coin-operated amusement device license from the city. No operator, as defined herein, shall allow or permit the use of a coin-operated amusement device unless a license for such use shall have been obtained from the city clerk of the city.~~

~~(b) A person who violates this section is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 70-38.~~

~~Sec. 10-72. - Application fee.~~

~~Every person, firm or corporation desiring to obtain a coin-operated amusement device license as required by section 10-71, shall file a written application with the city clerk on forms approved by the city clerk, together with an annual nonrefundable application fee as set by resolution of the city council.~~

~~Sec. 10-73. - Application form.~~

~~The application for a coin-operated amusement device license shall provide the following information:~~

~~(1) The applicant's name and aliases, date of birth, post office address, location of residence, driver's license number, social security number, record of fingerprints to be given at the police department, and the name and post office address of the business where the coin-operated amusement devices are to be located.~~

~~(2) In case the applicant is a corporation, the application shall be made by the agent of the corporation who will have principal charge of the premises established.~~

~~(3) In case of a partnership, each active partner in such business shall join in the application for such coin-operated amusement device license.~~

~~(4) Each application shall also contain a diagram, with dimensions of the premises in which the business will be located, showing the general location of the coin-operated amusement devices and each exit from the premises.~~

~~(5) Each applicant shall specify on the application for license the number of coin-operated amusement devices to be licensed.~~

~~Sec. 10-74. - Inspection.~~

~~Before any coin-operated amusement device license shall be issued, inspection of the premises shall be made by the city building department. Before any coin-operated amusement device license shall be issued, the city building department shall determine whether the applicant is placing the coin-operated amusement devices in such a location so as to not constitute a nuisance or danger and as to permit safe ingress to and egress from such premises.~~

~~Sec. 10-75. - Grant of license.~~

~~(a) The city clerk, upon receiving such application for a coin-operated amusement device license, if presented in due form, and upon being advised by the city building department that such premises conform to the requirements hereof, shall grant such coin-operated amusement device license to the applicant for a term expiring on December 31 of each year. All such licenses shall be in such form as the city manager may prescribe and shall contain the name, address, place of business, number of machines and the date of expiration of such license, and shall be authenticated by the signature of the city clerk.~~

~~(b) Upon approval of the coin-operated amusement device license, the applicant shall pay to the city clerk the sum, as set by resolution of the city council, for each machine indicated, and a like sum annually upon renewal of the license.~~

~~Sec. 10-76. - License issued to specific person and location.~~

~~The coin-operated amusement device license shall be issued to a specific person, firm, or corporation for a specific location.~~

~~Sec. 10-77. - Renewal; transfer.~~

~~Any coin-operated amusement device license issued in accordance with this article may be renewed for an additional year upon the same terms and subject to the same requirements as provided herein for an original license.~~

~~Sec. 10-78. - Revocation of license.~~

~~(a) The city manager shall have the right to revoke any coin-operated amusement device license once granted or deny any renewal thereof whenever the operator or licensee has been convicted by a court of competent jurisdiction of violating this article, or convicted of any crime involving controlled substances, alcohol, minors, receiving or concealing stolen property, or any other offense involving moral turpitude.~~

~~(b) Notice of the revocation shall be given the licensee or operator by certified mail, return receipt requested. The licensee shall be entitled to a hearing before the city manager or his designee by giving written notice. Notice of request for hearing before the city manager must be given within 15 days after the date of service or receipt of the notice of revocation. The city manager or his designee shall thereafter conduct such hearing within ten days of the date of receipt of notice of request for hearing. The decision of the city manager or his designee on the appeal shall be made within ten days thereafter. If no such decision is made within such ten-day period, the decision shall be deemed to be a denial of the appeal. Thereafter the aggrieved licensee or owner may appeal the decision of the city manager or his designee directly to city council by giving notice of appeal within ten days. The city council, upon receiving the appeal shall act on and decide the appeal not later than the third regularly scheduled council meeting from the date that the appeal is filed with the city manager. Hearings may be adjourned by mutual consent from time to time.~~

~~Secs. 10-79—10-90. - Reserved.~~

~~DIVISION 2~~4~~. - OPERATING REQUIREMENTS~~

Sec. 10-32~~91~~. - Regulations.

(a) Each operator ~~or licensee~~ shall, at all times, open each and every portion of the ~~licensed~~ premises for inspection by the police department and other city departments designated by the city manager for the purpose of enforcing any provisions of this article.

~~(b) Each operator or licensee shall, at all times, display the license granted hereunder in a conspicuous place in the licensed establishment.~~

(b~~c~~) Each operator ~~or licensee~~ of an amusement arcade shall have present on the premises~~, or on such portion of the premises where the amusement arcade is located, as the case may be,~~ at least one adult operator over 18 years of age at all times that the premises are open to the public, who has not been convicted of receiving or concealing stolen property or other crime involving moral turpitude~~ and who has been approved by the city police department. Such approval or denial must be given ten days after request or the application will be deemed approved~~.

(c~~d~~) The operator ~~or licensee~~ of an amusement arcade shall not open the ~~licensed~~ premises for business between the hours of 2:00 a.m. and 7:30 a.m. (local time). Provided, however, the premises may open for business during the aforesaid hours on the granting of a special permit by the chief of police upon the showing of the operator ~~licensee~~ that:

(1) The premises are being used for the holding of a tournament; or

(2) The operator ~~licensee~~ desires the premises to remain open during such hours on a legal holiday; or

(3) The operator of the premises has been issued a Class C license by the state liquor control commission for the sale of alcohol to be consumed on the premises.

~~Sec. 10-92. - Number of machines licensed.~~

~~It shall be illegal for any person to have more coin-operated amusement devices on the premises, accessible to the general public, than is specified in the license granted.~~

Sec. 10-33~~93~~. - Employment age.

No person, under 17 years of age shall be permitted or allowed to work in any ~~premises licensed as an~~ amusement arcade, unless the employee is related by blood, marriage or adoption to the owner or operator of the arcade and the express written permission of the parent or guardian of the employee is first had and obtained.

Sec. 10-34~~94~~. - Food service.

No amusement arcade ~~establishment licensed under the provisions of this article~~ shall serve prepared food unless first having given the city clerk adequate proof that a license has been obtained for the operation of a restaurant and that approved food handlers' permits have been obtained for all personnel engaged in the preparation of food for human consumption within the establishment for which a license is required.

Sec. 10-35~~95~~. - Screens, drapes, etc.

No screens, drapes, curtains, shades, partitions or other obstructions shall be permitted in amusement arcades ~~premises licensed under the provisions of this article~~ which obstruct the view from the street of any or all portions of such premises. All such screens, drapes, curtains, shades, partitions or other obstructions shall be deemed a public nuisance. Liquor control commission licensed establishments are exempt from this section.

Sec. 10-36~~96~~. - Conduct on premises.

No operator ~~or licensee~~, directly or indirectly, or by any servant, agent or employee shall:

(1) Permit any indecent, immoral, or profane language or indecent, immoral, or disorderly conduct.

(2) Permit the ~~licensed~~ premises to become a resort for disorderly persons of any type.

(3) Permit gambling or the use, possession, or presence of gambling paraphernalia in the premises. The winning of anything of value as a result of the operation of a coin-operated amusement device, except a free game, shall constitute gambling. However, the winning of a prize that does not exceed $100.00 in value ~~in a scheduled tournament~~ shall not constitute gambling.

(4) Permit intoxicated persons or persons under the influence of controlled substances to remain on the premises.

(5) Permit the possession or use of any alcoholic liquor on the premises, nor shall the ~~licensed~~ premises be accessible in any way to any place where alcoholic liquor is kept, sold, distributed, or given away. This provision shall not apply while a state liquor control commission license is in effect at the ~~licensed~~ premises.

(6) Permit the possession or use of any unlawful drug or narcotic, including marijuana, on the premises.

(7) Permit noise or music to emerge from ~~licensed~~ premises.

(8) Permit or allow any persons under the age of 17 years of age to remain on the premises after 11:00 p.m. unless accompanied by their parent or legal guardian.

(9) Permit or allow any child of less than 16 years of age to remain on the premises during the times and hours that public school, grades K-12, is regularly in session within the city, except by the consent of the child's parent or legal guardian.

Section 10-37. – Violations.

A person who violates this article is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 70-38.

Secs. 10-38~~97~~—10-120. - Reserved.

ARTICLE III. - ~~BILLIARD PARLORS AND~~ POOL HALLS ~~ROOMS~~

DIVISION 1. - GENERALLY

Secs. 10-121—10-135. - Reserved.

~~DIVISION 2. - LICENSE~~

Sec. 10-136.Definitions. ~~- Required.~~

~~(a) No person shall establish, maintain or operate as a commercial enterprise, within the corporate limits of the city, any billiard parlor or poolroom until and unless a license therefor shall have been issued by the city clerk.~~

~~(b) A person who violates this section is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 70-38.~~

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:

Billiard table means a table for use in playing any of several games played with hard balls that are driven with a straight tapering stick. This definition includes tables used to play the game of pool.

Operator means proprietor, lessee, manager, or employee of any pool hall.

Pool hall means any place of business or establishment containing four or more billiard tables.

Premises means a building or a part of a building where billiard tables are located, under the ownership or control of the operator, but expressly excludes private residences.

~~Sec. 10-137. - Application—Contents.~~

~~Applications for licenses to operate as required in section 10-136 shall be made on forms provided for that purpose and shall be filed with the city clerk. Such application shall set forth the full name of the applicant and every person interested in the issue of the license applied for, together with the business and residence address of such persons; provided, that if the applicant is a corporation, only the names of the officers and directors thereof need be given. Each applicant shall also state the place or places where it proposes to establish,~~

~~maintain or operate the billiard parlor or pool tables for which a license is asked and state the number and kind of each device.~~

~~Sec. 10-138. - Same—Presentation to city council; issuance.~~

~~(a) The city clerk shall keep a record of all applicants and shall present all applications to the city council at the next regular meeting after complete investigation of the application has been carried out by the city manager.~~

~~(b) The city council may direct the city clerk to issue the license upon payment of the fee or fees provided in this division.~~

~~Sec. 10-139. - Fees.~~

~~(a) Before any license shall be issued under the terms of this article, the applicant shall pay to the city clerk as a license fee the sum as set by resolution of the city council for the first table and a sum as set by resolution of the city council for each additional table, per annum commencing on July 1 of each year.~~

~~(b) All new applications for licenses made after July 1 of each year shall be charged one-half the annual license fee for the year in which such application is made.~~

~~Secs. 10-140—10-150. - Reserved.~~

~~DIVISION 3. - OPERATING REQUIREMENTS~~

~~Sec. 10-151. - Posting of license.~~

~~The license issued pursuant to division 2 of this article shall be kept conspicuously posted in the place of public amusement for which issued.~~

Sec. 10-137~~152~~. - Minors—Loitering.

No minor under 17 years of age, unless accompanied by his parents, legal guardian or legal guardians, shall be permitted to ~~play billiards or pool in establishments licensed under the provisions of this article, nor shall any such minor be permitted to~~ loiter about or remain in any pool hall ~~or billiard parlor licensed under the provisions of this article~~.

Sec. 10-138~~153~~. - False information regarding age.

Any person giving false information regarding his age to a police officer or operator ~~person in charge of such establishment~~ who shall permit any minor child to ~~loiter or~~ remain therein, except where accompanied by his parent or legal guardian and any person who shall encourage or induce such minor child to enter in~~, loiter about~~ or remain in such an establishment except when accompanied by his parent or legal guardian, shall be deemed guilty of a violation of this article.

Sec. 10-139~~154~~. - Employment age.

No child under 17 years of age shall be employed, permitted or suffered to work in any establishment ~~licensed~~ under this article.

Sec. 10-140~~155~~. - Hours of operation.

Pool halls ~~Places of amusement licensed under the provisions of this article~~ shall be closed to the public from 2~~1~~:00 a.m. until 7:30~~9:00~~ a.m. (local time); provided, however, the premises may open for business during the aforesaid hours on the granting of a special permit by the chief of police upon the showing of the operator that:

(1) The premises are being used for the holding of a tournament; or

(2) The operator desires the premises to remain open during such hours on a legal holiday; or

(3) The operator of the premises has been issued a Class C license by the state liquor control commission for the sale of alcohol to be consumed on the premises.

~~that no pool hall or billiard parlor place licensed under the provisions of this article shall be open to the public from 1:00 a.m. Sunday morning until 12:00 Sunday noon.~~

Sec. 10-141~~156~~. - Responsibilities of operators ~~licensees~~.

The operator ~~licensee~~, his agents or assigns shall be responsible for maintaining quiet and good order at all times in and about the premises and no person shall be permitted to loiter or stand in or about the doorway or in front of such premises. No person shall be permitted to play any games on which a bet or wager is laid and no person shall be permitted to lay any wager or bet on the outcome or result of any game played on the premises. No operator ~~person licensed under the provisions of this article~~ shall operate or permit to be operated any card tables for the public playing of cards where such playing of cards involves a bet or wager of any nature. No operator ~~person licensed under the provisions of this article~~ shall operate or permit to be operated any games played with dice or other gambling device, including "pools," "numbers," "lotteries" and "punch boards."

Sec. 10-142~~157~~. - Food service.

No pool hall ~~establishment licensed under the provisions of this article~~ shall serve prepared foods unless first having given the city clerk adequate proof that a license has been obtained for the operation of a restaurant and that approved food handlers' permits have been obtained for all personnel engaged in the preparation of food for human consumption within the establishment for which a license is required from the county health department.

Sec. 10-143~~158~~. - Obstructing view of interior.

No screens, drapes, curtains, shades, partitions or other obstructions shall be permitted in pool halls ~~establishments licensed under the provisions of this article~~ which obstruct the view from the streets of any or all portions of the place of amusement. All such screens, drapes, curtains, shades or partitions or other

obstructions shall be deemed a public nuisance and may be confiscated, removed or destroyed at any time by police officers of the city.

Sec. 10-144. Conduct on premises.

No operator, directly or indirectly, or by any servant, agent or employee shall:

(1) Permit the premises to become a resort for disorderly persons of any type.

(2) Permit gambling or the use, possession, or presence of gambling paraphernalia in the premises. The winning of anything of value as a result of the operation of a coin-operated amusement device, except a free game, shall constitute gambling. However, the winning of a prize that does not exceed $100.00 in value shall not constitute gambling.

(3) Permit intoxicated persons or persons under the influence of controlled substances to remain on the premises.

(4) Permit the possession or use of any alcoholic liquor on the premises, nor shall the premises be accessible in any way to any place where alcoholic liquor is kept, sold, distributed, or given away. This provision shall not apply while a state liquor control commission license is in effect at the premises.

(5) Permit the possession or use of any unlawful drug or narcotic, including marijuana, on the premises.

(6) Permit noise or music to emerge from premises.

Sec. 10-145. Violations.

A person who violates this article is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 70-38.

Secs. 10-146~~159~~—10-220~~180~~. - Reserved.

~~ARTICLE IV. - DANCE HALLS AND CABARETS~~

~~DIVISION 1. - GENERALLY~~

~~Sec. 10-181. - 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:~~

~~Cabaret means any room in any hotel, restaurant, hall or other public place where music and dancing privileges, except mechanically provided music alone, are afforded to patrons in connection with the serving or selling of food, refreshments or merchandising.~~

~~Dance hall means any establishment, hall or public place where public dancing is held or allowed or where the public may gain admission with or without the payment of a fee.~~

~~Secs. 10-182—10-195. - Reserved.~~

~~DIVISION 2. - LICENSE~~

~~Sec. 10-196. - Required.~~

~~(a) No person shall keep, maintain or operate a dance hall or cabaret without first obtaining a license therefor and paying a license fee in the amount as set by resolution of the city council.~~

~~(b) This article shall not apply to establishments licensed by the state liquor control commission with dance permit.~~

~~(c) No license issued pursuant to this division shall be required for a single event of not more than three days at a location previously approved for public use.~~

~~(d) A person who violates this section for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 70-38.~~

~~Sec. 10-197. - Applications; contents.~~

~~All applications for dance hall and cabaret licenses shall be made on a form provided for that purpose by the city clerk which shall contain the following information:~~

~~(1) A description of the place where it is proposed to operate such dance hall or cabaret, including the address and what portions of the building are intended to be used for this purpose.~~

~~(2) The name or names of persons interested in such premises or business and a designation of what their interest is.~~

~~(3) Place of residence of the applicant.~~

~~(4) Driver's license number and social security number of the applicant.~~

~~(5) The anticipated hours and days of operation of the premises as a dance hall or cabaret.~~

~~(6) A statement of whether the applicants have engaged in a similar form of business or activity in the past and, if so, the names and locations of such similar enterprises.~~

~~(7) The names and addresses of two business references who have known the applicant for one or more years.~~

~~(8) Whether there are any unpaid or unbonded judgments of record against the applicant and, if so, the title of all actions and the amount of all judgments unpaid or unbonded, and the court in which the judgments were rendered.~~

~~(9) Evidence that if the license is granted, the applicant shall have sufficient insurance coverage in an amount of at least $500,000.00 each occurrence in aggregate for bodily injury and property damage on the premises as well as other insurance required by law such as worker's compensation insurance and unemployment compensation insurance.~~

~~(10) Each such application shall also contain an agreement by which the applicant consents and agrees that any member of the police department or fire department, inspectors of the building department or other officers of the city may enter and inspect any part of such premises, including the locked portions thereof.~~

~~(11) The applicants must show evidence that the dance hall or cabaret is an asset to the community.~~

~~Sec. 10-198. - Issuance; denial.~~

~~(a) A dance hall and cabaret license shall be issued by the city clerk following investigation by that person or the clerk's designee and following a finding that the applicant:~~

~~(1) Has not been convicted within the previous five years of any crimes involving moral turpitude.~~

~~(2) Does not have any outstanding judgments against him arising from similar business enterprises.~~

~~(3) Has adequate insurance coverage as required by this article.~~

~~(4) Complies with the city building and fire codes and other applicable ordinances of the city.~~

~~(5) Has not previously violated this article within the last six months.~~

~~(b) Denial of the application for a dance hall and cabaret license may be appealed by submitting a written statement indicating error in the clerk's determination within 20 days following receipt of the clerk's denial of the application for permit. The written notice shall be submitted to the city manager's office, One South Huron Street, Ypsilanti, Michigan 48197. The city council shall make final determination of appeals of the clerk's denial of a permit.~~

~~Sec. 10-199. - Rescission of license.~~

~~The city council may rescind any dance hall and cabaret license given under this article, including any renewal thereof, for any material breach of the requirements of this article or for any material violation of the city building, or fire prevention codes which results in risk to the health and safety of patrons or employees of the establishment.~~

~~Sec. 10-200. - Expiration and renewal.~~

~~All dance hall and cabaret licenses shall expire on March 1 of each year. A renewal of the license may be obtained by following the procedure outlined in section 10-197.~~

~~Secs. 10-201—10-220. - Reserved.~~

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.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. 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 according to Section 11.13 of the City Charter 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: _____

Resolution No. 2016-083
April 19, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 14 "ANIMALS" TO REMOVE THOSE PROVISIONS WHICH ARE NO LONGER ENFORCED DUE TO THE LACK OF A CITY ANIMAL CONTROL OFFICER" be approved on Second and Final Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1264

AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 14 "ANIMALS" TO REMOVE THOSE PROVISIONS WHICH ARE NO LONGER ENFORCED DUE TO THE LACK OF A CITY ANIMAL CONTROL OFFICER.

THE CITY OF YPSILANTI HEREBY ORDAINS:

1. Amendments, additions, and deletions to the Code of Ordinances, City of Ypsilanti, Michigan. That Chapter 14 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Animals," is hereby amended as follows:

ARTICLE I. - IN GENERAL
Sec. 14-1. - Definitions.

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

Animal means every nonhuman species of animal, both domestic and wild.

~~Animal control officer means any person who is qualified to perform such duties under the laws of this state, including the city ordinance officer, county dog officer when the city contracts with the county for the services of this individual, investigators of the Humane Society of Huron Valley when the city contracts with them for such services, and the city police department.~~

~~Animal shelter means any facility operated by a humane society, or municipal agency or its authorized agents, for the purpose of impounding animals under the authority of this chapter or state law for care, confinement, return to owner, adoption, or euthanasia.~~

~~Auction means any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this chapter. This definition does not apply to individual sales of animals by owners.~~

~~Circus means a commercial variety show featuring animal acts for public entertainment.~~

~~Commercial animal establishment means any pet shop, grooming shop, animal auction, stable, petting zoo, zoological park, circus, performing animal exhibition, or kennel.~~

~~Grooming shop means a commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.~~

~~Guard dog means any dog that will detect and warn its handler that an intruder is present in/or near an area that is being secured.~~

~~Kennel means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs and/or cats, or any dwelling unit where four or more dogs and/or cats are harbored other than dogs and/or cats under four months of age.~~

~~Licensing authority means the city manager or his designee.~~

Owner means any person, partnership, or corporation owning, keeping, harboring, or having custody of one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more except for wild birds fed from outdoor bird feeders.

~~Performing animal exhibition means any spectacle, display, act, or event, other than circuses and parades, in which performing animals are used.~~

Pet means any animal kept for pleasure rather than utility or any animal of a species that has been bred and raised to live in or about the habitation of human beings and is dependent on people for food or shelter.

~~Pet shop means any person, partnership, or corporation, except for a licensed kennel, veterinary hospital, or animal shelter, whether operated separately or in connection with another business enterprise, that buys, sells, or boards any species of animal.~~

Restraint means any animal secured by a leash or lead extending six feet or less and under the control of a responsible person and obedient to that person's commands, or when confined securely in a shipping receptacle, crate, or closed automobile, or when within the real property limits of its owner and under the control of a leash or being fenced in or by some other suitable physical means kept from leaving the property at any time.

~~Stable means any place that has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule, or burro; or any place that regularly~~

~~buys, sells, or trains the above animals, including a racetrack, trotting track, or rodeo.~~

~~Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.~~

Wild animal means any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, nonpoisonous insects, and captive-bred species of rodents, common cage birds, nonpoisonous aquarium reptiles, aquarium amphibians, and aquarium fish.

~~Zoological park means any facility operated by a person, partnership, corporation, or government agency, other than a pet shop or kennel, displaying or exhibiting one or more species of nondomesticated animals.~~

~~Sec. 14-2. - Enforcement.~~

~~(a) The animal control officer shall enforce the civil and criminal provisions of this chapter. It shall be a violation of this chapter to interfere with any such officer in the performance of his duties.~~

~~(b) The animal control officer shall:~~

~~(1) Make arrangements with the Humane Society of Huron Valley or other suitable facility for the retention of animals impounded under this chapter;~~

~~(2) Seek an ex parte order in the district court any time an animal is to be confined in the Humane Society of Huron Valley for more than three days, ordering and requiring Humane Society of Huron Valley to hold the animal for the specified period of time;~~

~~(3) Make a report to the city clerk of all unlicensed animals not duly licensed found in the city, after May 1 of each year;~~

~~(4) Keep a record of the breed, sex, age, color and markings of every animal impounded together with the date and hour of its impounding and the name of the owner, if known;~~

~~(5) Use tranquilizers or other chemical means when reasonably necessary to capture and impound unrestrained animals. Furthermore, the animal control officer and humane society and the city shall not be liable for any accidental death as a result thereof.~~

~~(c) The city police department shall also possess all the powers granted to the animal control officer and shall act in concert with the animal control officer at all times.~~

~~Sec. 14-3. - Impoundment; release; adoption; violation notice.~~

~~(a) The animal control officers shall take and impound in an animal shelter and there confine in a humane manner all:~~

~~(1) Unrestrained dogs;~~

~~(2) Public nuisance animals;~~

~~(3) Animals not duly licensed as provided by article II of this chapter;~~

~~(4) Animals not inoculated as provided by sections articles II and IV of this chapter;~~

~~(5) Any animal being treated in violation of section 14-10;~~

~~(6) Any animal found to be in violation of this chapter.~~

~~(b) Any animal exposed to rabies or any animal that has attacked any person or other animal shall be kept for such additional time and under such conditions as required by article IV of this chapter.~~

~~(c) Any unlicensed animal or any animal not identified by a tag or other means shall be kept for not fewer than five working days after which any such animal not reclaimed by its owner shall become the property of the local government authority or humane society and shall be placed for adoption in a suitable home or humanely euthanized by sodium pentobarbital, FP-3, or cooled and bottled carbon monoxide only.~~

~~(d) If, by a license tag or other means, the owner of an impounded animal can be identified, the animal control officer shall immediately upon impoundment notify the owner by telephone or first class mail. Any such animal not reclaimed by its owner within five working days after the animal officer has made a reasonable effort to notify the owner shall become the property of the local government authority or humane society and shall be placed for adoption in a suitable home or humanely euthanized by sodium pentobarbital, FP-3, or cooled and bottled carbon monoxide only.~~

~~(e) An owner reclaiming an impounded animal shall pay a fee as set by resolution of the city council, plus:~~

~~(1) For unlicensed animals, the license fee;~~

~~(2) For animals not inoculated, the inoculation fee;~~

~~(3) For the first day impounded, a fee as set by resolution of the city council;~~

~~(4) For each additional day impounded, a fee as set by resolution of the city council.~~

~~(5) The cost to the city for the animal being captured or taken into possession and delivered to the Humane Society or other holding facility.~~

~~Subsequent impounds occurring within 12 months shall be charged double.~~

~~(f) Any animal impounded, seized, or delivered under this chapter that has not been inoculated as provided by articles II and IV of this chapter shall be inoculated by a~~

~~veterinarian unless the animal is to be humanely euthanized under the provisions of this chapter. No such animal shall be released that has not been inoculated.~~

~~(g) The shelter director shall keep complete and accurate records of the care, feeding, veterinary treatment, and disposition of all animals impounded at the shelter, and all penalties paid and collected.~~

~~(h) No unclaimed dog or cat shall be released for adoption without being sterilized or without written agreement from the adopter guaranteeing that such animal will be sterilized within 30 days for adults and at a specified date in the contract for pups and kittens. Adoption fees and, where applicable, sterilization fees or deposits as required and set by the Humane Society of Huron Valley must be paid at the time of adoption.~~

~~(i) The owner of an impounded animal may also be proceeded against for violation of this chapter.~~

~~Sec. 14-4. - Removal of animal for four or more violations.~~

~~Any time the owner or keeper of an animal shall be convicted of four or more violations of this chapter relating to that animal in a two-year period, at the discretion of the court, the animal may be removed from the owner and turned over to the Humane Society of the Huron Valley to do with as it sees fit.~~

~~Sec. 14-5. - Additional liability.~~

~~Nothing in this chapter shall be construed as limiting the common law liability of the owner of a animal for damages committed by it.~~

~~Sec. 14-6. - Slaughterhouses and slaughtering.~~

~~(a) Generally. No person, partnership or corporation shall keep, maintain or use or permit to be kept, maintained or used, any slaughterhouse within the limits of the city. No person, partnership or corporation shall slaughter any sheep, swine or cattle within the limits of the city.~~

~~(b) Keeping slaughterhouses for purpose of slaughtering, declared nuisance. It is hereby declared that the keeping, maintaining or use of a slaughterhouse for the purpose of slaughtering sheep, swine or cattle within the limits of the city is a nuisance.~~

Sec. 14-2~~7~~. - Restrictions on keeping certain animals.

(a) Pets. No owners shall keep or house any animals or domestic fowl within the city except dogs, cats, nonpoisonous insects, and captive-bred species of rodents, common cage birds, cage birds kept pursuant to license under state or federal law, including but not limited to Michigan Act 451, PA of 1994, as amended, and the Wildlife Conservation Order as amended and under the Code of Federal Regulation (CFR), including but not limited to 50CFF 13 subpart D and 50 CFR; 1.28 and 21.29, nonpoisonous aquarium reptiles, aquarium amphibians, and aquarium fish commonly classified as pets and which are customarily kept or housed inside dwellings as household pets.

(b) Wild animals.

(1) No person shall own, possess, or have custody on his premises any wild or vicious animal for display, training, or exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to AAZPA accredited facilities or cage birds kept under state or federal license.

(2) No person shall keep or permit to be kept any wild animal as a pet.

~~(3) The licensing authority may grant temporary permits for the keeping of infant wild animals. However, the licensing authority shall have the power to release or order the release of any infant wild animal under temporary permit that is deemed capable of survival.~~

(c) Bees. No owner shall keep or possess any apiary containing any stands or hives of bees except as provided by Article II of this chapter ~~122~~.

(d) Rights protected by the Michigan Right to Farm Act excluded. This section does not extend or revise in any manner the provisions of the Michigan Right to Farm Act or generally accepted agricultural and management practices developed under the Michigan Right to Farm Act. Specifically, the following are excepted from the prohibitions of this section: A farm or farm operation under the Michigan Right to Farm Act that conforms to generally accepted agricultural and management practices according to policy determined by the Michigan Commission of Agriculture and, therefore, is not a public nuisance pursuant to MCL 285.473; and a farm or farm operation that existed before a change in land use or occupancy of land within one mile of the boundaries of the farm land, and if before that change in land use or occupancy of land, the farm or farm operation would not have been a nuisance.

(e) Municipal civil infraction. A person who violates any provision of this section is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this section shall be subject to increased fines as set forth in section 70-38.

Sec. 14-3~~8~~. - Restraint.

(a) Generally. All animals shall be kept under restraint.

(b) Dogs or cats in heat. Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with an unneutered male of the same species except for planned breeding.

(c) Impediment to pedestrian traffic. No animal shall be left unattended in a location so as to permit it to impede pedestrian traffic to and from sites of entrance and egress to public buildings or buildings to which the public is invited.

(d) Municipal civil infraction. A person who violates any provision of this section is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this section shall be subject to increased fines as set forth in section 70-38.

Sec. 14-9. - Removal of animal waste.

(a) Responsibility. The owner of every animal shall be responsible for the removal of any excreta deposited by the animal on public walks, recreation areas, or private property.

(b) Municipal civil infraction. A person who violates any provision of this section is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this section shall be subject to increased fines as set forth in section 70-38.

