Revised – 4/4/16

CITY OF YPSILANTI
COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS, 1 S. HURON
YPSILANTI, MI 48197
TUESDAY, APRIL 5, 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. WORK SESSION – 6:00 – 7:00 p.m.

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

VII. INTRODUCTIONS –

VIII. PRESENTATIONS –

IX. 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
B. Open public hearing
C. Resolution No. 2016-048, close public hearing

X. ORDINANCES – FIRST READING –

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
   B. Open public hearing
   C. Resolution No. 2016-050, close public hearing

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
   B. Open public hearing
   C. Resolution No. 2016-052, close public hearing

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
   B. Open public hearing
   C. Resolution No. 2016-054, close public hearing

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
   B. Open public hearing
   C. Resolution No. 2016-056, close public hearing

Ordinance No.1266

5. An ordinance to amend Ypsilanti City Code, Chapter 70, "Municipal Civil Infranctions", 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
   B. Open public hearing
   C. Resolution No. 2016-058, close public hearing

Ordinance No.1267

6. An ordinance to amend Ypsilanti City Code, Chapter 22 "Businesses" to remove those provisions relating to licensing.

   A. Resolution No. 2016-059, determination
   B. Open public hearing
   C. Resolution No. 2016-060, close public hearing

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
   B. Open public hearing
   C. Resolution No. 2016-062, close public hearing

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
   B. Open public hearing
   C. Resolution No. 2016-064, close public hearing

XI. ORDINANCE – SECOND READING –

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.

XII. AUDIENCE PARTICIPATION –

XIII. REMARKS BY THE MAYOR –

XIV. CONSENT AGENDA - Resolution No. 2016-066

1. Resolution No. 2016-067, approving minutes of March 15, 2016.

2. Resolution No. 2016-068, approving appointments to Boards and Commissions.

3. Resolution No. 2016-069, approving Fire Department purchase from Signature Ford of a 2016 Ford F250 4x4 with snow plow package.

4. Resolution No. 2016-070, recognizing the Ypsilanti Symphony Orchestra as a non-profit organization in the City of Ypsilanti.

XV. RESOLUTIONS/MOTIONS/DISCUSSIONS –

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.

2. Resolution No. 2016-072, supporting the Michigan Mid-Block Crossing Project.

3. Resolution No. 2016-076, approving revised MDOT contract for the 2015 Mid-Block Crossing at Washtenaw Ave. and Oakwood project. ***(Added)***

4. Resolution No. 2016-073, approving Neighborhood Enterprise Zone (NEZ) policy.

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.

XI. LIASON REPORTS –

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

XII. COUNCIL PROPOSED BUSINESS –

XIII. COMMUNICATIONS FROM THE MAYOR –

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 –

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 –

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.

MEMORANDUM
March 31, 2016

To: Mayor and Council

From: Beth Ernat, Director of Community and Economic Development

Subject: Economic Development Work Session

Scheduled for the April 5th work session is a presentation of Economic Development. Community and Economic Development Staff are still working on preparing the power point presentation.

The presentation will include a summary of projects and initiatives from 2015 til present. Other points for discussion will be Water Street updates and review, pending projects and studies, and a summary or grant projects.

A .PDF of the powerpoint will be emailed by no later than Monday, April 4th.

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

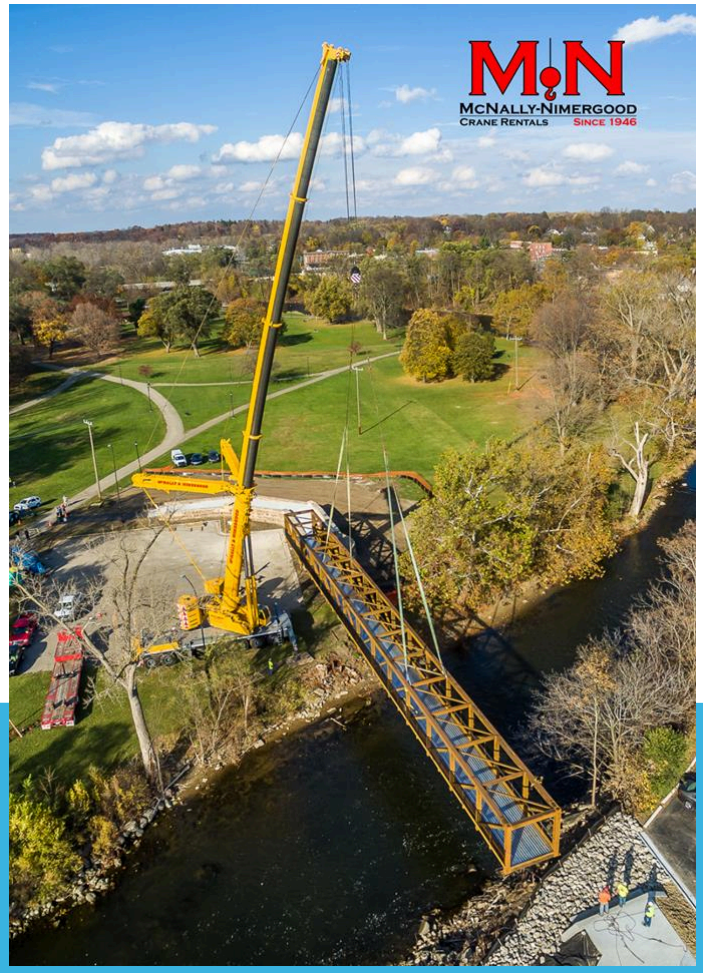
- Transportation Alternatives Program: Midblock at Water Street ($196,000)
- Michigan Natural Resources Trust Fund 2012 for River's Edge Linear Park and Trail ($300,000)
  Anticipated summer closing

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

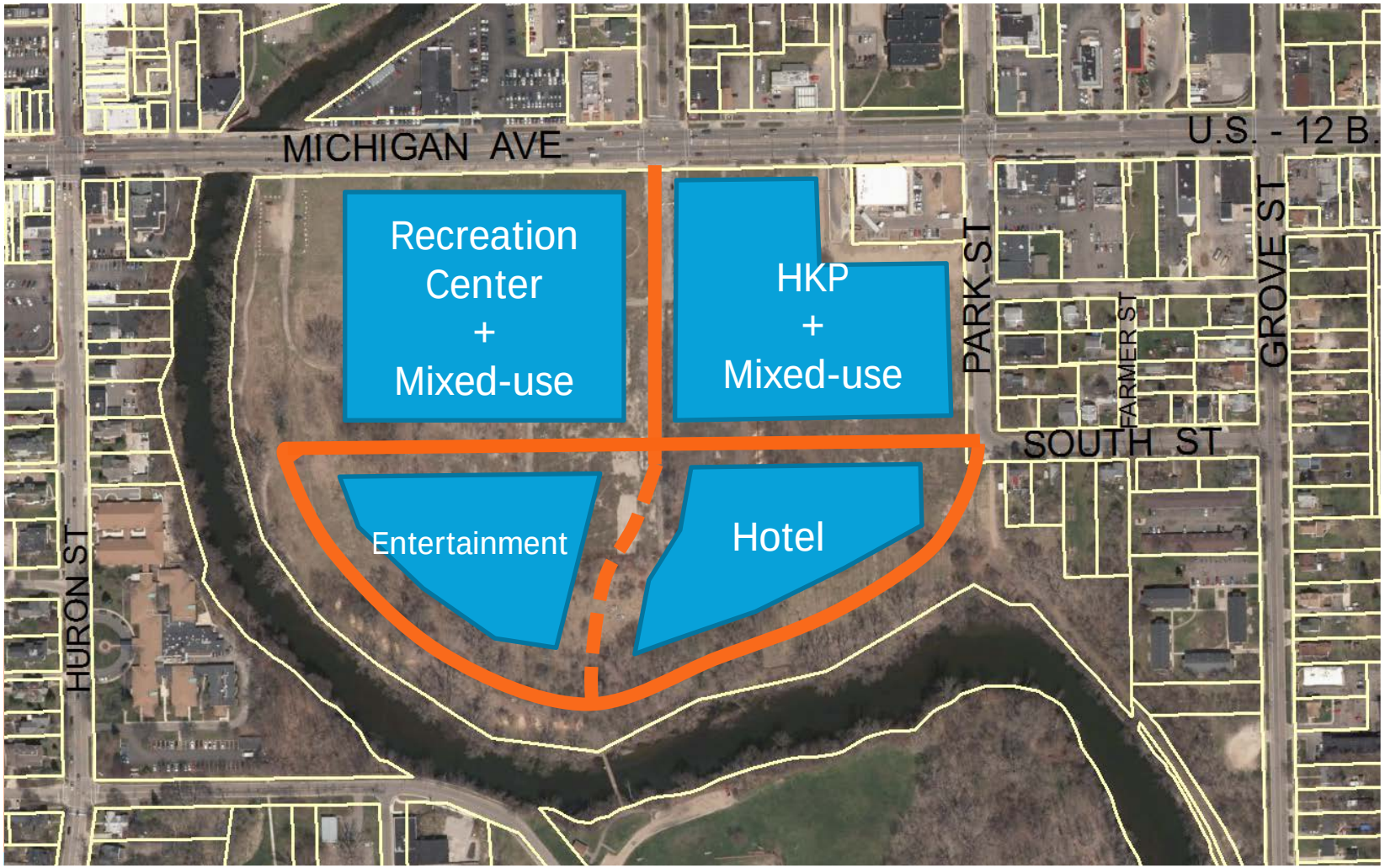
WATER STREET

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

City of Ypsilanti
City Manager's Office

Memorandum

To: Mayor and City Council Members

From: [redacted]

Date: March 31, 2016

Subject: Adams Outdoor

This agreement to sell our lease interest (capitalize its value) now offers the city some major additional advantages this time versus last time as a result of the city holding back $700,000 in Water Street bonds. The cost to pay these bonds off (principal and interest) over the next fifteen years would be approximately would be $1,093,000 or about $73,000 per year for the next 15 years.

By securing this money, $470,000 now, and immediately (between May and June 2016) applying it to the pay down of the $700,000 in old Water Street bonds the city would reduce its projected annual payment over the next 15 years by approximately 67% or $48,900 per year. The future value of this money for the next 15 years is not .5% interest on the money but over 6% on avoided interest cost on the bonds, with no penalty.

For this reason and others, I strongly recommend the City Council support this action. Thank you.

Please see additional information:

- Request for Legislation
- Resolution
- Packet of information from Adams Outdoor Advertising Limited Partnership
- $700,000 Water Street debt schedule for bonds that were not refunded.
- Two different maps showing the area the sign is in or maybe moved to.

/ns

REQUEST FOR LEGISLATION

DATE: April 1, 2016

FROM: Ralph Lange, Ypsilanti City Manager

SUBJECT: Authorization to Grant Easement – Adams Outdoor Advertising

SUMMARY/BACKGROUND

Adams Outdoor Advertising Limited Partnership ("Adams") is currently leasing property located near the northeast corner of I-94 and the Huron Street interchange. The City and Adams had a 21-year lease for a digital billboard. The City was initially approached by Adams approximately one year ago, where Adams expressed interest in terminating the lease, moving the sign further south on the property, and purchasing a permanent easement at this new location.

The purchase price of this easement was to be $470,000. There were other terms involved in this agreement. For instance, Adams would have been required to remove two existing advertising structures for the relocation of the sign; Adams would allow the City to use unrented advertising space as a public service; advertising copy restrictions on depictions of gambling, sexual activities or businesses, alcohol, and tobacco; and the existing maintenance contract would remain in full force and effect. This agreement was approved by City Council on August 4, 2015. However, subsequent to this approval, Adams backed out of the deal before the agreement was signed.

After this all transpired, there was a change in leadership handling this matter for Adams and discussions between the parties were re-initiated. These discussions culminated in the attached Letter of intent, signed by Adams, to move forward with the grant of an easement for the purchase price of $470,000. Please note the following differences between the previously approved agreement and the one currently in front of City Council: The agreement does not discuss the relocation of the current sign. Instead, the easement area conveyed would include both the current location of the sign and extend down to the southeasterly corner of the parcel (which is currently impacted by the "clear vision easement"). If Adams wishes to relocate the sign in the future, it will be through the usual course. Also, the copy restriction on advertising would be changed to provide for depictions of gambling and alcohol (sexual activities or businesses and tobacco would still be prohibited).

The City Attorney has reviewed the letter of intent and the attached easement agreement and has approved both as to form. Procedurally, adopting the attached resolution would authorize the City Manager to execute the letter of intent, the easement agreement, and any closing documents subject to the approval of the City Attorney.

ATTACHMENTS: Proposed Resolution
Letter of Intent

RECOMMENDED ACTION: Review and Adoption

DATE RECEIVED:_____ AGENDA ITEM NO. Resolution No. 2016-047

CITY MANAGER COMMENTS:

FOR AGENDA OF: 4/5/2016 _____ FINANCE DIR. APPROVAL_____

COUNCIL ACTION TAKEN:

Resolution No. 2016-047
April 5, 2016

RESOLUTION AUTHORIZING GRANT OF EASEMENT
TO ADAMS OUTDOOR ADVERTISING, LLC

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: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Resolution No. 2016-048
April 5, 2016

THAT the public hearing on a Resolution Authorizing Grant of Easement to Adams Outdoor Advertising, LLC be officially closed.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

ADAMS OUTDOOR ADVERTISING LIMITED PARTNERSHIP
500 COLONIAL CENTER PARKWAY, SUITE 120
ROSWELL, GEORGIA 30076

March 23, 2016

Mr. Ralph Lange, City Manager
City of Ypsilanti
1 South Huron Street
Ypsilanti, Michigan 48197

Re: Purchase of Easements (as hereinafter defined) from City of Ypsilanti, or the affiliated owner of the Property, as hereinafter defined (the "Grantor") on property in the City of Ypsilanti, County of Washtenaw, State of Michigan, and identified as Tax Id# 11-11-37-101-007 (the "Property").

Dear Mr. Lange:

This letter expresses the intention of Adams Outdoor Advertising Limited Partnership ("Buyer") to acquire perpetual easements from Grantor on the terms and conditions contained in this letter (the "Transaction").

1. Grant of Easements. Buyer intends to purchase from Grantor the following perpetual easements listed below:

(a) Easements across the Property for the erection, construction, operation, maintenance, repair, dismantling, replacement, alteration, improvement, illumination and use of an outdoor advertising structure or sign, with such number of faces as desired by Buyer (the "Billboard");

(b) Easements across the Property for access to and from the Billboard;

(c) An exclusive base easement across a portion of the Property for the operation and maintenance of the Billboard;

(d) Easements across the Property for providing utility service to the Billboard; and

(e) Easements across the Property for maintaining the visibility of the Billboard to the adjacent public roads.

Collectively, items (a) through (e) above may be referred to herein as the "Easements". The Easements will be sold to Buyer free and clear of all liens and encumbrances except for those which are of record and have been agreed to by Buyer. All consents necessary for the grant of the Easements will be obtained by Grantor.

2. Purchase Price. The consideration to be paid by Buyer for the Easements shall be **Four Hundred Seventy Thousand Dollars and No Cents** ($470,000.00) (the "Purchase Price"). The Purchase Price will be paid to Grantor in cash or by wire of immediately available funds at the closing of the Transaction and the grant of the Easements ("Closing"). Buyer will not assume any liabilities or obligations of Grantor other than any obligations arising and to be performed under the Easements from and after the date of Closing. Any lease currently in effect between Grantor, as landlord, and Buyer, as tenant, shall be terminated at Closing without the refund of any prepaid rent to Buyer.

3. Closing. The parties intend to for the Closing to occur on or about forty-five (45) days after the date of acceptance of this letter by Grantor, subject to the satisfaction of all conditions to Closing.

4. Conditions. The obligations of Buyer to close the Transaction and pay the Purchase Price are subject to:

(a) the completion by Buyer of its due diligence review of the Easements and the Property, the results of which shall be satisfactory to Buyer in its sole discretion;

(b) the execution by Buyer and Grantor of an easement agreement in the form described in Section 5 below; and

(c) all consents necessary for the transfer of the Easements shall have been obtained.

5. Easement Agreement. Grantor acknowledges and agrees that it has reviewed the form of easement agreement attached hereto as Exhibit "A", and that Grantor shall execute an agreement in substantially the same form at Closing. Buyer shall complete the easement agreement with the specific information for the Transaction in preparation for Closing.

6. Access. Grantor will afford to Buyer, its counsel, accountants, agents, contractors and other representatives, free and full access to the Property and to all relevant records of Grantor relating to the Property and shall furnish Buyer with all information concerning the Easements and the Property as Buyer may reasonably request.

7. Ordinary Course. From the date hereof until the earlier to occur of the Closing or the termination of this letter of intent, Grantor will not make any changes or amendments to or incur any encumbrances on the Easements or the Property, except as may be agreed by Buyer in writing.

8. Expenses. Each of the parties will be responsible for all costs and expenses incurred by such party in connection with the Transaction.

9. Maintenance Contract. The Parties entered into a Maintenance Contract whereby Buyer agreed to install and maintain landscape improvements to the Billboard area for a period of five years. The terms and obligations of this Maintenance Contract shall continue in full force and effect.

10. Advertising Space. Buyer agrees to make advertising space available to the Grantor, on an as-available basis, upon request without charge, as a public service. Buyer will work with Grantor on content and design at no charge. The Parties agree that the terms and conditions of this arrangement will be substantially similar to the Advertising Trade Addendum executed by the Parties as part of the currently existing Lease Agreement.

11. Advertising Copy Restriction. Buyer agrees that no advertising copy may be installed or displayed on the Billboard that depicts overtly sexual/adult activities or businesses or tobacco. Buyer must remove any such advertising copy within five business days after receipt of written notice from Grantor. These restrictions shall be narrowly construed.

12. Confidentiality. Neither party will make any public announcement regarding the transaction contemplated herein without the consent of the other, unless such announcement is legally required.

13. Exclusivity. From the date hereof until the earlier to occur of the Closing or the termination of this letter of intent, Grantor will not solicit, encourage, entertain, discuss or accept offers from any other parties with respect to the grant of the Easements.

Except for paragraphs 5 to 10 above inclusive (which are binding on the parties), this letter is only an expression of the mutual intention of Buyer and Grantor and will not constitute any binding agreement of the parties hereto. A binding agreement between the parties will arise only upon execution and delivery of the easement agreement referred to in paragraph 4(b) hereof. In the event an easement agreement is not executed on or before the last date for closing set forth in paragraph 3 above, this agreement shall terminate except for the provisions of paragraphs 8 and 9, which will survive.

[SIGNATURES ON NEXT PAGE]

Please indicate your agreement to the terms contained herein by executing this letter of intent in the space provided below, and then returning an executed copy to me at the address indicated above.

Very truly yours,

ADAMS OUTDOOR ADVERTISING LIMITED PARTNERSHIP, a Minnesota limited partnership

By: Adams Outdoor GP, LLC,
its General Partner

By: [redacted]
Richard J. Zecchino
Vice President and General Counsel

Accepted and approved this _____
day of _____, 2016.

CITY OF YPSILANTI

By:_____

Name: _____

Title: _____

EXHIBIT "A"

FORM OF EASEMENT AGREEMENT

After recording, please return to:

Richard J. Zecchino, Esq.
Adams Outdoor Advertising
3801 Capital City Blvd.
Lansing, Michigan 48906

Please cross-reference with:

Deed Book ____, Page ____,
_____ County, _____

GRANT OF PERPETUAL EASEMENTS

THIS GRANT OF PERPETUAL EASEMENTS ("***Agreement***") is made and entered into this _____ day of _____, 20___, by and between _____ _____ (hereinafter referred to as "***Grantor***") and ADAMS OUTDOOR ADVERTISING LIMITED PARTNERSHIP, a Minnesota limited partnership, having an address of 2802 Paces Ferry Road, S.E., Suite 200, Atlanta, Georgia 30339, its successors and assigns (hereinafter referred to as "***Grantee***").