~~Sec. 14-10. - Animal care.~~

~~(a) The following acts are prohibited:~~

~~(1) No owner shall fail to provide to animals within the owner's custody sufficient wholesome and nutritious food, water in sufficient quantities, proper air, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.~~

~~(2) No owner of an animal which appears to be diseased or sick shall fail to procure proper veterinary treatment for the animal. The animal control officer upon seeing any diseased or sick animal shall inform its owner that the animal is diseased or sick and that proper veterinary care should be procured. If after three days following such warning, proof of receiving veterinary care has not been procured, the animal control officer shall seek an order in the district court, giving the animal control officer authority to seize the animal and confine it for treatment, with all costs for the entire process to be borne by the owner.~~

~~(3) No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and human beings.~~

~~(4) No owner of an animal shall abandon such animal.~~

~~(5) No person shall crop or have cropped a dog's ears or dock or have docked a dog's tail, except when a licensed veterinarian issues a signed certificate that the operation is necessary for the dog's health and comfort or when required to conform to American Kennel Club breed standards. In no event shall any person except a licensed veterinarian perform such an operation.~~

~~(6) Chickens, ducklings, or rabbits younger than eight weeks of age may not be sold in quantities of fewer than 25 to a single purchaser.~~

~~(7) No owner shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter, any contest, game, or other competition, as an inducement to enter a place of amusement; or as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.~~

~~(8) No person shall molest, injure, kill or capture any wild bird, or molest or disturb any occupied wild bird's nest or its contents.~~

~~(9) Performing animal exhibitions:~~

~~a. No person may sponsor, promote, train a wild animal to participate in, contribute to the involvement of a wild animal in, or attend as a spectator any activity or event in which any wild animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed, or displayed in such a way that the animal is abused or stressed mentally or physically or is induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause or is likely to cause physical injury or suffering. This prohibition applies to events and activities taking place in either public or private facilities or property, and applies regardless of the purpose of the event or activities and irrespective of whether or not a fee is charged to spectators.~~

~~b. All equipment used on a performing animal shall fit properly and be in good working condition.~~

~~(10) Any person who, as the operator of a motor vehicle, strikes a mammal shall stop at once and render such assistance as may be possible and, for mammals other than wild mammals, shall immediately report the injury or death to the mammal's owner. If the owner cannot be ascertained and located, or the mammal is a wild mammal, such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.~~

~~(11) No person shall expose any known poisonous substance, whether mixed with food or not, so that the poisonous substance shall endanger or be likely to endanger any animal, provided that it shall be lawful for a person to expose on his own property common rat poison mixed only with vegetable substance and to use household and garden insect sprays, traps, granules, and powders as directed by their instructions. This subsection shall not apply to state licensed exterminators.~~

~~(12) No person shall use any leghold trap within the city.~~

~~(13) No person shall shoot, kill, cripple, hunt, chase or in any way injure any animal within the limits of the city; provided, however, this shall not prohibit an owner or occupant from exterminating rats or other pest animals.~~

~~(b) Any person convicted of a violation of section 14-10 on two or more occasions within a two-year period shall incur a minimum penalty of five days in jail and/or a fine of not less than $75.00 and not more than $500.00, and if he is the owner of the maltreated animal, at the discretion of the court, the animal shall be turned over to the Humane Society of Huron Valley to do as it sees fit. An owner of a maltreated animal, if convicted of a violation of section 14-10 with respect to that animal, shall have all licenses and permits to own, keep, harbor, or have custody of animals automatically revoked and no new licenses and permits may be issued.~~

~~Sec. 14-11. - Public nuisance animals.~~

~~(a) Any animal or animals that unreasonably annoy persons, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property is a public~~

~~nuisance. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:~~

~~(1) Is repeatedly found not under restraint or repeatedly damages the property of anyone other than its owner;~~

~~(2) Molests or unreasonably intimidates pedestrians or passersby;~~

~~(3) Chases vehicles;~~

~~(4) Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;~~

~~(5) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;~~

~~(6) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;~~

~~(7) Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained; or~~

~~(8) Attacks other domestic animals.~~

~~(b) An owner shall exercise the proper care and control of his animals to prevent them from becoming a public nuisance.~~

~~(c) No person shall own or feed or harbor an animal which is a public nuisance.~~

~~Sec. 14-12. - Vicious animal.~~

~~(a) Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals is a vicious animal.~~

~~(b) No person, partnership or corporation shall own or feed or harbor a vicious animal.~~

~~(c) Upon recommendation of the animal control officer, the court is authorized to have an animal destroyed for a violation of this section or whenever in the discretion of the court, the animal represents a danger to society.~~

Sec. 14-~~4~~1~~3~~. - Keeping of female chickens (hens).

(a) Any person who keeps hens in the City of Ypsilanti shall obtain a permit from the city prior to acquiring the hens and pay a permit fee set by city council. This permit shall be kept by the owner and presented upon demand by any city official or police officer. Permits are non-transferable and do not run with the land. A permit may be obtained by any property owner of a property whose principle use is as a single-family or two-family zoned property within the City of Ypsilanti. Permits issued prior to June 1, 2010 will expire on July 1, 2011 and be renewable for two-year periods.

Permits shall provide a limited license for the activity, and no vested zoning rights shall arise from said permit issuance.

(b) Notwithstanding the issuance of a permit by the city, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit keeping of hens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

(c) A person who keeps or houses hens on his or her property shall comply with the following requirements:

(1) Must obtain a permit pursuant to subsection (a) of this section.

(2) Keep no more than four hens.

(3) The principal use of the person's property must be for a single-family dwelling or two-family dwelling.

(4) No person shall keep a male chicken (rooster).

(5) No person shall slaughter any hens.

(6) Any person keeping hens shall remain subject to public nuisance animal controls codified in section 14-11 of the Ypsilanti Code of Ordinances.

(7) The hens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times. Fenced enclosures are subject to the provisions of section 122-714 of the Code of Ordinances.

(8) A person shall keep hens in the backyard only. For this subsection, "backyard" means the portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family or two-family structure and extending to the side lot lines.

(9) All enclosures for the keeping of hens shall be constructed, repaired and maintained in a manner to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.

(10) All feed and other items associated with the keeping of hens that are likely to attract or to become infested shall be so protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contract with them.

(11) Chicken coops and enclosures shall be at least 20 feet from any residential structure not owned by the permittee unless written permission is granted from the owner of the affected residential structure.

(d) If the requirements of subsection (c) are not fully complied with, the city may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation.

Secs. 14-514—14-30. - Reserved.

~~ARTICLE II. - LICENSES~~

~~DIVISION 1. - GENERALLY~~

~~Sec. 14-31. - Municipal civil infraction.~~

~~A person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 70-38.~~

~~Sec. 14-32. - Licensing at owner's expense.~~

~~Any animal found not duly licensed under this chapter shall be so licensed at the owner's expense.~~

~~Sec. 14-33. - Review of violations.~~

~~The licensing authority shall review automatically all licenses issued to animal owners against whom three or more ordinance violations under this chapter have been assessed in a 12-month period.~~

~~Sec. 14-34. - License periods, issuance and revocation.~~

~~(a) License periods shall begin on January 1 and shall run for one year. Renewal applications shall be made from 30 days before to 60 days after the end of the license period. New applications may be made at any time. Owners applying for a license after July 1 shall be required to pay 50 percent of the applicable fee. All applications shall be made as required by this chapter.~~

~~(b) After an application is filed, the licensing authority may inspect facilities prior to issuing a license.~~

~~(c) The licensing authority may revoke any permit or license if the owner holding the license refuses or fails to comply with this chapter, the regulations promulgated by the licensing authority, or any law governing the protection and keeping of animals. Any owner whose license is revoked shall, within ten days thereafter, humanely dispose of all animals owned, kept, or harbored. No part of the license fee shall be refunded.~~

~~(d) It shall be a condition of the issuance of any license that the licensing authority shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspection is refused, revoke the license of the refusing owner.~~

~~(e) If the applicant has withheld or falsified any information on the application, the licensing authority shall refuse to issue a license or revoke any license already issued.~~

~~(f) No person who has been convicted of a violation of section 14-10 shall be issued or have transferred to their name a license under this chapter.~~

~~(g) Any person having been denied a license may not reapply for a period of 30 days. Each reapplication shall be accompanied by a fee as set by resolution of the city council.~~

~~Secs. 14-35—14-45. - Reserved.~~

~~DIVISION 2. - DOGS~~

~~Sec. 14-46. - Licensing.~~

~~An owner of any dog over four months of age within this municipality must obtain a license as provided by this chapter. This provision does not apply to animal shelters, veterinary hospitals, licensed animals boarded at kennels.~~

~~Sec. 14-47. - License application contents.~~

~~Written application for licenses must be made to the licensing authority and shall include:~~

~~(1) The name and address of the applicant;~~

~~(2) A description of the dog;~~

~~(3) The appropriate fee;~~

~~(4) A rabies certificate issued by a licensed veterinarian or antirabies clinic for a term equal to or exceeding the license term.~~

~~Sec. 14-48. - Required for dog four months of age.~~

~~Applications for a license must be made within 30 days after obtaining a dog over four months of age; this requirement does not apply to a dog owned by a nonresident and kept within the municipality for not longer than 60 days.~~

~~Sec. 14-49. - Exemption to license fees.~~

~~License fees shall not be required for certified seeing eye dogs, hearing dogs, other certified dogs that are trained to assist the physically handicapped, or governmental police dogs.~~

~~Sec. 14-50. - Issuance of tag or collar.~~

~~Upon acceptance of the license application and fee, the licensing authority shall issue a durable tag or identification collar, stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the dog's collar or harness.~~

~~Sec. 14-51. - Identification to be worn.~~

~~Dogs must wear identification tags or identification collars at all times when off the premises of the owners.~~

~~Sec. 14-52. - Record of licenses.~~

~~The licensing authority shall maintain a record of the identifying numbers of all tags and collars issued and shall make this record available to the public at all times.~~

~~Sec. 14-53. - License fees.~~

~~Annual licenses will not be issued until all conditions are met and the payment of the applicable fee as set by resolution of the city council for the following categories shall be made:~~

~~(1) Unneutered male dog.~~

~~(2) Neutered male dog.~~

~~(3) Unspayed female dog.~~

~~(4) Spayed female dog.~~

~~Sec. 14-54. - Duplicate licenses; fee.~~

~~A duplicate identification tag or collar may be obtained upon payment of a replacement fee as set by resolution of the city council.~~

~~Sec. 14-55. - Use of tag of another animal.~~

~~No owner or person may use any identification tag or collar for any animal other than the animal for which it was issued.~~

~~Sec. 14-56. - Exhibit of license upon request.~~

~~An owner must exhibit the license to a law enforcement officer upon request.~~

~~Secs. 14-57—14-80. - Reserved.~~

~~ARTICLE III. - PERMITS~~

~~DIVISION 1. - GENERALLY~~

~~Sec. 14-81. - Promulgation of regulations.~~

~~The licensing authority shall promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this chapter and other applicable laws. The licensing authority may amend such regulations from time to time as deemed desirable for the public health and welfare or for the protection of animals.~~

~~Sec. 14-82. - Municipal civil infraction.~~

~~A person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 70-38.~~

~~Sec. 14-83. - Separate permits.~~

~~Every facility regulated by this chapter shall be considered a separate enterprise requiring an individual permit.~~

~~Sec. 14-84. - Permit periods, issuance and revocation.~~

~~(a) Permit periods shall begin on January 1 and shall run for one year. Renewal applications shall be made from 30 days before to 60 days after the end of the permit period. New applications may be made at any time. Owners applying for a permit after July 1 shall be required to pay 50 percent of the applicable fee. All applications shall be made as required by this chapter.~~

~~(b) After an application is filed, the licensing authority shall inspect facilities prior to issuing a permit.~~

~~(c) The licensing authority may revoke any permit if the owner holding the permit refuses or fails to comply with this chapter, the regulations promulgated by the licensing authority, or any law governing the protection and keeping of animals. Any owner whose permit is revoked shall, within ten days thereafter, humanely dispose of all animals owned, kept, or harbored. No part of the permit fee shall be refunded.~~

~~(d) It shall be a condition of the issuance of any permit that the licensing authority shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspection is refused, revoke the permit of the refusing owner.~~

~~(e) If the applicant has withheld or falsified any information on the application, the licensing authority shall refuse to issue a permit or revoke any permit already issued.~~

~~(f) No person, nor a commercial animal establishment that employees such a person in a position that cares for animals, who has been convicted of a violation of section 14-10 shall be issued or have transferred to their name a permit under this chapter.~~

~~(g) Any person, partnership, or corporation having been denied a permit may not reapply for a period of 30 days. Each reapplication shall be accompanied by a fee as set by resolution of the city council.~~

~~Sec. 14-85. - Permit fees.~~

~~(a) When an applicant has shown willingness and ability to comply with the regulations promulgated by the licensing authority and with this chapter, an annual permit shall be issued or renewed upon payment of the applicable fee as set by resolution of the city council for each of the following categories:~~

~~(1) Kennel authorized to house or train fewer than ten dogs and/or cats.~~

~~(2) Kennel authorized to house or train ten or more but fewer than 50 dogs and/or cats.~~

~~(3) Kennel authorized to house or train 50 or more dogs and/or cats.~~

~~(4) Pet shop.~~

~~(5) Riding stable.~~

~~(6) Auction.~~

~~(7) Zoological park.~~

~~(8) Circus.~~

~~(9) Grooming shop.~~

~~(10) Petting zoo.~~

~~(11) Guard dog training center.~~

~~(b) No fee shall be required of any veterinary hospital, animal shelter, or government-operated zoological park.~~

~~Sec. 14-86. - Transfer of permit.~~

~~Permits shall be transferred upon a change in ownership upon the payment of a transfer fee as set by resolution of the city council and a showing of willingness and ability by the new owner to comply with the regulations promulgated by the licensing authority and with this chapter.~~

~~Sec. 14-87. - Failure to obtain permit.~~

~~No person shall fail to obtain the appropriate permit before opening or reclassifying any facility covered in this article.~~

~~Secs. 14-88—14-100. - Reserved.~~

~~DIVISION 2. - COMMERCIAL ANIMAL ESTABLISHMENTS AND ANIMAL SHELTERS~~

~~Sec. 14-101. - Permits.~~

~~No person shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this article.~~

~~Sec. 14-102. - Reclassification.~~

~~Commercial animal establishments and animal shelters shall be reclassified upon change in circumstances. Adjustments shall be made for increased permit fees and must be paid before permits are reclassified.~~

~~Secs. 14-103—14-115. - Reserved.~~

~~DIVISION 3. - GUARD DOG TRAINING CENTERS~~

~~Sec. 14-116. - Permit required.~~

~~No person shall train guard dogs in the city without having first secured a permit to operate a guard dog training center pursuant to sections 14-84 through 14-87.~~

~~Sec. 14-117. - Guard dog training; license required; contents of application.~~

~~No person shall train any dog to be used as a guard dog without possessing a valid license. This division shall not apply to the city/county/state government or any of its agencies. The applications for a guard dog training license shall state the name and address of the owner and trainer, location of the facility, and the maximum number of dogs to be housed at the training facility.~~

~~Secs. 14-118—14-130. - Reserved.~~

~~DIVISION 4. - KENNELS~~

~~Sec. 14-131. - Permit required.~~

~~No person shall operate a kennel in the city without having first secured a permit to operate such kennel as required by sections 14-84 through 14-87.~~

~~Sec. 14-132. - Requirements, limitations and regulations.~~

~~No person shall be permitted to operate a kennel unless he shall comply with the following requirements, limitations and regulations:~~

~~(1) No kennel shall operate with less than 2,000 square feet of open ground or enclosed building available and in use for such animals.~~

~~(2) All kennels located within 1,000 feet of any dwelling house or property known as residential property under chapter 122, shall also have to provide a completely enclosed building within which animals shall be confined each day during the time between sunset and 9:00 a.m. of the following day. Such enclosed building shall be constructed as nearly soundproof as may be through ordinary building construction.~~

~~(3) All outdoor enclosures shall be either wire fence and heavy shrubbery, or solid fencing. Fencing must be at least eight feet in height so that there shall be a complete barricade to sight from the inside of the enclosure to the outside.~~

~~(4) If four or more dogs are maintained or kept in such kennels, the ground area required under subsection (1) of this section shall be increased by 400 square feet for each additional dog over six months of age.~~

~~(5) All kennel animals shall be fed, maintained and housed in separate compartments so that animals shall not come in physical contact with other animals except when breeding is taking place, and further, except in the cases of a mother and her young or animals boarded together at their owner's request. All kennel dogs must have separate outdoor runways and their compartments must be constructed so that they cannot see dogs in adjacent compartments.~~

~~(6) All inside and outside spaces shall be completely and entirely cleaned of all refuse matter at least twice a day.~~

~~(7) In case any kennel is located within 500 feet of one or more buildings used or occupied as residences by others than the operators of the kennel, the animals shall be continuously confined within the kennel building and not allowed to run unrestrained or to be in the outdoor enclosure of the kennel.~~

~~Sec. 14-133. - Maintenance of premises.~~

~~Kennel premises shall be maintained in a clean, sanitary condition at all times and sanitary methods shall be used to obliterate or prevent any offensive odors. Any dogs which are habitual barkers shall be confined inside the enclosed building at all times. The animal control officer of the city shall have the right to inspect such kennels at all reasonable hours.~~

~~Secs. 14-134—14-150. - Reserved.~~
~~ARTICLE IV. - RABIES CONTROL~~

~~Sec. 14-151. - Vaccination.~~

~~No owner of a dog or cat shall permit the dog or cat to be on a highway or street or other public place at any time, even where permitted by this chapter, unless the dog or cat shall have been immunized against rabies. Proof of the dog or cat having a rabies vaccination effective for the present time shall be presented to an animal control officer upon request.~~

~~Sec. 14-152. - Prevention.~~

~~(a) No person, partnership or corporation shall own, keep or harbor an animal that has been bitten by any animal known to have been afflicted with rabies or which shall have bitten any person or other animal. Any owner of an animal which has contracted rabies or which is suspected of having rabies or which has bitten or injured any person or other animal, shall upon demand of an animal control officer of the city, produce and surrender the animal to the officer to be held for observation. It shall be the duty of any owner of an animal which has been attacked or bitten by an animal showing symptoms of rabies or which has bitten or injured any person or any other animal suspected of having rabies, to immediately notify the animal control officer or police department of the city, that the owner has possession of the animal.~~

~~(b) Whenever an animal is reported to have bitten any person or other animal, it shall be thereupon the duty of the animal control officer to make a reasonable effort to notify the owner of the animal and to either:~~

~~(1) Notify the owner of the animal in person or in writing to quarantine the animal on the owner's premises for a period of not less than ten nor more than 15 days;~~

~~(2) Notify the owner of the animal in person or in writing to confine the animal in a veterinary hospital in the city, or the vicinity thereof, or with the Humane Society of Huron Valley, for a period of not less than ten days nor more than 15 days; or~~

~~(3) Seize and confine the animal in a veterinary hospital in the city or vicinity thereof, for a period of not less than ten days nor more than 15 days, for the purpose of ascertaining whether such animal is afflicted with rabies.~~

~~(c) Whenever an animal is found to be afflicted with rabies, it shall be destroyed under the direction of the animal control officer. When a animal is confined pursuant to subsection (b) of this section, and is found not to be afflicted with rabies, it may be returned to the owner as hereinafter provided. If any animal is confined under the provisions of this section, the owner thereof shall be liable to the confining institution for any fees and costs which are incurred because of the retention of the animal.~~

~~(d) If an animal is to be confined by the owner, pursuant to subsection (b) of this section, the owner shall be responsible to see to it that the animal remains confined for the required period. If the animal is not confined as required, the animal shall be seized and impounded for the required observation period.~~

~~Secs. 14-153 - 14-170. - Reserved.~~

ARTICLE II~~V~~. - BEEKEEPING

Sec. 14-31~~171~~. - Definitions.

As used in this article, the following words and terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

Apiary means the assembly of one or more colonies of bees at a single location.

Beekeeper means a person who owns or has charge of one or more colonies of bees.

Beekeeping equipment means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

Colony/hive means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at time many drones, including brood, combs, honey and the receptacle inhabited by the bees.

Honey bee means all life stages of the common domestic honey bee, Apis Mellifera species.

Tract means a contiguous parcel of land under common ownership.

Sec. 14-32~~172~~. - Purpose.

The purpose of this article is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.

Sec. 14-33~~173~~. - Other beekeeping unlawful.

Notwithstanding compliance with the various requirements of this article, it shall be unlawful for any beekeeper to keep any colony or colonies of bees and the beekeeper and/or property owner may be cited for a civil infraction pursuant to section 14-183 of this article.

Sec. 14-34~~174~~. - Permit Required.

Any person who wishes to keep bees in the city shall obtain a permit from the city prior to acquiring the bees or constructing the bee hive and pay a permit fee set by city council. This permit shall be kept by the owner and presented upon demand by any city official or police officer. Permits are non-transferable and do not run with the land. A permit may be obtained by any property owner of a property whose principal use is single-family or two-family. Permits shall expire after two years unless renewed before their expiration. A permit

constitutes a limited license granted to the beekeeper by the city and in no way creates a vested zoning right.

Sec. 14-35~~175~~. - Private restrictions still apply.

Private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of bees is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

Sec. 14-36~~176~~. - Hive type.

All honey bee colonies shall be kept in hives with movable frames, which shall be kept in sound and usable condition.

Sec. 14-37~~177~~. - Flyways.

In each instance in which any colony is situated within 25 feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six feet in the height consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line and extends ten feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the apiary.

Sec. 14-38~~178~~. - Water.

Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, pet watering bowls, bird baths or other water sources where they may cause human, bird or domestic pet contact.

Sec. 14-39~~179~~. - General maintenance.

Each beekeeper shall ensure that no bee comb or other materials are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

Sec. 14-40~~180~~. - Queens.

In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, it shall be the duty of the beekeeper to promptly re-queen the colony with another queen. Queens shall be selected from European stock bred for gentleness and non-swarming characteristics.

Sec. 14-41~~181~~. - Colony density and posting.

(a) It shall be unlawful to keep more than two colonies on any tract within the city.

(b) The beekeeper shall conspicuously post a sign setting forth his/her name and phone number. It is a defense against prosecution under this subsection that a colony is kept upon the same tract upon which the owner resides.

(c) Unless marked in accordance with subsection (b), it shall be presumed for the purposes of this article that the beekeeper is the person or persons who own or otherwise have the present right of possession and control of the tract upon which a hive or hives are situated. The presumption may be rebutted by a written agreement authorizing another person to maintain the colony or colonies upon the tract setting forth the name, address, and telephone number of the other person who is acting as the beekeeper.

Sec. 14-42~~182~~. - Michigan law.

The beekeeper shall fully comply with all State of Michigan Apiary Laws, MCLS 286.801 et al., including future revisions to Michigan Apiary Law. Additionally, a beekeeper selling honey must obtain and maintain a food establishment license if required to do so by the Michigan Food Law of 2000, MCLS 289.4101 et al.

Sec. 14-43~~183~~. - Compliance.

(a) Upon receipt of information that any colony situated within the city is not being kept in compliance with this article, the building inspector shall cause an investigation to be conducted. If he/she finds that grounds exist to believe that one or more violations have occurred, he/she shall issue a civil infraction to the beekeepers.

(b) A civil infraction citation may be issued to the beekeepers once a day until such time as the bees are destroyed, removed, or the problem is corrected.

(c) If, after a civil infraction is issued and the beekeeper does not cause the violation to be corrected in a prompt manner, the city may, at its discretion, revoke the beekeeper's permit and cause the colony or colonies to be destroyed.

(d) The provisions of this section shall not prevent the city from destroying bees or a bee colony in the event that there is an immediate need to protect the public safety. Such circumstances include, but are not limited to:

(1) A bee colony not residing in a hive structure intended for beekeeping;

(2) A dangerous swarm of bees that poses an immediate risk to the safety of humans; or

(3) A colony residing in a standard or man-made hive which, by virtue of its condition, has obviously been abandoned by the beekeeper.

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.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. 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 according to Section 11.13 of the City Charter 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: _____

Resolution No. 2016-084
April 19, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 1 "GENERAL PROVISIONS", SECTION 1-14 "ENFORCEMENT AUTHORITY FOR CODE" TO REMOVE THE INCLUSION OF AN ANIMAL CONTROL OFFICER" be approved on Second and Final Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1265

AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 1 "GENERAL PROVISIONS", SECTION 1-14 "ENFORCEMENT AUTHORITY FOR CODE" TO REMOVE THE INCLUSION OF AN ANIMAL CONTROL OFFICER.

THE CITY OF YPSILANTI HEREBY ORDAINS:

1. Amendments, additions, and deletions to the Code of Ordinances, City of Ypsilanti, Michigan. That Chapter 1 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "General Provisions," Section 1-14 "Enforcement authority for Code", is hereby amended as follows:

Sec. 1-14. - Enforcement authority for Code.

(a) All police officers and the following nonpolice personnel are hereby authorized to serve appearance tickets for all ordinance violations and are otherwise authorized to enforce the ordinances of the city:

(1) City fire chief.
(2) Fire inspector.
(3) Fire marshal.
(4) Chief building inspector.
(5) Assistant building inspector.
~~(6) Animal control officer.~~
~~(7)~~(6) Ordinance enforcement officer.
~~(8)~~(7) Housing officials.
~~(9)~~(8) Parking meter enforcement personnel.

(b) The city officials listed in subsection (a) of this section are hereby given enforcement authority pursuant to Act No. 366 of the Public Acts of Michigan of 1984 (MCL 764.9c, 764.9f.

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.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. 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 according to Section 11.13 of the City Charter 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: _____

Resolution No. 2016-085
April 19, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 70 "MUNICIPAL CIVIL INFRACTIONS", ARTICLE I "IN GENERAL", SECTION 70-2 "AUTHORIZED CITY OFFICIAL" TO REMOVE THE INCLUSION OF AN ANIMAL CONTROL OFFICER " be approved on Second and Final Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1266

AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 70 "MUNICIPAL CIVIL INFRACTIONS", ARTICLE I "IN GENERAL", SECTION 70-2 "AUTHORIZED CITY OFFICIAL" TO REMOVE THE INCLUSION OF AN ANIMAL CONTROL OFFICER.

THE CITY OF YPSILANTI HEREBY ORDAINS:

1. Amendments, additions, and deletions to the Code of Ordinances, City of Ypsilanti, Michigan. That Chapter 70 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Municipal Civil Infractions," Article I "In General," Section 70-2 "Authorized city officials", is hereby amended as follows:

Sec. 70-2. - Authorized city officials.

The following personnel of the city have the authority to issue municipal civil infraction citations and municipal civil infraction violation notices pursuant to this article:

(1) Police officers.
(2) City fire chief.
(3) Fire marshal.
(4) Assistant building inspector.
(5) Ordinance enforcement officer.
(6) Fire inspector.
(7) Chief building inspector.
~~(8) Animal control officer.~~
~~(9)~~(8)Housing officials.

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.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. 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 according to Section 11.13 of the City Charter 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: _____

Resolution No. 2016-086
April 19, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled " AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 38 "EMERGENCY SERVICES," ARTICLE II "ALARM SYSTEMS," SECTION 38-40 "FALSE ALARMS CHARGES" TO SIMPLIFY LANGUAGE IN LIGHT OF THE FEE SCHEDULE ADOPTED BY CITY COUNCIL" be approved on Second and Final Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1268

AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 38 "EMERGENCY SERVICES," ARTICLE II "ALARM SYSTEMS," SECTION 38-40 "FALSE ALARMS CHARGES" TO SIMPLIFY LANGUAGE IN LIGHT OF THE FEE SCHEDULE ADOPTED BY CITY COUNCIL.

THE CITY OF YPSILANTI HEREBY ORDAINS:

1. Amendments, additions, and deletions to the Code of Ordinances, City of Ypsilanti, Michigan. That Chapter 38, Article II, Section 38-40 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "False alarms charges," is hereby amended as follows:

Sec. 38-40. - False alarms charges.

~~(a)~~ Any owner or lessee of property having a police or fire alarm device or system of police or fire alarm devices on their premises and any user of services or equipment furnished by a licensee under this article shall pay to the city a charge for each and every false alarm to which the police or fire department respond, in each calendar year, as <u>set by resolution of the city council.</u> ~~follows:~~

~~(1) First false alarm to which the police or fire department respond which cannot be attributed to a hold-up or burglary, other emergency, criminal act, or malfunction providing such hold-up alarm also cannot be attributed to the fault or negligence of the homeowner or any other person responsible to such licensee: No charge~~

~~(2) Second false alarm each year: As set by resolution of the city council~~

~~(3) Each false alarm thereafter: As set by resolution of the city council~~

~~(4) After four false alarms the licensing authority may at its discretion invoke the provisions of state law.~~

~~(b) The charges levied in this section shall be collected by the licensing authority and be paid to the city treasurer within ten days.~~

Failure to pay any such charges shall subject such owner, lessee or user to the penalty provisions of this article.

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.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. 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 according to Section 11.13 of the City Charter 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: _____

Resolution No. 2016-087
April 19, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "An ordinance to amend Ypsilanti City Code Chapter 86 "Solid Waste", Article II "Collection And Disposal", Division 1 "Generally", Sections 86-33 and 86-34 to correct references and make language consistent with other provisions in the code" be approved on Second and Final Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1269

AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 86 "SOLID WASTE", ARTICLE II "COLLECTION AND DISPOSAL", DIVISION 1 "GENERALLY", SECTIONS 86-33 AND 86-34 TO CORRECT REFERENCES AND MAKE LANGUAGE CONSISTENT WITH OTHER PROVISIONS IN THE CODE.

THE CITY OF YPSILANTI HEREBY ORDAINS:

Section 1: Amendments, additions, and deletions to the Code of Ordinances, City of Ypsilanti, Michigan.

That Chapter 86 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Solid Waste", Article II "Collection and Disposal", Division 1 "Generally", Section 86-33 "Commercial properties; blight violation", is hereby amended as follows:

Sec. 86-33. - Commercial properties; blight violation.

(a) No accumulation of garbage or rubbish from commercial or manufacturing establishments shall be placed out for collection prior to the time specified by the city manager in rules and regulations for the collection of garbage and rubbish as promulgated by him, after approval by resolution of the city council from time to time, and published in a newspaper of general circulation within the city.

(b) Receptacles for commercial garbage or rubbish shall be removed immediately following collection of such materials, if it has been placed out for collection. Receptacles shall have functioning lids that shall be kept closed so that the receptacles' contents are not visible to the public and so that the receptacles' contents cannot blow, drift, or drop from the receptacles.

(c) A person who violates any provision of this section is responsible for a blight violation, subject to payment of a civil fine as set forth in section ~~70-38~~ 71-73. Repeat offenses under this section shall be subject to increased fines as set forth in ~~the schedule of blight violation fines~~ section 71-73.

That Chapter 86 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Solid Waste", Article II "Collection and Disposal", Division 1 "Generally", Section 86-34 "Residential properties; blight violation", is hereby amended as follows:

Sec. 86-34. - Residential properties; blight violation.

(a) No accumulation of garbage or rubbish from residences shall be placed out for collection at the curb prior to 3:30 p.m. of the day preceding the designated collection day and all receptacles, and any remaining accumulation of trash and debris, must be taken in prior to 8:00 a.m. of the day following the day of collection and placed behind the building line and out of general view. In addition to a citation being issued, a warning tag will be left on the containers or items, and on the door of the residence. The warning tag shall notify the property owner and/or responsible tenant that if the violation is not corrected within 24 hours, the city's independent contractor will remove the remaining accumulation of trash and debris and the owner or responsible tenant shall be assessed the actual cost incurred, plus all other expenses (direct and indirect) to which the city has been put in connection with this infraction, to the extent allowed ~~for a municipal civil infraction~~ by law. During special events and peak times, no 24-hour warning tag will be issued and the city may remove the accumulated trash and debris immediately, and the owner or responsible tenant shall be assessed the actual cost of removal, plus all other expenses (direct and indirect) to which the city has been put in connection with this infraction, to the extent allowed ~~for a municipal civil infraction~~ by law.

(b) Peak times, for the purposes of this section, shall be those established at section 86-51 of this Code.

(c) For the purposes of this section, a special event shall include the following: The Heritage Festival, Frog Island Beer Festival, student move-in and move-out dates, the 4th of July Parade, Memorial Day Procession, and other special events as designated by the city manager, or by resolution of the city council. Events designated by the city manager or city council resolution shall be published in the newspaper seven days in advance of the event.

(d) Landlords/property owners will be held responsible for violations of this section when:

(1) The identity of the responsible tenant is not readily apparent or available (the identity of the tenant shall be readily available if the landlord/property owner has provided that information to the building department);

(2) The tenant is unavailable due to moving, vacation, or any other reason; or

(3) Repeat offenses occur at the same address.

(e) A person who violates any provision of this section is responsible for a blight violation, subject to payment of a civil fine as set forth in section 71-73 ~~the schedule of blight violation fines~~. Repeat offenses under this section shall be subject to increased fines as set forth in section 71-73 ~~the schedule of blight violation fines~~.

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.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. 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 according to Section 11.13 of the City Charter 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: _____

Resolution No. 2016 – 088
April 19, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of April 5, 2016 be approved.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Draft

CITY OF YPSILANTI
COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS, 1 S. HURON
YPSILANTI, MI 48197
TUESDAY, APRIL 5, 2016
6:00 P.M.

I. CALL TO ORDER –

The meeting was called to order at 6:06 p.m.

II. ROLL CALL –

Council Member Anne Brown	Present	Council Member Robb	Present
Council Member Nicole Brown	Present	Council Member Vogt	Absent
Council Member Murdock	Present	Mayor Edmonds	Present
Mayor Pro-Tem Richardson	Present		

Mayor Pro-Tem Richardson moved, seconded by Council Member Nicole Brown, to excuse the absence of Council Member Vogt.

On a voice vote, the motion carried, and the absence was excused.

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. AGENDA APPROVAL –

Council Member Anne Brown moved, seconded by Council Member Nicole Brown to approve the agenda.

Mayor Edmonds asked for a motion to move the first Audience Participation after the work session or add a third Audience Participation.

Council Member Robb moved, seconded by Council Member Nicole Brown to add a third Audience Participation following Section VII.

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

Council Member Robb moved to add Resolution No. 2016-077, waiving FOIA Fees for City Council Members, under Section XVI, Resolution/Motions/Discussions.

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

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

VI. WORK SESSION – 6:00 – 7:00 p.m.

- Economic Development Update – Beth Ernat, Director of Economic Development

Economic Development Director Beth Ernat provided a presentation regarding economic development in the City. **(See Attachment)**

Council Member Murdock asked if Ypsilanti Cycle's building was purchased and if it included the business. Ms. Ernat responded both the building and the business were purchased.

City Manager Ralph Lange stated the Regional Transit Authority (RTA) will provide a presentation at the April 19th Council Meeting regarding the Michigan Ave corridor.

Mayor Pro-Tem Richardson asked who sits on the Washtenaw Convention and Visitor's Bureau from Ypsilanti other than Ms. Ernat. Ms. Ernat responded representation for the City includes Bill Nichols, Barry LaRue, and April King; Brenda McKinney from Superior Township; Brenda Stumbo from Ypsilanti Township; Tom Lamb from the Marriot and one other non-Ann Arbor representative.

Council Member Anne Brown asked if the marker in Riverside Park was provided by the Huron Watershed Commission or the CVB. Ms. Ernat responded she included the Huron Watershed Commission with the CVB since the Huron Watershed Commission has been a tremendous partner.

Mr. Lange stated there has been really good feedback from Angstrom.

Council Member Anne Brown asked if the Thompson Block has paid its taxes. Ms. Ernat responded the taxes are paid and will not be going into foreclosure for at least two years. She added the property owner is two years in arrears on their taxes. Council Member Robb asked if the owner was two years in arrears for taxes or the Dangerous Building fees, to which Ms. Ernat responded on taxes. Mr. Robb asked that the OPRA be brought to the next meeting for revocation and bring the OPRA policy to be revised adding failure to pay fees as cause for revocation. Mr. Robb stated a window blew out on the Thompson Block and asked what the City is doing about it. Ms. Ernat responded nothing was being done at this time. Mr. Robb asked what the City's recourse is at this point. Ms. Ernat asked when the window blew out, to which, Council Member Murdock responded that it was during a recent heavy windstorm. Ms. Ernat asked if that was reported by anyone on See.Click.Fix and Mr. Robb responded he is not certain. Ms. Ernat said if staff is unaware that this happened it is difficult to respond to. Mr. Robb stated now that staff is aware he expects a response.

Council Member Anne Brown asked if there is any activity at the Thompson Block. Ms. Ernat responded there is no activity currently at the building.

Mayor Edmonds asked the list price for the former Smith's Furniture building. Ms. Ernat responded she will provide that information at a later date. Mayor Pro-Tem Richardson stated the sign states the building is for lease. Ms. Ernat responded it is for lease or sale.

Council Member Murdock stated the Planning Commission is going to review the possible construction of a building on Lowell St. Ms. Ernat responded the lot is being split and the current owners are seeking to build a garage for the storage of firetrucks for the Firehouse Museum. Mr. Murdock asked if it is currently empty space. Ms. Ernat responded in the affirmative. City Planner Bonnie Wessler added the structure will be pole barn style and nothing more than an accessory structure to the Firehouse Museum. Mr. Murdock stated there has been discussion about that space being used for residential infill. Ms. Wessler responded the structure will occupy 2 acres of a 12 acre site. Mr. Murdock stated the land is owned by that company that wants to build the structure, to which Ms. Ernat agreed. Mr. Lange stated one of the hold-ups of the redevelopment of this property is this issue. Mayor Edmonds asked if the lot splitting is what is going before the Planning Commission. Ms. Wessler responded lot splitting is an

administrative action and does not require Planning Commission approval. Mr. Lange added this would be a major step forward in the redevelopment of that property.

Mayor Edmonds asked if the County Water Resources Office working to alleviate storm water issues in Riverside Park. Ms. Ernat responded Tony Vanderworp is working on leading that task. Ms. Edmonds replied she is aware that Mr. Vanderworp cares very deeply of that issue but she wants to be certain he is engaging the County's Water Resources Office.

Council Member Anne Brown stated the Friends of Peninsular Park have received a grant for improvements to that park. Ms. Ernat responded the Huron Watershed Commission is very interested in reactivating the power house located at Peninsular Park. Ms. Ernat said there are still a number of steps to be undertaken before that goal is reached.

Ms. Ernat stated there has been discussion of reactivating the dam. Council Member Murdock stated Council has opposed that for the last 25 years.

Mayor Edmonds asked what is happening on the north end of Frog Island close to the river. Ms. Ernat responded that a canoe launch is being constructed as part of a Huron Watershed initiative. Ms. Ernat said the area near the stairs will be cleaned up as a result of this project. Ms. Ernat stated the Huron Watershed Commission will be working with the Depot Town to garner community buy-in.

Council Member Anne Brown asked if the Planning/Economic Development Department will formulate the external communication policy or will that be developed by an outside party. Ms. Ernat responded it is her intention is to have staff develop that policy in conjunction with Human Resources. Ms. Anne Brown suggested allowing Eastern Michigan University students to assist in the development of that policy.

Council Member Nicole Brown asked if an intern is required to have a particular major. Ms. Ernat responded that this is not required, and said she is willing to work with anyone willing to work with the community. Mayor Pro-Tem Richardson has been contacted by an interested individual and will forward that information to Ms. Ernat.

Mayor Pro-Tem Richardson stated the Embassy Suites in Livonia generally rent rooms for around $100 to $129 per night and it is an exceptional hotel. Ms. Ernat agreed.

Council Member Anne Brown asked if there would be onsite parking for the proposed hotel. Ms. Ernat responded in the affirmative and added it would be her hope to have it below ground so it is Tax Increment Financing Eligible. Ms. Ernat said below ground parking would be attractive to an entertainment venue also, which is why the lot lines should be less rigid.

Council Member Murdock stated that during the Master Plan process the new urbanists informed the City it needed to zone Water Street a certain way which is why the current grid system was designed for Water Street. Mr. Murdock said the process contained a lot of public input which was in favor of the grid system. Mr. Murdock asked if there will be opportunity for public input if the site plans are changed. Ms. Ernat responded in the affirmative. Ms. Ernat responded Planning and Economic Development fields do not always have the same opinion and planning for development and actually developing property are two different things. Ms. Ernat said she does not feel that it was a mistake when Water Street was planned for redevelopment but it has not worked to this point and should be revised. Mr. Murdock agreed and said Water Street should be made more flexible. Mayor Pro-Tem Richardson stated during the Shape Ypsi process there were some who were very opposed to how Water Street was planned and feels that there would be support for this change. Mayor Edmonds stated not only do planning trends change but the market also changes.

Mr. Lange stated Water Street was originally marketed as one piece for a larger development which was not successful. Mr. Lange stated the current development strategy was put into place and has been unsuccessful and what is now being suggested is a hybrid of those two models. Mr. Lange added he agrees with Ms. Ernat that this is more functional in terms of development. Ms. Ernat responded that as

the City has come out of the recession, development tends to change. Mayor Pro-Tem Richardson thanked Ms. Ernat for providing Council with a revision.

Mayor Edmonds asked if developers would still be able to choose the grid system without being bound by it. Ms. Ernat responded it is her intention to keep Michigan Ave intact as an extension of the downtown. Ms. Ernat added the vision of the downtown should not be altered but how the City approaches the lots on Water Street should be changed.

Mayor Edmonds asked what the next steps will be for this process. Ms. Ernat responded the first step will come later during this meeting when Council will be asked to approve directing staff to renegotiate with Herman Kittle. Ms. Ernat continued by adding that once Herman Kittle prepares a site plan and if the recreation center project moves forward or dies staff will have enough information to allow the engineers to create plans for the rest of that site.

Council Member Murdock asked if there was any update on the recreation center. Ms. Ernat responded not at this time but what from what she understands, the County Parks and Recreation Commission is conflicted. Ms. Ernat stated that from her standpoint, she will continue to push to have a feasibility study completed with a private developer. Mr. Murdock replied he thought that was already underway. Ms. Ernat responded it is underway and the process is currently involved in a stakeholder interview which is taking time. Ms. Ernat added having a taxable project on this site is paramount and she is interested in what will work best for the community and that makes financial sense.

VII. <u>INTRODUCTIONS</u> –

Mayor Edmonds introduced the following individuals: Assistant City Attorney Dan DuChene, Assistant to the City Manager Ericka Savage, City Planner Bonnie Wessler, Community Development Director Joe Meyer, and Fire Chief Max Anthouard.

VIII. <u>PRESENTATIONS</u> –

None

IX. <u>AUDIENCE PARTICIPATION</u> – (Added)

1. William McFarlane, Washtenaw County Road Commission, stated the Washtenaw County Road Commission requested the Washtenaw County Board of Commissioners to place a millage on the August ballot with the idea that the success of the Public Act 283 and based on that success the Road Commission suggests another round of improvements. He said this is based on the federal government and the state's inability to provide consistent funding for roads.

2. Sheryl Suddall, 1485 Wood Ct., Saline, Washtenaw County Road Commission, stated she is an engineer working for the Washtenaw County Road Commission. She requested Council support for a .5 mill a year for four years August ballot proposal. She said Public Act 283 has been used for the last two years which has been very successful. She said it was based upon a list of projects submitted by the Road Commission which includes input from cities and villages. She said the Road Commission is asking the County Board to take a step back for an improved version of Public Act 283. She said some of the differences is Public Act 283 was only to be used for roads and bridges and now 20% would be used for non-motorized projects such as the Border-to-Border Trail. She said it will be a four year millage which will provide for longer allowing for greater planning. She added one of the most important items is that it will require a vote of the people. She said while this is a new initiative, it really isn't a new millage, just a continuation of an ending millage.

3. Robin Stephens, 4362 Blossomfield Trail, Pittsfield Township, stated she is currently serving as a Washtenaw County public defender. She said she is currently gathering signatures for an available seat in the 14A-2 Washtenaw County District Court. She said one of the things she is concerned about is the bench warrant issue and making a connection between the community and the court.

   Council Member Anne Brown asked what programming Ms. Stephens would bring to the court. Ms. Stephens responded there are a lot of specialty courts in Ann Arbor and in Ypsilanti Township but there are not in Washtenaw County as a whole. She said there are a lot of other services in the community that are not connected to the court that people could take advantage of. She said one of the things she is really passionate about is the juvenile court. She said juveniles in this community need to go to Ann Arbor to receive services which can be very challenging for the parents.

   Mayor Pro-Tem Richardson asked if Ms. Stephens ever worked in Ypsilanti with the public defender's office. Ms. Stephens responded that was her first assignment when she came to the public defender's office in 1999 and worked there for 5 years. Ms. Stephens added she has worked at every court in Washtenaw County.

4. Bob Krzewinski, 706 Dwight St., Non-motorized Committee, stated the non-motorized committee supports the mid-block crossing items on the agenda and sees it as the final piece of the Border- to-Border Trail. He said the Non-motorized Committee is also in support of the road millage. He commended the Road Commission for including 20% of that millage for non-motorized issues.

5. Libby Hunter, 827 Bruce, Ann Arbor, stated she is a member of Radical Washtenaw (RAW) which issued a report of why black people are disproportionately arrested on bench warrants. She said Chief DeGiusti has written a response to the report and RAW has remarks from that report. She said the Chief's memo argues the report does not prove anything but the memo did not disprove any of the report's findings. She said the Chief provided no numerical data to disprove any of RAW's findings saying it would take up too much staff time. She said RAW has said it has been difficult to obtain any information regarding this issue and has had little help from governmental agencies to produce this data. She said the only new information provided by the Chief was an email from 2012 from the State Police instructing Ypsilanti to use code 5015 for all bench warrant arrests. She said in 2013 the Police began reporting multiple warrants for a single individual as separate incidences. She said one may presume that other police departments received the same email from the state police and Ypsilanti Police and Eastern Michigan University are the only departments in the County properly reporting bench warrant arrests.

6. Sasha Hoffman, 531 3rd St, Ann Arbor, stated both Chief DeGiusti and City Manager Lange expressed their commitment to Ypsilanti's motto, "Pride, Diversity, Heritage" and take offense to possible racial bias in police practices. She said the Chief has stated the data does not include where the arrestee resides and undermines black people are disproportionately affected by bench warrant arrests. She said even if a person does not live in Ypsilanti they are still affected by the arrest. She said what is most disconcerting is Chief DeGiusti's suggestion that if the desire is to decrease bench warrants perhaps bonds should be increased to keep defendants in jail until their court date. She said in the thinly veiled threat, Chief DeGiusti appears to insinuate that if members of the

community raise questions about the policing tactics it might make matters worse for defendants. She said the Department of Justice have warned state and local governments against fine and fee practices that punish the poor including pretrial money bonds that disproportionately impact people of color. She said while the Ypsilanti Police Department is not responsible for pretrial bond policies, the Chief is responsible for advocating unconstitutional bond practices.

7. Lee Tooson, 107 Middle, stated the public is still waiting for answers concerning the no parking signs on South Washington. He said no one seems to know how those signs got there and why they are there. He said when City Administrators are given raises in the City does Council have any input. He said residents should see some increased production when raises are given. He said now that the winter is over the streets need to be swept especially on the Southside and said people expect to see some worth for the taxes they pay. He said the no parking signs were put on Washington for safety and that is what is needed on Ferris St.

   Council Member Nicole Brown stated on Monday, April 4th at a community forum Chief DeGiusti did try and explain his comments in response to the RAW report.

   Mayor Edmonds asked for an update on the no parking signs on South Washington. Mr. Lange responded staff examined every traffic control order back to 2000. Mr. Lange said no traffic control order was issued to put up those signs and said staff has not determined why the signs were put up. Mr. Lange stated one of the most senior police officers with the Ypsilanti Police patrolled that area noticed the signs needed repairs. Mr. Lange said the officer asked DPS to replace the signs which was done.

   Council Member Nicole Brown asked if those signs had been there for several years and nobody noticed them. Mr. Lange responded in the affirmative. Council Member Robb stated the signs do not show up in Google Maps and said the City Manager should do some investigation into this matter.

   Mayor Pro-Tem Richardson stated she has driven up and down South Washington for the last 25 years and there has never been no parking sign on that stretch of road. Ms. Richardson stated she is part owner of 319 Washington and has held events where people have parked on both sides of Washington and there have never been signs there. Ms. Richardson stated someone must have authorized those signs and she wants to know who it was. Ms. Richardson stated if the signs resulted in complaints from Mr. Beal against Mr. Reid and his tenants that is Mr. Beal's problem.

   Mayor Edmonds agreed it is strange that signs were put up randomly on that block and said there needs to be more fact finding done. Mr. Lange responded when the employee who does signs returns he will have a final report for Council.

   Council Member Nicole Brown asked for the signs to be taken down. Mr. Lange responded he will take care of it.

   Council Member Anne Brown asked which officer asked for the signs to be replaced. Mr. Lange responded Officer Chembry.

   Council Member Murdock stated it seems to him that when those kind of things happen at least the representatives of that Ward should be given a heads up so they have the ability to answer questions.

Mayor Edmonds asked Mr. Lange's report include what kind of notification process the City employs when signs are placed in an area.

Mayor Pro-Tem Richardson asked who in the administration approved the signs. Mr. Lange responded he won't know until next week. Mr. Lange added DPS Director Stan Kirton said the sign were already in place and were being refreshed. Council Member Nicole Brown stated Mr. Kirton needs to be here to answer Council's questions. Mr. Lange stated he takes responsibility for this matter and he lives a block over and there is no parking. Mayor Pro-Tem Richardson stated that Mr. Lange lives on Huron and that is a state road.

Lee Tooson stated whoever is responsible for those signs has done an injustice to the City and asked if they will be terminated. Council Member Murdock responded the person who put up the signs is someone who works for the Department of Public Services who would have been operating under orders. Mr. Tooson responded whoever gave that order should be terminated.

X. PUBLIC HEARING –

Public hearing on a resolution to grant a permanent, non-exclusive easement over a portion of the southeast corner of city owned property (parcel ID 11-11-37-101-007) to Adams Outdoor Advertising Limited Partnership for the purpose of constructing and operating an electronic outdoor advertising structure and access to the said structure.

A. Resolution No. 2016-047, determination

WHEREAS, the City and Adams Outdoor Advertising, LLC ("Adams") entered into a 21-year lease agreement for the purposes of the construction, maintenance, and operation of an outdoor advertising structure on a City-owned parcel; and

WHEREAS, City Council has previously approved an agreement to terminate this lease and convey a permanent easement over a relocated area of this same parcel for the price of $470,000; and

WHEREAS, subsequent to this approval, the agreement was not signed by the parties and the matter was stalled; and

WHEREAS, now Adams has provided a signed letter of intent to enter into a similar easement agreement, which is attached hereto

WHEREAS, the City is interested in moving forward with this arrangement;

NOW THEREFOR BE IT RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that: the City Manager is authorized to execute the attached letter of intent on behalf of the City of Ypsilanti and is authorized to complete the sale with Adams and sign any and all documents to close the transaction, in conjunction with and subject to the review and approval of the City Attorney.

OFFERED BY: Council Member Nicole Brown
SECONDED BY: Mayor Pro-Tem Richardson

Adams Outdoor Representatives Kevin Green and Mike Cannon thanked Mr. Lange and said he was very instrumental in getting this back on the table as well as Assistant City Attorney Dan DuChene.

Mr. Lange stated before staff brings an item before City Council it makes very careful the deal is good but there are times the company walks away from the deal. Mr. Lange said the City is working with a new team and the agreement that has been made is better than the last with fewer contingencies. Mr. Lange added this will assist in freeing up other deals that could happen in the City

B. Open public hearing

None

C. Resolution No. 2016-048, close public hearing

THAT the public hearing on a Resolution Authorizing Grant of Easement to Adams Outdoor Advertising, LLC be officially closed.

OFFERED BY: Council Member Nicole Brown
SECONDED BY: Mayor Pro-Tem Richardson

On a voice vote, the motion carried, and the public hearing was closed.

Council Member Robb asked what exactly is being approved and he said there is not a contract included in the packet. Mr. Lange responded the resolution, background, and summary were included. Assistant City Attorney Dan DuChene said what has been provided to Council is a letter of intent and attached to that is a form which is essentially an easement agreement which will need to have the blanks filled in. Mr. DuChene stated approval will authorize the City Manager to execute the contract subject to the City Attorney approval. Mr. Robb stated the City Charter states Council is to approve all contracts. Mr. DuChene responded it would be delegated authority and he would inform Council if there was a substantive change. Mr. Robb stated some of the contract is vague and does not have teeth and said the contract states the billboard must be kept in reasonable repair and asked what that means. Mr. DuChene responded reasonable is a legal term. Mr. Robb asked what recourse the City has if the billboard is not kept in reasonable repair. Mr. DuChene responded essentially the City is providing an easement for a specific area of land and if they decide to relocate the sign within that piece of land they can do so but they will need to go through the planning and ordinance procedure. Mr. DuChene added if the City deems the billboard is not in reasonable repair the City would have to decide how it wishes to move forward. Mayor Edmonds stated that would be standard language in contracts such as these. Mr. DuChene said the City's teeth in this situation is breach of contract. Mr. Robb asked what would happen if there was a breach of contract. Mr. Duchene responded assuming the worst the City would take them to court. Mayor Edmonds added assuming the best the City would take them to mediation.

Council Member Robb stated there is a clause in the contract that seems meaningless and when he sees things like that he becomes nervous. Mr. Robb stated only Mayor Pro-Tem Richardson was on Council when the original lease was first executed in 2006. Mr. Robb said at that time staff submitted two resolutions one for a permanent easement and the other was for a 21 year lease. Mr. Robb said the recommendation from staff was to approve the 21 year lease. Mr. Robb said the decision is if Council wants to have a permanent easement or continue the practice of leasing for the next 12 years. Mr. Robb said this matter has become clouded with the Water Street debt issue and nothing has changed since 2006 making a permanent easement in the best interest of the City.

Council Member Murdock stated there is a reference to a maintenance agreement and asked if it covered more than the just the sign. Mr. DuChene responded he believes it involved everything around the sign. Mr. Murdock said he believed EMU was providing that maintenance. Mr. Lange responded that clause was carried over to that agreement.

Council Member Murdock stated the size in this agreement is different than the original. Mr. Lange responded the change is minimal.

City Attorney John Barr stated the language of this contract is standard regarding enforcement. Mr. Barr said there is a provision in the contract that if a lawsuit is filed attorney fees will be paid by the defendant. Mr. Robb stated there have been many changes in the past 15 years but this is a policy decision for the manager and Council.

Council Member Murdock asked why this is a permanent easement rather than a sale. Mr. DuChene replied every time permanent access has been discussed it has always been in the form of a permanent easement. Kevin Green, Adam's Outdoor, responded it provides for more flexibility. Mr. Green stated his company has paid several thousand dollars to build the structure and are striving well to be good community partners.

Council Member Murdock stated under the last agreement a couple signs were going to be removed and this agreement does not include that provision. Mr. DuChene responded the whole purpose of removing those signs was to allow the sign to be moved and since it is not being moved that is no longer necessary. Mr. Lange added when the sign ordinance was changed permission was given to have the signs out on the end of Mansfield. Mr. Lange explained that was a brand new sign and there is not going to be signs taken down as a result of this.

Council Member Murdock moved, seconded by Council Member Nicole Brown for revenue created by this sign be used to pay down the Water Street debt.

On a roll call, the vote to amend Resolution No. 2016-047 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Absent
Council Member A. Brown	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Vogt) VOTE: Carried

On a roll call, the vote to approve Resolution No. 2016-047 as amended was as follows:

Council Member N. Brown	Yes	Council Member Robb	No
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Absent
Council Member A. Brown	Yes		

VOTE:

YES: 5 NO: 1 (Robb) ABSENT: 1 (Vogt) VOTE: Carried

XI. <u>ORDINANCES – FIRST READING</u> –

Ordinance No. 1262 (940-O)

1. An ordinance to provide for the issuance and sale of water supply and sewage disposal system revenue refunding bonds.

   A. Resolution No. 2016-049, determination

   THAT AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM REVENUE REFUNDING BONDS TO PAY THE COST OF REFUNDING CERTAIN OUTSTANDING WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM REVENUE BONDS AND TO PRESCRIBE THE FORM OF THE BONDS; TO

PROVIDE FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM AND TO PAY THE PRINCIPAL OF AND INTEREST ON THE REFUNDING BONDS AND CERTAIN OUTSTANDING BONDS OF EQUAL STANDING OF THE SYSTEM; TO PROVIDE AN ADEQUATE RESERVE FUND FOR THE BONDS; TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF THE REVENUES; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE BONDS IN ENFORCEMENT THEREOF; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE BONDS AND THE SYSTEM be approved on First Reading.

OFFERED BY: Council Member Nicole Brown
SECONDED BY: Council Member Anne Brown

Pat McGow, Miller and Canfield, stated interests rates continue to be low and the City has debt that has the ability to be redeemed and paid off early. Mr. McGow said this revenue bond relates to bonds issued in 2001 and 2002 and refinanced in 2006. Mr. McGow explained that these bonds can be recalled in September and because the City has already refinanced this bond once it cannot refinance again until June at the earliest. Mr. McGow said there is a little over $9 million outstanding and able to be refinanced later this year and the resolution before Council would authorize a revenue bond to pay off a bond to produce a lower interest rate. Mr. McGow explained that these revenue bonds are solely funded by rates and fees of water and sewer bills. Mr. McGow said Ypsilanti Community Utilities Authority manages the system however the debt is in the City's name. Mr. McGow said the benefit of the savings of the revenue bonds is the benefit goes to the system itself leading to a savings in the water and sewer rates.

Mayor Edmonds asked if the bonds must be used to benefit the system. Mr. McGow responded yes, and said the surcharge is based off the annual debt service. Council Member Murdock added Council sets the surcharge amount. Ms. Edmonds replied she is aware that Council sets the surcharge but each year it rises and Council must approve a higher amount.

Council Member Murdock asked for an estimate of the annual savings. Mr. McGow responded based on the market conditions in January, when this was calculated, the savings were $80,000 or 7.5% of the debt service. Mr. McGow stated the market is fairly similar to what it was in January but the actual savings will not be determined until the City is closer to selling in either May or early June. Mr. Murdock responded because of the timing he expects Council will receive a rate hike from YCUA and usually when the rates rise the surcharge goes down and at that time this can be included in the discussion.

B. Open public hearing

None

C. Resolution No. 2016-050, close public hearing

THAT THE PUBLIC HEARING ON AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM REVENUE REFUNDING BONDS TO PAY THE COST OF REFUNDING CERTAIN OUTSTANDING WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM REVENUE BONDS AND TO PRESCRIBE THE FORM OF THE BONDS; TO PROVIDE FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM AND TO PAY THE PRINCIPAL OF AND INTEREST ON THE REFUNDING BONDS AND CERTAIN OUTSTANDING BONDS OF EQUAL STANDING OF THE SYSTEM; TO PROVIDE AN ADEQUATE RESERVE FUND FOR THE BONDS;

TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF THE REVENUES; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE BONDS IN ENFORCEMENT THEREOF; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE BONDS AND THE SYSTEM be officially closed.

OFFERED BY: Council Member Nicole Brown
SECONDED BY: Council Member Anne Brown

On a voice vote, the motion carried, and the public hearing was closed.

On a roll call, the vote to approve Resolution No. 2016-049 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Absent
Council Member A. Brown	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Vogt) VOTE: Carried

Ordinance No. 1263

2. An ordinance to amend the Ypsilanti City Code, Chapter 10, "Amusements and Entertainments" to remove those provisions relating to licensing.

   A. Resolution No. 2016-051, determination

   RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

   That an ordinance entitled "AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 10 "AMUSEMENTS AND ENTERTAINMENTS" TO REMOVE THOSE PROVISIONS RELATING TO LICENSING" be approved on First Reading.

OFFERED BY: Council Member Nicole Brown
SECONDED BY: Mayor Pro-Tem Richardson

Mr. DuChene stated as the Request for Legislation indicates this is a clean-up of the code as a result of requests from Council. Mr. DuChene stated the first ordinance on the agenda is regarding amusements which essentially there are licensing requirements for "arcades and pool halls". Mr. DuChene stated the license requires a fee that is not being collected and the change will remove that requirement. Mr. DuChene stated under "pool halls" the ordinance did not define what a pool hall is and that is now provided and the same operating requirements for arcades will be applied to pool halls.

Mayor Pro-Tem Richardson asked if there are any pool halls in the City. Mr. DuChene responded Stick's would be considered a pool hall. Council Member Murdock asked how many pool tables are required to be considered a hall. Mr. DuChene responded four.

Mayor Edmonds stated on page 9 on employment age it states, "no person under the age of 17 would be permitted to work at an arcade unless related to the owner" and said only people under the age of 17 would want to work at an arcade. Mr. DuChene replied that was included in the previous policy and if Council has a different prerogative it can be amended. Ms. Edmonds asked why that might have been included in the previous ordinance. Council Member Robb responded because of "Pac Man fever" and explained when arcades began to appear in the early 80's City Council was afraid they would appear in every storefront downtown. Mr. Robb explained arcades attract teenagers, and there was a fear of teenagers, and the genesis is older people not understanding youth.

B. Open public hearing

None

C. Resolution No. 2016-052, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing on an ordinance entitled "AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 10 "AMUSEMENTS AND ENTERTAINMENTS" TO REMOVE THOSE PROVISIONS RELATING TO LICENSING" be officially closed.

OFFERED BY: Council Member Nicole Brown
SECONDED BY: Council Member Anne Brown

On a voice vote, the motion carried, and the public hearing was closed.

Mayor Edmonds stated she would like a motion to be made removing the employment age in the ordinance and explained that it no longer seems relevant.

Council Member Nicole Brown moved to remove the employment age requirement form the ordinance.

Mayor Pro-Tem Richardson replied there is a provision in the ordinance stating with the expressed permission of the parent or guardian of the employee employment can be granted. Ms. Richardson asked if there is already a requirement for a parent to give permission for youth under the age of 17 to first grant the permission of a parent before acquiring employment. Mr. DuChene responded the individual under the age of 17 would both need to be related to the owner and given permission by their parent. Mr. DuChene stated a person under the age of 17 needs to obtain a work permit before being employed and this is the permission being granted. Council Member Murdock stated the "and" in the ordinance could be changed to "or". Ms. Edmonds said she does not believe Council should not be legislating employment law.

Mr. DuChene stated on page 14, Section 10-13, the ordinance forbids minors under the age 17 from working in a pool hall.

Council Member Robb stated discussion should cease if there is not a second and said if there is a desire to examine this further it should be tabled. Mr. Robb stated the reason he asked for the licensing requirement to be removed is because it is not enforced. Mr. Robb stated this is a meaningless ordinance in 2016 because none of it will be enforced. Council Member Murdock asked Council should send the ordinance back to have that whole section deleted. Mr. Robb responded that is why he is proposing this item be tabled. Mr. Robb said the reason he asked for these ordinances to be cleaned up is to remove what is no longer enforced to give validity to useful ordinances Council approves. Mr. Robb added these ordinances should be deleted until there is a need for them. Mr. DuChene replied he would much rather have an ordinance to govern a possible business rather than adopting an ordinance after a business opens in the City.