RECITALS

WHEREAS, by virtue of that certain _____ from _____ _____, to Grantor, dated _____, recorded in Deed Book ____, Page ____, _____ County, _____ records, Grantor owns that certain tract or parcel of land lying and being in _____ County, _____, as more particularly described on **Exhibit "A"**, attached hereto and incorporated herein by this reference, and as shown on the Survey (as hereinafter defined), which constitutes all of the real property now owned by Grantor at such location, including the real property underlying the easements granted herein (collectively, the "***Property***");

WHEREAS, Grantee has previously erected and constructed, or has acquired, an outdoor advertising structure or sign (the "***Billboard***") on the Property. The Billboard consists of, and includes, without limitation, foundations, structures, sign faces and all associated apparatus, equipment, and fixtures, and is shown (in limited detail) on that certain survey dated _____

_____, last revised _____, prepared by _____ of _____, registered land surveyor number _____, a reduced copy of which is attached hereto as **Exhibit "B"** and which is incorporated herein by this reference (the "***Survey***");

WHEREAS, Grantor and Grantee have agreed, and do hereby agree, that Grantee shall retain ownership of the Billboard, and that Grantor shall grant, bargain, sell and convey to Grantee certain easements, rights and privileges to enable Grantee to, without limitation, utilize, rent, operate, maintain, service, repair, rebuild and renew the Billboard; and

WHEREAS, Grantor desires to grant, bargain, sell and convey to Grantee certain easements over, under, upon and across the Property, which easements shall run with the land, and to impose certain restrictions on the use of the Property in order to protect the value of said easements and the Billboard (all of the easements and rights granted by Grantor to Grantee under this Agreement may be referred to collectively herein as the "***Easements***").

AGREEMENT

NOW, THEREFORE, for and in consideration of the sum of TEN and NO/100 DOLLARS ($10.00), in hand paid by Grantee to Grantor, and other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged, the parties hereto hereby agree as follows:

1. Retention of Ownership, Title, and the Right to all Rent, Revenue, Income and Profits Derived from or Related to the Operation of the Billboard or the Rental, Licensing or Leasing Thereof.

Grantor and Grantee hereby agree that Grantee shall retain title to, and ownership of, the Billboard, including, without limitation, the structure, base, foundation, faces and supporting members and all associated fixtures, equipment and appurtenances. Grantee hereby reserves and retains, and Grantor hereby covenants and agrees that Grantee shall retain, the right to all rent, revenue, income and profits derived from or related to the operation of the Billboard and the rental, licensing or leasing thereof.

2. Sign Easements.

Grantor hereby grants, bargains, sells and conveys to Grantee a perpetual and exclusive easement (the "***Sign Easement***") for the erection, construction, operation, maintenance, repair, dismantling, replacement, alteration, improvement, illumination and use of an outdoor advertising structure or sign (with multiple faces and/or electronic displays, as desired by Grantee), and all appurtenances and related property and equipment, over, under, upon and across those portions of the Property as shown on the Survey (and labeled the "_____" thereon) and as more particularly described on **Exhibit "C"** attached hereto (the "***Sign Easement Area***"). The Sign Easement includes the right to place, maintain, replace and operate within the Sign Easement Area electrical and control equipment (including equipment used in the particular advertisements on the Billboard from time

to time) and communications and telecommunications equipment which may from time to time be located on the Billboard or within the Sign Easement Area.

Grantor hereby grants, bargains, sells and conveys to Grantee the exclusive right to support, maintain, construct, repair, replace, and reconstruct the sign faces of the Billboard and to operate the Billboard. Without limiting the generality of the foregoing, these easements include: (i) the right to park vehicles, cranes and equipment within the Sign Easement Area and in the vicinity of the Billboard for the purposes permitted by the easements described herein; (ii) the air rights to maintain the Billboard in its present location above the surface of the land and over the Property, including, without limitation, within the Sign Easement Area; (iii) easements for lateral and subjacent support of the Billboard and, without limitation, its base, foundation and structure; and (iv) the right to attach antennas and other communications, telecommunications and control equipment to and on the Billboard.

3. Access Easements.

Grantor hereby grants, bargains, sells and conveys to Grantee perpetual and non-exclusive easements for vehicular and pedestrian ingress to and egress from the Sign Easement Area (the "***Access Easements***") over, upon and across the Property to _____ including, without limitation, for pedestrian and vehicular traffic over and across the parking and driveway areas (including gravel and dirt roads, if any) located on the Property. At all times Grantor shall maintain reasonable access to the Billboard for use by Grantee across the driveway, gravel roads, dirt roads and parking areas located on the Property, in a manner which is not substantially less convenient and desirable than the existing access between the Billboard and _____.

4. Utility Easements.

Grantor hereby grants, bargains, sells and conveys to Grantee perpetual and non-exclusive easements for the installation, maintenance, repair, replacement and provision of utilities (including, without limitation, power and telecommunications) to service the Sign Easement Area and the Billboard contained therein (the "***Utility Easements***") over, under, upon and across the Property (the "***Utility Easement Areas***"). The location of the Utility Easement Areas shall be the locations of the existing utility service lines between the Billboard and the public rights-of-way; however, if it becomes necessary to relocate any utility service lines, the Utility Easement Areas shall be relocated to include the new locations of the utility service lines. Grantee shall pay the cost and charges for utility service for the Billboard. These Utility Easements carry with them the right to maintain and renew the utility lines and facilities contained therein. Grantee may allow providers of utility services to utilize the Utility Easements and Utility Easement Areas provided herein. The Utility Easements carry with them the right to use portions of the Property near the lines to maintain, repair and replace such lines.

5. Visibility and Advertising Restrictions.

Grantor hereby grants, bargains, sells and conveys to Grantee the following with respect to the Property: It is the essence of this Agreement that neither Grantor nor any tenant,

successor, assignee, creditor or other person or entity having any ownership interest in, possession, operation or control of the Property, or any portion thereof (a "***Subsequent Owner***"), will, under penalty of damages and injunctive relief, do or permit others to do the following: (i) use, rent or lease any part of the Property or adjacent property for advertising purposes, or permit the erection or maintenance of advertising structures or signs or other advertising matter on the Property or adjacent property, without, in each instance, obtaining Grantee's prior written approval, except that Grantor or any Subsequent Owner may install and maintain "on premise" advertising on the Property (i.e., advertising only the specific business, if any, located on the Property), provided that such "on premise" advertising does not jeopardize or interfere with Grantee's right to maintain and operate an outdoor advertising sign structure upon the Sign Easement Areas or interfere with the use of the Access Easements or the Utility Easements, or (ii) make any plantings or improvements whatsoever on the Property or adjacent property that would obstruct, partially or entirely, the view of or lessen the advertising value of the Billboard, Sign Easement, or any sign structures constructed or to be constructed thereon.

Grantor hereby covenants and agrees not to obstruct the visibility of the Billboard to motorists traveling on _____. Grantor hereby grants, bargains, sells and conveys to Grantee the right to trim, cut and remove any trees, vegetation or structures which obstruct the visibility of the Billboard to motorists traveling on _____.

6. Relocation.

Grantee may relocate the Billboard on the Sign Easement Area at any time. Grantee shall, however, maintain the Billboard in a reasonable state of repair. In the event that Grantee shall materially damage any pavement, building, structure or landscaping located on the Property in connection with the maintenance, repair, renewal, placement or operation of the Billboard or its appurtenances or service easements to the Billboard, Grantee shall promptly, and at its sole cost and expense, repair, replace and restore such damage.

7. Additional Terms.

(a) Notwithstanding anything to the contrary herein, all provisions of this Agreement shall be appurtenant to and run with the land and shall be binding upon and shall inure to the benefit of Grantor and Grantee, and the heirs, legal representatives, assigns, successors, and tenants of Grantor, Grantee and all Subsequent Owners.

(b) Grantor and any Subsequent Owners shall be responsible for the payment of all ad valorem taxes assessed against the Property, and Grantee shall be responsible only for the payment of all taxes separately assessed against the Easements and the Billboard and billboard structures, and any licenses, fees, permits and similar charges that may be lawfully imposed upon Grantee's use of or operations on the Easements granted herein or the Billboard.

(c) In the event that Grantor or any Subsequent Owner fails to pay any real estate taxes or assessments levied on, assessed against, or attributable to the Property prior to the same becoming delinquent, Grantee may, at its sole option, pay such taxes and/or assessments; and in such event, Grantor or any Subsequent Owners shall pay to Grantee, and Grantee shall have a

lien upon the Property to secure the payment of, such taxes and assessments, together with interest thereon at a rate equal to the lesser of eighteen (18%) percent per annum or the maximum legal rate then in effect, until paid in full, and the costs of collection, including reasonable attorney's fees. Such lien may be enforced in the same manner as a mechanic's lien.

(d) If any portion of the Easements granted herein, or the portion of the Property immediately surrounding the area upon which the Billboard is located, is the subject of an offer of acquisition, is acquired, is taken or is threatened to be taken by condemnation or eminent domain or conveyance in lieu thereof, or a certificate of convenience or of necessity is issued by a governmental or quasi-governmental entity or a private party in conjunction with a governmental or quasi-governmental entity (such entity or party being the "***Condemnor***"), then Grantee shall be entitled to seek compensation from the Condemnor for the value of its total interest in and to the Easements granted herein and under these Easements, including the revenues to be earned by Grantee from the Easements granted herein and the value of its property situated on the aforesaid Easements, and Grantor and any Subsequent Owners shall be entitled to seek compensation from the Comdemnor for the value of its interest in and to the Property. To the extent the Condemnor is able to make only one award of compensation (a "***Single Award***") with respect to the Property and Easements (instead of separate awards for the interests of both parties hereto), and the Condemnor does not provide a reasonable estimate of the amounts due to each party hereunder with respect to the Single Award, then the parties hereto agree to divide the Single Award among the parties hereto according to the value of the interests described hereinabove, provided that, in the event the parties hereto cannot reach a reasonable agreement regarding the division of such Single Award on or before thirty (30) business days after notice from the Condemnor of the amount of the Single Award, the parties hereto agree to resolve the issue by binding arbitration in accordance with the American Arbitration Association's Rules for the Arbitration of Real Estate Matters, as amended from time to time, with an arbitrator to be selected by the American Arbitration Association, or similar professional group.

(e) Grantee shall have the right to assign, transfer or convey, in whole or in part, and subject to this Agreement, every feature of Grantee's rights and obligations hereunder and in the foregoing Easements, without limitation.

(f) This Agreement shall be governed exclusively by the provisions set forth herein and by the laws of the State of _____ as the same may from time to time exist without regard to conflicts of law principles.

(g) If any term or provision of this Agreement or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

(h) If any legal action or proceeding arising out of or relating to this Agreement is brought by either party to this Agreement, the prevailing party shall be entitled to receive from the other party, in addition to any other relief that may be granted, the reasonable attorneys' fees, costs, and expenses actually incurred in the action or proceeding by the prevailing party.

(i) This Agreement constitutes the entire agreement between Grantor and Grantee relating to the Easements described herein, and any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect. Any amendment to this Agreement shall be of no force and effect unless it is in writing and signed by Grantor and Grantee.

(j) If any governmental agency or body requires Grantor, or any Subsequent Owner of the Property, to join in or consent to the application for any permit necessary for the erection, construction, operation or maintenance of the Billboard, or the grant, award or use of any permit necessary for the operation and maintenance of the Billboard, Grantor hereby covenants and agrees to join in or consent to the application for or grant, award or use of such permit. Grantee shall indemnify and hold Grantor and any Subsequent Owners harmless from and against any loss, cost or liability incurred solely in connection with such joinder and consent.

(k) The parties hereto may amend, modify or terminate this instrument only by an agreement in writing, signed by both parties (or their successors in title) and recorded in the _____ County, _____ real estate records. Grantee may, however, unilaterally terminate this Agreement by removing the Billboard and notifying Grantor in writing of its intention to surrender its rights under and terminate the Easements granted herein, and by executing a recordable document evidencing that the Easements reserved and retained in this Agreement have been surrendered and terminated.

(l) This Agreement shall run with the land, and shall be binding upon, and shall inure to the benefit of, Grantee and Grantor and their respective successors and assigns.

[(m) That certain Consent of Lienholder attached hereto as <u>Exhibit "D"</u> is incorporated herein by reference thereto.]

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, Grantor and Grantee have duly signed and delivered this Grant of Perpetual Easements on the date and year first written above.

GRANTOR:

_____

_____

_____
Witness

By:_____
Print Name:_____
Title:_____

_____
Witness

[CONFIRM NOTARY/ACKNOWLEDGEMENT BLOCK TO STATE STANDARDS]

STATE OF _____

COUNTY OF _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that he is the _____ of _____, a _____ and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and Notarial stamp or seal, this _____ day of _____, 20___.

_____
Notary Public for:_____
My Commission Expires:_____

(NOTARIAL SEAL)

GRANTEE:

ADAMS OUTDOOR ADVERTISING LIMITED PARTNERSHIP, a Minnesota limited partnership

_____
Witness

By: Adams Outdoor GP, LLC
Its: Managing General Partner

_____
Witness

By:_____
Richard J. Zecchino
Vice President and General Counsel

[CORPORATE SEAL]

[CONFIRM NOTARY/ACKNOWLEDGEMENT BLOCK TO STATE STANDARDS]

STATE OF MICHIGAN

COUNTY OF _____

I, the undersigned Notary Public of the County and State aforesaid, certify that Richard J. Zecchino personally came before me this day and acknowledged that he is the Vice President of Adams Outdoor GP, LLC, managing general partner of Adams Outdoor Advertising Limited Partnership, a Minnesota limited partnership (the "Limited Partnership"), and that by authority duly given and as the act of said entities, he signed the foregoing instrument in its name on behalf of the Limited Partnership as its act and deed.

Witness my hand and Notarial stamp or seal, this _____ day of _____, 20___.

_____
Notary Public for:_____
My Commission Expires:_____

(NOTARIAL SEAL)

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

EXHIBIT "B"

SURVEY

EXHIBIT "C"

LEGAL DESCRIPTION OF SIGN EASEMENT AREA

EXHIBIT "D"

CONSENT OF LIENHOLDER

_____, its successors and assigns ("***Lender***"), as holder of that certain _____ from Grantor to Lender, dated _____ _____, recorded in Book _____, Page _____, _____ County, _____ records (as may have been modified and assigned from time to time, collectively the "***Mortgage***"), and all other documents evidencing or securing the loan secured by the Mortgage, does hereby consent to, approve and acknowledge the execution, delivery and recording of the within and foregoing Grant of Perpetual Easements (the "***Agreement***") by and between Grantor and Grantee. Lender does hereby further agree that if Lender, or its successors and assigns, shall succeed to Grantor's title in and to the Property, or any portion thereof, whether by way of foreclosure (judicial or otherwise) under the Mortgage, deed in lieu of foreclosure or otherwise, Lender shall recognize the rights, privileges and easements created by the Agreement in favor of Grantee, its successors and assigns, and shall not disturb, impair or otherwise interfere with the exercise, use and enjoyment of such rights, privileges and easements pursuant to the terms of the Agreement. This Consent shall inure to the benefit of Grantee, its successors and assigns, and shall be binding upon Lender and its successors and assigns. All capitalized terms not defined herein shall have the meaning set forth in the Agreement.

IN WITNESS WHEREOF, Lender has caused its duly authorized officers to execute this Consent and affix its seal hereto this _____ of _____, 20__.

[CONFIRM NOTARY/ACKNOWLEDGEMENT BLOCK TO STATE STANDARDS]

_____,
a _____

_____
Witness

By:_____
Name:_____
Title:_____

_____
Witness

STATE OF _____

COUNTY OF _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that he is the _____ of _____, a _____ and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and Notarial stamp or seal, this _____ day of _____, 20___.

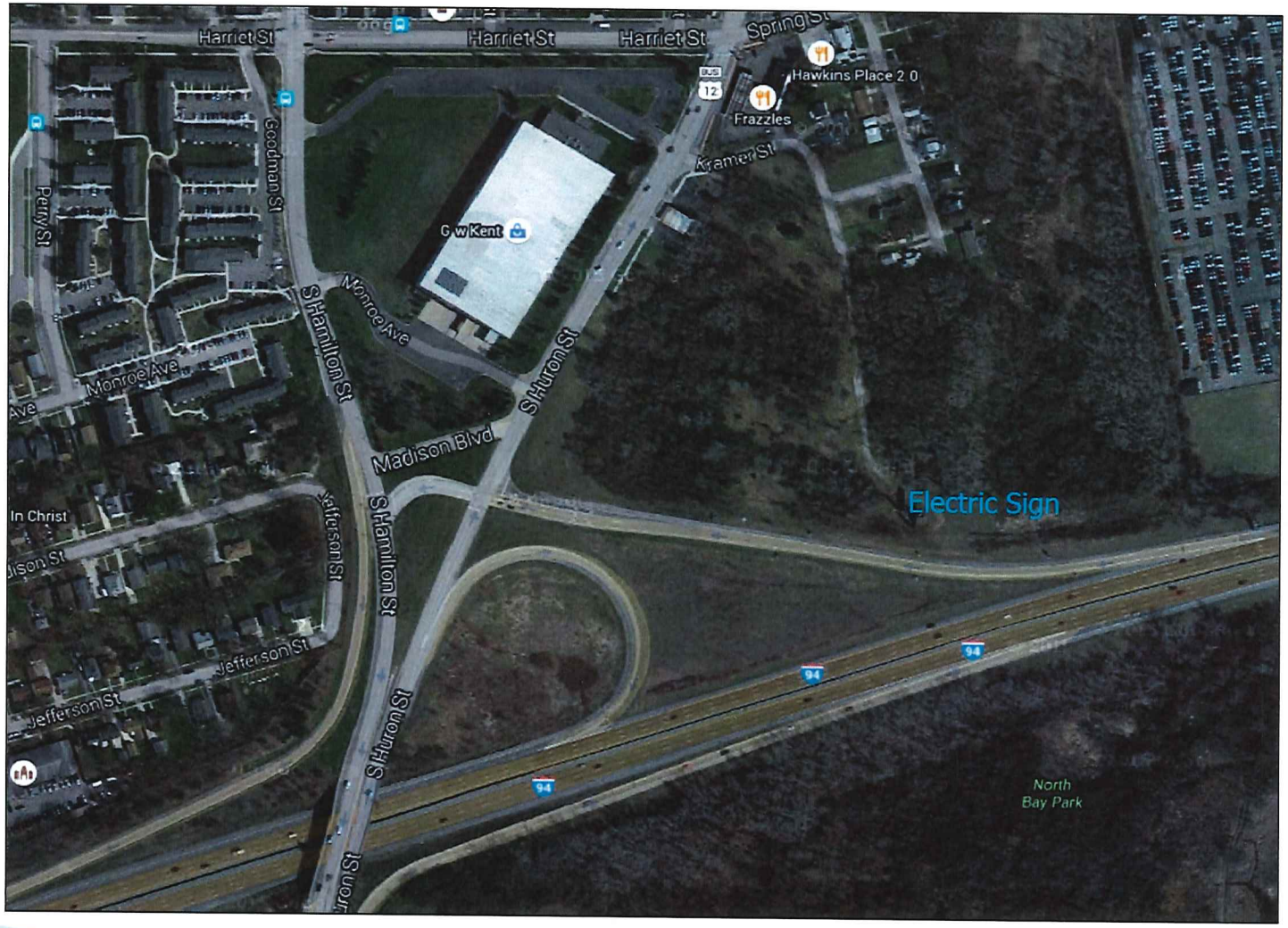
_____

Notary Public for:_____

My Commission Expires:_____

(NOTARIAL SEAL)

General Updates on State of the City



$1,235,000
CITY OF YPSILANTI
COUNTY OF WASHTENAW, STATE OF MICHIGAN
GENERAL OBLIGATION LIMITED TAX CAPITAL IMPROVEMENT REFUNDING BONDS, SERIES 2006