On a roll call, the vote to approve Resolution No. 2016-051 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	No
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Absent
Council Member A. Brown	Yes		

VOTE:

YES: 5 NO: 1 (Edmonds) ABSENT: 1 (Vogt) VOTE: Carried

Mayor Edmonds stated she was informed by City Attorney Barr the following three ordinances can all be read together because they are all regarding animal control. Council Member Robb asked if the public hearing could be opened first then read the ordinances because Council procedurally cannot read an ordinance and move on to the next without voting on it.

Mayor Edmonds opened the public hearing for Ordinances 1264, 1265, and 1266.

Ordinance No.1264

3. An ordinance to amend Ypsilanti City Code, Chapter 14 "Animals" to remove those provisions which are no longer enforced due to the lack of a city Animal Control Officer.

   A. Resolution No. 2016-053, determination

   RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

   That an ordinance entitled "AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 14 "ANIMALS" TO REMOVE THOSE PROVISIONS WHICH ARE NO LONGER ENFORCED DUE TO THE LACK OF A CITY ANIMAL CONTROL OFFICER" be approved on First Reading.

OFFERED BY: Council Member Robb
SECONDED BY: Council Member Nicole Brown

   B. Open public hearing

   None

   C. Resolution No. 2016-054, close public hearing

   RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

   That the public hearing on an ordinance entitled "AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 14 "ANIMALS" TO REMOVE THOSE PROVISIONS WHICH ARE NO LONGER ENFORCED DUE TO THE LACK OF A CITY ANIMAL CONTROL OFFICER" be officially closed.

OFFERED BY: Council Member Robb
SECONDED BY: Council Member Nicole Brown

On a voice vote, the motion carried, and the public hearing was closed.

Mr. DuChene stated some time ago the City shifted dog licensing to the County and no longer have an animal control officer. Mr. DuChene said essentially this would remove every ordinance referencing having an animal control officer and everything that would require an animal control officer to enforce from the code. Mr. DuChene stated other than dog leashes the City will be relying on state law.

Mr. Lange stated the core of this resulted from the Humane Society's agreement with Washtenaw County and the City having an agreement with the County. Mr. Lange said this agreement resulted in the Humane Society billing the City for excessive amounts. Mr. Lange said he was successful in removing the City from responsibility for that bill stating the City has never had a contract with the Humane Society. Mr. Lange added by removing this from the code it will further insulate the City.

On a roll call, the vote to approve Resolution No. 2016-053 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Absent
Council Member A. Brown	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Vogt) VOTE: Carried

Ordinance No.1265

4. An ordinance to amend Ypsilanti City Code, Chapter 1 "General Provisions", Section 1-14, "Enforcement Authority for Code" to remove the inclusion of an Animal Control Officer.

   A. Resolution No. 2016-055, determination

   RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

   That an ordinance entitled "AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 1 "GENERAL PROVISIONS", SECTION 1-14 "ENFORCEMENT AUTHORITY FOR CODE" TO REMOVE THE INCLUSION OF AN ANIMAL CONTROL OFFICER" be approved on First Reading.

OFFERED BY: Council Member Robb
SECONDED BY: Council Member Nicole Brown

   B. Open public hearing

   None

   C. Resolution No. 2016-056, close public hearing

   RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

   That the public hearing on an ordinance entitled "AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 1 "GENERAL PROVISIONS", SECTION 1-14 "ENFORCEMENT AUTHORITY FOR CODE" TO REMOVE THE INCLUSION OF AN ANIMAL CONTROL OFFICER" be officially closed.

OFFERED BY: Council Member Robb
SECONDED BY: Council Member Nicole Brown

On a voice vote, the motion carried, and the public hearing was closed.

On a roll call, the vote to approve Resolution No. 2016-055 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Absent
Council Member A. Brown	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Vogt) VOTE: Carried

Ordinance No.1266

5. An ordinance to amend Ypsilanti City Code, Chapter 70, "Municipal Civil Infractions", Article I, "In General", Section 70-2, "Authorized City Official" to remove the inclusion of an Animal Control Officer.

A. Resolution No. 2016-057, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 70 "MUNICIPAL CIVIL INFRACTIONS", ARTICLE I "IN GENERAL", SECTION 70-2 "AUTHORIZED CITY OFFICIAL" TO REMOVE THE INCLUSION OF AN ANIMAL CONTROL OFFICER " be approved on First Reading.

OFFERED BY: Council Member Robb
SECONDED BY: Council Member Nicole Brown

B. Open public hearing

None

C. Resolution No. 2016-058, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing an ordinance entitled "AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 70 "MUNICIPAL CIVIL INFRACTIONS", ARTICLE I "IN GENERAL", SECTION 70-2 "AUTHORIZED CITY OFFICIAL" TO REMOVE THE INCLUSION OF AN ANIMAL CONTROL OFFICER" be officially closed.

OFFERED BY: Council Member Robb
SECONDED BY: Council Member Nicole Brown

On a voice vote, the motion carried, and the public hearing was closed.

On a roll call, the vote to approve Resolution No. 2016-057 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Absent
Council Member A. Brown	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Vogt) VOTE: Carried

6. An ordinance to amend Ypsilanti City Code, Chapter 22 "Businesses" to remove those provisions relating to licensing.

   A. Resolution No. 2016-059, determination

      RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

      That an ordinance entitled "AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 22 "BUSINESSES" TO REMOVE THOSE PROVISIONS RELATING TO LICENSING" be approved on First Reading.

OFFERED BY: Council member Murdock
SECONDED BY: Council Member Anne Brown

   B. Open public hearing

      None

   C. Resolution No. 2016-060, close public hearing

      RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

      That a public hearing on ordinance entitled "AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 22 "BUSINESSES" TO REMOVE THOSE PROVISIONS RELATING TO LICENSING" be officially closed.

OFFERED BY: Council Member Murdock
SECONDED BY: Council Member Anne Brown

On a voice vote, the motion carried, and the public hearing was closed.

Mr. DuChene stated this is a similar adjustment to the ordinance regarding amusements and references bed and breakfasts, health clubs, and spas. Mr. DuChene said there were licensing requirements that were never enforced and operations were made clearer and cross referenced throughout the ordinance.

Council Member Murdock stated it appears everything was eliminated in the ordinance regulating bed and breakfasts except for a couple of things. Mr. DuChene responded everything under licensing was eliminated. Mr. Murdock asked why the things that remained were left in the ordinance such as the "guest registered" and "maximum stay". Mr. DuChene responded because his objective was to remove licensing provisions. Mr. Murdock replied if the City is not requiring licensing why it would require registering. Mr. Barr responded the rationale of registration is so the City is aware that the people are there. Mr. Murdock asked if the Air Bed and Breakfasts will be registered. Mr. DuChene stated it is a policy determination of Council if it would like to remove more.

Mayor Pro-Tem Richardson asked if there were any state regulations requiring bed and breakfasts to be licensed. Mr. DuChene responded he would have to investigate that further. Ms. Richardson said if there are no licenses required how are bed and breakfasts regulated. Mr. Barr responded that would be regulated through zoning and building code. Mr. DuChene added bed and breakfasts would be part of inspection cycle.

Mayor Edmonds stated the part of the code regulating sanitation and hygiene is valuable. Ms. Edmonds said the issues that have occurred over the past year at Chidester which would have been better resolved if the City had an avenue to advocate for basic health and safety. Mayor Pro-Tem Richardson asked if a

bed and breakfast is not licensed how the City knows they are operating. Mr. Barr responded through the registration. Ms. Edmonds added a bed and breakfast would be required to have a business license.

Council Member Murdock stated the operating requirements are only applied to the health clubs.

Mayor Edmonds stated she supports this on First Reading but she would like to see how the bed and breakfast code matches to the code governing hotels. Mr. DuChene responded the code lists "bed and breakfasts, lodgings, and inn" would include hotels.

Mayor Pro-Tem Richardson asked if health clubs are included with bed and breakfasts. Mr. DuChene responded there are different business types in this code; one is bed and breakfasts, lodgings, and Inns, the other is health clubs.

Council Member Anne Brown asked if the recreation center opens would this ordinance have an effect on it. Mr. DuChene responded in the affirmative.

Mayor Pro-Tem Richardson asked if this would remove licensing for a health club. Mr. DuChene responded in the affirmative because the City does not license them. Council Member Robb added they are licensed with the omnibus business license.

Council Member Murdock stated there are some regulations such as the hotel tax which require those businesses to provide reports. Mr. DuChene responded in the affirmative and said he would investigate what regulations there are at the County and State level.

Mayor Edmonds stated she would like this item to come back with further information. Ms. Edmonds added there is a range of bed and breakfasts, inns, and lodgings in this City and it is appropriate for the City to have regulations over those practices but isn't sure of what is already required at the state and county level. Ms. Edmonds stated she would not mind tabling this item in order to better understand something that could have an effect of the health of this community.

Mayor Pro-Tem asked if there are any health clubs in the City and if there are, perhaps they should be regulated. Economic Development Director Beth Ernat responded they are already regulated by zoning. Ms. Richardson replied she is not referring where a health club is located she is referring to how a health club is defined and how to regulate those definitions.

Council Member Robb stated the appropriate assignment for Mr. DuChene is what Council wants to regulate and if it is covered by another entity. Mr. DuChene responded he assumes Council wants him to see if what is in the code is already regulated.

Mayor Pro-Tem Richardson suggested instead of removing sections of bed and breakfasts and health clubs they need to be enforced. Mr. DuChene responded that is the policy decision that is up to Council.

Ms. Ernat stated that the definition section of the zoning code regarding massage therapy refers to state licensing and individuals operating massage businesses are required to have a state massage license. Mr. DuChene added the state does license masseuses and the purpose of this ordinance when developed is to keep away the seedier type of establishments. Mr. DuChene added the things Council would want to avoid are still in the code. Mayor Pro-Tem Richardson replied the possibility of seediness when the ordinance was originated is still present. Mr. DuChene stated he agrees with those concerns and they are still regulated in the ordinance and all that is being removed is the licensing.

Mayor Edmonds asked for a motion to table in order to provide Mr. DuChene time to bring this back with more information.

Mayor Pro-Tem Richardson stated she is not opposed to licensing these businesses.

Council Member Robb stated Council should approve this on first reading and the Attorney's Office can write the memo between first and second reading.

Mayor Edmonds stated the way this revision reads licensing would be eliminated. Council Member Robb stated the licensing has never been enforced. Mayor Pro-Tem Richardson added then it should be enforced.

Council Member Anne Brown asked if the City licensing would be a second step after state requirements. Mr. DuChene responded he is not certain and would need to research further.

Mayor Pro-Tem Richardson moved, seconded by Council Member Anne Brown to table resolution No. 2016-059

Council Member Robb stated everything Mr. DuChene would do could be done between First and Second Reading. Mayor Edmonds asked what if there would be a substantial change. Mr. DuChene added that would be his concern, but if he does make substantive changes in the code it could be stated in the memo. Mr. Robb stated if substantive changes are made it will require another public hearing and will need to be posted in the paper and asked why take another month to pass this if it is not necessary. Ms. Edmonds responded she would rather better understand exactly what she is voting for.

On a roll call, the vote to table Resolution No. 2016-059 was as follows:

Council Member N. Brown	No	Council Member Robb	No
Council Member Murdock	No	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Absent
Council Member A. Brown	Yes		

VOTE:

YES: 3 NO: 3 (Nicole Brown, Murdock, Robb) ABSENT: 1 (Vogt) VOTE: Failed

On a roll call, the vote to approve Resolution No. 2016-059 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	No
Mayor Pro-Tem Richardson	No	Council Member Vogt	Absent
Council Member A. Brown	No		

VOTE:

YES: 3 NO: 3 (Edmonds, Richardson, Anne Brown) ABSENT: 1 (Vogt) VOTE: Failed

Ordinance No.1268

7. An ordinance to amend Ypsilanti City Code, Chapter 38, "Emergency Services", Article II, "Alarm Systems", Section 38-40, "False Alarms Charges" to simplify language in light of the fee schedule adopted by City Council.

   A. Resolution No. 2016-061, determination

   RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

   That an ordinance entitled " AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 38 "EMERGENCY SERVICES," ARTICLE II "ALARM SYSTEMS," SECTION 38-40 "FALSE ALARMS CHARGES" TO SIMPLIFY LANGUAGE IN LIGHT OF THE FEE SCHEDULE ADOPTED BY CITY COUNCIL" be approved on First Reading.

OFFERED BY: Council Member Murdock

SECONDED BY: Council Member Nicole Brown

Fire Chief Max Anthouard stated the Fire Department does receive a few false alarms per year and the City can charge up to the second false alarm for the same address. Chief Anthouard stated it becomes difficult to track false alarm in apartment complexes. Chief Anthouard further clarified that this practice is not feasible.

Council Member Robb stated the reason that this was written is because 97% of all police alarms are false alarms. Mr. Robb stated Chief Anthouard is correct that this would be difficult to track in terms of the Fire Department.

B. Open public hearing

None

C. Resolution No. 2016-062, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing on an ordinance entitled " AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 38 "EMERGENCY SERVICES," ARTICLE II "ALARM SYSTEMS," SECTION 38-40 "FALSE ALARMS CHARGES" TO SIMPLIFY LANGUAGE IN LIGHT OF THE FEE SCHEDULE ADOPTED BY CITY COUNCIL" be officially closed.

OFFERED BY: Council Member Murdock
SECONDED BY: Council Member Nicole Brown

On a voice vote, the motion carried, and the public hearing was closed.

Mr. DuChene stated the code provides a schedule for how the City can charge fees if the first three parts are removed from the code and enforced through the fee schedule it becomes simpler to enforce.

On a roll call, the vote to approve Resolution No. 2016-061 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Absent
Council Member A. Brown	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Vogt) VOTE: Carried

Ordinance No.1269

8. An ordinance to amend Ypsilanti City Code, Chapter 86, "Solid Waste", Article II, "Collection and Disposal", Division 1 "Generally", Sections 86-33 and 86-34 to correct references and make language consistent with other provisions in the code.

A. Resolution No. 2016-063, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "An ordinance to amend Ypsilanti City Code Chapter 86 "Solid Waste", Article II "Collection And Disposal", Division 1 "Generally", Sections 86-33 and 86-34 to correct references and

make language consistent with other provisions in the code" be approved on First Reading.

OFFERED BY: Council Member Murdock
SECONDED BY: Council Member Anne Brown

B. Open public hearing

None

C. Resolution No. 2016-064, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing on an ordinance entitled "An ordinance to amend Ypsilanti City Code Chapter 86 "Solid Waste", Article II "Collection And Disposal", Division 1 "Generally", Sections 86-33 and 86-34 to correct references and make language consistent with other provisions in the code" be officially closed.

OFFERED BY: Council Member Murdock
SECONDED BY: Council Member Anne Brown

On a voice vote, the motion carried, and the public hearing was closed.

Mr. DuChene stated some references changed in the Code of Ordinances when the new zoning code was adopted and there was a change in adopted the fee schedule versus setting the fee by ordinance.

Council Member Murdock asked for clarification regarding Section 86-33, Commercial Property Blight Violations. Mr. Murdock stated the ordinance reads "no accumulation of garbage or rubbish from commercial manufacturing establishments…" and said there is no reference to commercial manufacturing anywhere else in the ordinance. Mr. Murdock asked if it is categorized as commercial or manufacturing. Mr. Barr stated Assistant City Attorney Jesse O'Jack drafted this portion of the code and asked for this to be passed on First Reading and return with an answer on Second Reading.

On a roll call, the vote to approve Resolution No. 2016-063 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Absent
Council Member A. Brown	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Vogt) VOTE: Carried

XII. <u>ORDINANCE – SECOND READING</u> –

Ordinance No. 1261

1. Resolution No. 2016-065, approving amendment to Chapter 122, Article VII, Division 6 of the Ypsilanti City Code to add "Solar Farm" as a Special Us in the P, Park District; allow "Alternative Energy" to remain as an accessory use; and add standard setbacks for buildings in the Park district.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the Ypsilanti City Council approve the amendments to Chapter 122, Article VII, Division 6 of the City's Code of Ordinances to add "Solar Farm" as a Special Use in the P, Park District; allow "Alternative Energy" to remain as an accessory use; and add standard setbacks for buildings in the Park district on Second and Final Reading.

OFFERED BY: Council Member Anne Brown
SECONDED BY: Council Member Nicole Brown

Mr. Lange asked when the ground breaking would begin for this project. Mr. DuChene responded on May 9th. Mr. Lange suggested having an event for the ground breaking. Mayor Edmonds replied it should be kept in mind that it is in a cemetery.

On a roll call, the vote to approve Resolution No. 2016-065 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Absent
Council Member A. Brown	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Vogt) VOTE: Carried

Mayor Edmonds called for a five minute recess.

XIII. <u>AUDIENCE PARTICIPATION</u> –

None

XIV. <u>REMARKS BY THE MAYOR</u> –

None

XV. <u>CONSENT AGENDA</u> - Resolution No. 2016-066

1. Resolution No. 2016-067, approving minutes of March 15, 2016.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of March 15, 2016 be approved.

2. Resolution No. 2016-068, approving appointments to Boards and Commissions.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

NAME	BOARD	TERM EXPIRATION
Phil Hollifield (reappointment) **125 Hawkins** **Ypsilanti, MI 48197**	**Planning Commission**	**5/1/2019**
Matt Dunwoodie (new appointment) **201 Oakwood St.**	**Planning Commission**	**5/1/2019**

Ypsilanti, MI 48197

Conan Malmer (reappointment) **Parks and Recreation Commission 4/1/2019**
913 Pleasant Dr.
Ypsilanti, MI 48197

3. Resolution No. 2016-069, approving Fire Department purchase from Signature Ford of a 2016 Ford F250 4x4 with snow plow package.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, a purchase proposal was received from Signature Ford Owosso, Michigan for the purchase of a 2016 Ford F250 4x4 with a snow plow package for the total price of $32, 012; and

WHEREAS, the state purchase price of $32, 012 for both the vehicle and plow is very favorable and in the best interest of the city; and

FURTHER, the $32,012 to purchase this vehicle and plow will be expended from the account 641-7-9340-987-10; and

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council authorizes the Fire Department to purchase the vehicle; and

THAT, the City Manager is authorized to sign the purchase proposal to purchase this vehicle.

4. Resolution No. 2016-070, recognizing the Ypsilanti Symphony Orchestra as a non-profit organization in the City of Ypsilanti.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council recognizes the Ypsilanti Symphony Orchestra as a nonprofit organization operating in the City of Ypsilanti for the purpose of obtaining a charitable gaming license.

OFFERED BY: Council Member Anne Brown
SECONDED BY: Mayor Pro-Tem Richardson

On a roll call, the vote to approve Resolution No. 2016-066 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Absent
Council Member A. Brown	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Vogt) VOTE: Carried

XVI. <u>RESOLUTIONS/MOTIONS/DISCUSSIONS</u> –

1. Resolution No. 2016-071, authorizing staff to negotiate with Herman & Kittle for the purchase of approximately 3 acres of city-owned property commonly referred to as Water Street.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Herman and Kittle Properties have submitted a Letter of Interest for the purchase of approximately 3 acres of city-owned property commonly referred to as Water Street; and

WHEREAS, the City of Ypsilanti has previously entered into a purchase agreement with Herman and Kittle Properties and the previous agreement expired after development was not approved at the site; and

WHEREAS, The City of Ypsilanti has the right to negotiate the sale of publicly owned property.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council directs City staff and legal counsel to negotiate a purchase agreement for said property to be reviewed by City Council at a future public meeting.

OFFERED BY: Mayor Pro-Tem Richardson
SECONDED BY: Council Member Nicole Brown

Ms. Ernat introduced Michael Rodriguez from Herman Kittle. Ms. Ernat stated the City is experiencing difficulties moving forward with development on the previous site. Ms. Ernat said based on those discussions it would be best to allow the purchase agreement to lapse. Ms. Ernat said Herman Kittle is interested in moving to a different site on Water Street immediately west of the Family Dollar and wrap around the Family Dollar for parking and a tot lot. Ms. Ernat explained Herman Kittle submitted a new letter of interest in the property and staff would like direction from Council to continue to negotiate a purchase agreement for the new site and moving the tax credits with the development. Ms. Ernat stated Herman Kittle has had preliminary discussion with MSHDA, but part of that is beginning this process as quickly as possible.

Michael Rodriguez, Herman Kittle, stated the original site was planned with infrastructure under contract for an 80 unit apartment building. Mr. Rodriguez said the third application had been submitted to MSHDA and was ready to go to the board; however, there were some environmental concerns. Mr. Rodriguez stated there was concern regarding future construction digging up soil and exposing the site to possible contamination. Mr. Rodriguez said Ms. Ernat, MSHDA, and Herman Kittle met in October leaving two possibilities either test the entire site or move locations, the new proposed location would be east of River St. and west of the Family Dollar. Mr. Rodriguez said the complex would have the same unit mix and rent structure and since it would have frontage on Michigan Avenue the first level would continue commercial space. Mr. Rodriguez said the leasing office and recreational amenities would be along River St. with possibly a few residential units and said the meeting with MSHDA was positive but MSHDA was not prepared to commit. Mr. Rodriguez stated there is $3 million worth of home funds that need to be allocated by June or they will be lost and a modified application will be due by the end of May. Mr. Rodriguez said if the home funds are lost, there is no way this deal will work and asked that by May 31st the City have a purchase contract for the new site and an update to the PILOT referencing the new site. Ms. Ernat added the PILOT ordinance would change in the sense that the PILOT would only apply to the portion using tax credits and would not apply to the commercial space. **(See attached)**

Council Member Murdock stated the PILOT adopted was a delayed PILOT. Ms. Ernat responded the correct PILOT begins after the brownfield TIF reimbursement. Mr. Rodriguez said the original TIF length was 20 years and the TIF for the new site would provide less cost meaning less time to reimburse the TIF. Mr. Murdock asked if the Water Street TIF would be used to pay the debt. Mr. Lange said there is no TIF capture at this point. Ms. Ernat responded any capture to the Water Street TIF goes to the debt and the brownfield TIF pays the developer for their eligible activity. Mr. Murdock agreed with the City Manager the TIF plan is in the negative. Ms. Ernat replied the TIF does not have a valuation for this project. Mr. Murdock stated if this project gets the site to a zero valuation the next project would create a capture.

Mayor Edmonds asked if the estimated time for the PILOT to begin is 6 to 8 years. Mr. Rodriguez responded in the affirmative. Ms. Edmonds said the last PILOT was for longer but the proforma stated at that point there would be rehabilitation of the property and it is possible that would not happen in the new scenario. Mr. Rodriguez stated the earliest the project would be eligible for re-syndication would be 15 years. Ms. Edmonds asked if there are applications for the changed PILOT and Mr. Rodriguez responded in the affirmative.

Mr. Rodriguez stated the City and Herman Kittles would also need to work on the brownfield reimbursement agreement but that would not be due by May 31st. Mr. Rodriguez added the environmental impact would also need to be proved to MSHDA through testing. Ms. Ernat responded the testing has been done, the City is just waiting on the results.

Mr. Lange asked if the commercial component will pay taxes from the beginning and Mr. Rodriguez responded in the affirmative. Mr. Lange stated the City will begin re-examining the underground electric grid.

Ms. Ernat asked Mr. Rodriguez to refresh Council about the 60% AMI. Mr. Rodriguez responded the unit mix has not changed, the bedroom mix hasn't changed, and the AMI hasn't changed. Mr. Rodriguez said for the most part the Area Median Income will be 60%, rents will range from $631 for a one bedroom to $1,023 for a four bedroom. Mr. Rodriguez stated a 60% of Area Median Income for one person is $35,460 and for a family of four it is $50,580. Mr. Rodriguez said 64% of households in the area will fall within that threshold. Mr. Rodriguez said the project will be built with tax credits but will be comparable in terms of rents and quality of design to market rate development.

Mr. Lange stated one of the key items that made this project possible before was the census tract and asked if that is still in line with the project. Mr. Rodriguez responded in the affirmative.

Council Member Robb stated the site is being moved because of the contamination to which, Mr. Rodriguez responded in the affirmative. Mr. Robb stated the two parcels that would be purchased by Herman Kittle were priced at $1.1 million and on this project, the sale price would be $170,000 with which he takes issue. Mr. Robb stated the plan calls for first floor residential in the back by the parking lot. Mr. Robb explained there cannot be first floor apartments in the downtown and he does not understand how first floor apartments are allowed in the central business district. Ms. Wessler responded that is allowed if it is an apartment building, building type. Mr. Robb stated when he looks at a zoning map that would be allowed a block back. Ms. Wessler responded first floor apartments are allowed when there is first floor commercial. Mr. Rodriguez added in order to make the project more attractive everything along Michigan Avenue would be retail.

Council Member Robb stated during the economic development presentation there was discussion about changing the grid structure which would include public participation and now Council is being asked to approve a project changing that grid structure before the public has voiced its opinion. Mr. Robb stated when this was first discussed in 2008-2009 there were a lot of proposals for senior housing including a PILOT which Council did not want. Mr. Robb stated when originally planned this was a really good project, it was given 1.7 acres because it wasn't a PILOT, but then it became a PILOT. Mr. Robb said based on the old project the development would be required to pay $120,000 in taxes a year, with the City's share being $51,000 until the brownfield TIF was paid off and then the PILOT would begin. Mr. Robb said the difference between the PILOT in year zero and the taxes in year zero was $120,000 versus $76,000 which saved the development $44,000. Mr. Robb said if the brownfield TIF payment duration is shortened from 22 years to 8 years it benefits the development even more, and it appears the City is negotiating against itself. Mr. Robb said this has been a contentious project since its inception. It was approved by a 4 to 3 vote and the PILOT was approved by a 4 to 3 vote. Mr. Robb said the development now wants to be moved to front Michigan Avenue which was planned to be an extension of the Downtown. Mr. Robb said there are two arguments that can be made; one is that zoning is based on shape and that what the City is getting is what it wants first floor commercial along Michigan Avenue and apartments or offices on the upper floors. Mr. Robb stated however this is a PILOT and this is not what

was envisioned for Water Street 15 years ago and it was not what was envisioned when this project was adopted in 2014. Mr. Robb said this project keeps changing into something further than what the City wants. Mr. Robb said Council has done a poor job discussing the millage that we would like the residents to pay for and Council has the opportunity to say it would like the residents to support the millage with a clean late for Water Street. Mr. Robb stated charrettes would be planned to gather public input to complete a new vision for Water Street but before that happens, Council will force through a project hated by the public when it was first introduced and now it will be moved to a more prime location. Mr. Robb said the approval of this project could possibly have an effect the passage of the Water Street millage. Mr. Robb stated this project has a lot going for it but it also has a lot of negativity attached, and said if this is a viable project, Council should look at it next year when funding becomes available rather than push it through possible effect the outcome of the millage vote. Mr. Robb stated Council must decide what is important; getting this development or getting the 2.3 debt millage to pass which is crucial for the solvency of the City.

Mayor Edmonds stated she would support this project but she is concerned about the PILOT taking effect much sooner than originally planned. Ms. Edmonds said however, she does not believe the approval of this project will have an effect in the approval of the Water Street Debt Millage and said the millage is about the community understanding how to move forward with Water Street and paying down the debt. Ms. Edmonds stated the City has invested a tremendous amount in Herman Kittle and Herman Kittle has invested in tremendous amount in the City and while it is a contentious project it will be beneficial to have commercial space along Michigan Avenue. Ms. Edmonds said although the recreation center has not moved forward this project is moving forward and that symbolism to the community is important as part of the messaging around the millage.

Mayor Pro-Tem Richardson stated she agrees with much of what Mayor Edmonds said and there was a lot of contention with this project but the fact that there will be commercial space along Michigan Avenue makes this project much different than the previous project. Ms. Richardson added that will make this project more viable and sellable to residents of Ypsilanti.

Mayor Edmonds stated she feels the City is selling the property for too low of a price but perhaps it is okay if it will move this project forward that has already had so much invested into it. Ms. Edmonds said it is important for the first piece to be completed on Water Street and with fewer economic development tools to offer developers this is a viable project.

Council Member Anne Brown stated the acceleration of the PILOT is a concern and the contamination and if the report is not positive. Mr. Rodriguez responded that is why he stated he is cautiously optimistic and MSHDA could still deny the project. Mr. Rodriguez added he hopes the tax revenue created from the commercial space will have the ability to offset some of the concerns of accelerating the PILOT. Mr. Rodriguez stated the $200,000 that was spent over two years on the previous site will need to be spent again in order for Herman Kittle to do their due diligence on the new site. Ms. Anne Brown said Herman Kittle should be commended for moving forward with the City and its commitment to this project.

Council Member Anne Brown stated this project will add value to the site which has been waiting for development for over 15 years. Ms. Anne Brown said she understand this project has seen some negativity from the public but it adds value to Water Street and adds commerce and jobs.

Council Member Murdock stated when this project was originally planned it had items that were advantageous such as providing a lot of infrastructure for the rest of the site, the development would be on a site that is problematic, and originally the project did not have a PILOT. Mr. Murdock said there are tradeoffs now the project has commercial space in a far more visible space but he said he had issues with the PILOT as it was originally presented and this seems to be an expanded PILOT. Mr. Murdock said there will be other issues with infrastructure now that the project has been changed that the City will need to solve. Mr. Murdock said he is going to support this and see where this project goes.

Ms. Ernat stated the conversation has revolved mostly around the PILOT, but the way the PILOT is being presented today it will most likely be modified. Ms. Ernat said in fairness, staff and Herman Kittle has not

discussed how the PILOT will be structured. Ms. Ernat said Council's approval tonight would simply give the project preliminary support and direct staff to begin negotiations. Council Member Murdock asked if the sale price is locked. Ms. Ernat responded it is not locked, but it is one of Herman Kittle's contingencies to keep the sales price, however, the infrastructure is not off the table. Ms. Ernat said at this point, staff will be looking for an agreement to complete River St. to the mid-section of the property and a mid-level road intersecting with River St. Ms. Ernat said she has discussed Herman Kittle paying half of the underground electric grid with Mr. Rodriguez and in the previous deal Herman Kittle would only be funding a third of the grid. Ms. Ernat added it could possibly be linear feet less but through discussions she believes the infrastructure provided will be similar to the original deal. Mr. Murdock responded the original proposal was for Herman Kittle to construct a road and electric grid to the back end of the site. Ms. Ernat replied what is being talked about is $200,000 worth of underground electric costs.

Council Member Robb stated the City can only expect $35,000 in taxable value and the City is constantly being "baited and switched" regarding Water Street. Mr. Robb said when the Family Dollar project was originally presented Council was told it $1.2 million in development with an assessed value around $350,000 and $400,000 and it now has an assessed value of less than his home. Mr. Robb said the PILOT will be 14 years less than originally presented and the City will collect $35,000 a year from this property except for the 2% increases in rate they are allowed to do every year. Mr. Robb said this does not move the process forward or produce revenue for the City it actually will set the City back. Mr. Robb said Council should not rush this project. Mr. Robb said this was not publicized very well and the public did not show up to here discussion and if staff is given direction to negotiate it is based on Council eventually approving what was negotiated. Mr. Robb encouraged Council to wait for more information before approving this and said it is a giant project and if Family Dollar didn't set the tone for Water Street this project will.

Council Member Anne Brown asked Council Member Robb if it is his recommendation to table this until Council is given further information and public input. Council Member Robb responded that would be his plan "B" and it is his hopes that Council would vote against this resolution. Mr. Robb said this was a wonderful project on the original site before the PILOT and the new proposed site should not have affordable housing. Mr. Robb said the jewel of Water Street is east and west of S. River St. and this is the proposed site of this project which is the wrong project for that site.

Mr. Lange stated approval will only give staff direction to negotiate and not final approval. Mr. Robb responded once staff is allowed to negotiate the deal will come back with a PILOT, limited infrastructure, and a lower purchase price for the value of the land. Mr. Lange replied it is not final approval. Mr. Robb responded if Council directs staff to negotiate it assumes that staff will bring back a deal that Council will approve.

Mayor Pro-Tem Richardson called to question.

On a roll call, the vote to approve Resolution No. 2016-071 was as follows:

Council Member N. Brown	Yes	Council Member Robb	No
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Absent
Council Member A. Brown	Yes		

VOTE:

YES: 5 NO: 1 (Robb) ABSENT: 1 (Vogt) VOTE: Carried

Mayor Pro-Tem Richardson moved, seconded by Council Member Nicole Brown to extend the meeting until 11:00 p.m.

On a voice vote, the motion carried, and the meeting was extended.

2. Resolution No. 2016-072, supporting the Michigan Mid-Block Crossing Project.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, this is a resolution of support for the Michigan Mid-Block Crossing; and

Whereas, the City of Ypsilanti City Council (the Council) desires to construct a Mid-Block Crossing on Michigan Avenue between Huron Street and River Street (the Project); and

Whereas, the Council has received a Transportation Alternative Program (TAP) Grant with an overall budget amount of $290,000, of which $196,000 (67.59%) is the federal portion and up to $94,000 (32.41%) is the local match: and

Whereas, the Council has agreed to pay for all the construction and construction engineering costs in excess of the TAP Grant Fund; and

Whereas, the Council has agreed to own, operate and maintain the Michigan Mid-Block Crossing throughout the design life of the facility; and

Whereas, as an Act51 Agency, the Council is required by the Federal Highway Administration, and Michigan Department of Transportation, to be the recipient of such TAP Funds.

NOW THERE BE IT RESOLVED that the Council supports the Michigan Mid-Block Crossing Project located in the City of Ypsilanti and agrees to administer the project.

OFFERED BY: Mayor Pro-Tem Richardson
SECONDED BY: Council Member Nicole Brown

Mr. Lange stated there is four components to the Border- to-Border Trail; the Heritage Bridge, the Mid-Block Crossing, the Border to Border Trail running through Water Street, and the part on Grove. Mr. Lange said this project was a part of a large Transportation Alternatives Program Grant and the City tried to complete the tail of the trail up to Prospect Rd. Mr. Lange said because of a misunderstanding one of the requirements was to block the Honda Dealership entry which would require approval which was not given. Mr. Lange said because of that, staff needed to find an alternative to connect the Heritage Bridge to Water Street which is how the Mid-Block crossing was designed. Mr. Lange said this project is less than the cost of the original and the City will be able to build the crossing without amendments to the TAP Grant. Mr. Lange stated this project will not be completed in this fiscal year but will be completed in this calendar year. Mr. Lange added this is a form approval in order to move forward with MDOT.

Council Member Murdock stated he was trying to locate the documents that illustrated how this project would be funded to understand what this will cost us compared to what the original project cost was and out of what account. Mr. Lange responded it will be funded out of the Major Streets Fund. Mr. Murdock stated it will come out of next year's budget. Mr. Lange responded in the affirmative and the unexpended funds will roll over into next year's budget. Mr. Murdock asked if the cost is different. Mr. Lange responded no, the cost is essentially the same and staff was very conservative with the numbers because this must be built this year. Mr. Lange said this more than likely will come in under the original estimate and said if the estimates were too low the project would lose out on the 10%. Mr. Lange said

the construction is an 80/20 sharing and does not include design engineering which the City is responsible for. Mr. Lange said the cost is around $83,000.

Council Member Robb said the way he read the memo is this project will cost $79,000 more than what was budgeted.

Chris Zangara, Mannik and Smith Group, stated $94,000 is up to the maximum amount for the local funding portion. Mr. Lange added when this project was originally bid the cost was around $570,000, but the original project was altered because of issues with the left hand turn lane.

Council Member Murdock stated when the City went through the whole series of capital projects and at one time it was the understanding this project will be funded through other sources. Mr. Murdock said however it came to be the City would need to put in some funding and Council approved that and asked will that amount still be the same for this project. Mr. Lange guaranteed it will not be more than what was originally allotted for this project.

Council Member Robb stated he is confused what this request is for if the funding has already been budgeted. Mr. Zangara responded as a part of the TAP funding a resolution is required stating the City will provide the local match and the second resolution is the maintenance resolution and the request is to pass both those items. Mr. Robb responded what is confusing is when this was passed last June it was decided the City's share would be 28% and now the City's share is 32.1%. Mr. Zangara replied the TAP funding amount in totality was much larger. Mr. Robb replied the information provided to Council lists the same $290,000. Mr. Zangara replied some changes were made in negotiations with SEMCOG which produced ratios of 32% and 67% and the total project amount of the project is $290,000 and if the project amount did increase it was a result of those negotiations.

Council Member Robb stated the Downtown Development Authority was providing $12,500, 414 funding, and the General Fund is how the project was originally going to be funded and asked if in Fiscal Year 2017 the City is going to only use Fund 202 money and the City will not use the 414 or the DDA funds. Ms. Ernat responded the DDA money would be used on the project and said the $12,500 was split between the Heritage Bridge and the Mid-Block Crossing. Mr. Robb stated he was confused because the memo was incorrect. Mr. Lange disagreed and said the memo explains that this project must be completed this season and send it has been a year and the connection is still not finished. Mr. Lange said because of that he is being ultra-cautious with the numbers to ensure the project is completed.

Council Member Anne Brown called to question.

On a roll call, the vote to approve Resolution No. 2016-072 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Absent
Council Member A. Brown	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Vogt) VOTE: Carried

3. Resolution No. 2016-076, approving revised MDOT contract for the 2015 Mid-Block Crossing at Washtenaw Ave. and Oakwood project. ***(Added)***

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Federal Transportation Fund –Transportation Alternatives Program (TAP) funding has been programmed to improve the pedestrian refuge island and install a mast arm pedestrian hybrid

beacon on Highway M-17 (Washtenaw Avenue) between Oakwood and West Cross Streets in the year 2015 construction season; and

WHEREAS, it is necessary to revise the contract with the Michigan Department of Transportation to keep implementation of this project on schedule;

WHEREAS, the revised contract will reflect an increase to the City's share to cover EMU's monetary contribution to this project; and

WHEREAS, the contract will be revised to show that the City's contribution will be increased to $30,000 and the MDOT contribution will be decreased by $18,400; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the revision to Michigan Department of Transportation Contract No. 15-5376; and

THAT, the City Council authorizes the Mayor to sign the Memorandum of Understanding with EMU for their reimbursement to the City, and

THAT, the City Manager is authorized to sign any change orders to facilitate the completion of this work, and

THAT the Mayor and City Clerk are authorized to sign the revised contract with MDOT subject to approval by the City Attorney.

OFFERED BY: Mayor Pro-Tem Richardson
SECONDED BY: Council Member Anne Brown

Mr. Lange stated this proposed project site is near the water tower on Cross St. in an area where an Eastern Michigan University student was killed in an accident. Mr. Lange said this was moved forward and approved for a TAP Grant and MDOT put a great deal of funding into this project. Mr. Lange said when this was originally proposed the City contribution was $10,000 and $20,000 from EMU. Mr. Lange stated unfortunately, EMU never provided their share. Mr. Lange explained EMU can only pay the $20,000 if they are given an invoice from MDOT and MDOT does not give invoices. Mr. Lange said MDOT informed him if something is not done the City is going to lose a $400,000 project. Mr. Lange said the solution was the City would take on EMU's $20,000 contribution and then invoice EMU for the $20,000. Mr. Lange said this would solve the problem and the Memorandum of Understanding (MOU) would be in place and Council's approval is needed to move forward with the project.

Council Member Robb asked what the reason the City's contribution increased was. Mr. Lange responded he is not certain there is an increase and said staff uses conservative numbers to ensure the project will be completed but more than likely cost will not exceed.

On a roll call, the vote to approve Resolution No. 2016-076 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Absent
Council Member A. Brown	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Vogt) VOTE: Carried

4. Resolution No. 2016-073, approving Neighborhood Enterprise Zone (NEZ) policy.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, City Council has passed a resolution providing the City's goals, objectives and policies; and

WHEREAS, the City Council has held a public hearing on the NEZ that resulted in one comment in favor of the creation of the District; and

WHEREAS, the City Council desires to have an established policy prior to the implementation of the NEZ district to outline who is eligible and how to approve NEZ District Certificates.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council hereby approves the City Policy and Procedures Regarding Approval of Neighborhood Enterprise Zone Certificates contingent upon the approval of the NEZ District.

OFFERED BY: Council Member Nicole Brown
SECONDED BY: Mayor Pro-Tem Richardson

Community Development Director Joe Meyers stated he and Economic Development Director Beth Ernat have been working internally and with the public to recommend to Council how to authorize NEZ certificates. Mr. Meyers stated one of the big changes from the last time this was presented was non-homestead properties. Mr. Meyers explained the goal is to improve the housing stock and the only way to do that is to allow rental housing to be a part of the NEZ policy as long as rentals are awarded the lowest amount of time possible. Mr. Meyers said one of the major benefits of allowing this is to qualify for this policy the home must be brought to full inspection code. Mr. Meyers said in order to acquire a loan for improvements the house most be conforming. Mr. Meyers said the more work completed on a home can increase the length of the certificate.

Mayor Pro-Tem Richardson stated she does not support of allowing rentals into this program. Ms. Richardson said the Economic Development Corporation's goal in that area was to reduce the amount of rentals across the City. Ms. Richardson said she would like to add a provision to the policy requiring a home owner to have lived in the home for at least three years. Council Member Nicole Brown agreed. Mayor Edmonds stated she would sway to the will of Council regarding the rental aspect of the policy but would be against a stipulation requiring a person live in the home for three years before qualifying for the policy. Ms. Edmonds explained she has spoken with many people who grew up in Ypsilanti and would like to move back and if this policy was open to them it might be another pull factor.

Mr. Meyers stated there are two different parts to the NEZ; a rehabilitation aspect and new construction and new construction would be required to have a homestead exemption. Mr. Meyers said a person would lose a certificate immediately if they tried to rent a home that used the program for new construction. Mayor Edmonds asked if Mayor Pro-Tem Richardson does not support using this program to rehab rental homes. Mayor Pro-Tem Richardson responded in the affirmative. Council Member Nicole Brown added she does not have an issue for people using this program for rental homes. Mr. Meyers said this policy requires an applicant to have a current rental inspection certificate to be eligible.

Mayor Edmonds stated it is hard for her to make a decision without knowing which homes are rentals and which homes are owner occupied. Mr. Meyer responded that map does exist and he would provide it to Council.

Mayor Pro-Tem Richardson stated one of her reasons for being against offering this program to rentals is there are a number of absentee landlords in that area and she does not want this program to be used only to increase rent. Ms. Richardson added her interest is moving the City toward greater owner occupied homes.

Council Member Murdock stated that whole area was recently rezoned R-1 which allow for both single family rentals and multifamily rentals. Mr. Murdock said he would like to differentiate between the two in order to keep only single family homes eligible. Mr. Murdock asked for clarification on how the tax component will work. Mr. Meyers responded if a person buys a lot and builds a house that person would pay half of the state millage rate which is roughly 25 mils and if the home is rehabbed it works similar to an OPRA and freezes taxes as is. Mr. Murdock stated if a person buys an empty lot it would be full taxes. Mr. Meyers responded correct. Mr. Murdock said if the property is being rehabbed it is different if a roof is put on the home it doesn't increase the value and he would like to know what the incentive for rehabbing a home. Mr. Meyers responded some of the homes in the area that are valued at $10,000 if the value is increased by $10,000 it doubles the value. Mr. Meyers said it is an incentive to get people interested and inform them of the many things they can do.

Mayor Edmonds asked if by creating the zone other funding mechanisms might be available. Mr. Meyers responded the City already has the building permit fee fund which is 10% of the building cost which is an incentive to assist in sustaining the NEZ. Mr. Meyers said there are also County rehab funds that can be paired with this program. Mr. Meyers added the building permit fee fund gets people in the door and then we are able to offer them the NEZ program as well as show that the City cares about this community and wants to see it succeed. Ms. Edmonds agreed that the program is about investment and looking for multiple tools for that investment.

Council Member Anne Brown asked what has been the response to the Property Disposition Policy. Mr. Meyers responded staff has received eight applications, but not all of them qualify because of code issues or they do not live in the City. Mr. Meyers said staff was received a lot of calls of people wanting to buy lots which a policy will be brought to the next meeting.

Council Member Robb stated the biggest value is having people build as a result of this policy and said the rehab millage is 5/8ths of the County and City millage rate. Mr. Meyers responded the 5/8ths are only from the last three years. Mr. Robb said if a person rehabs they pay the 30 mils for the rehab. Mr. Meyers responded if a person rehabs it locks the millage rate at the rate before any improvements made until the end of the NEZ certification. Mr. Robb asked if this program will affect the land value. Mr. Meyers respond in the affirmative.

Council Member Robb stated he agrees with Mayor Pro-Tem Richardson that non-homestead properties should be exempt from this program.

Council Member Robb moved, seconded by Mayor Pro-Tem Richardson to eliminate Section C, Non-Homestead Properties.

Mayor Edmonds stated she would follow the consensus of Council on this amendment, but if she owned a home surrounded by all rentals she would like this option available to those homes. Mayor Pro-Tem Richardson responded she understands but feels that it should be done in a different manner. Council Member Nicole Brown added she would support the amendment as long as another solution for rentals is examined.

On a roll call, the vote to amend Resolution No. 2016-073, eliminate Section C, Non-Homestead Properties, was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Absent
Council Member A. Brown	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Vogt) VOTE: Carried

Council Member Robb moved, seconded by Mayor Pro-Tem Richardson, to add the phrase "or be subject to the City's tax abatement revocation policy" to Section E-5.

Mr. Meyers stated the state would revoke the certification if that were to happen and he has no issue.

On a roll call, the vote to amend Resolution No. 2016-073 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Absent
Council Member A. Brown	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Vogt) VOTE: Carried

Council Member Robb moved, seconded by Council Member Nicole Brown, to eliminate E-7 and H, Non-Homestead Properties.

On a roll call, the vote to amend Resolution No. 2016-073, eliminate E-7 and H Non-Homestead Properties, was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Absent
Council Member A. Brown	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Vogt) VOTE: Carried

On a roll call, the vote to approve Resolution No. 2016-073, as amended, was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Absent
Council Member A. Brown	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Vogt) VOTE: Carried

5. Resolution No. 2016-074, supporting the Washtenaw County Board of Commissioners placing a four year .5 mil ballot question before voters on August 2, 2016 for keeping existing roads, streets, paths, bridges and culverts repaired and safe.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, this is a resolution of support for the Washtenaw County Board of Commissioners placing a four year .5 mill ballot question before the voters on August 2, 2016, to keep existing roads, streets, paths, bridges and culverts in reasonable repair and in a condition reasonably safe and fit for public travel; and

WHEREAS, the road commission's determination keeps public roads, bridges and culverts already built in reasonable repair, and in condition

reasonably safe and fit for public travel in and around the City of Ypsilanti; and

WHEREAS, the Washtenaw County Board of Commissioners is considering placing a four year .5 mill ballot question before the voters on August 2, 2016 to perform needed road maintenance and repairs in 2017-20; and

WHEREAS, the money generated by this ballot issue if approved is necessary because the State of Michigan has consistently failed to provide sufficient funding to the road commission; and

WHEREAS, poor roads can create unsafe conditions for motorists, cyclists, and pedestrians, hamper economic development, depress property values, and burden the City of Ypsilanti residents with unexpected vehicle repairs; and

WHEREAS, continued neglect of the City of Ypsilanti road infrastructure increases the eventual cost of repair;

NOW THEREFORE, BE IT RESOLVED that the City of Ypsilanti agrees with and supports the Washtenaw County Road Commission's placing a four year .5 mill ballot question before the voters on August 2, 2016.

BE IT FURTHER RESOLVED that a copy of this resolution is provided to the Washtenaw County Board of Commissioners and Road Commission.

OFFERED BY: Council Member Nicole Brown
SECONDED BY: Council Member Anne Brown

Mayor Edmonds stated she had a chance to see the whole presentation at the Economic Coordinating Committee Meeting and said the County Commissioners is having a working session on Thursday, April 7th about this because there are many factors relating to this item. Ms. Edmonds said the City of Ann Arbor is considering ballot proposal. Ms. Edmond stated the County is aware that there are many other proposals that will be on the ballot at that time and is open to input.

Council Member Murdock stated when he looked at this memo he realized there will be at least six millage proposals appearing on the August ballot and they would all be valuable but when they are competing it becomes an issue. Mr. Murdock stated he does not think Council as a body should get involved in this issue and keep its focus on the Water Street Millage. Mr. Murdock stated the County could also push it through as they have before without the non-motorized part of the millage. Mr. Murdock asked Council should respond to this, should it table the item or should it be voted down. Council Member Robb stated it should be voted down because it would send a stronger message and said Council needs to think strategically when trying to pass the Water Street Millage.

Mr. Lange said he had a long conversation with the County Highway Engineer and this is an important issue but he agrees with Council that a message should be sent. Mr. Lange said normally the County would not ask for support it would just be put on the ballot but because it is so important they wanted to get support from the jurisdiction in the County. Mr. Lange stated money is going to get tight for roads in the future and the City needs to understand what the tradeoff is. Mayor Edmonds responded it is an important tradeoff and it is not devaluing roads but it is about voicing to the residents of the City that the Water Street millage is about the sustainability of the City.

Mayor Edmonds stated the other consideration of the request to table the resolution is it could send the message to the constituents that Council would bring this back to approve.

On a roll call, the vote to amend Resolution No. 2016-073, eliminate non-homestead, was as follows:

Council Member N. Brown	No	Council Member Robb	No
Council Member Murdock	No	Mayor Edmonds	No
Mayor Pro-Tem Richardson	No	Council Member Vogt	Absent
Council Member A. Brown	No		

VOTE:

YES: 0 NO: 6 (Nicole Brown, Anne Brown, Murdock, Robb, Edmonds, Richardson)
ABSENT: 1 (Vogt) VOTE: Failed

6. Resolution No. 2016-077, waiving FOIA Fees incurred by City Council Members.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, having access to information is paramount in effectively serving the public; and

WHEREAS, in its very first session in 1946, the United Nations General Assembly adopted Resolution 59(I) stating, "Freedom of information is a fundamental human right and … the touchstone of all the freedoms"; and

WHEREAS, Council member Peter J. Murdock has submitted a FOIA for information pertaining to train service in Ypsilanti and was asked to remit $400 for said FOIA; and

WHEREAS, Section 15.234 of the Michigan Freedom of Information Act allows a public body to furnish public records without charge if the public body determines the waiver of fees in is because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public; and

NOW THEREFORE BE IT RESOLVED that City Council hereby waives the fees for the FOIA as having access to this information is in the interest of the public good.

OFFERED BY: Council Member Robb
SECONDED BY: Council Member Murdock

Mayor Edmonds asked Mr. Barr how Council should handle this resolution considering it involves a Council Member. Mr. Barr responded City Council set the FOIA Policy which indicates small fees can be waived easily and larger amounts then the cost is sent on to the requestor. Mr. Barr said this particular case was a request for emails which are kept by the County. Mr. Barr said the County filtered those emails and the amount came to around 5,000 emails which were billed to the Attorney's Office. Mr. Barr explained the emails need to be examined to ensure to redact any confidential information. Mr. Barr stated the issue is a Council Member asked for this information and is the information wanted by all of Council or just an individual Council Member. Ms. Edmonds said her question was more regarding process and asked if Council Member Murdock should recuse himself from this discussion, or is he eligible to second the resolution. Mr. Barr responded there is certainly a conflict of interest since he submitted the FOIA request. Mr. Barr stated it is his opinion that Council Member Murdock should not participate in the discussion and technically not second the motion.

Council Member Murdock withdrew his second.

Council Member Robb stated he has opinion the City Attorney wrote on him when he was suing someone and he was allowed to vote on their resolution and it was not a conflict of interest. Mr. Robb stated this is not financial gain for Council Member Murdock this is for the public good.

Council Member Anne Brown asked if the policy outlines what the small amount of cost for FOIA is. Mr. Barr responded around $20 to $30.

Mayor Edmonds asked if Council Member Murdock withdrew his seconded. Council Member Murdock responded in the affirmative. Ms. Edmonds asked if there is a second. Ms. Edmonds stated with no second the motion failed.

XI. LIASON REPORTS –

A. SEMCOG Update – No report
B. Washtenaw Area Transportation Study – No meeting
C. Urban County – Meeting tomorrow Wednesday, April 6th.
D. Freight House – Council Member Murdock stated he does not have a report because no work is being done.

   Mayor Edmonds asked for clarification of why Mr. Murdock responded the City added more requirements that need to be approved by the State Historic Preservation Office. Ms. Edmonds asked the City Manager would follow-up and provide a report.
E. Parks and Recreation – Council Member Anne Brown stated Parks and Recreation Commission are preparing for Ypsi Pride Day which is on May 21st. Ms. Anne Brown stated she still has questions about the grant applications and the intern position. She said she attended a meeting in Superior Township and there was concern that the positons had not been posted. She said John Fenton will not be heading Trail Town. She said she has been appointed to the Water Task Force which will meet on April 12th.
F. Ypsilanti Downtown Development Authority – Mayor Edmonds stated the DDA will be meeting one week early on Thursday, April 14th at 8:30 a.m.
G. Eastern Washtenaw Safety Alliance – Council Member Anne Brown stated the Eastern Washtenaw Safety Alliance and Workforce Development has created a youth work program.
H. Police-Community Relations/Black Lives Matter Joint Task Force – Meeting Monday, April 11th.

XII. COUNCIL PROPOSED BUSINESS –

Richardson

- Stated the storm drains on Jefferson St. are clogged causing flooding.
- Stated the speeding on Ferris needs to be solved.
- Asked for a report on all raises given to City Employees that were not a part of the last budget.
- Thanked Clerk McMullan for nominating her for the Jensen Clair Award from the Michigan Municipal League.

  Council Member Nicole Brown moved, seconded by Council Member Robb, to extend the meeting until 12:00 p.m.

On a voice vote, the motion carried, and the meeting was extended.

Nicole Brown

- Echoed Mayor Pro-Tem Richardson's concerns with speeding on Ferris.

- Stated she wants to know what is going to happen to people who have received tickets in the timeframe that the signs were up on Washington.
- Stated she was invited to join the Friends of the Rutherford Pool Board and will begin the board in May.

Mayor Edmonds asked for Rutherford Pool to be added to the Liaison Report.

Anne Brown

- Stated she and the City Manager attended the Emergency System training which was very informative.

- Asked about the house on Sherman which she mentioned in a previous meeting.

Robb

- Asked Council to schedule a special meeting on Tuesday, April 12th to at 7:00 p.m. to do the employee evaluations.

  Mayor Pro-Tem Richardson stated she will not be available on the 12th. Council Member Robb asked if she would be available on the 18th. Mayor Edmonds asked if Council Member Robb would send out a doodle poll. Mr. Robb responded in the affirmative. Council Member Anne Brown asked if the Evaluation Committee has already met. Mr. Robb responded the Committee still needs to meet and will schedule with the Mayor Pro-Tem Richardson. Ms. Edmonds suggested a 7:00 a.m. to 8:00 a.m. for the evaluations. Council Member Nicole Brown responded she is not in favor of a 7:00 a.m. to and 8:00 a.m. because it isn't enough time.

- Stated six weeks ago he asked for a policy and received no answer and asked what the easiest way to ask for information is.

  Mayor Edmonds asked Mr. Lange to write a memo regarding the process for Council to obtain information from staff. Mr. Robb stated everything he asked for is in the minutes and said he thought that was one of the purposes of minutes. Ms. Edmonds said she understands Mr. Robb's concerns and better communication could be a listed goal. Mr. Robb replied it is not a goal and he is frustrated and said the Mayor is asking for a process developed for something very simple. Ms. Edmonds replied Mr. Robb asked a process and she was directing the City Manager to prepare a memo regarding that process. Mr. Robb asked Mr. Lange to send him an email by 9:00 a.m. to inform him of the process to obtain information from staff and copy all of Council on the email. Ms. Edmonds stated that needs to be balanced with realistic turnaround time. Mr. Robb stated six weeks is unacceptable. Ms. Edmonds responded she is not suggesting it is but there is a process that Council needs to be aware. Council Member Anne Brown added in her office the policy is staff has 24 hours to respond. Mr. Robb stated he has not received not even receive confirmation that his request was received. Ms. Anne Brown responded that is a cultural issue which would come from the top of the administration.

Murdock

- Stated he and Council Member Robb had a town hall meeting and around 30 to 35 residents attended and there was a lot of interest in the train stop, Water Street both debt and development, and traffic issues.

- Said on Wednesday, April 13th a meeting was held at the Freight House to discuss filling in the bike path gap on Forest between Prospect and Norris.

  Mayor Edmonds asked who held the meeting. Council Member Murdock responded he held the meeting but it involved members of the Non-Motorized Committee. Mr. Murdock added filling that gap is part of the non-motorized plan. Mr. Lange asked what time the meeting will be held. Mr. Murdock responded it will be held 7:00 p.m. Ms. Edmonds asked if the meeting was sponsored by the Non-Motorized Committee and asked if staff was made aware. Council Member Robb responded Bob Krzewinski was assisting. Ms. Edmonds asked if staff knew about the meeting. Mr. Robb responded it was his and Council Member Murdock's meeting and said there is money in the budget to do this project.

- Stated the County's email system has been changed and it is now worthless to him.

  Council Member Robb responded the system used to have a pop-mail server in order to download email to a desktop. Mr. Robb said the County will not support personal computers and in the fall the County discontinued the pop-mail server for only the City of Ypsilanti. Mr. Robb said because of this the City has 200 MB of storage on the web and once that storage is used you are required to delete emails. Mr. Robb explained there are two solutions to this issue Council can request the City Clerk to setup email on computers at City Hall or 7 computers are put in the budget and Council each gets a County laptop.

- Said all of Council received an email from Human Relations Commissioner Krista Nordberg regarding the opiate situation in Washtenaw County. He said Ms. Nordberg was questioning why the City does not issue naproxen to police officers because sometime they are the first responders. He said he thought it would be useful to discuss this with the Chief and Ms. Nordberg offered to provide Council with a presentation.

- Said he spoke with DPS Director Stan Kirton about ADA ramp lawsuit which has created a situation that double crosswalks are being requested at Prospect. Mr. Murdock said it doesn't make sense to him to do this when there are other places in the City that more desperately need ADA ramps. He said he does not know who would determine that but Prospect Rd is much easier to navigate than other places in the City. He added the Non-Motorized Committee is attempting to put together a list of locations in the City that need ADA ramps.

- Said Council only has two meeting left before the May 10th deadline to develop ballot language for the Water Street Debt Millage. He said he hopes it will be on the next agenda in case it needs to be edited.

- Said he noticed today the new SEMCOG TIF program has delayed the M-17/US-12 project until 2026 which will be very detrimental to motorists in the City. He said in that 10 years the City should examine if it would want to convert to two-way streets. He said there are other things the City can do if it decides to not do the two-way streets such as ADA ramps on Hamilton or use a TAP grant to change the lanes on North Hamilton and Huron, or pedestrian friendly crossings

at Pearl, Ferris and others. He said he has heard a lot of complaints about the crossing at Hamilton and Huron and it needs to be changed to eliminate the left hand turn lane. He said if that is done four lanes of traffic would remain and would solve a lot of those problems.

XIII. COMMUNICATIONS FROM THE MAYOR –

- Said she spoke with Clerk McMullan and Economic Development Director Ernat regarding the ballot language for the millage and deadlines.

- Said the naproxen presentation by the Washtenaw County Health Initiative is supposed to be very strong. She said she spoke with the Chief who said the decision was based on the fact that the Fire Department responds first.

Nominations:

Planning Commission
Briana Mason (reappointment)
1000 Huron St.
Ypsilanti, MI 48197
Term: 4/1/2016 - 5/1/2019

Smartzone LDFA

Vince Chmieleweski (reappointment)
2348 Draper Ave.
Ypsilanti, MI 48197
Term: 4/1/2016 - 6/30/2019

Upcoming Budget Meetings:

- Tuesday, May 10th
- Tuesday, May 17th
- Thursday, May 19th

**All meetings will be held at City Hall in the Council Chambers from 6:00 – 10:00 p.m.

XIV. COMMUNICATIONS FROM THE CITY MANAGER –

- Stated in the endless effort to do community outreach the administration is developing a program called "Chess with the Chief" which will be held on April 20th at the Parkridge Center.

  Mayor Pro-Tem Richardson stated that is not community policing and those are efforts to imply the Chief is involved in community police. Ms. Richardson said if the Chief does not know community policing he should be trained. Ms. Richardson said at one time Ypsilanti employed community policing and relationships began to improve.

XV. COMMUNICATIONS –

May 3, 2016 - Special Election:

AV Ballots are now available daily from 8:00 a.m. to 5:00 p.m. for pick-up
(for mail, please allow 2-3 days for U.S. mail delivery)

Last day to register for this election is April 4, 2016

Last day to receive AV ballot by mail – April 30, 2016

Last day to obtain an AV ballot in person – May 2, 2016 up to 4:00 p.m.

The Clerk's Office will be open on Saturday, April 30, 2016 from 8 a.m. - 2 p.m. for electors who wish to vote in person in the Clerk's Office.

****April 19, 2016 at 4:00 p.m. is the deadline for partisan and non-partisan nominating petitions.**

XVI. AUDIENCE PARTICIPATION –

None

XVII. REMARKS FROM THE MAYOR -

XVIII. CLOSED SESSION –

Closed Session to discuss pending litigation - (*OMA 15.268(e)*

XIX. ADJOURNMENT –

Resolution No. 2016-075, adjourning the Council meeting.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

OFFERED BY: Council Member Ann Brown
SECONDED BY: Council Member Nicole Brown

On a roll call, the vote to adjourn to closed session was as follows:

Council Member N. Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Absent
Council Member A. Brown	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Vogt) VOTE: Carried

The motion carried, and the meeting adjourned to Closed Session at 11:32 p.m.