NON-REFUNDED PORTION TO BE PAID BY THE CITY

Schedule of Principal & Interest Requirements

Payment Date	Principal Due	Interest Rate	Interest Due	Total Payment	Fiscal Year Total
11/1/2015			$420,551.25	$420,551.25	
5/1/2016	$535,000.00	5.750%	36,795.00	571,795.00	$992,346.25
11/1/2016			21,413.75	21,413.75	
5/1/2017	30,000.00	5.800%	21,413.75	51,413.75	72,827.50
11/1/2017			20,543.75	20,543.75	
5/1/2018	30,000.00	5.800%	20,543.75	50,543.75	71,087.50
11/1/2018			19,673.75	19,673.75	
5/1/2019	35,000.00	6.000%	19,673.75	54,673.75	74,347.50
11/1/2019			18,623.75	18,623.75	
5/1/2020	35,000.00	6.000%	18,623.75	53,623.75	72,247.50
11/1/2020			17,573.75	17,573.75	
5/1/2021	40,000.00	6.000%	17,573.75	57,573.75	75,147.50
11/1/2021			16,373.75	16,373.75	
5/1/2022	40,000.00	6.150%	16,373.75	56,373.75	72,747.50
11/1/2022			15,143.75	15,143.75	
5/1/2023	40,000.00	6.150%	15,143.75	55,143.75	70,287.50
11/1/2023			13,913.75	13,913.75	
5/1/2024	45,000.00	6.150%	13,913.75	58,913.75	72,827.50
11/1/2024			12,530.00	12,530.00	
5/1/2025	50,000.00	6.150%	12,530.00	62,530.00	75,060.00
11/1/2025			10,992.50	10,992.50	
5/1/2026	50,000.00	6.150%	10,992.50	60,992.50	71,985.00
11/1/2026			9,455.00	9,455.00	
5/1/2027	55,000.00	6.200%	9,455.00	64,455.00	73,910.00
11/1/2027			7,750.00	7,750.00	
5/1/2028	55,000.00	6.200%	7,750.00	62,750.00	70,500.00
11/1/2028			6,045.00	6,045.00	
5/1/2029	60,000.00	6.200%	6,045.00	66,045.00	72,090.00
11/1/2029			4,185.00	4,185.00	
5/1/2030	65,000.00	6.200%	4,185.00	69,185.00	73,370.00
11/1/2030			2,170.00	2,170.00	
5/1/2031	70,000.00	6.200%	2,170.00	72,170.00	74,340.00
11/1/2031			0.00	0.00	
5/1/2032	0.00	0.000%	0.00	0.00	0.00
	$1,235,000.00		$850,121.25	$2,085,121.25	$2,085,121.25

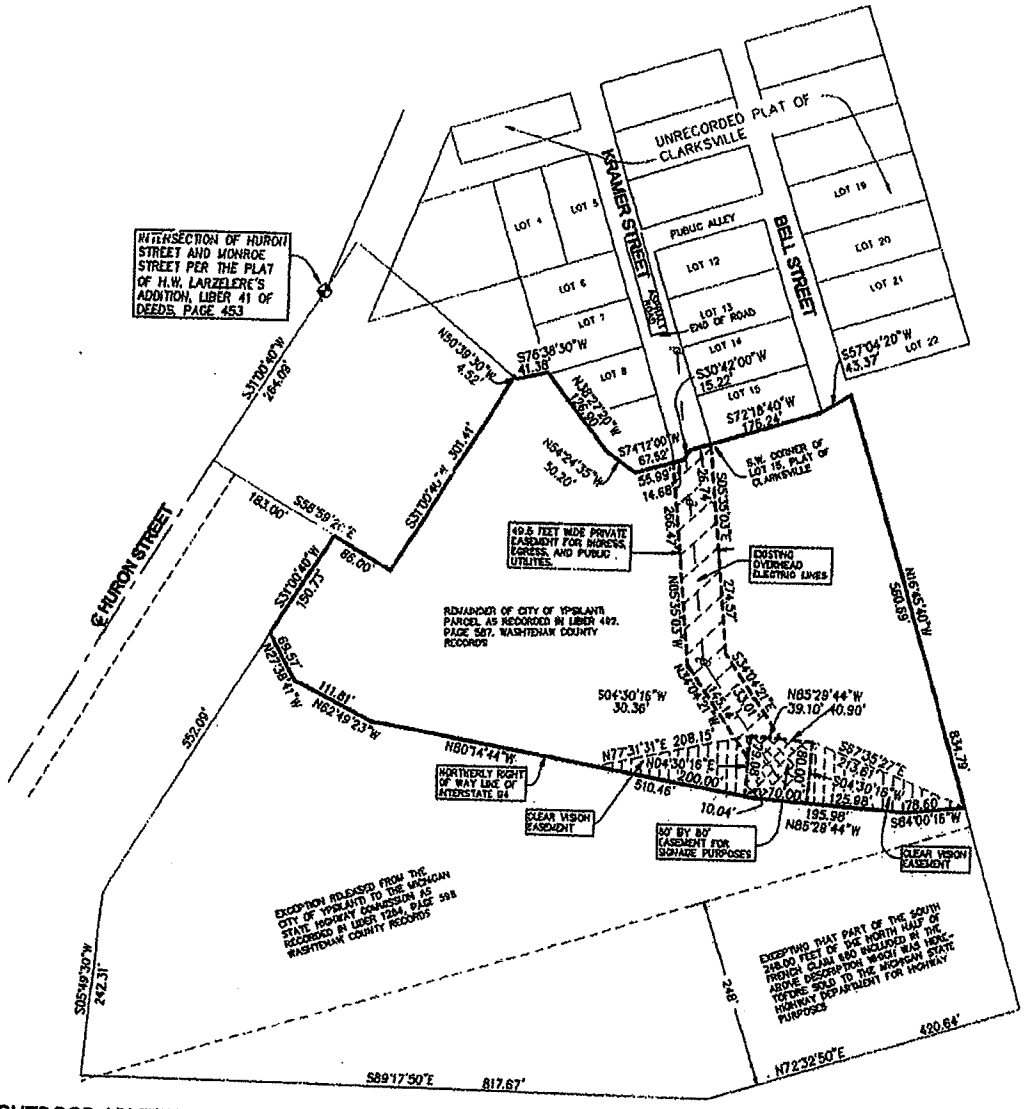
PAYING AGENT: Bank of New York
DATED DATE: 6/8/2006

Note: The above table does not reflect charges for paying agent services.

Public Financial Management, Inc.
3989 Research Park Drive
Ann Arbor, Michigan 48108
Phone (734) 668-6688 Fax (734) 668-6723

prs
Mar-03-16

Lease # 20725



ADAMS OUTDOOR ADVERTISING LIMITED PARTNERSHIP
By: AOA Management Company Limited Partnership
By: Its: Managing Agent
By: Adams Outdoor Advertising, Inc
Its: Managing General Partner

Accepted by:

by: [redacted]

Randall F. Romig

by: [redacted]

General Manager

Witness: [redacted]

CITY OF YPSILANTI, a Michigan home-rule corporation

[redacted]

Edward B. Konyzno, Jr.
Its: City Manager

Telephone #: 734-483-1810

Witness: [redacted]

APPROVED AS TO FORM: [redacted]

Karl A. [illegible]
Assistant City Attorney

ADAM
WASHINGTO
HURON ST
WEST ST
EAST ST
BELL ST
SPRING ST
FACTORY ST
STEWART ST
PROSPECT RD

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.

Resolution No. 2016-049
April 5, 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 First Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Resolution No. 2016-050
April 5, 2016

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: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

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

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
Daniel J. DuChene

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

REQUEST FOR LEGISLATION

DATE: March 16, 2016

FROM: John M. Barr, Ypsilanti City Attorney

SUBJECT: Revision of City Code to delete and clean up unused sections

SUMMARY/BACKGROUND

Councilmember Robb has requested and best practice indicates that City ordinances that are out of date or not enforced should be revised and/or deleted.

This office has begun to review the City Code in that regard and has identified a number of ordinances and City Code sections to be revised or deleted. Attached is legislation to:

1. Remove animal control officer from Section 1-14. The city has not had an animal control officer for many years. State law requires the County to enforce state animal control laws.
2. Likewise, remove animal control officer from Section 70-2.
3. Remove animal control ordinances in Chapter 14 as the city no longer has an animal control officer and no longer enforces these sections. The County is responsible for animal control in the county.
4. Remove licensing requirements in sections in Chapter 10 regarding amusement arcades and pool halls. The city no longer licenses these businesses. Further, a definition of pool hall was added to the relevant article of this chapter.
5. Remove licensing requirements in Chapter 22 for bed and breakfasts and health clubs, as the City no longer licenses these businesses. Further, the article relating to beds and breakfasts refers to the existing zoning ordinance for the definition of these businesses.
6. Simplify the language in the section in Chapter 38 relating to charges for false alarms to completely refer to existing definitions and the fee schedule. The duplicitous language was overcomplicated and thus somewhat confusing.

7. Amend the language in sections 86-33 and 86-34 to make language consistent with and correct references to other provisions of the City Code of Ordinances.

There were additional various changes to these sections to tighten up the language. For instance, the article relating to pool halls was amended to more closely resemble the article relating to amusement arcades; violation sections were added where existing language would have otherwise been deleted with the proposed changes; improper references were corrected; and section numbers were adjusted accordingly.

ATTACHMENTS: Proposed Ordinances (7)

RECOMMENDED ACTION: Adoption of the ordinances

DATE RECEIVED:_____ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF:_____ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:

Resolution No. 2016-051
April 5, 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 First Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Resolution No. 2016-052
April 5, 2016

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: _____

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~~.

(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. 2016-053
April 5, 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 First Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Resolution No. 2016-054
April 5, 2016

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: _____

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~~13~~. - 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. 2016-055
April 5, 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 First Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Resolution No. 2016-056
April 5, 2016

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: _____

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. 2016-057
April 5, 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 First Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Resolution No. 2016-058
April 5, 2016

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: _____

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. 2016-059
April 5, 2016

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: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Resolution No. 2016-060
April 5, 2016

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: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1267

AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 22 "BUSINESSES" 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 22 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Businesses," is hereby amended as follows:

ARTICLE III. - BED AND BREAKFAST LODGINGS AND INNS[2]
Footnotes:
---(2)---
Cross reference— Definitions of bed and breakfast lodgings and inns, § 122-3; Specific standards for bed and breakfast lodgings and inns, § 122-778.

~~DIVISION 1. - GENERALLY~~

Sec. 22-61. - 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. 22-62. - Guest register.

Each operator shall keep a list of the names and addresses of persons staying at the bed and breakfast lodging or inn. Such lists shall be available for inspection by city officials at any time. The register shall be kept for a period of two years following the stay of the guest registered in it.

Sec. 22-63. - Length of stay.

The maximum stay for any occupants of a bed and breakfast lodging or inn shall be 14 days.

Secs. 22-64—22-100~~75~~. - Reserved.

~~DIVISION 2. - LICENSE~~

~~Sec. 22-76. - Required.~~

~~(a) Generally. No person shall be operate a bed and breakfast lodging or inn, as defined in section 122-2, without first having obtained a license from the city clerk in compliance with the provisions of this article.~~

~~(b) Exceptions. This article shall not apply to hotels, motels, motor lodges, boarding, lodging or rooming houses.~~

~~(c) Application. Applicants for a license under this article must file a sworn application on a form to be furnished by the city clerk, providing the following information:~~

~~(1) Address of the property to be utilized as a bed and breakfast lodging or inn.~~

~~(2) Name and addresses of owner, telephone number, date of birth, driver's license number and social security number.~~

~~(3) Floor plan of building and site plan of lot illustrating that the proposed operation will comply with chapter 122, as amended, other applicable city codes and ordinances and with the terms of this article.~~

~~(4) If applicant intends to furnish food to anyone other than guests, proof of a valid health permit issued by the county health department.~~

~~(5) Evidence of insurance. Each applicant hereunder shall give evidence that the property is adequately insured for public liability protection.~~

~~(6) Evidence of special use permit.~~

~~(7) At the time of filing the application, a fee as set by resolution of the city council shall be paid to the city clerk to cover the cost of review.~~

~~Sec. 22-77. - Building requirement.~~

~~No premises shall be utilized for a bed and breakfast lodging or an inn unless there are at least two exits to the outdoors from such premises and the rooms utilized for sleeping have a minimum size as provided in subsection 122-778(2).~~

~~Sec. 22-78. - Investigation and issuance.~~

~~(a) Upon receipt of an application for a license, a copy shall be made available to the city planner to determine compliance with parking requirements and other provisions of this chapter or chapter 122 of this Code.~~

~~(b) If, as a result of the review of the information provided, the proposed operation of the bed and breakfast lodging or inn is found not to be in compliance with the provisions of this chapter or chapter 122, then the application shall be disapproved and no license shall be issued.~~

~~(c) If, as a result of the review of the information provided, the applicant complies with the requirements of this chapter and chapter 122, then the application shall be~~

~~approved and a license shall be issued from the city clerk upon payment of the license fee as set by resolution of the city council.~~

~~Sec. 22-79. - Appeal from denial or revocation.~~

~~Any person aggrieved by the action of the city clerk and the denial of the application for a license or by the decision with reference to revocation of a license, for reasons other than the denial of a conditional use permit or the revocation of a special use permit, shall have the right to appeal to the city manager. Such appeal shall be taken by filing with the city manager within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The city manager shall set a time and place for hearing on such appeal. Notice of such hearing shall be given to the applicant in writing, and shall be mailed, postage prepaid, to the applicant at his last known address, at least five days prior to the date set for hearing. The decision and order of the city manager on such appeal shall be final and conclusive.~~

~~Sec. 22-80. - Fees.~~

~~(a) The annual license fee for the operation of a bed and breakfast lodging shall be as set by resolution of the city council.~~

~~(b) The annual license fee for the operation of an inn shall be as set by resolution of the city council.~~

~~Sec. 22-81. - Term.~~

~~The term of each license shall expire on April 1 of each year. A license may be renewed following verification by the city building inspection department, filed with the city clerk, that the information supplied on the initial application is still valid or a demonstration by the applicant that any modifications to the property are consistent with the requirements of this article.~~

~~Sec. 22-82. - Transfer.~~

~~No license issued under this article may be transferred without prior approval of the city clerk.~~

~~Sec. 22-83. - Revocation.~~

~~A license issued under the provisions of this article may be revoked by the city clerk, after notice and hearing, for any of the following causes:~~

~~(1) Fraud, misrepresentation or false statement contained in the application for license.~~

~~(2) Fraud, misrepresentation or false statement made in the course of carrying on the bed and breakfast lodging or inn.~~

~~(3) Any violation of this article.~~

~~(4) Conducting the operation of the bed and breakfast lodging or inn in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public so as to constitute a nuisance.~~

~~Secs. 22-84—22-100. - Reserved.~~

ARTICLE IV. - HEALTH CLUBS

DIVISION 1. - GENERALLY

Sec. 22-101. - 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:

Customer means a person upon whom is practiced the art of body massage.

Health club means any establishment open to the public which offers service in the form of exercise, massage, stroking, manipulation, rubbing, fanning, caressing or touching parts of the human body, baths, saunas, sports, training or opportunity to participate in hand-to-hand combat or fighting or martial arts. This definition shall not include:

(1) Hospitals, nursing homes, medical clinics or the office of a physician, surgeon, osteopath or chiropractor;

(2) Barbershops or beauty parlors.

Masseur or masseuse means a person who practices the art of body massage and who possesses the requirements set forth in section 22-118~~138~~.

Secs. 22-102—22-115. - Reserved.

~~DIVISION 2. - LICENSE~~

~~Sec. 22-116. - Required.~~

~~(a) No person shall operate or cause to be operated a health club without first obtaining a license therefor from 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.~~

~~Sec. 22-117. - Applications.~~

~~Applicants for a license under this article must file with the city clerk, a sworn application on a form to be furnished by the city clerk, providing the following information:~~

~~(1) Full name, residence address, date of birth, driver's license number and social security number.~~

~~(2) The name the business will use.~~

~~(3) The business address of the health club.~~

~~(4) The names and addresses of owners, officers, partners, directors and trustees and a designation of the type of entity which will operate the health club.~~

~~(5) The nature of any franchise under which the applicant will operate.~~

~~(6) The name and address of owners of any leased equipment in the use of the health club.~~

~~(7) A description of the kinds of activity and services which the health club plans to offer and the anticipated hours during which business shall be conducted.~~

~~(8) Name, address and proof of license for any masseuse or masseur whom the applicant plans to have working in the business.~~

~~(9) Plans and specifications of the quarters proposed to be occupied, showing detail of the building pursuant to section 22-122.~~

~~(10) Evidence of insurance; written evidence of adequate public liability insurance.~~

~~(11) A statement of any criminal history of the applicant indicating any conviction of a crime of moral turpitude or felony within the past seven years.~~

~~(12) A description of the number of trained employees who will staff the establishment and a description of what training they have had in the particular services to be provided.~~

~~(13) Nonrefundable application fee as set by resolution of the city council.~~

~~Sec. 22-118. - Investigation and issuance.~~

~~(a) Upon receipt of an application for a license, the original shall be referred to the designee of the city clerk who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public health, safety and welfare.~~

~~(b) If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the person conducting the investigation shall endorse on the application his approval, execute a license addressed to the applicant for the carrying on of the business applied for and return such license, along with the application to the city clerk, who shall, upon payment of the~~

~~prescribed license fee, in an amount set forth in section 22-121, or as determined from time to time by the city council, deliver to the applicant his license.~~

~~(1) An applicant's character shall be deemed to be unsatisfactory if the applicant has been convicted of a crime of moral turpitude or felony within the past seven years.~~

~~(2) An applicant's business responsibility shall be determined to be unsatisfactory if:~~

~~a. The applicant has been guilty of violating this article or a similar ordinance within the past three years;~~

~~b. The applicant is found to be in default to the city for nonpayment of personal or real property taxes;~~

~~c. The applicant fails to indicate that adequately trained staff shall be on the premises during all business hours.~~

~~(c) If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the person conducting the investigation shall endorse on such application his disapproval and reasons for the disapproval, and return such application to the city clerk, who shall notify the applicant, in writing, that the application has been disapproved and that no license shall be issued.~~

~~Sec. 22-119. - Revocation.~~

~~The city clerk may revoke the license of any health club if the owner or employees are found to be in violation of this article or of any ordinance or state law relating to prostitution, soliciting, accosting or pandering.~~

~~Sec. 22-120. - Appeal from denial or revocation.~~

~~Any person aggrieved by the action of the city clerk in the denial of an application for a license or by the decision with reference to the revocation of a license, shall have the right of appeal to the city manager. Such appeal shall be taken by filing with the city manager, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The city manager shall set a time and place for the hearing on such appeal. Notice of such appeal shall be given to the applicant in writing, and shall be mailed, postage prepaid, to the applicant at his last known address, at least five days prior to the date set for hearing. The decision and order of the city manager on such appeal shall be final and conclusive.~~

~~Sec. 22-121. - Fee.~~

~~The annual fee for a health club license shall be as set by resolution of the city council, payable at the time the license is issued.~~

~~Sec. 22-122. - Building structure requirements.~~

~~(a) No license shall issue until the building occupied or to be occupied has been approved by the building inspection department for compliance with the city building and fire prevention codes.~~

~~(b) All tables, tubs, shower stalls and floors, except the reception, administrative and exercise areas shall be made of nonporous materials which may be readily disinfected.~~

~~(c) Closed containers shall be provided for wet towels and waste materials.~~

~~Secs. 22-123—22-135. - Reserved.~~

DIVISION 2~~3~~. - OPERATING REQUIREMENTS

Sec. 22-116~~136~~. - Sanitation and hygiene.

(a) All equipment, shower stalls, lavatories, toilets, baths, exercise equipment and any other such accouterments of the establishment shall be kept regularly treated with disinfectants and shall be maintained in a clean and sanitary condition at all times.

(b) No health club shall knowingly serve any person infected with any fungus or skin infections; nor shall service be performed on any patron exhibiting skin inflammation or eruption; provided, however, that a duly licensed physician may certify that a person may be safely served, prescribing the conditions thereof.

(c) All personnel shall wash their hands in hot running water, using proper soap or disinfectant before giving any service or treatment to each separate patron.

(d) All towels and tissues, all sheets or other coverings shall be used singularly for each patron and discarded for laundry or disposal immediately after use.

(e) Nondisposable tools of the trade shall be disinfected after use upon one patron.

(f) All tables, tubs, shower stalls and floors, except the reception, administrative and exercise areas shall be made of nonporous materials which may be readily disinfected.