Community & Economic Development Update

CITY OF YPSILANTI, MI
CITY COUNCIL | APRIL 05, 2016

2016-04-04 DRAFT

Projects

2015-present

Community & Economic Development : 2015- Present

GRANTS

Grants Awarded

- Blight Elimination Grant ($250,000)
- SPARK Neighborhood Enterprise Grant ($50,000)
- Downriver Community Consortium Grant for Phase II on WS ($10,000)
- Urban County Community Development Block Grant Priority Project for Passenger Rail ($125,000)
- WCVB Community Tourism Action Plan: Historic Markers ($10,000)
- WCVB Community Tourism Action Plan: City Hall Mural ($10,000)
- MEDC Grant Conversion ($2,750,350)
- Building Healthy Communities MPARKs ($34,000)

Grants Continuing

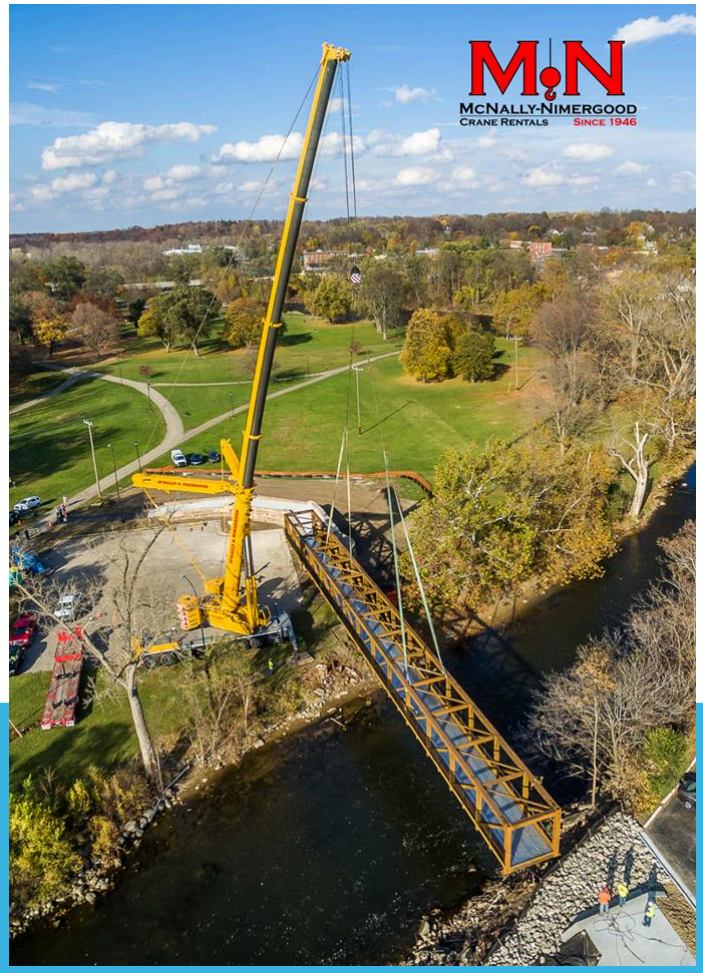
- Transportation Alternatives Program: Midblock at Water Street ($196,000)
- Michigan Natural Resources Trust Fund 2012 for River's Edge Linear Park and Trail ($300,000)
  Anticipated summer closing

Grants Closed

- Michigan Natural Resources Trust Fund 2011 for Heritage Bridge ($289,400)

Community & Economic Development : 2015- Present

HERITAGE BRIDGE &
RIVER'S EDGE LINEAR PARK AND TRAIL



Community & Economic Development : 2015- Present

APROVALS

- Little Bird Café |908 N Congress
- Solar farm at Highland Cemetery
- Strong Housing
- Parkridge Homes
- 602 Emmet (former Arm of Honor)
- 209 Pearl OPRA | Landline
- 13 N Washington OPRA | Back Office Studios
- Capital Improvements Plan

Community & Economic Development : 2015- Present

NEW BUSINESSES

Reactivated Spaces

- Lampshade
- Farmers' Market
- Ypsi Alehouse

New Occupants

- A2Vintage
- Chin Azzaro Studio
- Encuentro Latino Restaurant
- Wagon Trail

Community & Economic Development : 2015- Present

INITIATIVES & PARTNERSHIPS

Initiatives

- Redevelopment Ready
- Regional Transit Authority BEST
- Target Market Analysis
- Planning Commission, ZBA, and HDC training
- Property Disposition Policy
- Neighborhood Enterprise Zone
- Historic Markers
- City Hall Mural

Partnerships

- Freighthouse
- DDA Director Services
- The Ride
- EMU
- Ypsilanti District Library
- Superior Township
- WCVB
- WCPRC: B2B Trail

Community & Economic Development : 2015- Present

BLIGHT ELIMINATION

- 62 Ecorse: demolished
- 315 Washtenaw (Kircher property)
- 220 N Park
- 361 First
- 431 First
- 439 Madison
- 448 S Huron
- 530 First
- 540 Second
- 888 Madison
- 1042 Watling
- 128 Spring St: Angstrom (owner) | Ternes Packaging (occupant)

Ongoing Projects

2016 onward

Community & Economic Development : Ongoing

OPPORTUNITIES & POSSIBILITIES

Opportunities

- Farm Bureau
- Thompson Block
- Smith Furniture
- Lowell Street
- Dahlmann Depot
- MDOT trunklines
- Midblock crossings
- Recreation Center

Possibilities

- Boys & Girls Club site
- Water Street
- Passenger Rail
- Commuter Rail
- Student Housing

Community & Economic Development : Ongoing

CHALLENGES

Parks

- **Riverside Park**
  - Playground
  - Stormwater improvements
- **Peninsular**
  - Powerhouse
  - Dam
  - Park improvements
- **Dog Park**
  - Location
  - Partnerships
  - Public vs Private

Communications

- **Internal**
  - Interdepartmental
  - Intradepartmental
- **External**
  - Interjurisdictional
  - General Public
    - Social Media
    - Neighborhood-based

Major Projects

Community & Economic Development : Ongoing

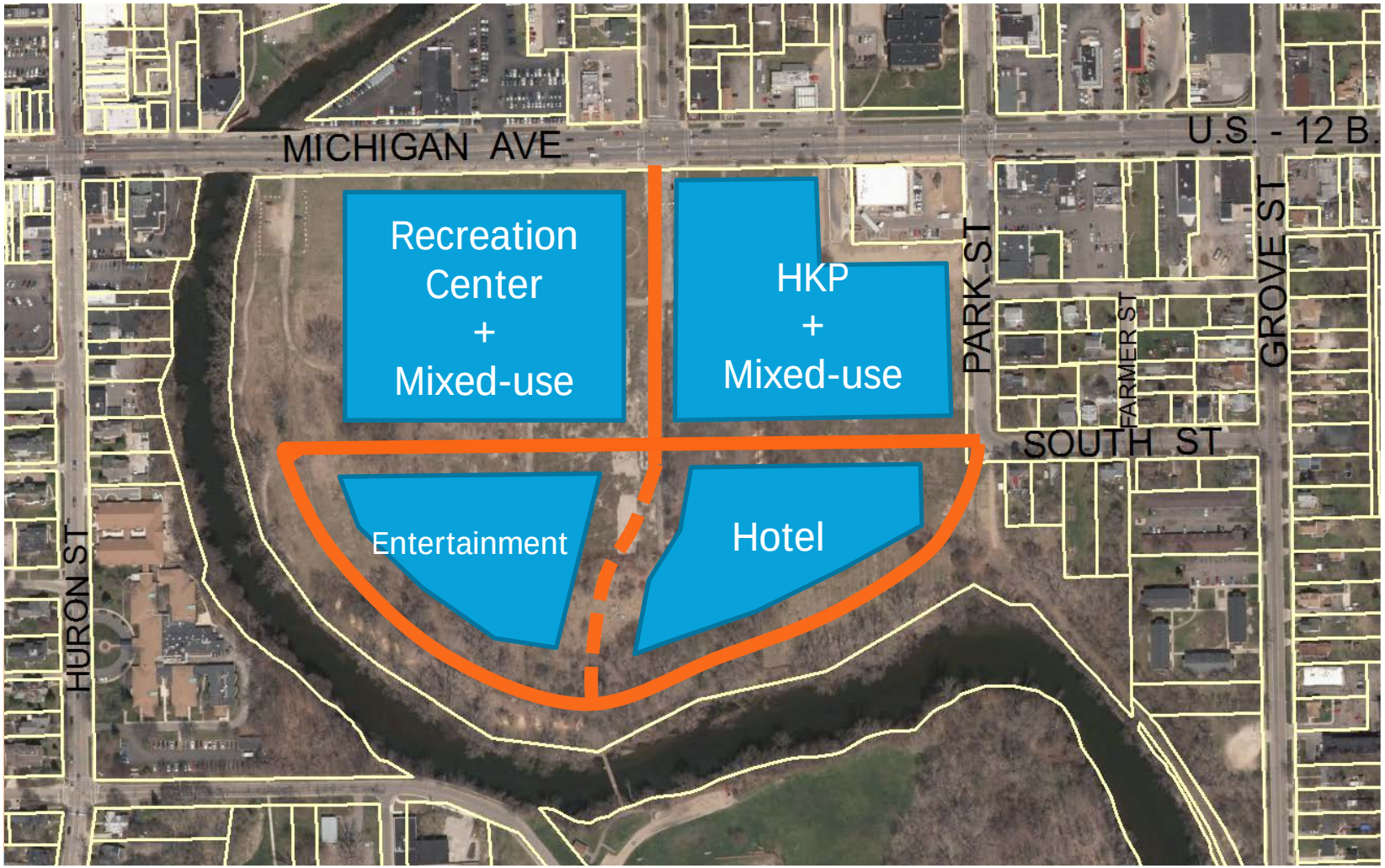
WATER STREET

Infrastructure

- Infrastructure analysis
- DTE agreement for underground service
- Stormwater plans
- Phase II analysis
- MDOT coordination

Community & Economic Development : Ongoing

WATER STREET



Community & Economic Development : Present

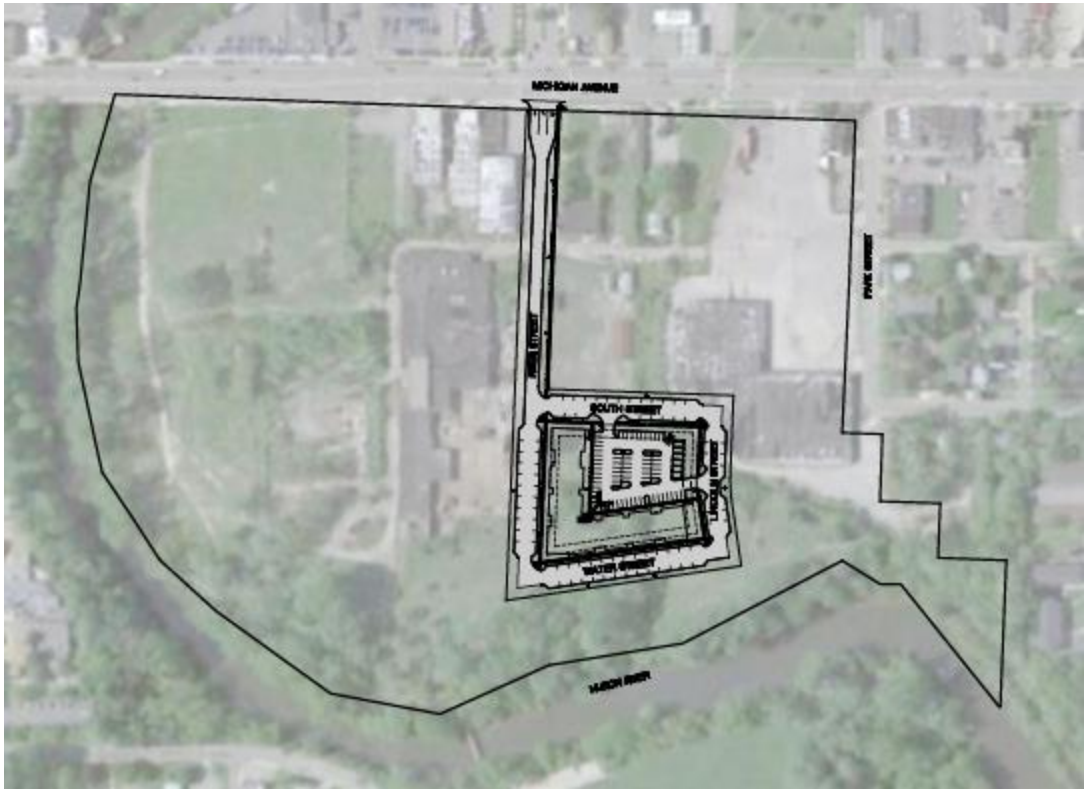
RAIL

HERMAN & KITTLE PROPERTIES, INC.

RIVERWALK COMMONS

Riverwalk Commons Overview

- Originally proposed an 80 unit multi-family development located towards the southern portion of Water Street.



Riverwalk Commons Overview

- Herman & Kittle worked closely with the City on the Brownfield TIF, Site Plan Approval and infrastructure improvements.

- Prior to MSHDA board approval, it was determined that the site contained too much environmental uncertainty and MSHDA was concerned about the impact future construction would have on our residents.

Riverwalk Commons Overview

- Preliminary talks between HKP, the City of Ypsilanti, and MSHDA, resulted in a proposal to potentially move the site north, along Michigan Avenue.
- The proposed site would maintain the same unit mix as the original site, but sit along Michigan Avenue between the Family Dollar and River Street and feature a mixed-use (retail) component.

Riverwalk Commons Overview

- Moving the site to the north allows for existing infrastructure to shield the site from contamination resulting from future construction (i.e. Michigan Avenue and Family Dollar)

- Would look to the County and City to help us understand level of contamination at the future Rec Center site and parcel to the west of River Street (north of Parsons) as future construction on these sites would impact residents.

Riverwalk Commons Overview

- Riverwalk Commons will now feature a mixed-use component, with retail space located on the first floor along Michigan Avenue.
- Rents (although still affordable) and quality of construction will be similar in nature to market rate
  - Rents will range from $631 for a one bedroom to $1,023 for a four bedroom unit.
  - Income limits for 60% Area Median Income (AMI) range from $35,460 for one person to $50,580 for a family of four (Washtenaw County).
  - Median Household Income in Ypsilanti was $32,134 in 2014.
    - 64.8% of all households made less than $52,999 and 84.1% of renter households made less than $52,999
  - As of 2014, 66.5% of Ypsilanti residents were renters

Riverwalk Commons Overview

- Next Steps:
  - HKP owes MSHDA revised documents by May 31st to be considered for financing.
    - New Purchase Contract for site (prior to 5/31)
    - Updated PILOT Ordinance reflecting new site (prior to 5/31)
    - Updated Brownfield Reimbursement Agreement
    - Updated environmental testing on new site and adjacent sites

Resolution No. 2016 – 089
April 19, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

NAME	**BOARD**	**TERM EXPIRATION**
Briana Mason (reappointment) 1000 Huron St. Ypsilanti, MI 48197	Planning Commission	5/1/2019
Vince Chmieleweski (reappointment) 2348 Draper Ave. Ypsilanti, MI 48197	SmartZone LDFA	6/30/2019

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: September 18, 2012

FROM: John M. Barr, Ypsilanti City Attorney

SUBJECT: Approval of Clemis contract

SUMMARY/BACKGROUND

Clemis is a service to police and fire departments managed by Oakland County that is used by a number of Michigan cities and is used by the Ypsilanti police and fire departments. The service includes access to LEIN (Law Enforcement Information Network) and other computer and IT services and allows the police access to very powerful network information and other services.

Clemis service cost is based on usage. The City of Ypsilanti costs for the last year were in the neighborhood of $30,000.

The Clemis contract is up for 5-year renewal and request is made for City Council to approve the contract with Oakland County. The Oakland County provider has sent a contract to be signed by the City Manager. Because the service may, and most likely will be for more than $25,000 per year, Council approval is requested.

The Clemis contract has been reviewed for legal form and is approved.
~~~~~~~

ATTACHMENTS: Renewal Clemis contract

RECOMMENDED ACTION: Approval of Clemis Contract

DATE RECEIVED:_____ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF:_____ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:

Resolution No. 2016-090
April 19, 2016

RESOLUTION TO APPROVE CLEMIS CONTRACT

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that the certain contract between the City of Ypsilanti and Oakland County for CLEMIS service for the police and fire departments for 5 years, is approved, and Ralph A. Lange, City Manager, is authorized to sign for the City of Ypsilanti, subject to the approval of the City Attorney.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

CLEMIS .org

Memorandum

To: Chief DeGiusti, Ypsilanti PD

From: Kim McCabe, CLEMIS

RE: IT / CLEMIS Agreements

Date: March 22, 2016

Attached is a revised electronic copy of the Agreement for IT Services, CLEMIS Exhibit X with Addendum A, and any other exhibits that apply to your agency for your review and execution.

Your Public Body representative, Police Chief/Director and/or Fire Chief may sign Addendum A for CLEMIS Services if they are **authorized** to sign for your department. Also, if your jurisdiction includes both Police & Fire (FRMS) Members, services for both are included in this one agreement.

Notes:

- Please complete the section re: Crash Report Payment Amount & Enhanced Access Fee Disbursement.

Please print two copies. Get the appropriate signatures from your City / Twp Council / Board member and a witness, and date both copies of the contract. A copy of the Resolution or Minutes from your Public Body authorizing signatory permission to sign these documents is required.

Please return two originals, along with a certified copy of the resolution or minutes to the following:

Oakland County Information Technology - CLEMIS
1200 N Telegraph Road, Department 421
Pontiac, MI 48341-0421

Attn: Kim McCabe

One original will be returned to you after it is executed by Oakland County.

If you have any legal questions, please contact Jodi Hall of Oakland County Corporation Counsel at 248-858-0555.

RECEIVED
MAR 28 2016
BARR, ANHUT & ASSOC., P.C.

AGREEMENT FOR I.T. SERVICES BETWEEN OAKLAND COUNTY AND
City of Ypsilanti

This Agreement (the "Agreement") is made between Oakland County, a Municipal and Constitutional Corporation, 1200 North Telegraph Road, Pontiac, Michigan 48341 ("County"), and the City of Ypsilanti, 505 West Michigan Avenue, Ypsilanti, MI 48197 ("Public Body"). County and Public Body may also be referred to jointly as "Parties".

PURPOSE OF AGREEMENT. County and Public Body enter into this Agreement for the purpose of providing Information Technology Services ("I.T. Services") for Public Body pursuant to Michigan law.

In consideration of the mutual promises, obligations, representations, and assurances in this Agreement, the Parties agree to the following:

1. **DEFINITIONS**. The following words and expressions used throughout this Agreement, whether used in the singular or plural, shall be defined, read, and interpreted as follows.

   1.1. **Agreement** means the terms and conditions of this Agreement and any other mutually agreed to written and executed modification, amendment, Exhibit and attachment.

   1.2. **Claims** mean any alleged losses, claims, complaints, demands for relief or damages, lawsuits, causes of action, proceedings, judgments, deficiencies, liabilities, penalties, litigation, costs, and expenses, including, but not limited to, reimbursement for reasonable attorney fees, witness fees, court costs, investigation expenses, litigation expenses, amounts paid in settlement, and/or other amounts or liabilities of any kind which are incurred by or asserted against County or Public Body, or for which County or Public Body may become legally and/or contractually obligated to pay or defend against, whether direct, indirect or consequential, whether based upon any alleged violation of the federal or the state constitution, any federal or state statute, rule, regulation, or any alleged violation of federal or state common law, whether any such claims are brought in law or equity, tort, contract, or otherwise, and/or whether commenced or threatened.

   1.3. **County** means Oakland County, a Municipal and Constitutional Corporation, including, but not limited to, all of its departments, divisions, the County Board of Commissioners, elected and appointed officials, directors, board members, council members, commissioners, authorities, committees, employees, agents, volunteers, and/or any such persons' successors.

   1.4. **Day** means any calendar day beginning at 12:00 a.m. and ending at 11:59 p.m.

   1.5. **Public Body** means the City of Ypsilanti, which is an entity created by state or local authority or which is primarily funded by or through state or local authority, including, but not limited to, its council, its Board its departments, its divisions, elected and appointed officials, directors, board members, council members, commissioners, authorities, committees, employees, agents, subcontractors, attorneys, volunteers, and/or any such persons' successors. For purposes of this Agreement, Public Body includes any Michigan court, when acting in concert with its funding unit, to obtain I.T. Services.

   1.6. **Public Body Employee** means any employees, officers, directors, members, managers, trustees, volunteers, attorneys, and representatives of Public Body, licensees,

concessionaires, contractors, subcontractors, independent contractors, agents, and/or any such persons' successors or predecessors (whether such persons act or acted in their personal, representative or official capacities), and/or any persons acting by, through, under, or in concert with any of the above who have access to the I.T. Services provided under this Agreement. "Public Body Employee" shall also include any person who was a Public Body Employee at any time during the term of this Agreement but, for any reason, is no longer employed, appointed, or elected in that capacity.

1.7. **Points of Contact** mean the individuals designated by Public Body and identified to County to act as primary and secondary contacts for communication and other purposes as described herein.

1.8. **I.T. Services** means the following individual I.T. Services provided by County's Department of Information Technology, if applicable:

1.8.1. **Online Payments** mean the ability to accept payment of monies owed to Public Body initiated via a website maintained by County using a credit card, a debit card that functions as a credit card, or electronic debit of a checking account.

1.8.2. **Pay Local Taxes** means the ability to accept payment of local property taxes owed to Public Body initiated via a website maintained by County using a credit card, a debit card that functions as a credit card, or an electronic debit of a checking account. (Does not apply to Public Bodies outside of Oakland County).

1.8.3. **Web Publishing Suite** means the ability for Public Bodies to have and/or manage a public web presence using standard Oakland County technologies and platforms, template-based solutions, semi-custom website designs, content management, and/or support services.

1.8.4. **Internet Service** means access to the Internet from Public Body's workstations.

Access from the Internet to Public Body's applications, whether at County or at Public Body (hosting), is not included.

1.8.5. **Oaknet Connectivity** means use of communication lines and network equipment maintained by County for the transmission of digital information whether leased or owned by County.

1.8.6. **Email Service** means access to the designated application provided by County for sending and receiving electronic mail messages by Public Body.

1.8.7. **Health Portal** means a portal where registered schools, community dispensing sites, nurses, district administrators and doctors can effectively communicate with the health department regarding reportable communicable diseases.

1.8.8. **Over The Counter Payments** means the ability to accept payment of monies owed to Public Body initiated via a credit card reader attached to an on-premise computer with access to a website maintained by County using a credit card or a debit card that functions as a credit card.

1.8.9. **Data Center Use and Services** means providing space for Public Body's equipment in County's Data Center and access to electrical power and backup power.

1.8.10. **CLEMIS** means the Court and Law Enforcement Management Information System, an information management system comprised of specific software

applications (CLEMIS Applications) operated and maintained by the CLEMIS Division of County.

1.9. **Service Center** means the location of technical support and information provided by County's Department of Information Technology.

1.10. **Exhibits** mean the following descriptions of I.T. Services which are governed by this Agreement only if they are attached to this Agreement and incorporated in Section 2 or added at a later date by a formal amendment to this Agreement:

Exhibit I:	Online Payments
Exhibit II:	Pay Local Taxes
Exhibit III:	Web Publishing Suite
Exhibit IV:	Internet Service
Exhibit V:	Oaknet Connectivity
Exhibit VI:	Email Service
Exhibit VII:	Health Portal
Exhibit VIII:	Over The Counter Payments
Exhibit IX:	Data Center Use and Services
Exhibit X:	CLEMIS

2. **COUNTY RESPONSIBILITIES.**

2.1. County, through its Department of Information Technology, shall provide the I.T. Services described in X which are attached and incorporated into this Agreement.

2.2. County shall support the I.T. Services as follows:

2.2.1. **Access.** County will provide secure access to I.T. Services for use on hardware provided by Public Body as part of its own computer system or as otherwise provided in an Exhibit to this Agreement.

2.2.2. **Maintenance and Availability.** County will provide maintenance to its computer system to ensure that the I.T. Services are functional, operational, and work for intended purposes. Such maintenance to County's system will include "bug" fixes, patches, and upgrades, such as software, hardware, database and network upgrades. The impact of patches and/or upgrades to the applications will be thoroughly evaluated by County and communicated to Public Body through their Points of Contact prior to implementation in Public Body's production environment. County will reserve scheduled maintenance windows to perform these work activities. These maintenance windows will be outlined specifically for each application in the attached Exhibits.

2.2.2.1. If changes to scheduled maintenance windows or if additional maintenance times are required, County will give as much lead time as possible.

2.2.2.2. During maintenance windows, access to the application may be restricted by County without specific prior notification.

2.3. County may deny access to I.T. Services so that critical unscheduled maintenance (i.e. break-fixes) may be performed. County will make prompt and reasonable efforts to minimize unscheduled application downtime. County will notify the Points of Contact about such interruptions with as much lead time as possible.

2.4. **Backup and Disaster Recovery.**

2.4.1. County will perform daily backups of all I.T. Services except for the I.T. Services described in Exhibit IX Data Center Use and Services. Copies of scheduled backups will be placed offsite for disaster recovery purposes.

2.4.2. County will maintain a Disaster Recovery ("DR") Toolkit that will be used to recover applications during a disaster or failure of County's computer system. All applications will be included in County's scheduled Disaster Recovery Test. DR Toolkit updates will be made by County as necessary.

2.5. **Auditing**. County may conduct scheduled and unscheduled audits or scans to ensure the integrity of County's data and County's compliance with Federal, State and local laws and industry standards, including, but not limited to, the Health Insurance Portability and Accountability Act (HIPAA) and Payment Card Industry Data Security Standard (PCI DSS.)

2.5.1. In order to limit possibility of data theft and scope of audit requirements, County will not store credit card account numbers. County is only responsible for credit card data only during the time of transmission to payment processor.

2.6. **Training and Information Resources.** County may provide training on use of the I.T. Services on an as-needed basis or as set forth in an Exhibit to this Agreement.

2.7. **Service Center.** I.T. Service incidents requiring assistance must be reported to the Service Center, by the Points of Contact, to the phone number or e-mail provided below. The Service Center is staffed to provide support during County's normal business hours of 8:30 a.m. to 5:00 p.m., EST, Monday through Friday, excluding holidays. The Service Center can receive calls to report I.T. Service outages 24 hours a day, 7 days a week. Outages are defined as unexpected service downtime or error messages. Depending on severity, outage reports received outside of County's normal business hours may not be responded to until the resumption of County's normal business hours.

Service Center Phone Number	248-858-8812
Service Center Email Address	servicecenter@oakgov.com

2.8. County may access, use and disclose transaction information and any content to comply with the law such as a subpoena, Court Order or Freedom of Information Act request. County shall first refer all such requests for information to Public Body's Points of Contact for their response within the required time frame. County shall provide assistance for the response if requested by the Public Body's Points of Contact, and if able to access the requested information. County shall not distribute Public Body's data to other entities for reasons other than in response to legal process.

2.9. I.T. service providers require County to pass through to Public Body certain terms and conditions contained in license agreements, service agreements, acceptable use polices and similar terms of service, in order to provide I. T. Services to Public Body. Links to these terms and conditions will be provided to Public Body and will be listed on the County's website. County will provide notice when it becomes aware of changes to the terms and conditions of these agreements.

3. **PUBLIC BODY RESPONSIBILITIES.**

3.1. Public Body shall immediately notify County of any unauthorized use of the I.T. Services and any breach of security of the I.T. Services. Public Body shall cooperate with County in all investigations involving the potential misuse of County's computer system or data.

3.2. Public Body is the owner of all data provided by Public Body and is responsible to provide all initial data identified in the attached Exhibits, in a format acceptable to County, and, for the CLEMIS Exhibit, as required by applicable statute, regulation, or administrative rule. Public Body is responsible for ensuring the accuracy and currency of data contained within its applications.

3.3. Public Body shall follow County's I.T. Services requirements as described on County's website. Public Body shall comply with County's minimum standards for each Internet browser used by Public Body to access I.T. Services as set forth in an Exhibit(s) to this Agreement. Public Body shall meet any changes to these minimum standards that County may reasonably update from time to time.

3.4. Public Body shall not interfere with or disrupt the I.T. Services provided herein or networks connected with the I.T. Services.

3.5. Public Body requires that each Public Body Employee with access to I.T. Services shall:

3.5.1. Utilize an antivirus software package/system on their equipment and keep same updated in a reasonable manner.

3.5.2. Have a unique User ID and password that will be removed upon termination of Public Body Employee's employment or association with Public Body.

3.5.3. Maintain the most reasonably current operating system patches on all equipment accessing the I.T. Services.

3.6. If authorized by County, Public Body may extend I.T. Services to other entities which are created by or primarily funded by state or local authority. If County authorizes Public Body to provide access to any I.T. Services to other entities, Public Body shall require those entities to agree to utilize an antivirus software package/system on computers accessing the I.T. Services and to assign users of the I.T. Services a unique User ID and password that will be terminated when a user is no longer associated with the entity. Public Body must require an entity receiving I.T. Services under this Section, to agree in writing to comply with the terms and conditions of this Agreement and to provide County with a copy of this writing.

3.7. For each I.T. Service covered by an Exhibit to this Agreement, Public Body shall designate two representatives to act as a primary and secondary Points of Contact with County. The Points of Contact responsibilities shall include:

3.7.1. Direct coordination and interaction with County staff.

3.7.2. Communication with general public supported by Public Body.

3.7.3. Following County's procedures to report an application incident.

3.7.4. If required by County, attend training classes provided by County either online or at County's Information Technology Building in Waterford, Michigan or other suitable location determined by County.

3.7.5. Providing initial support services to Public Body users prior to logging a Service Center incident with County.

3.7.6. Requesting security changes and technical support from the Service Center.

3.7.7. Testing Applications in conjunction with County, at the times and locations mutually agreed upon by County and Public Body.

3.7.8. To report a service incident to the Service Center, one of Public Body's Points of Contact shall provide the following information:

3.7.8.1. Contact Name

3.7.8.2. Telephone Number

3.7.8.3. Email Address

3.7.8.4. Public Body Name

3.7.8.5. Application and, if possible, the specific module with which the incident is associated.

3.7.8.6. Exact nature of the problem or function including any error message that appeared on the computer screen.

3.7.8.7. Any action the Points of Contact or user has taken to resolve the matter.

3.8. Public Body may track the status of the incident by calling the Service Center and providing the Incident Number.

3.9. Public Body shall respond to Freedom of Information Act Requests relating to Public Body's data.

3.10. I.T. service providers require County to pass through to Public Body certain terms and conditions contained in license agreements, service agreements, acceptable use polices and similar terms of service, in order to provide I. T. Services to Public Body. Public Body agrees to comply with these terms and conditions. Public Body may follow the termination provisions of this Agreement if it determines that it cannot comply with any of the terms and conditions.

4. **DURATION OF INTERLOCAL AGREEMENT.**

4.1. This Agreement and any amendments shall be effective when executed by both Parties with resolutions passed by the governing bodies of each Party except as otherwise specified below. The approval and terms of this Agreement and any amendments, except as specified below, shall be entered in the official minutes of the governing bodies of each Party. An executed copy of this Agreement and any amendments shall be filed by the County Clerk with the Secretary of State. If Public Body is a Court, a signature from the Chief Judge of the Court shall evidence approval by the Public Body, providing a resolution and minutes does not apply.

4.2. Notwithstanding Section 4.1, the Chairperson of the Oakland County Board of Commissioners is authorized to sign amendments to the Agreements to add Exhibits that were previously approved by the Board of Commissioners but are requested by Public Body after the execution of the Agreement. An amendment signed by the Board Chairperson under this Section must be sent to the Election Division in the County Clerk's Office to be filed with the Agreement once it is signed by both Parties.

4.3. Unless extended by an Amendment, this Agreement shall remain in effect for five (5) years from the date the Agreement is completely executed by all Parties or until cancelled or terminated by any of the Parties pursuant to the terms of the Agreement.

5. **PAYMENTS.**

5.1. I.T. Services shall be provided to Public Body at the rates specified in the Exhibits, if applicable.

5.2. **Possible Additional Services and Costs.** If County is legally obligated for any reason, e.g. subpoena, Court Order, or Freedom of Information Request, to search for, identify, produce or testify regarding Public Body's data or information that is electronically stored by County relating to I.T. Services the Public Body receives under this Agreement, then Public Body shall reimburse County for all reasonable costs the County incurs in searching for, identifying, producing or testifying regarding such data or information. County may waive this requirement in its sole discretion.

5.3. County shall provide Public Body with a detailed invoice/explanation of County's costs for I.T. Services provided herein and/or a statement describing any amounts owed to County. Public Body shall pay the full amount shown on any such invoice within sixty (60) calendar days after the date shown on any such invoice. Payment shall be sent along with a copy of the invoice to: Oakland County Treasurers – Cash Acctg, Bldg 12 E, 1200 N. Telegraph Road, Pontiac, MI 48341.

5.4. If Public Body, for any reason, fails to pay County any monies when and as due under this Agreement, Public Body agrees that unless expressly prohibited by law, County or the Oakland County Treasurer, at their sole option, shall be entitled to set off from any other Public Body funds that are in County's possession for any reason, including but not limited to, the Oakland County Delinquent Tax Revolving Fund ("DTRF"), if applicable. Any setoff or retention of funds by County shall be deemed a voluntary assignment of the amount by Public Body to County. Public Body waives any Claims against County or its Officials for any acts related specifically to County's offsetting or retaining of such amounts. This paragraph shall not limit Public Body's legal right to dispute whether the underlying amount retained by County was actually due and owing under this Agreement.

5.5. If County chooses not to exercise its right to setoff or if any setoff is insufficient to fully pay County any amounts due and owing County under this Agreement, County shall have the right to charge up to the then-maximum legal interest on any unpaid amount. Interest charges shall be in addition to any other amounts due to County under this Agreement. Interest charges shall be calculated using the daily unpaid balance method and accumulate until all outstanding amounts and accumulated interest are fully paid.

5.6. Nothing in this Section shall operate to limit County's right to pursue or exercise any other legal rights or remedies under this Agreement or at law against Public Body to secure payment of amounts due County under this Agreement. The remedies in this Section shall be available to County on an ongoing and successive basis if Public Body at any time becomes delinquent in its payment. Notwithstanding any other term and condition in this Agreement, if County pursues any legal action in any court to secure its payment under this Agreement, Public Body agrees to pay all costs and expenses, including attorney fees and court costs, incurred by County in the collection of any amount owed by Public Body.

6. **ASSURANCES**.

6.1. Each Party shall be responsible for any Claims made against that Party by a third party, and for the acts of its employees arising under or related to this Agreement.

6.2. Except as provided for in Section 5.6, in any Claim that may arise from the performance of this Agreement, each Party shall seek its own legal representation and bear the costs associated with such representation, including judgments and attorney fees.

6.3. Except as otherwise provided for in this Agreement, neither Party shall have any right under this Agreement or under any other legal principle to be indemnified or reimbursed by the other Party or any of its agents in connection with any Claim.

6.4. Public Body shall be solely responsible for all costs, fines and fees associated with any misuse by its Public Body Employees of the I.T. Services provided herein.

6.5. This Agreement does not, and is not intended to, impair, divest, delegate or contravene any constitutional, statutory, and/or other legal right, privilege, power, obligation, duty, or immunity of the Parties. Nothing in this Agreement shall be construed as a waiver of governmental immunity for either Party.

6.6. The Parties have taken all actions and secured all approvals necessary to authorize and complete this Agreement. The persons signing this Agreement on behalf of each Party have legal authority to sign this Agreement and bind the Parties to the terms and conditions contained herein.

6.7. Each Party shall comply with all federal, state, and local ordinances, regulations, administrative rules, and requirements applicable to its activities performed under this Agreement.

7. **DISCLAIMER OR WARRANTIES**.

7.1. The I.T. Services are provided on an "as is" and "as available" basis. County expressly disclaims all warranties of any kind, whether express or implied, including, but not limited to, the implied warranties of merchantability, fitness for a particular purpose and non-infringement.

7.2. County makes no warranty that (i) the I.T. Services will meet Public Body's requirements; (ii) the I.T. Services will be uninterrupted, timely, secure or error-free; nor (iii) the results that may be obtained by the I.T. Services will be accurate or reliable.

7.3. Any material or data downloaded or otherwise obtained through the use of the I.T. Services is accessed at Public Body's discretion and risk. Public Body will be solely responsible for any damage to its computer system or loss of data that results from downloading of any material.

8. **LIMITATION OF LIABILITY**. In no event shall either Party be liable to the other Party or any other person, for any consequential, incidental, direct, indirect, special, and punitive or other damages arising out of this Agreement.

9. **DISPUTE RESOLUTION**. All disputes relating to the execution, interpretation, performance, or nonperformance of this Agreement involving or affecting the Parties may first be submitted to County's Director of Information Technology and Public Body's Agreement Administrator for possible resolution. County's Director of Information Technology and Public Body's Agreement Administrator may promptly meet and confer in an effort to resolve such dispute. If they cannot resolve the dispute in five (5) business days, the dispute may be submitted to the signatories of this Agreement or their successors in office. The signatories of this Agreement may meet promptly and confer in an effort to resolve such dispute.

10. **TERMINATION OR CANCELLATION OF AGREEMENT**.

10.1. Either Party may terminate or cancel this entire Agreement or any one of the I.T. Services described in the attached Exhibits, upon one hundred twenty (120) days written notice, if either Party decided, in its sole discretion, to terminate this Agreement or one of the Exhibits, for any reason including convenience.

10.2. Early termination fees may apply to Public Body if provided for in the Exhibits.

10.3. The effective date of termination and/or cancellation shall be clearly stated in the written notice. Either the County Executive or the Board of Commissioners is authorized to

terminate this Agreement for County under this provision. A termination of one or more of the Exhibits which does not constitute a termination of the entire Agreement may be accepted on behalf of County by its Director of Information Technology.

11. **SUSPENSION OF SERVICES**. County, through its Director of Information Technology, may immediately suspend I.T. Services for any of the following reasons: (i) requests by law enforcement or other governmental agencies; (ii) engagement by Public Body in fraudulent or illegal activities relating to the I.T. Services provided herein; (iii) breach of the terms and conditions of this Agreement; or (iv) unexpected technical or security issues. The right to suspend I.T. Services is in addition to the right to terminate or cancel this Agreement according to the provisions in Section 10. County shall not incur any penalty, expense or liability if I.T. Services are suspended under this Section.

12. **DELEGATION OR ASSIGNMENT**. Neither Party shall delegate or assign any obligations or rights under this Agreement without the prior written consent of the other Party.

13. **NO EMPLOYEE-EMPLOYER RELATIONSHIP**. Nothing in this Agreement shall be construed as creating an employee-employer relationship between County and Public Body.

14. **NO THIRD PARTY BENEFICIARIES**. Except as provided for the benefit of the Parties, this Agreement does not and is not intended to create any obligation, duty, promise, contractual right or benefit, right to indemnification, right to subrogation, and/or any other right in favor of any other person or entity.

15. **NO IMPLIED WAIVER**. Absent a written waiver, no act, failure, or delay by a Party to pursue or enforce any rights or remedies under this Agreement shall constitute a waiver of those rights with regard to any existing or subsequent breach of this Agreement. No waiver of any term, condition, or provision of this Agreement, whether by conduct or otherwise, in one or more instances shall be deemed or construed as a continuing waiver of any term, condition, or provision of this Agreement. No waiver by either Party shall subsequently affect its right to require strict performance of this Agreement.

16. **SEVERABILITY**. If a court of competent jurisdiction finds a term or condition of this Agreement to be illegal or invalid, then the term or condition shall be deemed severed from this Agreement. All other terms, conditions, and provisions of this Agreement shall remain in full force.

17. **PRECEDENCE OF DOCUMENTS**. In the event of a conflict between the terms of and conditions of any of the documents that comprise this Agreement, the terms in the Agreement shall prevail and take precedence over any allegedly conflicting terms in the Exhibits or other documents that comprise this Agreement.

18. **CAPTIONS**. The section and subsection numbers, captions, and any index to such sections and subsections contained in this Agreement are intended for the convenience of the reader and are not intended to have any substantive meaning. The numbers, captions, and indexes shall not be interpreted or be considered as part of this Agreement. Any use of the singular or plural, any reference to gender, and any use of the nominative, objective or possessive case in this Agreement shall be deemed the appropriate plurality, gender or possession as the context requires.

19. **FORCE MAJEURE**. Notwithstanding any other term or provision of this Agreement, neither Party shall be liable to the other for any failure of performance hereunder if such failure is due to any cause beyond the reasonable control of that Party and that Party cannot reasonably accommodate or mitigate the effects of any such cause. Such cause shall include, without limitation, acts of God, fire, explosion, vandalism, national emergencies, insurrections, riots, wars,

strikes, lockouts, work stoppages, other labor difficulties, or any law, order, regulation, direction, action, or request of the United States government or of any other government. Reasonable notice shall be given to the affected Party of any such event.

20. **NOTICES**. Notices given under this Agreement shall be in writing and shall be personally delivered, sent by express delivery service, certified mail, or first class U.S. mail postage prepaid, and addressed to the person listed below. Notice will be deemed given on the date when one of the following first occur: (i) the date of actual receipt; (ii) the next business day when notice is sent express delivery service or personal delivery; or (iii) three days after mailing first class or certified U.S. mail.

    20.1. If Notice is sent to County, it shall be addressed and sent to: Director, Oakland County Department of Information Technology, 1200 North Telegraph Road, Pontiac, Michigan, 48341, and the Chairperson of the Oakland County Board of Commissioners, 1200 North Telegraph Road, Pontiac, Michigan 48341.

    20.2. If Notice is sent to Public Body, it shall be addressed to: Lt. Deric Gress, City of Ypsilanti, 505 West Michigan Avenue Ypsilanti, MI 48197.

    20.3. Either Party may change the individual to whom Notice is sent and/or the mailing address by notifying the other Party in writing of the change.

21. **GOVERNING LAW/CONSENT TO JURISDICTION AND VENUE**. This Agreement shall be governed, interpreted, and enforced by the laws of the State of Michigan. Except as otherwise required by law or court rule, any action brought to enforce, interpret, or decide any Claim arising under or related to this Agreement shall be brought in the 6th Judicial Circuit Court of the State of Michigan, the 50th District Court of the State of Michigan, or the United States District Court for the Eastern District of Michigan, Southern Division, as dictated by the applicable jurisdiction of the court. Except as otherwise required by law or court rule, venue is proper in the courts set forth above.

22. **ENTIRE AGREEMENT**.

    22.1. This Agreement represents the entire agreement and understanding between the Parties regarding the specific services described in the attached Exhibits. With regard to those services, this Agreement supersedes all other oral or written agreements between the Parties.

    22.2. The language of this Agreement shall be construed as a whole according to its fair meaning, and not construed strictly for or against any Party.

IN WITNESS WHEREOF, Ralph Lange hereby acknowledges that he/she has been authorized by a resolution of the City of Ypsilanti, a certified copy of which is attached, or by approval of the Chief Judge if the Public Body is a Court, to execute this Agreement on behalf of Public Body and hereby accepts and binds Public Body to the terms and conditions of this Agreement.

EXECUTED:_____ DATE:_____

Ralph Lange,
City Manager

WITNESSED:_____ DATE:_____

AGREEMENT
ADMINISTRATOR:_____ DATE:_____

IN WITNESS WHEREOF, Michael J. Gingell, Chairperson, Oakland County Board of Commissioners, hereby acknowledges that he has been authorized by a resolution of the Oakland County Board of Commissioners to execute this Agreement on behalf of Oakland County, and hereby accepts and binds Oakland County to the terms and conditions of this Agreement.

EXECUTED:_____ DATE:_____

Michael J. Gingell, Chairperson
Oakland County Board of Commissioners

WITNESSED:_____ DATE:_____

Oakland County Board of Commissioners
County of Oakland

EXHIBIT X
I.T. SERVICES AGREEMENT
CLEMIS

INTRODUCTION.

The Courts and Law Enforcement Management Information System (known as "CLEMIS") is a multi-faceted, regional public safety information management system, operated and maintained by the Oakland County Department of Information Technology, CLEMIS Division. CLEMIS is comprised of many software applications.

CLEMIS was created in 1968 to address the inability of criminal justice/public safety agencies to electronically share data in a timely manner. The purpose of CLEMIS is to provide innovative technology and related services to criminal justice/public safety agencies to enable them to share data and to improve the delivery of criminal justice/public safety services. Public Bodies that use CLEMIS have realized lower costs and improved efficiency in providing criminal justice/public safety services. These benefits allow first responders additional time to serve and protect citizens.

The Parties agree to the following terms and conditions:

1. **DEFINITIONS**. The following words and expressions used throughout this Exhibit, whether used in the singular or plural, shall be defined and interpreted as follows.

   1.1. **CLEMIS** is the Court and Law Enforcement Management Information System, an information management system, comprised of CLEMIS Applications operated and maintained by the CLEMIS Division with recommendations and counsel from the CLEMIS Advisory Committee.

   1.2. **CLEMIS Advisory Committee (formerly known as the CLEMIS Advisory or Policy Board)** is an advisory committee that leads the CLEMIS Consortium and that provides recommendations and counsel to the CLEMIS Division regarding the operation and maintenance of CLEMIS.

   1.3. **CLEMIS Applications** are the specific software applications that comprise CLEMIS. These software applications are listed and described on the CLEMIS Website and are included in the definition of I.T. Services under this Agreement.

   1.4. **CLEMIS Consortium** is a non-legal entity comprised of all CLEMIS Members. Its purpose is to empower criminal justice/public safety agencies to maximize the use of collected data, to enhance daily operations and engage in comprehensive planning. The Consortium is led by the CLEMIS Advisory Committee.

   1.5. **CLEMIS Division** is the division in the Oakland County Department of Information Technology responsible for the operation and maintenance of CLEMIS.

   1.6. **CLEMIS Fee** is the sum of costs for use of CLEMIS, CLEMIS Applications, and services provided by the CLEMIS Division. These costs are listed and itemized on the CLEMIS Website.

   1.7. **CLEMIS Member** means the Public Body that executes this Exhibit and compiles with this Agreement.

1.8. **CLEMIS Website** is the portion of the County's website dedicated to CLEMIS located at www.oakgov.com/clemis or www.clemis.org.

1.9. **Criminal Justice Information Services ("CJIS") Security Policy** is the effective security policy approved by the CJIS Advisory Policy Board setting forth security requirements, guidelines, and agreements for protecting transmission, access, storage, use, generation of, and sources of Criminal Justice Information ("CJI") as defined in the CJIS Security Policy.

1.10. **Fire Records Management System ("FRMS")** is a CLEMIS Application that provides an integrated technology system to participating fire departments, which is further described on the CLEMIS Website.

2. **CLEMIS DIVISION RESPONSIBILITIES.**

2.1. **Provision of CLEMIS Applications.** County shall provide Public Body with access to CLEMIS and the specific CLEMIS Applications and services marked on Addendum A, which may be changed from time to time. Addendum A is fully incorporated into this Agreement. Notwithstanding any provision in this Agreement, Addendum A and any changes thereto shall be signed by the CLEMIS Division Manager on behalf of County and the Chief of Police on behalf of the City of Ypsilanti. The operational descriptions of the CLEMIS Applications and services are set forth on the CLEMIS Website.

2.2. **Compliance with Laws, Rules, Regulations, and Policies.** County shall comply with all applicable laws, rules, and regulations and the CJIS Security Policy in the delivery, operation, and maintenance of CLEMIS Applications and in the transmission, access, storage, and use of data through or in CLEMIS Applications.

2.3. **No Verification of Data.** County does not verify or review data entered into and stored in CLEMIS for accuracy.

3. **PUBLIC BODY RESPONSIBILITIES.**

3.1. **Execution of Exhibit V.** Unless approved in writing by the CLEMIS Division, Public Body must execute Exhibit V to this Agreement (OakNet Connectivity) to provide connectivity for the use and operation of CLEMIS Applications. If Public Body receives approval from the CLEMIS Division not to use OakNet, such approval will be marked on Addendum A.

3.2. **Execution of Management Control Agreement.** Public Body shall execute a Management Control Agreement with County as required by and consistent with the CJIS Security Policy, which may be amended from time to time. The Management Control Agreement shall be executed by the persons authorized to sign Addendum A.

3.3. **Compliance with Laws, Rules, Regulations, and Policies.** Public Body and Public Body Employees shall comply with the CJIS Security Policy and all applicable laws, rules, and regulations when using CLEMIS and when generating, entering, and using data that is stored in CLEMIS.

3.4. **Access to CLEMIS.** Only Public Body Employees authorized by Public Body may access and use CLEMIS. Public Body shall keep a list of Public Body Employees authorized to access and use CLEMIS. Public Body shall review this list at least quarterly to ensure its accuracy. Upon written request of County, Public Body shall provide this list

to County. Public Body shall not allow any individuals, who are not on this list, to access and use CLEMIS.

3.5. **Security/Background Checks.** Public Body shall provide for and pay for security/background checks for all Public Body Employees who access and use CLEMIS, as required by the CJIS Security Policy and any other applicable law, rule, and regulation.

3.6. **Data Entry.** Public Body is solely responsible for entering all data that is required by any CLEMIS Applications into CLEMIS.

3.7. **Data Ownership.** All data entered into CLEMIS by Public Body shall be and shall remain the data of Public Body.

3.8. **Data Accuracy.** Public Body is solely responsible for ensuring that all data entered into and stored in CLEMIS is accurate and complete. Accurate and complete means that the data does not contain erroneous information. Public Body shall immediately correct erroneous information upon discovery of error. To ensure accurate and complete data, Public Body shall conduct regular and systemic audits to minimize the possibility of generating, transmitting, and storing erroneous information.

3.9. **Data Update/Expungment/Redaction.** Public Body is solely responsible for updating, expunging, correcting, record locking, or redacting Public Body's data entered into or stored in CLEMIS, as required by law, rule, regulation, court order, or the CJIS Security Policy.

3.10. **Access to Public Body Facilities.** Public Body shall allow County employees access to Public Body facilities for maintenance of CLEMIS and to audit Public Body's use of CLEMIS.

3.11. **Provision of Hardware/Equipment.** The hardware/equipment needed to access and use CLEMIS shall be purchased, maintained, repaired and replaced by Public Body, unless otherwise agreed, in writing, by the Parties. The hardware/equipment shall meet the specifications and requirements set forth by the CLEMIS Division.

3.12. **Changes or Alternations to Public Body Facilities.** If Public Body is required to or decides to make changes or alternations to its facilities/buildings for any reason, then Public Body is responsible for all costs and expenses associated with moving or relocating hardware/equipment used to access CLEMIS or with moving or relocating the medium/connectivity, e.g., fiber, wireless connections, ISDN Lines, T1 Lines, etc., used to access CLEMIS.

3.13. **E-Mail Address.** Public Body shall create and monitor a generic CLEMIS email address. The CLEMIS Division will provide Public Body instructions on how to create this email address. This email address will be the main point of contact for scheduled maintenance, outages, alerts, etc.

3.14. **Cooperation.** Public Body shall fully cooperate with County concerning the performance of this Agreement.

4. PROVISION OF PUBLIC BODY DATA TO PUBLIC BODY OR THIRD PARTIES.

4.1. **Request by Public Body for Public Body Data.** Public Body may request in writing that County provide a copy of portions of Public Body's data to Public Body. County will

provide such data in a format and time period determined by County, but will use its best efforts to provide the data in the format and time period requested by Public Body.

4.2. **Freedom of Information Act Request/Court Orders to County for Public Body Data.** County is required and will respond, pursuant to applicable law and/or court order, to Freedom of Information Act ("FOIA") requests and court orders addressed to it and received by it for Public Body data possessed by County. Before responding to a FOIA request or a court order concerning Public Body's data possessed by County, County will use its best efforts to inform Public Body of the request or order and give them an opportunity to provide County with information that could impact County's response to the FOIA request or court order.

4.3. **Continuous Access to Public Body Data by Third Parties.**