(g) Closed containers shall be provided for wet towels and waste materials.

Sec. 22-117~~137~~. - Training.

(a) No health club ~~licensee under this article~~ shall allow or order any employee to give exercise advice or training advice to any customer until such employee has received the training required by this section.

(b) Training shall include instruction on avoiding injury and avoiding health problems. The employee shall also have enough training to make the employee proficient in the sport concerning which the employee is giving advice. The training may have been received by the employee before or after the employee is hired and may be given by the employer or any other person by arrangement with the employer. Experience may be considered as part of the training.

Sec. 22-118~~138~~. - Masseur or masseuse.

(a) No person shall practice as a masseur or masseuse unless such individual can satisfy all of the following requirements:

(1) The person is a member at the current professional level of the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), International Myomassethics Federation (IMF) or other recognized massage association with equivalent professional membership standards consisting of at least 500 hours of training including:

a. Theory, practice and techniques of massage (minimum 300 hours).

b. Human anatomy and physiology (minimum 100 hours).

c. Professionalism (minimum 100 hours).

d. Instruction in this area shall include training in contraindications, benefits, ethics, and legalities of massage, building and marketing a practice and other electives as appropriate.

(2) The person is a graduate of a school of massage licensed by the state or holder of a current license from another state which requires, at a minimum, the training set forth in subsection (a)(1) of this section or the person has completed a massage training program at a community college, college, university or technical school located in the United States, where such program requires, at a minimum, the training set forth in subsection (a)(1) of this section.

(3) The person has passed the National Certification Exam for Massage and Bodywork Practitioners.

(b) Every masseur or masseuse shall practice only while dressed in opaque clothing which shall cover at least the massager's pubic area, perineum, buttocks, natal cleft and entire chest to four inches below the collarbone and legs not exposed more than six inches above the knees.

(c) No person shall massage or offer to massage the private parts of a patron. For purposes of this section, private parts shall be defined as the penis, scrotum, mons veneris, vulva or vaginal area.

Sec. 22-119~~139~~. - Sleeping quarters.

No part of any quarters of any health club shall be used for or connected with any bedroom or sleeping quarters; nor shall any person sleep in such health club except for a limited period incidental to and directly related to a massage or bath.

Sec. 22-120~~140~~. - Pandering, soliciting or prostitution.

(a) No owner or manager of a health club shall tolerate in his establishment any activity or behavior prohibited by the laws of the state, particularly, but not exclusive of sections 448—462 of Act No. 328 of the Public Acts of Michigan of 1931 (MCL 750.448 et seq.), prescribing prostitution, soliciting, accosting, or pandering.

(b) Any conviction of any employee of a health club of a violation of the foregoing mentioned statute while that person is employed by the health club ~~licensee~~ shall devolve upon the owner or manager of such club if it is shown that the activities constituting the violation were in connection with the employment and such owner may be prosecuted as an accessory to such violation.

(c) A person who violates any provision of this section of the article is not only responsible for a violation under this article, but also any and all violations under state and federal laws and all other provisions of this code of ordinances.

Sec. 22-121. Violations.

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.

Secs. 22-122~~141~~—22-160. - 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. 2016-061
April 5, 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 First Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Resolution No. 2016-062
April 5, 2016

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: _____

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. 2016-063
April 5, 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 First Reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Resolution No. 2016-064
April 5, 2016

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: _____

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 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: _____

REQUEST FOR LEGISLATION
(March 1, 2016)

From: Bonnie Wessler, City Planner

Subject: Parks Zoning District text amendment

SUMMARY & BACKGROUND

During the 2014 zoning ordinance update, the "Park" zoning district was created. This district primarily encompasses City parks; however, it also contains two privately-owned cemeteries; St John's and Highland. Highland Cemetery has been approached by DTE and other stakeholders about the possibility of placing a solar farm in the northernmost area of the cemetery, currently unused, and they are interested in constructing such. However, the Park district does not currently allow for a detached solar farm, only attached ("rooftop") solar. Further review indicated that solar farms were only permitted under "Energy, electricity and heat generation plants" by special use in the Production, Manufacturing, and Distribution (PMD) District. As such, a rezoning to PMD was applied for, but Planning Commission felt that it would be more appropriate to allow solar farms as a special use in the Parks district than to rezone the area of consideration. At a subsequent meeting, Planning Commission developed language that would enable solar farms to be placed in Park districts, subject to special use approval and certain setbacks.

Planning Commission recommends that City Council 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.

RECOMMENDED ACTION: Approval

ATTACHMENTS: ____Ordinance
RFL and Resolution
~~Planning Commission minutes 2/10/2016~~
~~Staff report 2/10/2016~~

CITY MANAGER APPROVAL: 0~~3~~4/~~01~~05/2016 COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____

Resolution No. 2016 - 065
April 5, 2016

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 _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Ordinance No. 1261

An ordinance entitled, "SOLAR FARMS IN PARK DISTRICT"

An ordinance to AMEND the Zoning Ordinance of the City of Ypsilanti, Section 122-8, to Revise "Violations and Penalties."

THE CITY OF YPSILANTI HEREBY ORDAINS:

1. THE CITY OF YPSILANTI ORDAINS that Section 122-302 and Section 122-303 of the Ypsilanti City Code be amended as follows:

Sec. 122-302. Permitted uses.

The following uses are allowed in the park districts.

P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted

USES	P	NOTES
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES		
Park	P	
Outdoor and indoor education areas	P	
Outdoor recreation areas such as swimming pools, tennis courts, and performance venues	P	Privately owned.
Conservation areas, wildlife preserves, forests preserves, arboreta, botanical or zoological gardens, public tree or plant nurseries	P	
Privately owned or operated uses accessory to City parks	S	Includes but is not limited to permanently affixed concession stands, canoe or bicycle liveries.
INFRASTRUCTURE		
Essential Services	P	Section 122-637
Solar Farms	**S**	**Section 122-788**
Alternative Energy	A	Section 122-788
Stormwater Control	A	Section 122-789
SERVICES		
Cemetery	P	**~~All principal buildings and accessory buildings must be set back at least 75 feet from all property lines~~.**
Crematory	S	**All principal buildings ~~and accessory buildings~~ must be set back at least 75 feet from all property lines.**
TEMPORARY USES		
Food concession sales	P	Section 122-35 (7)
URBAN AGRICULTURE		
Community Gardens	P	Subject to 122-815
Passive solar structure (greenhouse, hoophouse, etc.)	P	

Sec. 122-303. Area Regulations.

All principal structures must comply with the following regulations in the special zoning districts:

REGULATIONS	P	NOTES
Minimum Lot Width		
Determined by the use and the required off-street parking, loading, screening, and yard setbacks.		
Minimum Lot Size		
Determined by the use and the required off-street parking, loading, screening, and yard setbacks.		
Minimum Setbacks		
~~**Front yard**~~	~~**Equal to that of adjacent zoning district or building type along the same street. If different setbacks abut, the largest setback is required.**~~	
~~**Side yard**~~		
~~**Street Side yard**~~		
~~**Rear yard**~~		
Front yard	**25 feet**	**Minimum setbacks must increase by one foot for each foot a building or structure exceeds 30 feet in height.**
Side yard	**15 feet**	
Street Side yard	**25 feet**	
Rear yard	**20 feet**	
Parking Setbacks		
Front & side street yard	10 feet	
Side and rear yards	10 feet	
Height		
Maximum height	Equal to that of adjacent zoning district or building type along the property line. If different heights abut, the largest setback is required.	Chimneys, flagpoles, church spires, belfries, cupolas, domes, or other similar architectural embellishments; roof mounted communication antennas; water towers, observation towers, power transmission towers, radio towers, masts, smokestacks, ventilators, skylights, derricks, conveyors, cooling towers, and other similar and necessary mechanical appurtenance pertaining to the permitted uses; provided that they do not exceed the maximum height by more than ten feet.

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

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

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

5. **Copies to be available**. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

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

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

_____
FRANCES MCMULLAN, City Clerk

Attest

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

_____
FRANCES MCMULLAN, City Clerk

CERTIFICATE OF ADOPTING

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

_____
FRANCES MCMULLAN, City Clerk

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

Resolution No. 2016-066
April 5, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following items be approved:

1. Resolution No. 2016-067, approving minutes of March 15, 2016.

2. Resolution No. 2016-068, approving appointments to Boards and Commissions.

3. Resolution No. 2016-069, approving Fire Department purchase from Signature Ford of a 2016 Ford F250 4x4 with snow plow package.

4. Resolution No. 2016-070, recognizing the Ypsilanti Symphony Orchestra as a non-profit organization in the City of Ypsilanti.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Resolution No. 2016 – 067
April 5, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of March 15, 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, MARCH 15, 2016
7:00 P.M.

I. CALL TO ORDER –

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

II. ROLL CALL –

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

Mayor Pro-Tem Richardson moved, seconded by Council Member Vogt, to excuse the absences of Council Members Murdock & Robb.

On a voice vote, the motion carried, and the absences were 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 Nicole Brown motioned, seconded by Council Member Ann Brown, to approve the agenda.

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

VI. INTRODUCTIONS –

Mayor Edmonds introduced the following individuals: City Clerk Frances McMullan, City Attorney John Barr, Fire Chief Max Anthouard, Assistant to the City Manager Ericka Savage, City Planner Bonnie Wessler, OHM Engineer Kent Early, Fiscal Service Director Marilou Uy, Human Resources Manager Kevin Welch, Human Relations Commissioner Jennifer Symanns, and Sidewalk Review Board Member Lena Reeves.

VII. PRESENTATIONS –

Water Street Update – City Manager Ralph Lange

City Manager Lange provided a Water Street update presentation. **(See Attached)**

Mayor Edmonds asked if the estimated annual draw from the millage would be $665,000. Mr. Lange responded the amount is $665,000 in the beginning and increases over the 14 year period to $775,000.

Council Member Vogt asked what criteria would allow the City to pay $700,000 to the debt in September. Mr. Lange responded the plan is to prepare the budget to see what level the fund balance is, and if able the $700,000 would come from the fund balance. Mr. Vogt stated if the millage is approved by the voters it makes budget planning easier and provides the City with a lot more opportunity to save on costs. Mr. Lange added if the $700,000 is applied to the debt it would save the City around $400,000 in interest. Mr. Vogt stated in addition the City hopes to sell property allowing the debt to paid down further while decreasing the repayment period. Mr. Lange responded the debt language must meet the debt obligation but the City does not have to do all of what is stated. Mr. Vogt said passing the millage plus the sale of land would benefit the tax payers tremendously. Mr. Lange agreed. Mr. Vogt stated if the millage does not pass the City will have substantial deficits and it will be detrimental to the future of the City. Mr. Lange responded it will become very challenging.

Mayor Edmonds asked if Council will be updated on the water and sewer refinancing next month. Mr. Lange responded in the affirmative.

Mr. Lange stated there is $3.6 million available in Community Development Block Grant (CDGB) Funds. Mr. Lange stated the City has made a request to the Michigan Economic Development Corporation (MEDC) for funding, and will have an answer by March 22nd.

VIII. PUBLIC HEARING –

1. Approval of Obsolete Property Rehabilitation Exemption Certificate (OPRA) for Ypsilanti Property Alliance, LLC, parcel #11-11-40-484-002, known as 209 Pearl.

   A. Resolution No. 2016-041, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the Obsolete Property Rehabilitation Act, Public Act 146 of 2000 (the "Act"), provides for a tax incentive to encourage the redevelopment of obsolete buildings through the establishment of an Obsolete Property Rehabilitation District; and

WHEREAS, pursuant to PA 146 of 2000, the City of Ypsilanti is a Qualified Local Governmental Unit eligible to establish one or more Obsolete Property Rehabilitation Districts; and

WHEREAS, the Council of the City of Ypsilanti legally established an Obsolete Property Rehabilitation District that includes parcel #11-11-40-484-002 (209 Pearl) as part of a broader district including the three DDA districts on June 5, 2012 after a public hearing held on the same date as provided by section 3 of Public Act 146 of 2000; and

WHEREAS, the combined parcel at 209 Pearl has been certified functionally obsolete by the City Assessor per P.A. 146 in February, 2016; and

WHEREAS, the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000 and that is situated within an Obsolete

Property Rehabilitation District established in the City of Ypsilanti eligible under Public Act 146 of 2000 to establish such a district; and

WHEREAS, the contract owners of the above referenced parcels, Ypsilanti Property Alliance, LLC, have submitted an application for an obsolete property as defined in section 2(h) of Public Act 146 of 2000 requesting an exemption for a period of 12 years as a function of the Act; and

WHEREAS, the application included all of the items described under "Instructions" (a) through (f) of the Application for Obsolete Property Rehabilitation Exemption Certificate; and

WHEREAS, Ypsilanti Property Alliance, LLC are not delinquent in any taxes related to the facility; and

WHEREAS, the owners of the above referenced parcel have proposed to rehabilitate currently vacant, blighted, and functionally obsolete structure into commercial space; and

WHEREAS, the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) does not exceed 5% of the total taxable value of the City of Ypsilanti; and

WHEREAS the rehabilitation includes improvements aggregating approximately 100% of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of Public Act 146 of 2000.

WHEREAS the completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, increase commercial activity, and revitalize urban areas in the community in which the facility is situated.

WHEREAS, the application was approved at a public hearing as provided by section 4(2) of Public Act 146 of 2000 on March 15, 2016 ; and

WHEREAS, the DDA has not opposed the issuance of OPRA certificate; and

WHEREAS, the following conditions are placed on the OPRA certificate, a Certificate of Occupancy for the building within 24 months of approval, fail to complete Phase III within 36 months of approval, and/or become tax delinquent within any time during the 12 years

NOW, THEREFORE, BE IT RESOLVED THAT the Ypsilanti City Council herby grants an Obsolete Property Rehabilitation Exemption for a period of 12 years for the real property, excluding land, located in the Obsolete Property Rehabilitation District which include parcel #11-11-

40-484-002 (209 Pearl) pursuant to the provisions of PA 146 of 2000, as amended, subject to conditions above.

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

Economic Development Director Beth Ernat stated this portion satisfies the public hearing requirement and there will be a more robust explanation for final approval. Ms. Ernat stated the owners Mark Maynard and Jesse Kranyak are present to answer questions. Ms. Ernat stated the property is addressed 209 Pearl and is directly across the street from the transit center. Ms. Ernat said Frank D's Barber Shop is located on the first floor and is the only tenant in that building after a fire last September. Ms. Ernat explained it is a historic building and at one time was Michigan Bell Telephone Company. Ms. Ernat stated the property has been assessed as obsolete and falls within the OPRA District meeting the criteria. Ms. Ernat said the petitioners are strategizing construction in different phases. Ms. Ernat explained the first phase includes building 11 creative studios, something missed in Ypsilanti, and an entertainment establishment. Ms. Ernat added an apartment will also be constructed on the second floor. Ms. Ernat stated the project estimates at $500,000 in development in the property.

B. Open public hearing

None

C. Resolution No. 2016-042, close public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing for approval of Obsolete Property Rehabilitation Exemption Certificate (OPRA) for Ypsilanti Property Alliance, LLC, parcel #11-11-40-484-002 be officially closed.

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

On a voice vote, the motion carried and the public hearing was closed.

Ms. Ernat stated work costs and estimates for phase 1 and 3 were included in the packet provided to Council. Ms. Ernat stated the first phase is estimated to cost around $140,000 and the third phase is estimated at $290,000. Ms. Ernat stated a 12 year OPRA would save the petitioners around $104,000 in property taxes. Ms. Ernat said the projected job increase is included in the packet as well as the increase in residential units, commercial units, and offices in downtown. Ms. Ernat added this block has not had much activation in the past couple years.

Mark Maynard stated the upstairs had to be gutted after the fire and there is smoke damage through 60% of the building. Mr. Maynard stated because of the damage a lot of work needs to be completed to bring the building up to code.

Jesse Karnyak stated a purchase agreement to buy the building is in place. Mr. Karnyak said he has spoken with the Bank of Ann Arbor to secure a loan in the amount of $280,000, which will cover the purchase price and put $200,000 worth of renovations to the upper floor. Mr. Karnyak stated they are confident the building can be brought back to usable fashion. Mr. Karnyak explained "creative professionals" would include graphic design, web design, and video. Mr. Kranyak stated there are already three interested parties and he hopes to fill the additional 8 spaces in the next few months. Mr. Karnyak stated one loft apartment located on the top floor, and eventually the downstairs will include a restaurant.

Ms. Ernat stated she recommends approval of this OPRA with conditions. She explained the petitioner most close on the property, DDA must approve, and Phase 1 of the redevelopment must be completed in 24 months.

Mayor Edmonds stated she supports this project and feels it will be a great use for the space. Ms. Edmonds asked how many jobs will be created excluding business relocation. Mr. Maynard responded most likely it would act as a pull factor attracting professionals from Ann Arbor. Mr. Karnyak added it will be both a mix of home businesses and Ann Arbor based businesses moving into the location. Mr. Karnyak stated it is difficult to project how many new jobs will be created but people will be brought in as well as their clients. Mr. Karnyak stated along with the 11 independent offices there is also a conference room for the offices to share. Mr. Karnyak stated once the word gets out about the space he believes there will be more interested in renting space. Ms. Ernat added the job estimate includes the entertainment/restaurant space on the ground floor.

Mayor Edmonds asked if there is any consideration to the Davis-Bacon Act, unions, or any other labor processes the City should be considering for OPRAs. Ms. Ernat responded no and explained the City already has a living wage ordinance. Ms. Ernat stated in this specific circumstance much of the work will be done by Mr. Kranyak. Ms. Edmonds said the City does not require a living wage from independent contracts. Mayor Pro-Tem Richardson stated she would like to look into passing that policy for OPRAs.

City Manager Lange stated he was very impressed with this OPRA application and said it will coincide with the incubator located at the former Pub13.

Mr. Kranyak stated the City has been trying to attract tech professionals with little success, and he thinks the City is more likely to succeed attracting creative professionals. Mayor Edmonds stated Ypsilanti will now be able to access a piece of the Local Development Financing Authority (LDFA) funding which could be used to help professionals moving to the area.

Mayor Edmonds stated a section of the application lists additional energy efficiency improvements, and asked if that is OPRA qualified. Mr. Maynard responded the problem was more the budget. Ms. Edmonds stated moving forward the City might want to include adding energy efficient improvements, and if done possibly the OPRA could be extended.

Mr. Maynard stated he has had a business in the City for the past five years and is excited to grow in the business.

On a roll call, the vote to approve Resolution No. 2016-041 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Absent
Council Member Murdock	Absent	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes
Council Member A. Brown	Yes		

VOTE:

YES: 5 NO: 0 ABSENT: 2 (Murdock, Robb) VOTE: Carried

IX. **ORDINANCE – FIRST READING** –

Ordinance No. 1261

1. 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.

A. Resolution No. 2016-034, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, The City of Ypsilanti is a leader in alternative energy production in Michigan; and

Whereas, the City has seen success with solar installations throughout the City wishes to encourage future successes; and

Whereas, the amendment to the Zoning Ordinance will help to implement the Master Plan goals of encouraging environmental sustainability and green business in Ypsilanti;

Now therefore be it resolved that the Ypsilanti City Council approve the amendments to Chapter 122, Article VII, Division 6 of the City's Code of Ordinances on FIRST READING.

OFFERED BY: Council Member Nicole Brown
SECONDED BY: Council Member Vogt

City Planner Bonnie Wessler stated this resolution would allow a solar farm to be located in the parks district of Ypsilanti at Highland Cemetery. Ms. Wessler stated solar energy is something that came up many times during the Master Plan process and the land is not currently committed to the park system.

B. Open public hearing

None

C. Resolution No. 2016-035, closing public hearing

THAT, the public hearing on *Ordinance No. 1261:* 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 be official closed.

OFFERED BY: Council Member Nicole Brown
SECONDED BY: Council Member Vogt

On a voice vote, the motion carried and the public hearing was closed.

Mayor Edmonds asked what the timeline is for installation. Ms. Wessler responded first there will need to be a special use hearing to permit this particular development to move forward. Ms. Wessler deferred to the DTE Nova Consultants Jeff Eckhout.

Nova Consultants Project Manager Jeff Eckhout stated if the ordinance passes on First Reading the Second Reading will be held on April 5th. Mr. Eckhout stated the ordinance would then take effect on May 6th and construction would mobilize shortly thereafter. Mr. Eckhout added hopeful the solar farm would be energized by the end of June.

On a roll call, the vote to approve Resolution No. 2016-034 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Absent
Council Member Murdock	Absent	Mayor Edmonds	Yes

Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes
Council Member A. Brown	Yes		

VOTE:

YES: 5 NO: 0 ABSENT: 2 (Murdock, Robb) VOTE: Carried

X. AUDIENCE PARTICIPATION –

1. Lena Reeves, 717 N. Congress, stated members of the Non-Motorized Committee support the passenger rail stop in Ypsilanti as it is another mode of transportation allowing allow many City residents greater access to services. She stated the Committee understands as a result of construction there would be a need to increase public parking in DepotTown just west of Rice St. She asked when this takes place staff consult with Washtenaw County Parks and Recreation Commission because the Border to Border Trail.

2. Tom Leone, 7924 Breezewood Ct., stated he is the Treasurer of the Friends of the Border to Border Trail. He said much of this trail is already in place and is a great resource for recreation and off-road transportation. He said the proposed train stop in Ypsilanti is exciting news but the changes to the rice street parking lot could have an effect on the Border to Border Trail. He requested the Washtenaw County Parks and Recreation Commission be involved in the planning process in order avoid decisions detrimental to the trail.

XI. REMARKS BY THE MAYOR –

— Thanked Ms. Reeves and Mr. Leone for their comments and said during the Master Plan process there were discussions on the resulting parking lot if the train does stop in Ypsilanti. She said the passenger rail is a phased approach and will not all happen immediately and through the development of short and long term plans will be able to solve these issues.

XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2016-036, approving minutes of February 2 and February 16, 2016.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of February 2 and February 16, 2016 be approved.

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

On a roll call, the vote to approve Resolution No. 2016-036 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Absent
Council Member Murdock	Absent	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes
Council Member A. Brown	Yes		

VOTE:

YES: 5 NO: 0 ABSENT: 2 (Murdock, Robb) VOTE: Carried

2. Resolution No. 2016-037, approving Shared Proceeds Agreement with Highland Cemetery Association of Ypsilanti.

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

Whereas, through City efforts a suitable site for the installation of solar panels was determined on property of Highland Cemetery, and;

Whereas, through the efforts of City, Highland Cemetery and DTE have agreed on the installation of solar panels on Highland Cemetery property and payment by DTE for electricity produced, and:

Whereas, The City and Highland Cemetery have agreed on an equitable sharing of the revenue of the solar panels, 75% to Highland Cemetery and 25% to the City, and:

Whereas, the City may receive tax revenues from the installation,

NOW THEREFORE, the proposed agreement between the City and Highland Cemetery for revenue sharing of DTE payments is hereby approved and the Mayor and City Clerk are authorized to sign the agreement for and on behalf of the City.

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

Mr. Lange stated negotiations began some time ago and asked Council for their support.

Mayor Pro-Tem Richardson asked how the revenue sharing portions were developed and if the 25% going to the City includes tax increases. Mr. Lange responded the City would acquire both the tax revenue plus 25%.

On a roll call, the vote to approve Resolution No. 2016-037 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Absent
Council Member Murdock	Absent	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes
Council Member A. Brown	Yes		

VOTE:

YES: 5 NO: 0 ABSENT: 2 (Murdock, Robb) VOTE: Carried

3. Resolution No. 2016-038, approving budget amendments to include down payment on the 2016 Limited Tax General Obligation Refunding Bonds, Series 2016.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti Council on February 16, 2016 approved Resolution # 2016-030 amending the previous resolution authorizing issuance of Limited Tax General Obligation bonds, series 2016, and

WHEREAS, the City of Ypsilanti Council approved reducing the principal amount of the bonds to be refunded by making a down payment of $2,255,000; and

WHEREAS, the sources of down payment of $1,837,000 will be coming from the General fund, $242,303.66 from the Land Revolving Fund, and $175,696.34 from the 2006 General Obligation Limited Tax Capital Refunding Fund; and

WHEREAS, as the result of making the down payment, budget amendments for FY 2015-16 in account # 101-7-9670-999-23 will be amended from $1,377,603 to $3,214,603, account # 412-7-9670-999-23 will be amended from $0 to $242,303.66, and account # 477-7-9000-991-00 will be amended from $535,000 to $2,790,000; and

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the budget amendments of $3,214,603.00 in account # 101-7-9670-999-23, $242,303.66 in account # 412-7-9670-999-23 and $2,790,000 in account # 477-7-9000-991-00 for FY 2015-2016 for the bond closing on March 28, 2016.

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

Mr. Lange said during that budget preparation staff forecasted a deficit of $1.3 million and at the moment the City is only at $1 million. Mr. Lange added the approval of this resolution would authorize the capacity for a worst case scenario but he does not feel the City will get to that threshold.

On a roll call, the vote to approve Resolution No. 2016-038 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Absent
Council Member Murdock	Absent	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes
Council Member A. Brown	Yes		

VOTE:

YES: 5 NO: 0 ABSENT: 2 (Murdock, Robb) VOTE: Carried

4. Resolution No. 2016-039, approving two-year contract extension of audit services by Abraham & Gaffney, P.C.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti Council under the Ypsilanti City Code requires a change in auditing firm after a five-year continuous annual auditing of the City; and,

WHEREAS, Abraham & Gaffney has served the City of Ypsilanti for three years providing auditing services at year; and,

WHEREAS, the City of Ypsilanti requests the extension of Abraham & Gaffney's contract to two more years for a total of five-years continuous; and,

WHEREAS, Abraham & Gaffney's on their letter dated March 7, 2013 included their proposed Auditing Services fees for the fiscal years ending 2016 and 2017 totaling to $87,225; and,

NOW, BE IT HEREBY RESOLVED, that the Ypsilanti City Council approve a two-year contract extension with Abraham & Gaffney for the amount

of $87,225 for Auditing Services beginning with fiscal years ending June 30, 2016, through June 30, 2017.

OFFERED BY: Council Member Vogt
SECONDED BY: Council Member Nicole Brown

Fiscal Services Director Marilou Uy stated in the past the City used one auditor to perform all needed work. Ms. Uy stated starting in FY 2012-2013 the work was divided between two companies one to prepare the audit and the other to check the work. Ms. Uy said this arrangement provides separation and checks and balances.

On a roll call, the vote to approve Resolution No. 2016-039 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Absent
Council Member Murdock	Absent	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes
Council Member A. Brown	Yes		

VOTE:

YES: 5 NO: 0 ABSENT: 2 (Murdock, Robb) VOTE: Carried

5. Resolution No. 2016-040, approving two-year contract extension with Rehmann Robson for financial outsourcing services.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, in April 2013, the City contracted with Rehmann Robson by providing financial outsourcing service, and

WHEREAS, Rehmann Robson has served the City of Ypsilanti for three years providing accounting assistance at year end and preparing camera ready financial statements for the auditors, Abraham & Gaffney; and,

WHEREAS, the City of Ypsilanti requests the extension of Rehmann Robson's contract to two more years for a total of five-years continuous; and,

WHEREAS, Rehmann Robson in their letter dated February 15, 2016, included their proposed Financial Outsourcing Services fees for the fiscal years ending 2016 and 2017 totaling $69,000; and,

NOW, BE IT HEREBY RESOLVED, that the Ypsilanti City Council approve a two-year contract extension with Rehmann Robson for the amount of $69,000 for Financial Outsourcing Services beginning with fiscal years ending June 30, 2016, through June 30, 2017.

OFFERED BY: Council Member Vogt
SECONDED BY: Council Member Nicole Brown

Fiscal Service Director responded approval of this resolution would authorize is the second stage of the audit process in which Abraham and Gaffney complete the audit and Rehmann Robson checks the work.

On a roll call, the vote to approve Resolution No. 2016-040 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Absent
Council Member Murdock	Absent	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes
Council Member A. Brown	Yes		

VOTE:

YES: 5 NO: 0 ABSENT: 2 (Murdock, Robb) VOTE: Carried

6. Resolution No. 2016-043, supporting the creation of the Amtrak rail stop in Ypsilanti.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti through its Council and constituents fully support the creation of an additional stop on Amtrak's Wolverine Line in Ypsilanti; and

WHEREAS, the City of Ypsilanti received over 10 letters of support to pursue the Amtrak stop from key community partners; and

WHEREAS, the City of Ypsilanti realizes the economic development benefits to the City and region of having a stop of the Amtrak Wolverine line; and

WHEREAS, the City of Ypsilanti takes great pride in providing and encouraging multi-modal transportation and non-motorized transportation within the City; and

WHEREAS, the City of Ypsilanti understands it needs to design an accessible platform that will require the approval of multiple jurisdictions and agencies; and

WHEREAS, the City of Ypsilanti commits to financially support the development of a platform and train stop in Depot Town by pledging $2,000,000 of support.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council is willing to incur the costs of building an approved platform and will contribute to both the initial construction and long-term maintenance and operating costs.

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

Council Member Vogt stated the Depot Town TIF agreement provides a substantial amount of funding for this project. Mayor Edmonds responded it is part of the funding mechanism. Mr. Vogt asked what other sources of funding are. Mr. Lange responded possible partners would see significant benefit for the rail stop. Mr. Lange stated he and Economic Development Director Beth Ernat will solicit these individuals for possible contributions. Mr. Lange said there have been contributions through Community Development Block Grants (CDBG) and closings but this will be an ongoing process but it is premature until solid numbers are available. Mr. Vogt asked when Mr. Lange referenced "closing" he was referring to the two closed streets. Mr. Lange responded in the affirmative. Mr. Vogt said a rough estimate of around $1 million has been raised and asked if funding will come from the General Fund. Mr. Lange responded in the affirmative. Mr. Vogt asked if the bulk of the $2 million will come from the City's reserves. Economic Development Director Beth Ernat stated there have been questions about the goal and the capacity

matched and if every funding source drys up the City would put up the $2 million to move forward with this project. Ms. Ernat stated staff will continue to work diligently to raise grants and soliciting partnerships.

Council Member Anne Brown asked how many public hearings will be scheduled during this process. Ms. Ernat responded there is a Planning Commissioner Meeting tomorrow night, March 16th, which will include a public hearing. Ms. Ernat explained that matter will go to Council for approval which will include a public hearing. Ms. Ernat said a public hearing will also be needed when Council votes to close the roads. Ms. Anne Brown asked if a meeting will be held in the community. Ms. Ernat responded if necessary, but she would like to gage the reaction at the Planning Commission meeting to assess if additional meetings are held. Mayor Pro-Tem Richardson asked if the meeting tomorrow night has been published. Ms. Ernat responded in the affirmative and asked City Planner Bonnie Wessler if everyone within a 300ft. radius of the project was notified. Ms. Wessler responded closer to 500ft. Ms. Anne Brown asked if Council should be present for that meeting. Ms. Ernat responded Council attendance is always welcome.

Council Member Anne Brown asked if the Planning Commission meeting was posted on the City's webpage and Facebook. City Planner Bonnie Wessler responded it was not posted because the information was not made public until Friday, March 11th at 2:00 p.m.

Mr. Lange stated he secured approval from Police and Fire services, Planning, and the Department of Public Service. Ms. Ernat added staff has also reached out to the Ann Arbor Area Transit Authority (AAATA) and the school bus system both had no objections.

Ms. Ernat responded in the affirmative. Mr. Vogt stated the improvement to the parking lot will benefit that area regardless of the rail stop. Ms. Ernat responded in the affirmative.

Mayor Edmonds stated there are funds pending the Washtenaw County Commission approval, CDBG Funds, and Urban County Funds.

Council Member Anne Brown stated the press conference held on Friday was a great event. Mayor Edmonds stated this project has taken a long time and a lot of staff hours to accomplish. Mayor Pro-Tem Richardson stated this has been a long time coming and hats off to everyone involved in making it happen.

Mayor Pro-Tem Richardson stated asked if the parking lot being discussed is near Aubree's and north of the Freight House. Mr. Early responded in the affirmative.

Mayor Edmonds stated part of the parking lot design is a possible relocation of the recycling center, which are listed goals in both the Master Plan and the DDA TIF Plan.

Mr. Lange stated because the funding developed from the road closure is Act 51 eligible funding would come from Major Streets Fund. Mayor Edmonds added the funding coming from the closures is the amount left after MDOT pays to close the roads.

Council Member Anne Brown asked if MDOT was paying for the closure. Mr. Lange responded in the affirmative and through a rail safety program.

On a roll call, the vote to approve Resolution No. 2016-043 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Absent
Council Member Murdock	Absent	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes
Council Member A. Brown	Yes		

VOTE:

YES: 5 NO: 0 ABSENT: 2 (Murdock, Robb) VOTE: Carried

7. Resolution No. 2016-044, approving contract with OHM for conceptual design engineering services to develop a rail platform and parking lot improvements.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti desires OHM Advisors to provide Conceptual Design Engineering Services over and above their professional services contract with the City of Ypsilanti; and

WHEREAS, The City of Ypsilanti desires have conceptual alternatives with cost estimates in order to develop a rail platform and associated parking lot improvements; and

WHEREAS, the City of Ypsilanti desires to have Its Mayor and City Clerk enter in to a contract with OHM Advisors in an amount not to exceed $144,800.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council directs the Mayor and City Clerk to enter into an engineering services contract with OHM Advisors with the City Manager authorized to approve minor changes to the contract.

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

Ms. Ernat stated staff is asking for a contract with OHM to not exceed $144,800 to provide the base engineering and the cost estimates to move forward with the project. Ms. Ernat responded this work goes above and beyond the contract the City holds with OHM for engineering services. Ms. Ernat added OHM has acquired Bergman and Associates to assist with rail road engineering.

Kent Early, OHM Engineering, provided edits to the contract draft provided to the City. Mr. Early stated the scope of this contract is to provide the base plans for the overall site, plans and specifications for the two road closures, parking lot improvements, and conceptual rail platform designs.

On a roll call, the vote to approve Resolution No. 2016-044 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Absent
Council Member Murdock	Absent	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes
Council Member A. Brown	Yes		

VOTE:

YES: 5 NO: 0 ABSENT: 2 (Murdock, Robb) VOTE: Carried

8. Resolution No. 2016-045, approving Building Healthy Communities (BHC) grant and contract from the Michigan Recreation and Parks Association (MParks) for park

enhancements and summer park programs.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the contract with Michigan Recreation and Parks Association for a grant of $34,000 plus expenses for park enhancements and summer park programs be approved and Beth Ernat, Ypsilanti Community Development Director is authorized to sign the contract and any other necessary grant documents for and on behalf of the City with the approval of the City Attorney.

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

Ms. Ernat stated MPARKs approached the City with a pilot program opportunity which includes two subprograms. Ms. Ernat stated one program is for seniors called "Walk with Ease" encouraging individuals 55 and older to walk in neighborhood parks and the second program is "Come Out and Play" which encourages youth to get outside for 60 minutes each day. Ms. Ernat explained if the City pilots both programs MPARKs will pay $10,000 for a temporary employee to implement the programs and $24,000 to make improvements to the parks. Ms. Ernat suggested, if approved, the funds be used to repair the planking on the Water Parks bridge. Ms. Ernat added funding cannot be used for equipment.

Mayor Pro-Tem Richardson asked if the funding can only be used in one park. Ms. Ernat responded no and the city is examining Water Works Park for the "Come Out and Play" program and Riverside for the "Walk with Ease". Council Member Anne Brown asked if another park might be added. Ms. Ernat responded Riverside Park was selected because its proximity to Cross Street Village.

On a roll call, the vote to approve Resolution No. 2016-045 was as follows:

Council Member N. Brown	Yes	Council Member Robb	Absent
Council Member Murdock	Absent	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes
Council Member A. Brown	Yes		

VOTE:

YES: 5 NO: 0 ABSENT: 2 (Murdock, Robb) VOTE: Carried

XI. <u>LIASON REPORTS</u> –

A. SEMCOG Update – Mayor Pro-Tem Richardson stated there will be a general meeting held next week and invited Council to attend.
B. Washtenaw Area Transportation Study - None
C. Urban County – Mayor Edmonds stated the majority of funding will be going to Ypsilanti for the train stop.
D. Freight House – Council Member Anne Brown stated she took a tour of the Freight House on March 11th and there was no timeline for project completion.

Ms. Ernat responded the open date is proposed for May 30th. Ms. Ernat stated there was an issue with the floor and the project is $8,000 over budget. Ms. Ernat said at the beginning of this project a major issue developed costing $8,000 but the contractor made concessions and did the repairs for $4,000. Ms. Ernat said the issues with the floor will add to the project cost. Mayor Edmonds asked if the budget had contingencies. Ms. Ernat responded yes, but fortunately the bids came in lower than what was budgeted. Ms. Ernat added the project is still 10% under overage. Ms. Edmonds asked if there are overages would they automatically fall to the City.

Mr. Lange responded it would probably be a combination of the City and the Friends of the Freight House.

E. Parks and Recreation – Council Member Anne Brown stated she has spoken with the Mayor regarding vacancies and reappointments. She said Riverside Park Play Scape Task Force had a meeting to discuss equipment at the park. She said this group has been meeting for over a year and staff was not informed. She stated the group is discussing moving the play line closer to the parking area and further from the gazebo. She said the City will need to speak with the vendors of the festivals in the City to ensure it is conducive to what they need.

   Mayor Edmonds asked the meeting to be posted on the Ypsilanti Website and the Facebook page.

   Council Member Anne Brown stated the Parks and Recreation Capital Fund has $17,000 and DPS Director Stan Kirton indicated replacement equipment for Carrie Mattingly Park is waiting on CDBG Funds. Ms. Anne Brown stated the equipment replacement for the tot lot in Ward 3 came from the Parks and Recreation Capital Fund. Ms. Anne Brown asked if the Commission should be solicited for the funding or wait for an update from Mr. Kirton. Ms. Ernat responded Mr. Kirton is working on that issue and the City should wait for his update.

F. Ypsilanti Downtown Development Authority – Mayor Edmonds said the DDA meeting is Thursday, March 17th at 8:00 a.m. and will be discussing the approval of the OPRA.

   Council Member Anne Brown asked for a list of the current membership and what their relationship is to the City. Ms. Ernat responded staff is compiling that list.

   Mayor Edmonds stated the DDA owns the Maple St. lot and asked what approval will be needed for the train stop and use of the lot. Ms. Ernat responded is the City moves into the site improvements the DDA will be brought to the table. Ms. Ernat said things will begin to happen very rapidly and surface type projects revolving around the train stop will be partly financed by the DDA. Mayor Edmonds asked that decisions the DDA will need to make be identified.

G. Eastern Washtenaw Safety Alliance – No meeting

H. Police-Community Relations/Black Lives Matter Joint Task Force – Council Member Anne Brown stated the March 14th meeting productive. She said it was decided to form a sub-committee to analyze a Citizen Oversight Committee. She said the Task Force will be inviting Chief DeGiusti to attend the next meeting to discuss training and other items.

   Mayor Edmonds asked that Council be notified when the meeting with the Chief occurs. Council Member Nicole Brown stated the meeting will be held the second Monday in April.

   Mayor Pro-Tem Richardson asked if there is anyone from the Black Lives Matter on the Task Force. Council Member Anne Brown responded the Human Relations Commission met with the Black Lives Matter Movement and representatives have attended the Task Force meetings. Ms. Richardson said when a Task Force was first recommended her thought was someone from Black Lives Matter would be included making it easier to work with the group moving in the future. Ms. Anne Brown said they attend almost every meeting. Ms. Richardson replied there is a difference between attending the meeting and actually have a seat at the table. Council Member Nicole Brown stated the structure of the meeting allows everyone in attendance to be a part of the discussion. Ms. Anne Brown added the audience is very engaged in the conversation. Ms. Richardson responded it is still different than being a member of the Task Force. Ms. Anne Brown stated there was conversation

early on about asking the NAACP and other groups to attend the meetings. Ms. Richardson said it would be helpful to assign a member of the Black Lives Matter movement to the Task Force. Mayor Edmonds asked if there is a local Black Lives Matter chapter. Ms. Nicole Brown responded no. Ms. Edmonds stated Radical Washtenaw (RAW) is a group located within the County but there is no other formalized group.

Mayor Edmonds asked what the timeline for completion. Council Member Nicole Brown stated many of the most pressing items have been accomplished and recommendations have been sent to the Human Relations Commission (HRC). Ms. Nicole Brown said the HRC now must approve what has been sent and send to Council for final approval. Ms. Nicole Brown said there has been discussion about what the Task Force should accomplish moving forward but have tried to accomplish its goal in the timely fashion.

Mayor Edmonds stated she understands the validity of what Mayor Pro-Tem Richardson was speaking toward and there is one Human Relations Commission seat available. Ms. Edmonds stated she is not sure any members of Radical Washtenaw live in the City.

Council Member Anne Brown stated Radical Washtenaw has been attending each meeting to gain a response to the report they created regarding bench warrants.

XII. COUNCIL PROPOSED BUSINESS –

Ann Brown

- The Packard Community Health Clinic is opening a site in Ypsilanti. She said it is their third site, and the Ypsilanti branch will be considered the East Branch.

  Mayor Edmonds stated the clinic is already open. Mayor Pro-Tem Richardson asked where it is located. Ms. Edmonds responded it is located on Arnet.

- Stated she attended a meeting for "Black Youth Matter" attended by Lt. Deric Gress who provided insight into the Ypsilanti Police and how they interact with youth. She said it was very helpful considering her work on the Task Force. She said the officer from Ann Arbor discussed his Department attempting to provide more social interaction so the public can get to know the officers.

  Council Member Nicole Brown stated several years ago a youth mapping project was conducted end result was that young people wanted a youth/teen center and there is yet to be progress. Ms. Nicole Brown stated it is one of her major goals to see that a youth center is constructed in Ypsilanti.

- Stated 201 Oakwood the corner of Oakwood and Sheridan has been vacant for some time. She said there are a lot of things posted on the windows.

  Ms. Ernat responded she will have the building manager look into the matter.

Vogt

- Asked that in a week or so he be provided with options and a specific proposal for residents of Douglas St. regarding traffic calming devices.

Richardson

- Stated there is a house on Monroe which has a great deal of debris in the backyard. She said she will provide the address to Ms. Ernat.

XIII. COMMUNICATIONS FROM THE MAYOR –

- Stated she had an opportunity to see a presentation which she is going to invite to present to Council. She said the presentation was provided by a youth team from Ozone House with information researched through surveys and focus groups recorded and analyzed by teens. She said the data rages from safety to things to do in the City.

- Said she has been serving on the Ypsilanti Community Schools Facilities Committee and at the School Board Meeting last night the superintendent provided recommendations for buildings in the district. She said the district has lost 1,000 students since the merger and the district is going through rightsizing buildings. She said the School Board will be taking the next 4 to 6 weeks to digest information and decide how to proceed. She said this could result in many changes for students throughout the district. She said one recommendation is for Washtenaw International High School and Washtenaw International Middle Academy Programs to move from former East Middle School into West Middle School. She said the middle school, currently housed on the Willow Run campus will move to East Middle School. She said another recommendation is the new Pre K through elementary feeder for the Washtenaw International Middle Academy Program will move to Adams. She said community information meetings have been held and more will be occurring in the future. She said there was a general consensus from the committee to demolish both Kettering and Thurston. She said both facilities are located in the Townships and there is a possible partnership with Habitat for infill housing. She said it is unclear what the recommendation will be for Cheney Academy which is partially in Ypsilanti and Superior Townships. She explained a redevelopment project might become difficult if it crosses jurisdictions.

  City Clerk Frances McMullan stated Adams is a polling place in the City and asked for Mayor Edmonds to keep that in-mind during discussions. Ms. McMullan explained when Washtenaw International High School moved to East the City lost a polling place and was forced to consolidate Ward 1 Precinct 1 and 3 which has caused problems. Ms. McMullan said a contract has been signed and when the issue arose with East Middle School the contract was not honored.

  Mayor Edmonds stated Chapel School is currently being leased by outside parties and will more than likely continue that practice into the future.

  Mayor Pro-Tem Richardson stated she attend a Michigan Power to Thrive (MPTT) meeting which is comprised of a combination of public health workers and community organizers. Ms. Richardson said the meeting was in Lansing and held at a high school repurposed as a community center. Mayor Edmonds said that is what is being proposed for Willow Run and asked for information on the facility in Lansing so that she can recommend the committee visit the site. Ms. Richardson said she would provide that information.

Nominations:

Planning Commission
Phil Hollifield (reappointment)
125 Hawkins
Ypsilanti, MI 48197
Term expiration – 5/1/2019

Matt Dunwoodie (new appointment)
201 Oakwood St.
Ypsilanti, MI 48197
Term expiration – 5/1/2019

Parks and Recreation Commission
Conan Malmer (reappointment)
913 Pleasant Dr.
Ypsilanti, MI 48197
Term expiration – 4/1/2019

Tentative Budget Meetings to be confirmed:
- Tuesday, May 10th
- Tuesday, May 17th
- Thursday, May 19th

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

Ms. McMullan asked that the budget meetings be confirmed. Mayor Edmonds stated the first date, May 10th, was changed from the initial scheduling of May 12th. Ms. McMullan explained two Council Members were unable to attend on May 12th. Mayor Pro-Tem Richardson asked if Council Member Nicole Brown would be able to attend the May 10th date. Council Member Nicole Brown stated currently no, but that could change and she will try to attend.

XIV. COMMUNICATIONS FROM THE CITY MANAGER –

Parkridge Chess Tournament Update

Mr. Lange provided a presentation on the Parkridge Chess Club. **(See Attached)**

- Stated he is planning to have one more tournament before the end of the year.

- Said for the last two years the City has had a .05 mil for roads. He said it is a very efficient way to fund road repairs. He said he is working to bring some of that funding to Ypsilanti.

  Council Member Anne Brown asked how this will impact the City's road millage. Mr. Lange responded it adds an additional $122,000 a year for the next four years. Mr. Lange added the City is going to lose 2.2 mills for roads once the millage ends. Ms. Anne Brown asked if the County needs to vote on this. Mr. Lange responded in the affirmative. Ms. Anne Brown asked if this will be on the ballot with the Water Street Debt Millage proposal. Mr. Lange responded in the affirmative.

  Mayor Edmonds asked City Clerk McMullan to provide a list of possible ballot proposals for the August Ballot. Ms. McMullan responded in the affirmative.

  Mr. Lange stated the emergency communications millage was approved on the March ballot.

- Stated the City allocates a substantial amount of funding for the IT contract with the County. He said Human Resources Manager Kevin Welch and Assistant to the City Manager Ericka Savage are in the process of examining other possibilities. He said the contract ends in June so more information will be provided soon and the City might negotiate a small extension.

— Said the City bid for assessing services and bids are due back this month.

XV. <u>COMMUNICATIONS</u> –

- Planning Commission Annual Report

- May 10th, 17th and 19th

- April 5th or 12th Work Session – Economic Development Update – 6:00-7:00 p.m.

Mayor Edmonds stated a decision needs to be made whether the next work session will be held on April 5th or April 12th. Ms. Edmonds said she would prefer April 5th. Council Member Vogt said he will not be able to attend the April 5th meeting. Ms. Ernat said she needs Council to consider if an hour is enough time or should a longer session be scheduled. Ms. Ernat said she would be able to provide the presentation but with little time for follow-up questions. Mayor Pro-Tem Richardson suggested April 7th. Council Member Anne Brown suggested April 19th. Ms. Edmonds asked if April 12th conflicts with anyone schedules. Ms. Richardson responded that would be a whole other meeting which is why she suggested the 19th which falls on the second meeting that month. Mr. Lange stated having it on the 19th would still only allow an hour. Mr. Lange said the session can be held on the 5th and if need be a follow-up can be scheduled. Council Member Nicole Brown stated she was difficulty with 6:00 o'clock meetings.

Assistant to the City Manager Ericka Savage informed Council that 200 more newsletters have been printed and would provide them for distribution.

Ms. McMullan stated the Clerk/Treasurer's Office signed a contract to begin accepting payments by VISA. Ms. McMullan added a contract has also been signed for web payments for parking tickets. Ms. McMullan said this option should be available hopefully in April.

XVI. <u>AUDIENCE PARTICIPATION</u> –

None

XVII. <u>REMARKS FROM THE MAYOR</u> -

None

XVIII. <u>CLOSED SESSION</u> –

Closed Session to discuss collective bargaining. *OMA 15.268(c)*

Mayor Pro-Tem Richardson moved, seconded by Council Member Vogt to adjourn to Closed Session.

On a roll call, the vote to adjourn to Closed Session was as follows:

Council Member N. Brown	Yes	Council Member Robb	Absent
Council Member Murdock	Absent	Mayor Edmonds	Yes
Mayor Pro-Tem Richardson	Yes	Council Member Vogt	Yes
Council Member A. Brown	Yes		

VOTE:

YES: 5 NO: 0 ABSENT: 2 (Murdock, Robb) VOTE: Carried

The meeting adjourned to Closed Session at 9:38 p.m.

XIX. <u>ADJOURNMENT</u> –

Resolution No. 2016-046, 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 Nicole Brown
SECONDED BY: Mayor Edmonds

On a voice vote, the motion carried, and the meeting adjourned at 10:23 p.m.

Resolution No. 2016 – 068
April 5, 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**
Phil Hollifield (reappointment) 125 Hawkins Ypsilanti, MI 48197	Planning Commission	5/1/2019
Matt Dunwoodie (new appointment) 201 Oakwood St. Ypsilanti, MI 48197	Planning Commission	5/1/2019
Conan Malmer (reappointment) 913 Pleasant Dr. Ypsilanti, MI 48197	Parks and Recreation Commission	4/1/2019

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

REQUEST FOR LEGISLATION
April 5, 2016

To: Mayor and Council

From: Chief Max Anthouard

Subject: Utility vehicle and snow plow replacement

SUMMARY & BACKGROUND:

The 2015-2016 fiscal year budget includes funds of $32,012 for the replacement of City of Ypsilanti Fire Department 1999 utility pick-up. This vehicle is now showing obvious wear and tear and needs to be replaced. This vehicle is used to carry equipment, running inspections and multiple other functions. It is used for operation during storms or when our call volume exceeds the operational capability of our two in service units. Lastly, this vehicle will be utilized for snow removal of the fire and police parking area.

The City of Ypsilanti Fire Department received a purchase proposal from Signature Ford, a state purchase authorized dealer. The YFD will receive a discounted package from Signature Ford. The replacement vehicle is a 2016 Ford F250 4x4 priced at $27,319 and the snow plow package cost is $4,693.

RECOMMENDED ACTION: (Approval/Denial)

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _4/5/2016___

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____

Resolution No. 2016 - 069
April 5, 2016

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.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

REQUEST FOR LEGISLATION
April 1, 2016

To: Mayor and Council
From: Frances McMullan, City Clerk
Subject: Charitable Gaming License – Ypsilanti Symphony Orchestra

---

SUMMARY & BACKGROUND:

The Ypsilanti Symphony Orchestra exists to share our passion for music through innovative programming, creative collaboration, and arts advocacy.

They actively contribute to the music appreciation and education of their musicians, organizational members and audience.

The organization would like to host an organizational fundraising raffle event at Riverside Park in Depot Town, Ypsilanti, MI 48197 on the following tentative date: May 28, 2016 (Rain date May 29, 2016), and April 17, 2016 they will sell tickets as well.

Please contact Molly Lipham, Board President at (734)546-3611 for further information.

RECOMMENDED ACTION: Approval

ATTACHMENTS: Resolution
Letter from Molly Lipham, Board President
Tax Exempt document

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: 4/05/16

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____

Resolution No. 2016-070
April 05, 2016

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: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: JUL 26 2004

YPSILANTI SYMPHONY ORCHESTRA
C/O NANCY E HAMILTON
PO BOX 970942
YPSILANTI, MI 48197-0816

Employer Identification Number:
38-3480715
DLN:
17053122722034
Contact Person:
DAN W BERRY
Contact Telephone Number:
(877) 829-5500
Public Charity Status:
170(b)(1)(A)(vi)

ID# 31122

Dear Applicant:

Our letter dated October 1999, stated you would be exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code, and you would be treated as a public charity, rather than as a private foundation, during an advance ruling period.

Based on the information you submitted, you are classified as a public charity under the Code section listed in the heading of this letter. Since your exempt status was not under consideration, you continue to be classified as an organization exempt from Federal income tax under section 501(c)(3) of the Code.

Publication 557, Tax-Exempt Status for Your Organization, provides detailed information about your rights and responsibilities as an exempt organization. You may request a copy by calling the toll-free number for forms, (800) 829-3676. Information is also available on our Internet Web Site at www.irs.gov.

If you have general questions about exempt organizations, please call our toll-free number shown in the heading between 8:00 a.m. - 6:30 p.m. Eastern time.

Please keep this letter in your permanent records.

Sincerely yours,

[redacted]

Lois G. Lerner
Director, Exempt Organizations
Rulings and Agreements

Letter 1050 (DO/CG)

Frances McMullan

From: Molly Lipham <mflipham@gmail.com>
Sent: Wednesday, March 30, 2016 8:39 PM
To: Frances McMullan
Cc: Donna Stempien; Adam Riccinto
Subject: More information for Ypsilanti Symphony Orchestra raffle license
Attachments: YSO 501c3 Let.pdf

Dear Ms. McMullan,

Thank you so much for assisting Adam Riccinto with the Ypsilanti Symphony Orchestra's raffle license the other day. Below is the additional info you needed:

- Date of the event where raffle will take place: May 28, 2016 (rain date May 29, 2016)

- Other dates where we'll sell tix: April 17, 2016

- proof of our 501(c)3 status: please see attached

- place of raffle: Riverside Park, Depot Town, Ypsilanti, MI

- purpose of raffle: organization fundraiser

- Contact info for someone should they have more questions: Molly Lipham, Board President, 734-546-3611 or mflipham@gmail.com. Donna Stempien, Board Vice President, donna.stempien@hylant.com

Thank you so much for your help. Please let us know if there is any more info we can provide.

Sincerely,

Molly

REQUEST FOR LEGISLATION
April 5, 2016

To: Mayor and Council

From: Beth Ernat, Director of Community and Economic Development

Subject: Herman and Kittle Properties Letter of Interest

SUMMARY & BACKGROUND: Herman and Kittle Properties, Inc (HKP) had a Purchase Agreement with the City for property south of the proposed South Street, north of the proposed Gilbert, east of Lincoln and west of River. The Purchase Agreement, which had been extended two times, expired in December 2015.

Prior to the expiration of the agreement it had become clear that HKP would not be able to meet the requirements of MSHDA (main funder) of the project for development of the proposed site. MSHDA had publicly expressed concerns with the site being in the least developed portion of the site and having too much uncertainty of future developments around the site.

Based on MSHDA's recommendation and encouragement from City staff, HKP began looking at other sites for potential development. After several discussions, HKP proposed creating a mixed-use project with commercial on the first floor and moving the site up to Michigan Avenue bound to the south by the proposed Parsons Street, to the east by Lincoln and to the west by River.

As the purchase agreement for the former location has expired, HKP has submitted a letter of interest for the purchase of approximately 3 acres shown on the LOI.

The proposed development would be a mixed-use building with approximately 1400 square feet of commercial (rentable/taxable) development on the first floor Michigan Avenue frontage and 80-residential apartments ranging from one bedroom to four bedrooms. The site would still require surface parking and a tot lot within the site.

Moving the location addresses many of MSHDA's concerns with future developments and the impact of construction of the development. The proposed development will create natural boundaries with garages on the site and would essentially wrap around the Family Dollar site.

The Letter of Interest is seeking to create a purchase agreement with the City with similar terms as the previous agreement; 3 acres of the property for development for $157,000 with credit for $23,500 currently in escrow for holding the property, infrastructure as required for the site, and to provide a complete survey of the site.

The development of the site would be financed by with Rental Housing Tax Credits and Tax Exempt bonds from MSHDA. In order to qualify for the tax credits, the developer would need to reapply for a PILOT for the taxes (non-commercial portion) on the site.

In order for the project to continue with MSHDA funding there would need to be substantial progress submitted by Herman and Kittle by May 31st. The following is required:

1. Executed Purchase Agreement with City of Ypsilanti
2. PILOT approved by City of Ypsilanti
3. Update Brownfield Redevelopment Agreement approved by City of Ypsilanti
4. Environmental documentation and Due Care and Compliance plan for remainder of site

As shown on the attachment, the location of the proposed site exceeds the depth of the previously recommended site plan for Water Street. Staff would recommend this discussion regarding the layout of the proposed site be discussed concurrent with the purchase agreement.

RECOMMENDED ACTION: Staff recommends Mayor and City Council approval to enter into negotiations for the proposed site west of Family Dollar on Michigan Avenue with Herman and Kittle Properties, Inc.

ATTACHMENTS: Letter of Interest, Water Street Map

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: ___4/5/2016___

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____

Resolution No. 2016 - 071
April 5, 2016

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: _____

SUPPORTED BY: _____

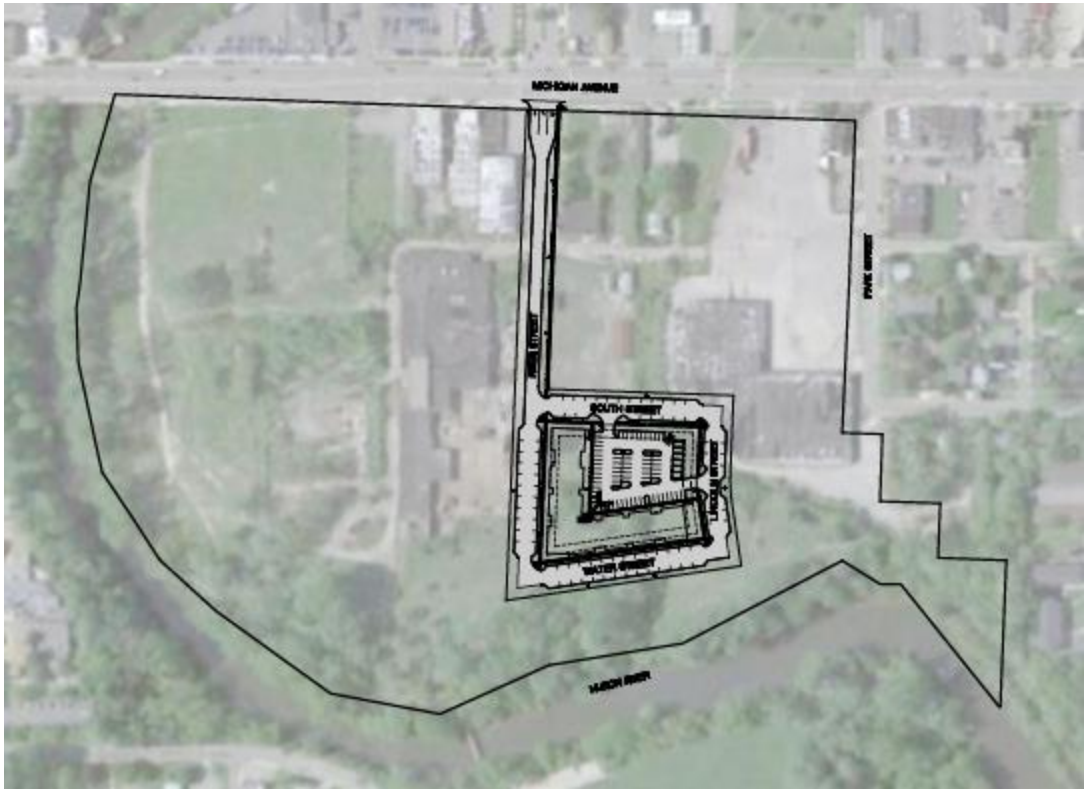
YES: NO: ABSENT: VOTE:

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

HERMAN & KITTLE PROPERTIES, INC.

Real Estate Development • General Contracting • Property Management

April 1, 2016

Ms. Beth Ernat
Director – Community & Economic Development
City of Ypsilanti
One South Huron Street
Ypsilanti, MI 48197

Re: Proposed development of Riverwalk Commons located on approximately 3 acres, as shown on Exhibit A (the "Property")

Dear Ms. Ernat:

This Proposal to Purchase outlines the terms and conditions which are acceptable for Herman & Kittle Properties, Inc. ("Purchaser") to enter into a Purchase Agreement with the City of Ypsilanti ("Seller") for the Land as depicted on the attached "Exhibit A". Please understand that this is only a general outline of terms and conditions and is subject to the parties entering into a formal, detailed Purchase Agreement acceptable to both parties. With that in mind, Purchaser proposes the following:

Narrative on project and background

Purchaser is proposing to develop an 80 unit, mixed-use apartment building located at the future intersection of River Street and Michigan Avenue. This development will feature a brick and Hardiplank façade facing Michigan Avenue and River Street, with parking to the South of the building. This development will include approximately 150 off-street parking spaces in addition to 18 garage spaces and covered bicycle parking. A playground will be provided for residents towards the center of the parcel. Interior amenities will include a community room with kitchen, exercise room, library / computer center, 8 full ADA units, walk-in closets, washer/dryer in each unit, Energy Star appliances, and on-site management office. The property will feature commercial space on the first floor facing Michigan Avenue with a mix of leasing / community space and commercial space along River Street.

This project will be financed with Rental Housing Tax Credits and Tax Exempt bonds from the Michigan State Housing Development Authority (MSHDA) and will feature rents at primarily 60% of AMI, ranging from $632 for a one bedroom to $1,023 for a four bedroom. According to the preliminary market study for this site, it was determined that a strong demand for rental housing exists within the area and that rents are

comparable to market rents in the Primary Market Area (PMA). It is also worth pointing out that the planned amenities for Riverwalk Commons exceeds those found in other market rate units in the area. Please note, it is our intention to keep Riverwalk Commons affordable for at least 40 years, which is in line with requirements from MSHDA. It is also our intention to rehab this property every 15 to 20 years leveraging MSHDA Housing Tax Credits to keep the property in optimal condition.

Anticipated timing for this development is outlined below:

- June, 2016: MSHDA Board Meeting to approve project
- August, 2016: Tax Credit Application Due to MSHDA
- September, 2016: Tax Credit Allocation Announced
- November, 2016: Closed on Financing and Start of Construction
- July, 2017: Leasing Begins
- November, 2017: Construction Complete

Herman & Kittle Properties, Inc. (HKP) is the successor to companies that have been around since 1948, and has developed and managed multi-family homes for over 60 years. HKP is a vertically integrated company that has been in the business of developing, owning, managing, and constructing affordable and market rate housing for the past 30 years. In the 1980s, we developed apartments using the Rural Development program of the United States Department of Agriculture ("USDA"). During the 1990s, we began developing apartments using Section 42 tax credits. In the late 1990s, we began developing larger, tax-exempt bond financed apartment communities that significantly increased the size and complexity of our transactions. HKP has developed an expansive portfolio across the Midwest and Gulf Regions, building a solid foundation in affordable housing while also expanding into market rate communities. We have developed a wide array of products that fit a number of sites, partners and target populations.

As of March, 2016, HKP has developed or acquired 83 properties comprised of over 9,500, total units (8,153 tax credit units and 1,541 market rate units) that have been placed in service in fourteen states. On average over the past 5 years, our properties lease-up to 90% occupancy within 8 months of the certificate of occupancy being issued. The occupancy average for the entire HKP portfolio is just over 92%. It is also worth noting that Herman & Kittle Properties has never sold an affordable property nor relinquished property management for any property owned by HKP. It is our company philosophy to establish long-term partnerships in the communities that we develop in and leverage the Tax Credit program to re-syndicate or essentially rehab these properties every 15 to 20 years.

1. Seller: City of Ypsilanti

2. Purchaser: Herman & Kittle Properties, Inc.

3. Property: The Property which is the subject of this letter is an approximate 3 acre parcel of rough-graded property, designated as a multi-family apartment building and outlined on Attachment A, known as Riverwalk Commons ("Development").

4. Development: Purchaser is interested in pursuing a development on the premises of successfully receiving an allocation of Rental Housing Tax Credits and Tax Exempt Bond Financing from MSHDA.

5. Purchase Price: $157,000, of which $23,500 of already deposited earnest money will be applied

6. Other Purchaser Obligations: Purchaser to construct River Street (south of Michigan Road) up to the southern boundary of this site, including all streets, sidewalks, water and sewer lines as part of this development and subsequently deed back to the City of Ypsilanti.

7. Term: The Letter of Intent will be in effect for up to six (6) months or until a development agreement is executed. Either party can request a 6 month extension.

8. Elements of the Development Agreement: Both parties agree to spend the term period working through the details of the standard development agreement utilized by the Ypsilanti City Council for transfer/sale of the Water Street Redevelopment area, to include:

   (a) Survey. Purchaser shall obtain, at Purchaser's Expense, a survey of the Property prepared in accordance with the Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys by a licensed surveyor which shall include such Table A requirements as Purchaser shall require and shall in all other respects be satisfactory to Buyer.

   (b) Title Policy. Purchaser shall obtain, at Purchaser's expense, a commitment for title insurance issued by the Title Company insuring marketable title to the Property for the Purchase Price that shall be in all respects satisfactory to Buyer in its sole and absolute discretion.

   (c) Environmental Studies. Purchaser may, at its expense, conduct such environmental studies and soil tests as Purchaser shall deem desirable in its sole and complete discretion concerning the Property.

   (d) Physical Inspection. Within sixty (60) days after Seller's acceptance of the Purchase Agreement, Purchaser may, at Purchaser's expense, undertake a complete physical inspection of the Real Estate. In the event that the Purchaser shall determine that the Property is unsatisfactory for any reason, the Purchaser shall have the right to terminate the Purchase Agreement by giving notice to Seller of such determination prior to the expiration of the physical inspection period.

   (e) Financing Contingency. Purchaser will finance the apartment development with rental housing tax credits and tax-exempt bonds allocated by the Michigan State Housing Development Authority (the "Allocation") and Closing will be contingent upon receipt of the Allocation.

Purchasers Right of Access & Seller's Authorization: By Seller's execution of this Proposal to Purchase, Seller will permit Purchaser, its agents, employees, and independent contractors, right of access at reasonable times, to inspect the Premises for the purpose herein stated, all at Purchaser's sole cost and expense, and to review all records, plans (including surveys and property plans), data, and other information relating to the Premises. Seller hereby authorizes Purchaser, its contractors, agents and representatives to make application for site plan approval, building permits, variances and other approvals from government bodies and public utilities on behalf of Seller, and Seller shall execute such applications or authorizations as Purchaser may request from time to time. Purchaser shall indemnify Seller for any and all damages related to Purchaser's activities at the Premises. Purchaser shall, at its sole cost and expense, restore any damage to the Premises resulting from any tests and/or inspections. In addition, Purchaser shall provide to Seller a certificate of insurance naming Seller as an additional named insured thereunder covering both Seller and Purchaser for such perils and in such amounts as Seller shall reasonably determine. Such certificate shall be provided to Seller prior to the date Purchaser first desires to enter upon the Premises.

Sincerely,

HERMAN & KITTLE PROPERTIES, INC.

[redacted]

By:_____
Name: Michael Rodriguez
Title: Development Director

Witness:_____

The terms of the foregoing Letter of Intent are acknowledged by the undersigned this _____ day of _____, 2016.

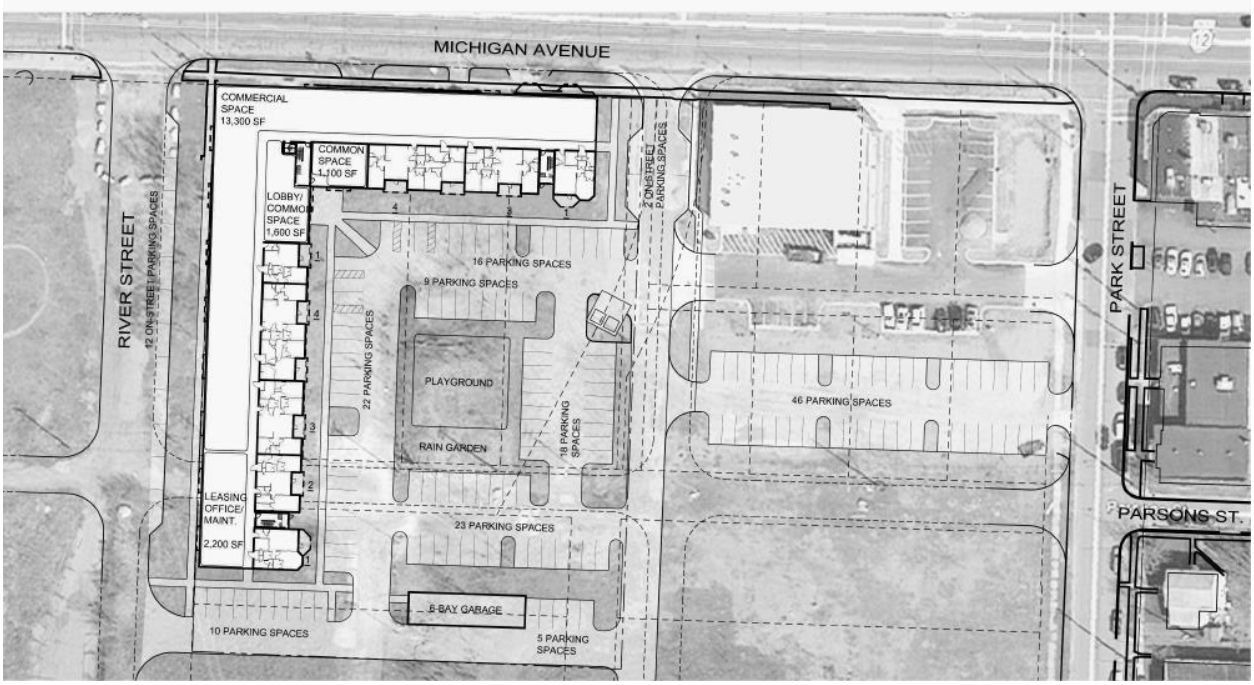
CITY OF YPSILANTI

By:_____
Name:_____
Title:_____

Witness:_____

Exhibit A

Babbitt St
N River St
E Michigan Av
S Park St
Parsons St
Farmer St
South St


MICHIGAN AVENUE
COMMERCIAL SPACE 13,300 SF
COMMON SPACE 1,100 SF
LOBBY/ COMMON SPACE 1,600 SF
LEASING OFFICE/ MAINT. 2,200 SF
RIVER STREET
12 ON-STREET PARKING SPACES
16 PARKING SPACES
9 PARKING SPACES
22 PARKING SPACES
PLAYGROUND
RAIN GARDEN
18 PARKING SPACES
23 PARKING SPACES
6 BAY GARAGE
10 PARKING SPACES
5 PARKING SPACES
2 ON-STREET PARKING SPACES
46 PARKING SPACES
PARK STREET
PARSONS ST.

DRAWING PATH: P:\0600_0700\0594130080_WaterSt_Assistance\Drawings\Civil\Misc\130080_OVERALL.dwg Sep 24, 2015 - 3:26pm

OHM

ARCHITECTS ENGINEERS PLANNERS

34000 Plymouth Road
Livonia, MI 48150
P (734) 522-6711 | F (734) 522-6427

OHM-ADVISORS.COM

REVISIONS:

DATE	PROJ NUMBER	ENG	PROJ MGR	CADD	COUNTY	CITY/VILLAGE/TOWNSHIP	SCALE	HORIZ DATUM	VERT DATUM
2/20/2015	0594-13-0080	-	-	FR	WASHTENAW	YPSILANTI	1: 1"=60'	V: NTS	

CITY OF YPSILANTI
WATER STREET REDEVELOPMENT AREA

SHEET 1

COPYRIGHT 2015 OHM ALL DRAWINGS AND WRITTEN MATERIALS APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF OHM AND THE SAME MAY NOT BE DUPLICATED, DISTRIBUTED, OR DISCLOSED WITHOUT PRIOR WRITTEN CONSENT OF OHM

REQUEST FOR LEGISLATION

April 5, 2015

From: Ralph A. Lange, City Manager

Subject: Support for Michigan Mid-Block Crossing Project

SUMMARY & BACKGROUND:

As the City Council is well aware, one of the major initiatives approved in the 2015-16 Budget, was to design and fund three major non-motorized projects leading to or through the Water Street Redevelopment area.

Project #1 is the Heritage Bridge – this project has now been completed.

Project #2 Border to Border Trail on the Water Street property. This project is approximately 90% complete with just minor work to be done in the spring of 2016.

Project #3 was the Mid-Block Crossing between the bridge and the Border-to-Border Trail on the Water Street property. Originally, it was hoped that this project would be completed in the 2015-16 Budget Year. However, due to a large number of difficulties this project will not be able to be completed until fall of 2016 if everything goes according to plan. SEMCOG has awarded the City of Ypsilanti a TAP Grant in the maximum amount of $290,000 with $196,000 being the federal portion and $94,000 being the local match. Any amount over the federal portion and local match will need 100% local funding. After an exhaustive redesign of this project, Mannik and Smith (the City's engineer) and city staff feel that this project can be constructed within the parameters of the TAP Grant money available along with a city match of approximately $79,000. The $79,000 would come from the Major Streets 202 Fund and will be proposed in the 2016-17 City Budget. This project is absolutely essential and has been required to be completed by the Washtenaw County Parks & Recreation Commission in order for the city to receive a grant of approximately $575,000 toward projects #1 and #2.

RECOMMENDED ACTION. Approval

ATTACHMENTS: Resolution April 5, 2016; Diagram of Crossing Design; Breakdown of Costs and Schedule

CITY MANAGER APPROVAL: [redacted] AGENDA DATE: 4-5-2016

CITY MANAGER COMMENTS: _____

Resolution No. 2016 - 072
April 5, 2016

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

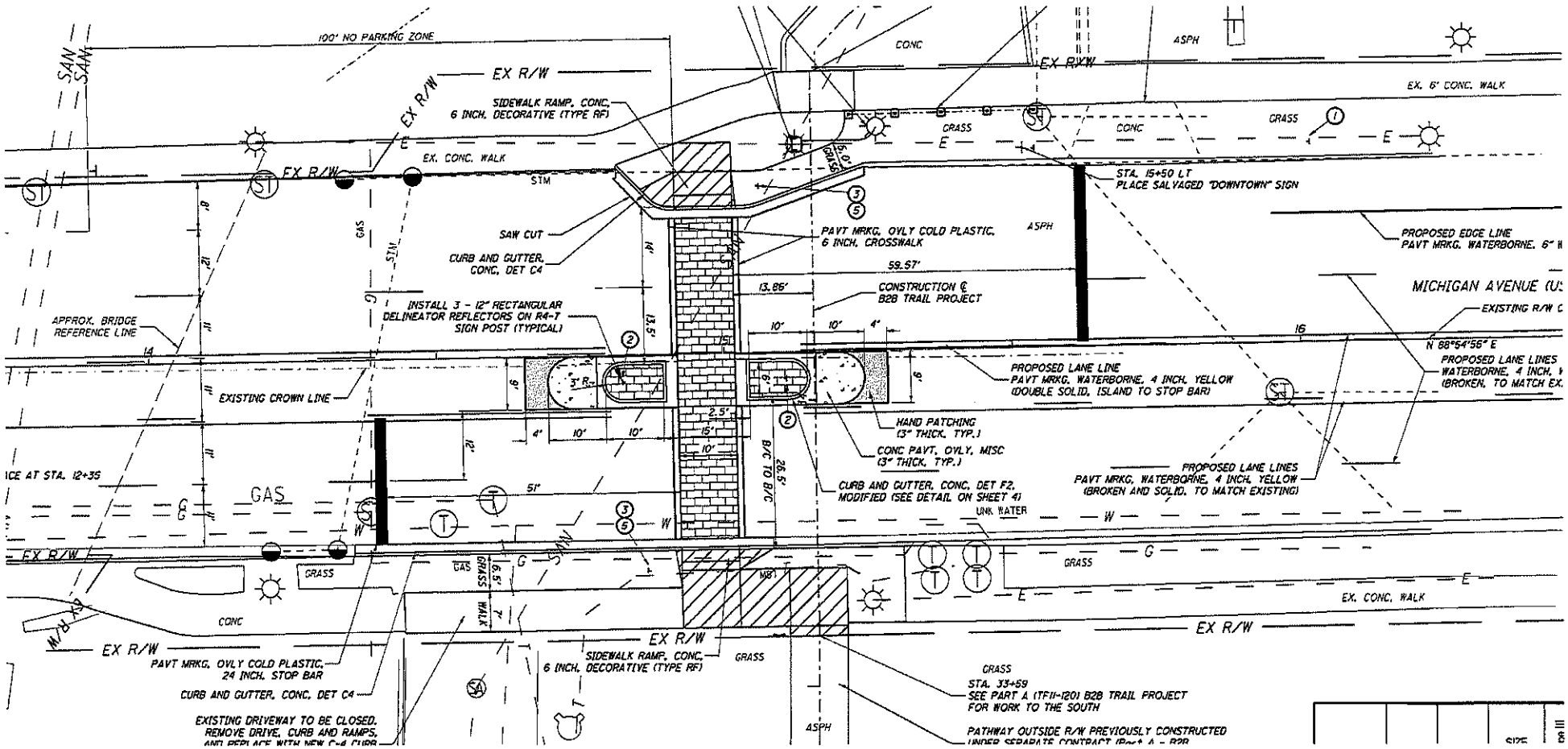
Whereas, as an Act51 Agency, the Council is required by the Federal Highway Administration, and Michigan Department of Transportation, to be the recipient of such TAP Funds.

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: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:


100' NO PARKING ZONE
EX R/W
SIDEWALK RAMP, CONC, 6 INCH, DECORATIVE (TYPE RF)
EX. CONC. WALK
STM
SAW CUT
CURB AND GUTTER, CONC, DET C4
INSTALL 3 - 12" RECTANGULAR DELINEATOR REFLECTORS ON R4-7 SIGN POST (TYPICAL)
APPROX. BRIDGE REFERENCE LINE
EXISTING CROWN LINE
CONC
ASPH
GRASS
STA. 15+50 LT PLACE SALVAGED "DOWNTOWN" SIGN
PAVT MRKG, OVLY COLD PLASTIC, 6 INCH, CROSSWALK
59.57'
13.86'
CONSTRUCTION ℄ B2B TRAIL PROJECT
PROPOSED EDGE LINE PAVT MRKG, WATERBORNE, 6" W
MICHIGAN AVENUE (U
EXISTING R/W C
N 88°54'56" E
PROPOSED LANE LINES WATERBORNE, 4 INCH, Y (BROKEN, TO MATCH EX.
PROPOSED LANE LINE PAVT MRKG, WATERBORNE, 4 INCH, YELLOW (DOUBLE SOLID, ISLAND TO STOP BAR)
HAND PATCHING (3" THICK, TYP.)
CONC PAVT, OVLY, MISC (3" THICK, TYP.)
CURB AND GUTTER, CONC, DET F2, MODIFIED (SEE DETAIL ON SHEET 4)
PROPOSED LANE LINES PAVT MRKG, WATERBORNE, 4 INCH, YELLOW (BROKEN AND SOLID, TO MATCH EXISTING)
UNK WATER
ICE AT STA. 12+35
GAS
PAVT MRKG, OVLY COLD PLASTIC, 24 INCH, STOP BAR
CURB AND GUTTER, CONC, DET C4
EXISTING DRIVEWAY TO BE CLOSED. REMOVE DRIVE, CURB AND RAMPS, AND REPLACE WITH NEW C-6 CURB
SIDEWALK RAMP, CONC, 6 INCH, DECORATIVE (TYPE RF)
STA. 33+59 SEE PART A (TF11-120) B2B TRAIL PROJECT FOR WORK TO THE SOUTH
PATHWAY OUTSIDE R/W PREVIOUSLY CONSTRUCTED UNDER SEPARATE CONTRACT (Part A - B2B

YPSILANTI MIDBLOCK CROSSING
BREAKDOWN OF COST
3/30/2016

1.	CURRENT CONSTRUCTION COST ESTIMATE	$243,157.00
2.	CONSTRUCTION ENGINEERING ESTIMATE	$34,000
3.	ENGINEERING TO ADDRESS DESIGN CHANGES AND COMPLETE PLANS READY FOR BIDDING	$7,500.00

Estimated Construction Duration: 6 to 10 weeks

Anticipated Final Design Plan Date to MDOT:	April 22, 2016 (All plans to MDOT and accepted)
Anticipated Letting Date:	July 8, 2016
Anticipated Completion of Construction Date:	Between August 19 and September 16, 2016

REQUEST FOR LEGISLATION
April 5, 2016

From: Stan Kirton, Public Services Director

Subject: Revision to Michigan Department of Transportation Contract No. 15-5376 for the 2015 Mid- Block Crossing at Washtenaw Ave. and Oakwood Project

---

SUMMARY & BACKGROUND:

Federal Transportation Funds - MDOT Transportation Alternatives Program (TAP) funds has been programmed to widen the pedestrian refuge island on Highway M-17 (Washtenaw Avenue) between Oakwood Street and West Cross Street; including sidewalk ramps, signing and pavement markings. Additionally, a mast arm with a standard pedestrian hybrid beacon and power supply will be installed across Washtenaw Avenue (M-17). This project is slated to start the last week of April 2016 or the first week of May 2016. This project has been bid let and awarded. Without an revision to the contract this project will be in jeopardy being canceled or postponed.

The total cost of this project is estimated at $234,500, less $168,800 Federal Funds and less $56,500 MDOT contribution. Staff is requesting Council to approve a revision to the original contract with MDOT by increasing the City's share for this project from $9,200 to $30,000. The increase will cover EMU's monetary contribution to this project. EMU has also agreed to supply the electrical power for the signal. EMU will provide and install electrical service from their facilities to the junction box on the pole and will cover the cost of the electrical to power this signal. EMU has also agreed to contribute $18,400 to this project which is reflected in the MDOT contribution figure. The City will cover EMU's monetary contribution to MDOT and will enter into and Memorandum of Understanding (MOU) for EMU's reimbursement to the City of Ypsilanti.

The revision to the MDOT contract will increase the City's contribution from $9,200 to $30,000 and MDOT contribution will be decrease by $18,400 (EMU's contribution). The revised budget will be$168,800 in Federal Funds, $38,100 MDOT contribution and $30,000 from the City. $18,400 of the City's share will be reimbursed by EMU. The reimbursement will be secured by a Memorandum of Understanding (MOU) with EMU.

The FY 2015-2016 budget has allocated funding for the construction cost in account #414-7-4496-00.

RECOMMENDED ACTION: Approval

ATTACHMENTS: MOU with EMU, Resolution

CITY MANAGER APPROVAL: _____ AGENDA DATE: April 5, 2016_

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____

Resolution No. 2016 - 076
April 5, 2016

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: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

City of Ypsilanti

Department of Public Works

Memoranda of Understanding

Eastern Michigan University and the City of Ypsilanti

Washtenaw/Oakwood Mid-Block Crossing

2016

This Memoranda of Understanding is for the collaboration between the Physical Plant of Eastern Michigan University (EMU) and Department of Public Services (DPS) for the City of Ypsilanti, to cost share the construction of the Washtenaw/Oakwood Mid-block Pedestrian Crosswalk Project.

EMU Parking Department

1. EMU will provide an electrical connection from their facilities to the junction box on the pole.
2. EMU will supply and pay for the electricity required to power the mid-block crosswalk.
3. EMU will reimburse the City of Ypsilanti in a timely matter their monetary contribution to the construction of this project in the amount of $18,400.00.

DPS of Ypsilanti

1. The City of Ypsilanti will modify their contract with MDOT to include EMU's cost-share portion.
2. The City of Ypsilanti DPS will oversee the construction of this project.

[redacted]

Dieter Otto, EMU Director Custodial,

Grounds, Motor Pool, Waste Management, Parking

_____

Amanda Edmonds, Mayor City of Ypsilanti

One South Huron Street
Ypsilanti, MI 48197

Tel (734) 483-1421
Fax (734) 483-1018

www.CityofYpsilanti.com

REQUEST FOR LEGISLATION
April 5, 2016

To: Mayor and Council

From: Beth Ernat, Director of Community and Economic Development
Joe Meyers, Community Development Manager

Subject: Neighborhood Enterprise Zone Policy

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.

The process for creating the NEZ is outlined as follows:

- City Council passes a resolution providing for the City's goals, objectives and policies while also establishing when and how notices will be sent out, requesting information from the city 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
- Create policy for approval of NEZ certificates – April 5, 2016
- Determine if the city should pass a resolution creating the NEZ – May 3, 2016

Attached is a proposed policy for Council's consideration. Should Council approve the NEZ policy with or without changes, staff would seek to bring the final ordinance for approval of the NEZ District.

Staff has been working with local leaders within the proposed district to communicate the goals and opportunities of the program. Once a policy has been adopted, staff will host public meetings and will meet with additional stakeholders to advertise and announce the program.

RECOMMENDED ACTION: Staff recommends approval of the resolution for creating a Policy for the NEZ district and the approvals of NEZ certificates.

ATTACHMENTS: Proposed NEZ district map, proposed NEZ Policy, and resolution.

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: 4-5-16

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____

Resolution No. 2016 - 073
April 5, 2016

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: _____

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. Non-Homestead Properties

Non-homestead properties that are rentals, have current rental permits on the property at the start of the program and are under four (4) units can qualify for a limited NEZ certificate. Each certificate will be assessed on a case by case basis.

D. 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.

E. 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 improvement projects for non-homestead properties that are adding assessable value to the property need to exceed $5,000 if being completed by the property owner or $7,500 if being completed by a contractor.
8. Home must be brought into conformance with minimum local building code standards for occupancy.
9. The certificate is approved by the Ypsilanti City Council.

F. 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

G. 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.

H. NEZ Certificate Terms for Non-Homestead Properties

Improvements to existing structures that do not hold a homestead exemption will be considered by all items referenced in section E and the following criteria:

1. Home must be brought into conformance with minimum local building code standards for occupancy.
2. The property owner shall have no outstanding code violations on any property in the city.

NEZ certificates for improvements on non-homestead properties will be granted the following number of years: Six (6) years for non-historic structures and 11 years for historic structures.

I. 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.

J. 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.

K. 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.

<u>During the last three years of the term of the extended certificate, the tax calculation changes to the following:</u>

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).

L. 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:

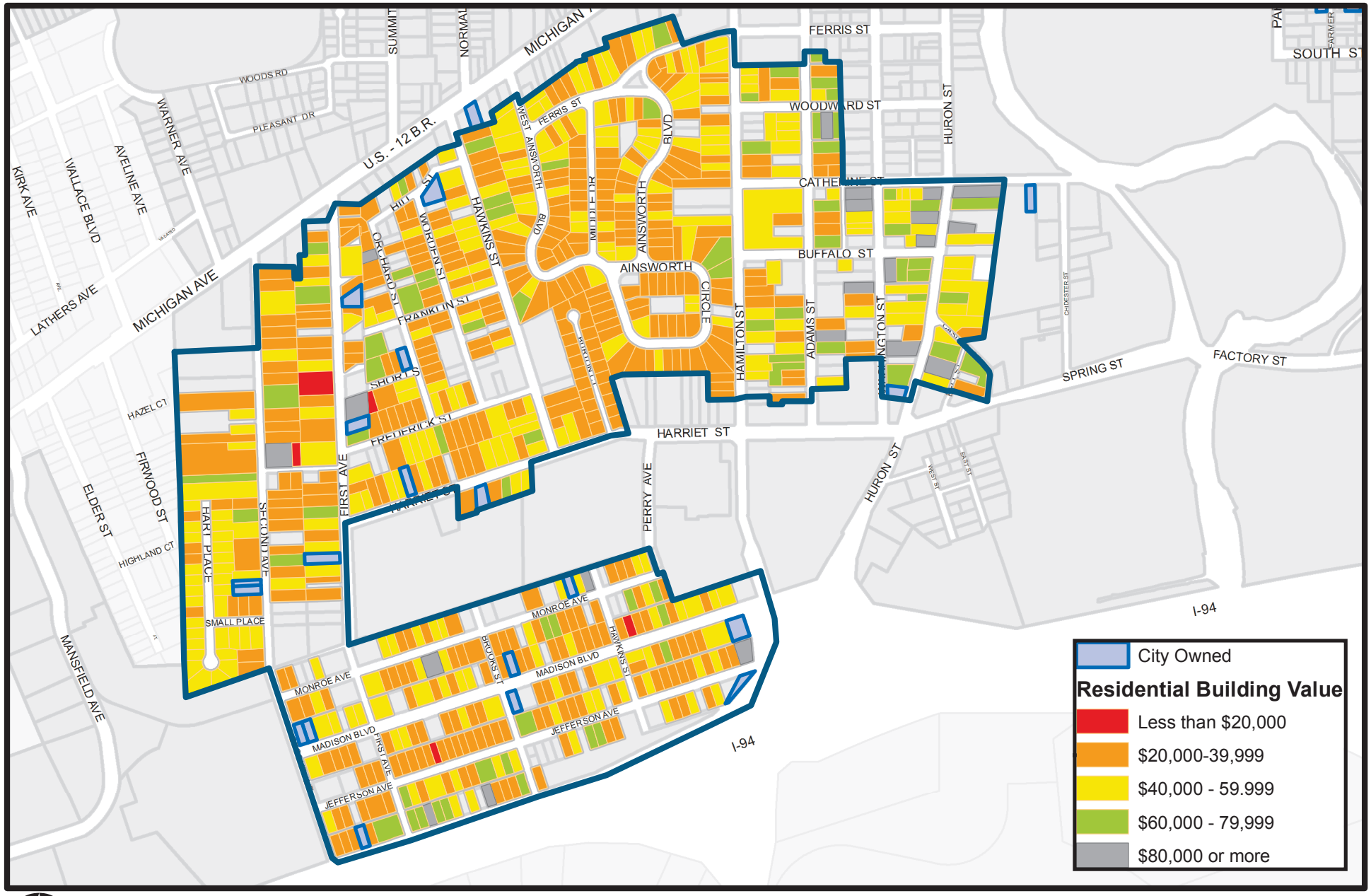
In the tax year, two years before the certificate expires, the NEZ tax is the sum of the current taxable value of the structure, excluding land, multiplied by five-eighths (5/8) the number of mills levied by the city and the county for operating purposes (excluding debt), plus the taxable value of the 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
April 5, 2016

From: Ralph A. Lange

Subject: Resolution in support of the .5 mills for 4 years to be spent on roads and trails in Washtenaw County

---

Summary Background:

As everyone knows, the funding to support road projects and associated infrastructure in the State of Michigan has been woefully inadequate for at least a decade.

In an effort to address this problem, the Washtenaw County Road Commission asked the Washtenaw County Board of Commissioners to vote in support of .5 mill dedicated for roads county-wide last year and this year.

The City of Ypsilanti has enthusiastically supported this effort. However, the Washtenaw County Road Commission is now asking to extend this program for another four years and requesting Washtenaw County Board of Commissioners to place this extension on a ballot issue in August of 2016.

For a large number of reasons, the city would benefit greatly from this program's continuation. Unfortunately, on the other hand, the city needs to take aggressive action to get control of the Water Street debt problem the city has faced for the last decade. It is likely that a part of this strategy will include city council asking the citizens of Ypsilanti to vote in support of an approximate 2.3 mill debt levy for this purpose; the probable date for this vote will be August 2016.

For the past two years, when city council acted in support of this program, a very specific list of projects the money would be spent for had to be enumerated in the resolution of support. Given that it is completely undecided as to whether city council can support this new four year program, I decided that it was not necessary to put that program together at this point in time. If the city council does not choose to support this resolution, then there is no reason to come up with a four year list of projects at this time. If city council does decide to support this resolution, I have the assurance from the Washtenaw County Road Commission's Director, Roy Townsend, that we can submit this list of projects at a later date.

The city council's final decision regarding this issue is strictly one of policy and exclusively in their domain. Both issues; Water Street and roads, are very high priority items for the city. If this decision were mine to make alone, it would be a very difficult decision to make. Rest assured that I will fully respect and support appropriately whatever decision the majority of city council chooses to make regarding this resolution. It is my recommendation that if, city council chooses to support this resolution, then they should move forward and do so. If they decide not to, I would strongly urge city council to table this resolution indefinitely.

Please see attached supporting documents: Resolution, memo from Roy Townsend dated March 9, 2016, County-wide road and non-motorized ballot funding proposal information and Washtenaw County Road Commission resolution RC16-097, Road Funding Initiative (2 pages) and Road Funding Initiative Powerpoint (11 pages)

RECOMMENDED ACTION:

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: April 5, 2016

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____

Resolution No. 2016 - 074
April 5, 2016

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: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

Ralph Lange

From: Townsend, Roy <townsendr@wcroads.org>
Sent: Wednesday, March 09, 2016 2:48 PM
To: Ralph Lange; Stan Kirton
Cc: McNamara, Marcus; 'Early, Kent'; Siddall, Sheryl
Subject: FW: Road Millage Ballot Question Proposal
Attachments: Ballot question - Road and Non-motorized Funding Proposal 2016.xlsx; WCRC Support Resolution.pdf; 20160304071753863.pdf

Ralph and Stan,

The Road Commission has passed a resolution to request the Washtenaw County Board of Commissioners to place a four year 0.50 mill ballot question before the votes on the August 2, 2016. The plan is for 80% the revenue to go towards road and street improvements, and each City and Village would get back their 80% share, and 20% would go towards non-motorized projects such as the Border to Border and Connecting Communities projects administered by the County Parks and Recreation Commission.

I have attached the Road Commission's resolution, the County Parks resolution of support and a summary sheet as to what each agency can anticipate for new revenue each year if the ballot question is approved. In the case of the City of Ypsilanti that would be approximately $122,000/year for years 2017- 2020.

What I would be help from the City of Ypsilanti is a resolution of support or letter of support for this initiative, along with a list of potential projects the City would use the new revenue on over the four years. The projects can also include non-motorized projects, in addition to traditional road projects. We are presenting this information to the County Board on April 7th at a working session, so if you can get us this this information a week prior to then that would be beneficial.

Thanks for continued support, as we both have helped successful improve our communities infrastructure and this is something the residents of Washtenaw County desire! Also, please feel free to give me call if you have additional questions about this initiative.

Roy

Roy D. Townsend, P.E. | Managing Director
Washtenaw County Road Commission | 555 N. Zeeb Rd., Ann Arbor, MI
Direct: (734) 327-6662 | Main: (734) 761-1500 | Fax: (734) 761-3737
www.wcroads.org | Follow us on Facebook | @washtenawroads

Countywide Road and Non-motorized Ballot Funding Proposal:

Potential Improvements: B2B, Non-motorized pathways and trails, Connecting Communities projects, constructing and maintaining roads, pathways, culverts and bridges.

Countywide Millage 0.50 mils x $14.9B = $ **$7.45**

Funding Distribution:

	Percentage	Annual Revenue
County Parks for B2B & Connecting Communities:	20%	$1,490,000
Cities & Road Commission	80%	$5,960,000
Totals	100%	$7,450,000

Note: City and Road Commission distribution based on taxable valuations

Road Commission Share:	$3.3M/yr
City of Ann Arbor Share:	$2.0M/yr
City of Saline Share:	$170k/yr
City of Ypsilanti Share:	$122k/yr
City of Chelsea Share:	$95k/yr
City of Dexter Share:	$92k/yr
City of Milan Share:	$38k/yr
Village of Manchester Share:	$26k/yr
Village of Barton Hills Share:	$22k/yr

WASHTENAW COUNTY ROAD COMMISSION

RESOLUTION CERTIFICATION

Road Funding County Wide Ballot Initiative
Resolution No. RC16-097

Moved ...

that upon the recommendation of the County Highway Engineer and the concurrence of the Managing Director, the Board of Road Commissioners requests the Washtenaw County Board of Commissioners to place a 4-yr. 0.5 mill ballot question before the voters on August 2, 2016. The Board of Road Commissioners authorizes the Managing Director and County Highway Engineer to present this Road Funding Initiative plan to the Washtenaw County Board of Commissioners for their approval.

I hereby certify that the foregoing is a true copy of a resolution duly adopted at a meeting of the Board of Washtenaw County Road Commissioners held on March 1, 2016, and is on file at the Office of the Washtenaw County Road Commission, 555 North Zeeb Road, Ann Arbor, Michigan 48103.

[redacted]

Roy D. Townsend, Deputy Clerk

Dated: 3/1/16

Road Funding Initiative

Four-Year Road & Non-Motorized Path Improvement Millage

On Tuesday, March 1, the Washtenaw County Road Commission (WCRC) unanimously approved a resolution in support of a county-wide road funding ballot initiative. The resolution requests that the Washtenaw County Board of Commissioners place a four-year road millage (0.5 mills per year) before the voters during the August 2, 2016 primary.

How it works:

200 miles improved

OVER THE 4-YEAR DURATION OF THE MILLAGE

WCRC estimates that the initiative would improve nearly 200 miles of road improvements over the duration of the millage. WCRC has put together a draft four-year road improvement plan (*see reverse side*). The Road Commission is working with townships to determine which projects are high priorities and will adjust the road improvement plan as appropriate.

20% to improve trails

FUNDING NON-MOTORIZED IMPROVEMENTS

The Washtenaw County Parks & Recreation Commission will receive 20% of the funds generated (an estimated $1.5 million per year) to fund improvements to county-wide non-motorized path improvements, such as the Border-to-Border Trail and Connecting Communities programs. The County Parks & Recreation Commission approved a resolution in support of the millage on March 8.

Raises $7.2M per year

LOCAL FUNDING FOR LOCAL IMPROVEMENTS

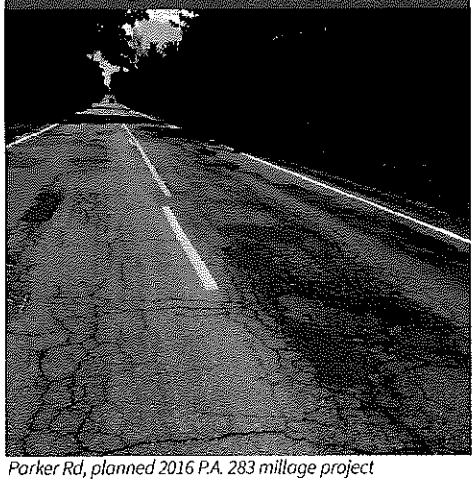
The millage would raise $7.2 million per year, with approximately $3.3 million going to the county road system to be distributed as equitably as is reasonable across the County's twenty townships over the duration of the millage. Cities and villages will receive an estimated $2.5 million, with specific allocations based on the amount raised within a city/village's borders.

Average of $35 per year

AVERAGE HOMEOWNER PAYS $35 PER YEAR

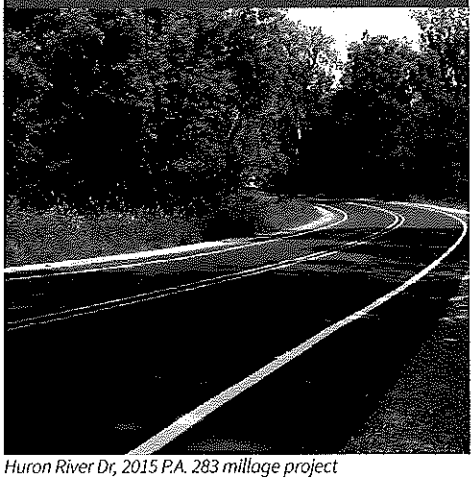
A 0.5 millage costs homeowners $50 for every $100,000 in taxable value. The average homeowner will pay $35 per year. The initiative would not cause an increase in homeowners' tax bills as compared to the previous two years, as the millage is for the same amount that was levied county-wide through the Public Act 283 (P.A. 283) millage.

Improving our poor roads



Parker Rd, planned 2016 P.A. 283 millage project