4.3.1. In Addendum A, Public Body may request that County provide continuous access to Public Body's data to a third party. Addendum A shall identify the third party and shall set forth any specific instructions regarding the provision of such data to the third party. The County shall determine the manner in which to provide access to Public Body's data.

4.3.2. County shall provide and shall continue to provide access to Public Body's data to the third party identified in Addendum A, until Public Body provides written notice to the CLEMIS Manager to stop or change such access. The written notice shall contain the date on which access to Public Body's data shall stop. Upon receipt of this notice, County shall promptly stop the third party's access to Public Body's data and shall use its best efforts to stop third party access to Public Body's data on the date requested by Public Body.

4.3.3. In order to effectuate the third party's continuous access to Public Body's data, County will require the third party to execute an agreement with County to govern delivery and/or access to Public Body's data. The CLEMIS Manager is authorized to sign this agreement on behalf of County.

4.4. **Providing Public Body Data to Third Parties.** County will not provide data to a third party, unless County is the recipient of a Freedom of Information Act request or court order or is directed in Addendum A to provide data to a third party. Notwithstanding any other provision, County shall provide Public Body's data to related Mugshots, Livescan, Michigan Incident Crime Reporting, and Crash/UD-10 traffic crash reports to the Michigan State Police.

4.5. **Costs for Providing Public Body Data.** If County incurs any costs in providing Public Body's data to a third party or to Public Body, then Public Body shall be responsible for those costs and shall reimburse County for those costs. The CLEMIS Division shall invoice Public Body for such costs. Public Body shall pay the invoice at the location and within the time period stated in the Agreement. The CLEMIS Division may waive these costs in its sole discretion.

4.6. **Protected Health Information.** If the data, to be provided to a third party, is Protected Health Information" or "PHI" (defined in 45 CFR 160.103) under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and under the changes to HIPAA

made by the Health Information Technology for Economic and Clinical Health Act ("HITECH Amendment"), then County and Public Body shall execute a Business Associate Agreement.

4.7. **County not Responsible for Third Party Use of Data.** Public Body acknowledges and agrees that if it requests County to provide access to Public Body's data to a third party, County shall not be responsible for any actions of the third party and the third party's use of Public Body's data.

5. **FINANCIAL RESPONSIBILITIES—CLEMIS FEE**

5.1. **Payment of CLEMIS Fee.** Public Body shall pay the CLEMIS Fee to County for the CLEMIS Applications and services, which are marked on Addendum A. The amount of the CLEMIS fee and the costs that comprise the CLEMIS Fee are listed and itemized on the CLEMIS Website. The CLEMIS Division shall invoice Public Body on a quarterly basis for the CLEMIS Fee, unless otherwise specified. Public Body shall pay the invoice at the location and within the time period stated in the Agreement.

5.2. **Establishment of CLEMIS Fee.** The CLEMIS Division upon the recommendation and counsel of the CLEMIS Advisory Committee shall establish the CLEMIS Fee. The CLEMIS Fee shall be posted on the CLEMIS website and may be obtained from the CLEMIS Division.

5.3. **Review of CLEMIS Fee.** The CLEMIS Division and the CLEMIS Advisory Committee shall annually review the CLEMIS FEE.

5.4. **CLEMIS and FRMS Funds.** County has established and shall continue to have separate enterprise funds within the County budget for revenues, expenses, and operations of CLEMIS (hereinafter "CLEMIS Fund and FRMS Fund").

5.5. **Deposit of CLEMIS Fee.** All monies paid by Public Body to County pursuant to this Exhibit shall be deposited into the CLEMIS Fund or FRMS Fund, as applicable. Only revenues and expenses stemming from CLEMIS operations and maintenance are recorded in the CLEMIS Fund and FRMS Fund; no other County revenues and expenses are recorded in these Funds. Any equity in the CLEMIS Fund and FRMS Fund at the end of the County's fiscal year shall be rolled into the CLEMIS Fund and FRMS Fund for the next fiscal year. Surplus/equity in the CLEMIS Fund and FRMS Fund can only be used for CLEMIS operations and maintenance and not for the general operations of County or Public Body. Any County general fund contributions (transfers) to the CLEMIS Fund and FRMS Fund are strictly based on availability and official appropriation by County and cannot be deemed permanent on-going contributions.

5.6. **Financial Statement for CLEMIS and FRMS Funds.** The County Fiscal Services Division shall prepare financial statements for the CLEMIS Fund and FRMS Fund on a quarterly basis. These financial statements will be posted on the CLEMIS Website on a quarterly and year-end basis. The County Director of Management and Budget or his/her designee shall report the condition of the CLEMIS Fund and FRMS Fund to the CLEMIS Advisory Committee, on a quarterly basis.

5.7. **Refund of CLEMIS Fee for Operational Problems.** Subject to Section 18 (Force Majeure) of the Agreement, if any CLEMIS Applications are not operational for more than

fourteen (14) consecutive calendar days, County shall refund the CLEMIS Fee, already paid by Public Body, for the days that the CLEMIS Applications were not operational.

6. **COUNTY/PUBLIC BODY RESPONSIBILITIES FOR CLEMIS CITATION PAYMENT APPLICATION AND CLEMIS CRASH PURCHASE APPLICATION.** If a Public Body uses the CLEMIS Citation Payment Application (hereinafter "Payment Application) and/or the CLEMIS Crash Purchase Application (hereinafter "Purchase Application"), then the following terms and conditions apply:

6.1. **Placement of URL.** Public Body shall be responsible for placing the Payment Application and the Purchase Application URLs on its website; the URLs shall be provided by County. Public Body shall include this URL in printed or electronic communications to the general public regarding the Payment Application and the Purchase Application.

6.2. **Questions Regarding Payment of Tickets/Citations/Parking Tickets and Purchase of Crash/Accident Reports.** County shall refer all questions that County receives to Public Body regarding the payment of citations/tickets/parking tickets and the purchase of crash/accident reports and regarding the amount of monies owed to Public Body.

6.3. **Security of Data.** County shall secure and protect data received through the Payment Application and Purchase Application (including credit card information) according to law, County's contractual obligations, and reasonable business standards and practices.

6.4. **No Interference with Contract.** Third-party service providers such as PayPal Inc. and Elavon, Inc. are required for the operation of the Payment Application and Purchase Application. Neither Public Body nor Public Body Employees shall act or fail to act, either directly or indirectly, in a manner to cause any purported breach in any term or condition in any agreement between County and such third party.

6.5. **Enhanced Access Fee.** Persons or entities paying citations/tickets/parking tickets through the Payment Application or purchasing crash/accident reports through the Purchase Application shall be charged an Enhanced Access Fee, in addition to the monies owed to Public Body.

6.6. **Payment Transaction for Payment Application.** When using the Payment Application, a person or entity paying a citation/ticket/parking ticket will authorize two transactions, at the time of payment: (1) one transaction for payment of monies owed to Public Body/Court and (2) one transaction for payment of the Enhanced Access Fee. The funds for the payment to Public Body/Court will be directed to the depository account designated and/or owned by Public Body/Court. The funds for the Enhanced Access Fee will be directed to a depository account designated and owned by County.

6.7. **Amount of Enhanced Access Fee for Payment Application.** The Enhanced Access Fee charged to persons/entities paying citations/tickets/parking tickets through the Payment Application shall be in an amount established by the Oakland County Board of Commissioners, Miscellaneous Resolution # 07121 and as subsequently amended by the Oakland County Board of Commissioners. Public Body shall receive one dollar ($1.00) of the Enhanced Access Fee collected for each citation/ticket paid through the Payment Application. Given the small amount of the Enhanced Access Fee for parking tickets,

Public Body shall receive no portion of the Enhanced Access Fee collected for parking tickets paid through the Payment Application.

6.8. **Amount of Enhanced Access Fee for Purchase Application.** The Enhanced Access Fee charged to persons/entities purchasing crash/accident reports through the Purchase Application shall be in an amount established by the Oakland County Board of Commissioners, Miscellaneous Resolution # 09182 and as subsequently amended by the Oakland County Board of Commissioners. Public Body shall receive one dollar ($1.00) of the Enhanced Access Fee collected for the purchase of each crash/accident report through the Payment Application.

6.9. **Amount of Fee for Crash/Accident Report.** Public Body shall set the fee for the purchase of the crash/accident report through the Purchase Application. The amount of this fee shall be listed in Addendum A.

6.10. **Distribution of Enhanced Access Fees and Fees for Crash/Accident Reports.** Public Body's portion of the Enhanced Access Fees, set forth in this Exhibit, and the fee for the crash/accident reports, set forth in Addendum A, shall be disbursed to Public Body pursuant to its written instructions. Public Body shall provide the written instructions, required by this section to CLEMIS Division.

6.11. **Obligations and Responsibilities if Public Body is a Court.**

6.11.1. **Access to Website.** If Public Body is a Court, then County shall provide access to a password protected website where Public Body/Court can issue credits or refunds and view daily, weekly, and monthly transactions processed through the Payment Application.

6.11.2. **Contract for Credit Card Processing.** If Public Body is a Court, then County shall establish, maintain, and pay for a separate contract for credit card processing services with the entities currently providing credit card processing services for County, i.e., PayPal Inc. and Elavon, Inc.

6.11.3. **Separate Depository Bank Account.** If Public Body is a Court, then it shall maintain a corresponding depository bank account, with a depository financial institution acceptable to County, for the receipt of monies owed to Public Body/Court. Public Body/Court shall provide County with all necessary bank account numbers and routing number to give effect to this requirement.

7. CLEMIS ADVISORY COMMITTEE.

7.1. **Establishment and Purpose of CLEMIS Advisory Committee.** The CLEMIS Advisory Committee was established to obtain advice and guidance from CLEMIS Members concerning policy, technical, and operational questions for CLEMIS Applications. The purpose behind the CLEMIS Advisory Committee is to allow CLEMIS Members to provide input regarding the operation and management of CLEMIS. The CLEMIS Advisory Committee leads the CLEMIS Consortium and provides recommendations and counsel to the CLEMIS Division regarding the operation, maintenance, and budget for CLEMIS (including suggested security policies, development/operation/modifications to CLEMIS Applications, and actions regarding misuse of CLEMIS).

7.2. **Composition of CLEMIS Advisory Committee.** The composition of the CLEMIS Advisory Committee is posted on the CLEMIS Website.

7.3. **CLEMIS Advisory Committee Meetings.** The CLEMIS Advisory Committee meets at least four (4) times per year. CLEMIS Members are encouraged to attend.

7.4. **CLEMIS Advisory Committee Officers.** Every July, the CLEMIS Advisory Committee shall elect a Chairperson by majority vote. The Chairperson shall select and appoint a Co-Chairperson. The CLEMIS Division Manager shall serve as Executive Secretary to the CLEMIS Advisory Committee. The Executive Secretary shall prepare the agenda for CLEMIS Advisory Committee meetings. Prior to each meeting, the Chairperson and the Executive Secretary shall review the contents of each agenda.

7.5. **CLEMIS Advisory Committee—Subcommittees.** The CLEMIS Advisory Committee may create subcommittees as it deems appropriate. The subcommittees and their composition and responsibilities shall be posted on the CLEMIS Website. The CLEMIS Advisory Committee Chairperson shall appoint the chairpersons of the subcommittees, except for the Chairperson of the Strategic Planning subcommittee, whose Chairperson is the current President of Oakland County Chiefs of Police Association and except for the Chairperson of Fire Governance whose Chairperson is elected by the Fire Governance Committee members.

8. **TRAINING.** Public Body shall require all Public Employees who use or access CLEMIS to attend training classes required by the CLEMIS Division. The format of the training classes will be at the discretion of the CLEMIS Division, e.g., train the trainer, classroom training, or on-line/remote training. If the training classes are held at County facilities or held in an on-line/remote format, then such training classes are at no cost to Public Body or Public Employees. If the training classes are held at non-County facilities, there may be a charge to Public Body based on time, materials, and location of training classes.

9. **SUPPORT AND MAINTENANCE SERVICES**. County shall maintain and support the CLEMIS Applications. The CLEMIS Fee includes the costs for support and maintenance services for the CLEMIS Applications and other services provided by the CLEMIS Division, unless otherwise indicated on Addendum A. When providing support and maintenance services for CLEMIS, County has the authority to prioritize its resources, including, but not limited to, the order in which calls for support or maintenance will be resolved and allocation of time of its employees, agents, subcontractors, and equipment.

10. **OBLIGATIONS & RESPONSIBITIES UPON TERMINATION/CANCELLATION**.

10.1. **Use of CLEMIS & CLEMIS Applications.** Upon the effective date of termination or cancellation of this Exhibit, Public Body shall stop using CLEMIS and CLEMIS Applications and it shall not have access to CLEMIS and CLEMIS Applications.

10.2. **Use and Access to Public Body's Data.** Upon the effective date of termination or cancellation of this Exhibit, Public Body's data shall not be useable by or accessible to any other CLEMIS Member.

10.3. **Transition of Data upon Termination/Cancellation.** Upon termination or cancellation of this Agreement, CLEMIS shall provide a copy of Public Body's data to Public Body in an electronic format and a time period determined by County. Upon written confirmation

from Public Body that it received its data, County will purge Public Body's data from CLEMIS and any disaster recovery sites. If County incurs any costs in copying Public Body's data, then Public Body shall be responsible for those costs and shall reimburse County for those costs. The CLEMIS Division shall invoice Public Body for such costs. Public Body shall pay the invoice at the location and within the time period stated in the Agreement. The CLEMIS Division may waive these costs in its sole discretion.

10.4. **Obligation to Pay CLEMIS Fee Upon Termination/Cancellation.** Public Body's obligation to pay the CLEMIS Fee shall stop on the effective date of termination or cancellation. If the termination or cancellation date is other than the end of a quarter, any CLEMIS Fee, paid in advance to County, shall be refunded to Public Body on a pro-rated daily basis for the time period that Public Body paid in advance.

ADDENDUM A

I. CLEMIS CATEGORIES / TIERS

Public Body shall receive the CLEMIS Applications and services associated with the category/tier selected below. The CLEMIS Website describes each category/tier listed below, describes the CLEMIS Applications that are received with a particular category/tier, and lists the cost for the below categories. As used in this Addendum "FTE" means Full-Time Equivalents (Sworn Officers).

☐ **Tier 1**

○ 16 or more FTE's ○ 6 – 15 FTE's ○ 1 – 5 FTE's

☐ **Tier 2**

○ 16 or more FTE's ○ 6 – 15 FTE's ○ 1 – 5 FTE's

☐ **Tier 2.5**

○ 16 or more FTE's ○ 6 – 15 FTE's ○ 1 – 5 FTE's

☑ **Tier 3**

◉ 16 or more FTE's ○ 6 – 15 FTE's ○ 1 – 5 FTE's

Tier 4 Rescinded

Tier 5 Rescinded

☐ **Tier 6 (eCLEMIS)**

○ 19 or more FTE's ○ 6 – 18 FTE's ○ 1 – 5 FTE's

☐ **Tier 7 Public Safety Answering Point (PSAP)/Central Dispatch Center**

☐ **Tier 8 Jail Management** (outside Oakland County)

☐ **Federal Departments, Offices or Agencies Inquiry Only in the State of Michigan** (does not contribute any data)

☐ **District Court in Oakland County** (excluding 52nd District Courts)

○ **Pays CLEMIS Fee:** receives ticket data.

☐ **OPT-OUT of CLEMIS Citation Payment Application**

○ **Does not pay CLEMIS Fee:** receives ticket data load and must exclusively use CLEMIS Citation Payment Application.

☐ **District Court outside Oakland County**

○ **Pays CLEMIS Fee:** receives ticket data.

☐ **OPT-OUT of CLEMIS Citation Payment Application**

○ **Does not pay CLEMIS Fee:** receives ticket data load and must exclusively use CLEMIS Citation Payment Application.

☐ **Circuit Court** (outside Oakland County - does not contribute any data)

☐ **Prosecutor Office** (outside Oakland County, does not contribute any data)

☐ **FRMS Participant** (Fire Records Management System)

Approved by SP Committee 07-08-15
Approved by CLEMIS Advisory Committee 07-16-15
Approved by BOC 8-13-15

II. ADDITIONAL CLEMIS APPLICATIONS

Public Body may select and shall receive any of the CLEMIS Applications, selected below, for a separate cost. The cost for the CLEMIS Applications is set forth on the CLEMIS Website.

☑ **Mobile Data Computers ("MDC")**

◉ **WITH** County provided wireless ○ **WITHOUT** County provided wireless

○ **CAD Only WITHOUT** County provided wireless

☑ **Livescan**

○ **WITH** printer ◉ **WITHOUT** printer

☑ **Mugshot**

◉ Capture Station and Investigative ○ Investigative Only

☐ **Jail Management**

○ CLEMIS Member located in Oakland County

○ CLEMIS Member located outside Oakland County

☐ **OakVideo** (CLEMIS Member located outside Oakland County)

☑ **Crime Mapping Application**

Vendor Name: The Omega Group, Inc.

Address: 5160 Carroll Canyon Road, Suite 100, San Diego CA 92121

Contact: Chris Baldwin, Sales Executive Phone: (858) 349-2012

Email: chris@theomegagroup.com

☐ **Pawn Application**

☐ **Fire Records Management System In Oakland County**

○ Phase I ○ Phase II

☐ **Fire Records Management System Outside Oakland County**

☐ **Fire Department Data Extract** (Provide third party vendor information below)

○ In Oakland County ○ Outside Oakland County

Vendor Name: _____

Address: _____

Contact: _____ Phone: _____

Email: _____

☑ **CRASH Report Payment Amount:** $ _____

☑ **Enhanced Access Fee Disbursement Instructions**

○ Disbursement when Requested ○ Disbursement Quarterly

Make Check Payable to: _____

☐ **OPT-OUT of Exhibit V (OakNet Connectivity)** OakNet connectivity is not needed

Approved by SP Committee 07-08-15
Approved by CLEMIS Advisory Committee 07-16-15
Approved by BOC 8-13-15

COUNTY:_____

CLEMIS Division Manager Date

PUBLIC BODY:_____

Title/Name:_____

Signature:_____

Date

(to be completed by Public Body)

Approved by SP Committee 07-08-15
Approved by CLEMIS Advisory Committee 07-16-15
Approved by BOC 8-13-15

REQUEST FOR LEGISLATION
January 12, 2016

To: Mayor and Council

From: Beth Ernat, Director of Community and Economic Development
Joe Meyers, Community Development Manager

Subject: Neighborhood Enterprise Zone

SUMMARY & BACKGROUND: On August 20, 2015, City Council adopted a resolution to proceed with the creation of a Neighborhood Enterprise Zone (NEZ) for the Southwest Gateway Area. Creating a NEZ provides a tax incentive for the development and rehabilitation of residential housing similar to an OPRA for commercial properties. Certificates may be issued for up to 17 years but cannot be less than 6 years. Improvements must be completed within two years of issuing the certificate and may be transferred within the first 12 years. The certificate may be revoked if taxes are not kept current.

Once the NEZ is established, individuals will need to apply for certificates. Certificates may be issued for rehabilitation or new facilities. Rehabilitation is defined as an existing structure with a true cash value of $80,000 or less and its primary purpose is or will be residential housing with 8 units or less. Improvements must exceed $5,000 if a contractor is used and at least $3,000 if completed by the owner. Improvements must bring structure into compliance with building code standards. New facilities will be limited to owner occupied principal residential structures.

Attached is the proposed new NEZ Boundary. After City Council's feedback, we are proposing to expand the boundary to include more parcels in the gateway area. The legislation states that the total boundary shall not exceed 15% of the total acreage contained with the boundaries of the local unit of government and must be contiguous. The proposed boundary is roughly 9% of the total acreage of the city.

In order to create the district, the City Clerk will need to give written notice to the City Assessor and the governing body of each taxing unit that levies property taxes within the proposed NEZ. Within 45 days of sending out the notice, the City will need to hold a public hearing. Prior to the City Council officially creating the NEZ, the City Assessor should provide City Council with the amount of true cash value of the property located within the proposed NEZ and other information that is necessary. At least 60 days after the notice to the taxing units that levies property taxes, the city makes a decision to pass a resolution to create the NEZ.

The timeline we propose would be as follows:

- City Council passes a resolution establishing when and how notice will be sent out, requesting information from the City Assessor, setting a hearing date, and setting a date for the ultimate determination – January 19, 2015
- Hold a public hearing on the proposed NEZ – February 16, 2016

- Determination on resolution creating the NEZ – April 5, 2016

In addition to the NEZ, we will be utilizing $25,000 of the MEDC grant to rebate all building permit fees for rehabilitation for new facilities within the NEZ district. Rebates would be limited to owner occupied dwellings or construction of a new owner occupied unit.

RECOMMENDED ACTION: Staff recommends approval of the attached resolution.

ATTACHMENTS: Proposed NEZ district map and resolution.

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _1/19/2016___

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____

Resolution No. 2016 – 091
April 19, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti is a qualified local unit of government and wishes to create a Neighborhood Enterprise Zone (NEZ) for the Southwest Gateway Area; and

WHEREAS, on August 18, 2015 City Council passed a resolution indicating that an NEZ is consistent with the City's master plan; that the city has a housing inspection ordinance which covers the requirements of the NEZ legislation; and the City's goals, objectives, and policies relative to the maintenance, preservation, improvement and development of housing for all persons, regardless of income level living within the proposed NEZ; and

WHEREAS, written notice was given to the City Assessor and the governing body of each taxing unit that levies property taxes within the proposed NEZ area as required by the Neighborhood Enterprise Zone Act; and

WHEREAS, City Council held a public hearing on the proposed NEZ on February 16, 2016.

NOW THEREFORE BE IT RESOLVED THAT City Council approves and authorizes the creation of a Neighborhood Enterprise Zone, pursuant to the Neighborhood Enterprise Zone Act (MCL 207.771 et seq), the "Act," within the City of Ypsilanti with the district boundaries as described.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

CITY POLICY AND PROCEDURES REGARDING APPROVAL OF NEIGHBORHOOD ENTERPRISE ZONE CERTIFICATES

A. Eligibility

Under the Neighborhood Enterprise Zone (NEZ) Act, Public Act 147 of 1992, the city has identified an area South of Michigan Avenue Area (SOMA) as a NEZ (see attached map). Under this Act, the city may grant NEZ exemption certificates to "new" and/or "rehabilitated" structures.

B. Reason for NEZ

In 2011 a community needs assessment for the SOMA area was completed identifying the need for increased investment in this area. Currently home ownership is around 47% and only 2% of all houses in the zone have a true cash value over $80,000. In order to increase home ownership, increase the quality of life in the neighborhood, and increase home values, the NEZ tax incentive is essential.

C. Homestead Properties

The city council will consider NEZ Certificates for property owners within the zone who are making significant home improvements that increase the value of the home or property owners constructing new homes that hold or will be obtaining a Principal Residence Exemption certificate.

D. Conditions to Qualify for a NEZ Certificate

Property owners looking to apply for a NEZ Certificate will need to meet the following conditions:

1. The property must be located in the SOMA NEZ area (attached)
2. The property is vacant or the structure has a true cash value less than $80,000
3. The primary use of the property is owner occupied residential (PRE Exemption)
4. No building permits for the improvements may be pulled prior to the time for which the certificate being applied.
5. All property taxes must be current and stay current throughout the length of the certificate.
6. Home improvement projects for homestead properties that are adding assessable value to the property need to exceed $3,500 if being completed by the property owner or $5,000 if being completed by a contractor.
7. Home must be brought into conformance with minimum local building code standards for occupancy.
8. The certificate is approved by the Ypsilanti City Council.

E. NEZ Certificate Terms for Homestead Properties

Each certificate requires approval of the City Council and has to be submitted to the State of Michigan to be filed with the City Tax Assessor. Each certificate is approved and evaluated independently. Mitigating circumstances may apply and impact the

recommendation based on the location of the property, the impact of the improvements on the surrounding properties, and the history of the property.

New owner-occupied structures that will hold a homestead exemption will receive the highest consideration and will be eligible for the full 15 year NEZ certificate. New structure certificates will be considered if the unit is an owner occupied duplex.

Improvements to existing structures that hold a homestead exemption will be considered by the following criteria:

$3,500 - $7,500 in new investment –	6 YEAR NEZ CERTIFICATE
$7,501 - $11,500 in new investment –	12 YEAR NEZ CERTIFICATE
$11,501 and above in new investment –	15 YEAR NEZ CERTIFICATE

F. Historic District Structures

Public Act 147 of 1992 has different standards for issuing NEZ Improvement Certificates in Historic Districts. The time frame to issue certificates for Qualified Historic Buildings range from 11 years to 17 years and improvements to the existing structures will be considered by the following criteria:

$3,500 - $7,500 in new investment –	11 YEAR NEZ CERTIFICATE
$7,501 - $11,500 in new investment –	14 YEAR NEZ CERTIFICATE
$11,501 and above in new investment –	17 YEAR NEZ CERTIFICATE

Changes to the exterior of the structure must be made in compliance with the Ypsilanti Historic District Commission (HDC) ordinance and with the approval of the HDC.

Mitigating circumstances may apply and impact the recommendation based on the location of the property, the impact of the improvements on the surrounding properties, and the history of the property.

G. Land Value vs. Structure Value for NEZ Certificates

Property taxes are made up of two parts; land value and structure value. Land value is a set price based on size and location. The structure value is based on the size of the home, number of bathrooms, decks, garages, decks, etc. A home with a NEZ certificate will have two separate assessments; one for land value which will be assessed at the annual set tax rate, and one with the special NEZ assessment for the house value.

H. Starting Date of NEZ Certificate

The NEZ certificate starts on December 31 of the year in which the new or rehabilitated structure is substantially completed. In some circumstances, a new home can request the NEZ start in the following year when it becomes a principal residence.

I. Calculating NEZ Tax for New Home

The NEZ tax for a new home is determined by multiplying one-half (1/2) of the average state homestead mileage rate levied in the state in the immediately preceding calendar

year by the taxable value of the new home, until three years before the certificate expires.

During the last three years of the term of the extended certificate, the tax calculation changes to the following:

In the tax year, two years before the certificate expires, the NEZ tax is the sum of the current taxable value of the home, excluding land, multiplied by five-eighths (5/8) the number of mills levied by the city and the county for operating purposes (excluding debt).

In the tax year one year before the certificate expires, the NEZ tax is the sum of the current taxable value of the home, excluding land, multiplied by three-fourths (3/4) the number of mills levied by the city and the county for operating purposes (excluding debt).

In the tax year the certificate expires, the NEZ tax is the sum of the current taxable value of the home, excluding land, multiplied by seven-eighths (7/8) the number of mills levied by the city and the county for operating purposes (excluding debt).

J. Calculating NEZ Tax for Rehabilitated Structure

The NEZ tax for a rehabilitated structure is the sum of the current taxable value of the new and/or rehabilitated structure, excluding land, multiplied by 1/2 the number of mills levied by the city and the county for operating purposes (excluding debt) and the current taxable value of the existing structure multiplied by the total number of mills levied by the city except for the last three years in which the certificate is in effect.

During the last three years of the certificate, the tax calculation changes to the following:

In the tax year, two years before the certificate expires, the NEZ tax is the sum of the current taxable value of the structure, excluding land, multiplied by five-eighths (5/8) the number of mills levied by the city and the county for operating purposes (excluding debt), plus the taxable value of the existing structure, excluding land, multiplied by the remaining total mills levied as ad valorem taxes.

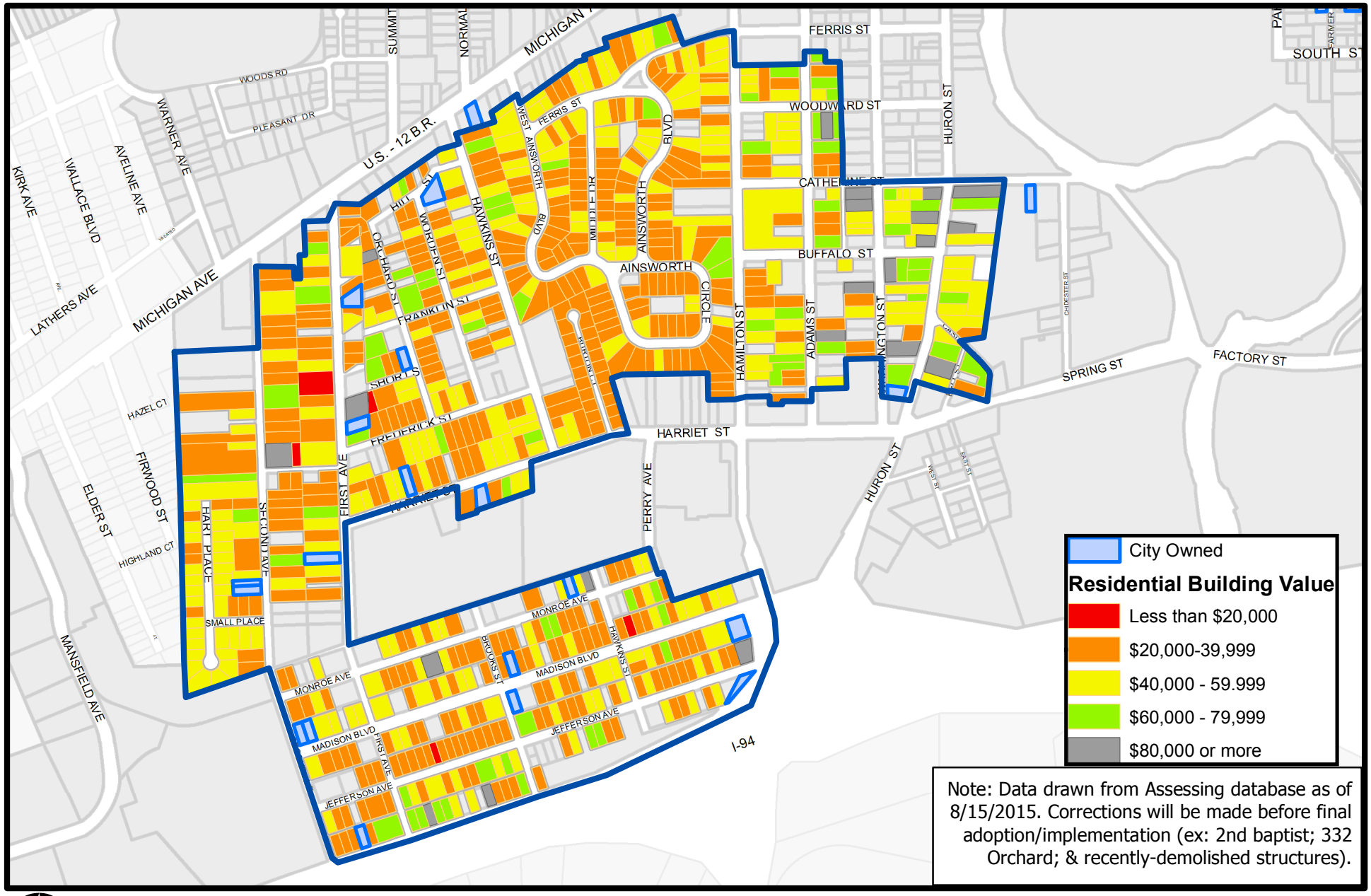
In the tax year, one year before the certificate expires, the NEZ tax is the sum of the current taxable value of the structure, excluding land, multiplied by three-fourths (3/4) the number of mills levied by the city and the county for operating purposes (excluding debt), plus the taxable value of the existing structure, excluding land, multiplied by the remaining total mills levied as ad valorem taxes.

In the tax year the certificate expires, the NEZ tax is the sum of the current taxable value of the structure, excluding land, multiplied by seven-eighths (7/8) the number of mills levied by the city and the county for operating purposes (excluding debt), plus the taxable value of the existing structure, excluding land, multiplied by the remaining total mills levied as ad valorem taxes.

For More Information Contact:
Community Development Department
City of Ypsilanti

1 S. Huron St
Ypsilanti, MI 48197
Phone: 734-483-1100
jmeyers@cityofypsianti.com
www.cityofypsilanti.com/NEZ

Proposed NEZ 1-06-2016



Data from Washtenaw County GIS and Ypsilanti Planning and Development
For illustrative purposes only
January 2016

REQUEST FOR LEGISLATION
January 12, 2016

To: Mayor and Council

From: Beth Ernat, Director of Community and Economic Development
Joe Meyers, Community Development Manager

Subject: Resolution to Amend the City's Property Disposition Policy

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SUMMARY & BACKGROUND: At its January 6, 2016 meeting, City Council adopted a Property Disposition Policy. Through the sidelot program, staff has received six (6) applications from neighbors looking to purchase lots and is working with legal counsel to process the applications. Moving forward, staff has reviewed the non-sidelot program as part of the policy and has found an issue. The policy sets the purchase price of the property as the value of the land as determined by the City Assessor and legal fees for preparation of the contract. Currently the City Assessor sets a true cash value to these city lots in this neighborhood anywhere from $14,000 to $45,478 with the gap parcels being valued around $2,000. To help encourage development on these parcels, staff is recommending that the city council amend the Property Disposition Policy to set the sale price of non-sidelots at a minimum of $1,000 plus closing costs to be in line with the minimum commercial property price.

The reduction in sale price is being recommended because the assessed values are not currently in-line with market rates for vacant and distressed property.

In summary, by City Council approving the attached resolution, they have approved amending the Property Disposition Policy to set the price of residential non-sidelots at a minimum $1,000 plus closing costs.

ATTACHMENTS: Proposed Resolution

RECOMMENDED ACTION: Adoption of the resolution

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____

RESOLUTION NO. 2016-092
April 19, 2016

RESOLUTION AMENDING THE CITY'S PROPERTY DISPOSITION POLICY

WHEREAS, The City of Ypsilanti is interested in conveying its excess City-owned property to private owners to encourage homeownership; and

WHEREAS, to further this interest, the City Council for the City of Ypsilanti has approved the City Property Disposition Policy by adopting Resolution No. 2015-273; and

"WHEREAS, City Council seeks to amend the Property Disposition Policy to set the sale price of residential property a minimum of $1,000 per property in order to better achieve the goal of increasing taxable parcels within the City; and

WHEREAS, this Policy provides that City Council will annually consider a resolution, after a public hearing, to approve the sale of residential land and authorize the City Manager to enter into purchase agreements, quit claim deeds, leases, or other contracts and documents to effectuate their conveyance;

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that The Property Disposition Policy is amended to create the sale price of City-owned residential property to be a minimum of $1,000.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

CITY POLICY AND PROCEDURES REGARDING DISPOSITION OF CITY OWNED PROPERTIES

A. Eligibility

Under the Charter of the City of Ypsilanti, when the City of Ypsilanti is a property owner the City may sell and dispose of property as it sees fit and in order to increase the number of taxable properties within the City.

B. Reason for Sale

The City owns both residential and commercial properties. The vast majority of the properties have been transferred to the City from Washtenaw County after the property has been seized due to tax foreclosure. The City continues to receive tax delinquent properties annually. When the City becomes the owner, the parcels become tax exempt and the City is required to maintain the properties in terms of security, grass, and snow maintenance. The cost to the City is increasing and straining City manpower to secure and maintain the properties.

C. Authority to Dispose of City Owned Property

To streamline the process of selling residential land and returning property to active tax rolls, the City shall annually hold a public hearing and consider a resolution to authorize the sale of subject parcels and delegate the authority to the City Manager to enter into purchase agreements selling city owned lots as seen in the legal notice. This process will be repeated as the City comes into ownership of additional residential properties.

Due to commercial properties having higher value and more public visibility, all such sales will require approval by City Council after a public hearing and notice has been made.

D. Residential Properties

All City-owned residential parcels are available for sale.

Sidelots for the purposes of this policy are a parcel of land with no structures that is zoned for residential use and that is abutted on no less than one side by a residential lot with a habitable structure.

(Sidelotting) Preference for sale shall be given to adjoining property owners that (1) own and have Homestead status on an adjoining parcel; (2) are current and have a record of staying current on all property taxes; and (3) have no outstanding tickets or property violations within the City of Ypsilanti.

If more than one adjoining parcels meets the above criteria, the City shall split the City-owned parcel 50/50 between the adjoining parcels.

Adjoining property owners shall be able to purchase sidelots for the amount of $1 plus the cost of closing due prior to the closing of the property.

(Non-sidelots) After options for sidelot sales have been explored, parcels may be sold to any interested party meeting the following conditions (1) Purchaser agrees if property is to be developed it will be maintained as a homestead use; (2) Purchaser is current on all

property taxes and shall have no outstanding tickets or property violations in the City of Ypsilanti; (3) Purchaser agrees to repair or restore to any structure to habitable condition within 1 year of purchase. Should the purchaser fail to meet these requirements, the City would be able to reclaim the property within the first year at the expense of the purchaser.

The purchase price of the property shall be the value ~~of the land as determined by the City Assessor~~$1,000 plus closing costs and legal fees for preparation of the contract.

The City shall hold the proceeds in escrow for the first year. These funds would be used to reclaim the property if necessary. After the first year the proceeds would be released to the general fund to be earmarked for vacant property maintenance.

E. Commercial Properties (excluding Water Street Development Parcel)

Commercial Properties are assessed at a higher rate than residential property and are generally in higher traffic and public locations. The standard for selling commercial property is higher than residential and requires more screening and review.

An internal committee consisting of The Director of Community and Economic Development, the Community Development Manager, the Fiscal Services Director and the City Manager shall be created as a reviewing committee for any property sale request.

Interested parties shall provide the City a letter of interest outlining their intent for the use of the property, a proforma showing their capital planning for the use of the property, and two letters of reference regarding past business experience.

Should the review committee seek to recommend the request to City Council, a purchase agreement shall be created to be reviewed by City Council. A public hearing and notice shall be scheduled and the City Council would review and approve or deny the purchase agreement.

The purchase price shall not be less than $1,000 plus legal and closing costs. However, higher offers will be considered.

F. Unclaimed Land

Should vacant property remain unsold after one year, the City Manager should have the authority to negotiate interim use/lease agreements for parcels by residents for public gardens, public art, and other cultural uses. Residents seeking to use publicly owned property will be required to enter into an agreement with the City and have no less than a 90-day "out" clause for the sale or public use of the property.

REQUEST FOR LEGISLATION
April 14, 2016

To: Mayor and Council

From: Ralph A. Lange, City Manager

Subject: Proposed Water Street Redevelopment Project Debt Service Millage

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SUMMARY & BACKGROUND:

The City has refunded, in two series, most of its previously issued 2006 General Obligation Limited Tax Capital Improvement Bonds to finance and refinance the costs relating to land acquisition, environmental work, and public infrastructure in an area of the downtown referred to as the Water Street Redevelopment Project ("the Project").

The City's Limited Tax General Obligation Refunding Bonds, Series 2016A are currently outstanding in the principal amount of $8,240,000. The City's General Obligation Limited Tax Improvement Bonds, Series 2016B are currently outstanding in the principal amount of $2,200,000. Both bonds are payable on November 1 from 2016 through 2031. The Bonds were issued in anticipation of tax increment revenues being generated by the proposed development. As you are all well aware, such revenue has yet to be generated to meet these payments. The City is currently paying the debt service on the Bonds from its general fund.

Pursuant to the City's authority under the Unlimited Tax Election Act, Public Act 189 of 1979, staff are requesting that City Council approve the attached resolution to authorize a ballot question for the August election seeking voter approval to fund payments of the Series 2016A Bonds through a millage. Payment of this series is estimated to levy 2.3 mills, which is roughly equivalent to a road millage set to expire in 2017, when this millage would be levied.

RECOMMENDED ACTION: Adoption of the attached Resolution

ATTACHMENTS: Council Resolution

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____

Resolution No. 2016-093
Date: April 19, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti, Michigan (the "City") has refunded in two series most of the previously issued 2006 General Obligation Limited Tax Capital Improvement Bonds to finance and refinance the costs relating to land acquisition, environmental work and public infrastructure in an area of the downtown referred to as the Water Street Redevelopment Project; and

WHEREAS, the City's Limited Tax General Obligation Refunding Bonds, Series 2016A (Taxable) (the "Bonds") are currently outstanding in the principal amount of $8,240,000 payable on November 1 from 2016 through 2031; and

WHEREAS, the City is currently paying the debt service on the Bonds from its general fund and other sources; and

WHEREAS, the City Council desires to seek voter approval to pledge the City's unlimited tax full faith and credit for payment of the Bonds and to allow a millage to be levied to pay the debt service on the Bonds; and

WHEREAS, the simple average annual millage rate required to retire the Bonds is 2.3 mills ($2.30 per $1,000 of taxable value); and

WHEREAS, the City's road millage, which will be levied at a rate of 2.3064 mills in 2016, is set to expire in 2017, which is when the proposed millage for the Water Street Debt would begin to be levied;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Ypsilanti, Michigan, as follows:

1. The following proposal be submitted to the qualified electors of the City at the election to be held August 2, 2016:

WATER STREET DEBT MILLAGE PROPOSAL

Shall the City of Ypsilanti be authorized to pledge its unlimited tax full faith and credit for payment of its Limited Tax General Obligation Refunding Bonds, Series 2016A (Taxable), which are outstanding in the principal amount of $8,240,000 payable through 2031, which were issued for the purpose of financing and refinancing capital improvement costs relating to the Water Street Redevelopment Project? The

estimated millage to be levied in 2017 is 2.30 mills ($2.30 per $1,000 of taxable value) and the estimated simple average annual millage rate required to retire the bonds is 2.3 mills ($2.30 per $1,000 of taxable value).

2. The City Clerk is hereby authorized to cause the above proposal to be placed on the ballot at the election to be held on August 2, 2016.

3. The canvass and determination of votes of said question shall be made in accordance with the laws of the State of Michigan and the Charter of the City of Ypsilanti.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Resolution No. 2016-094
April 19, 2016

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: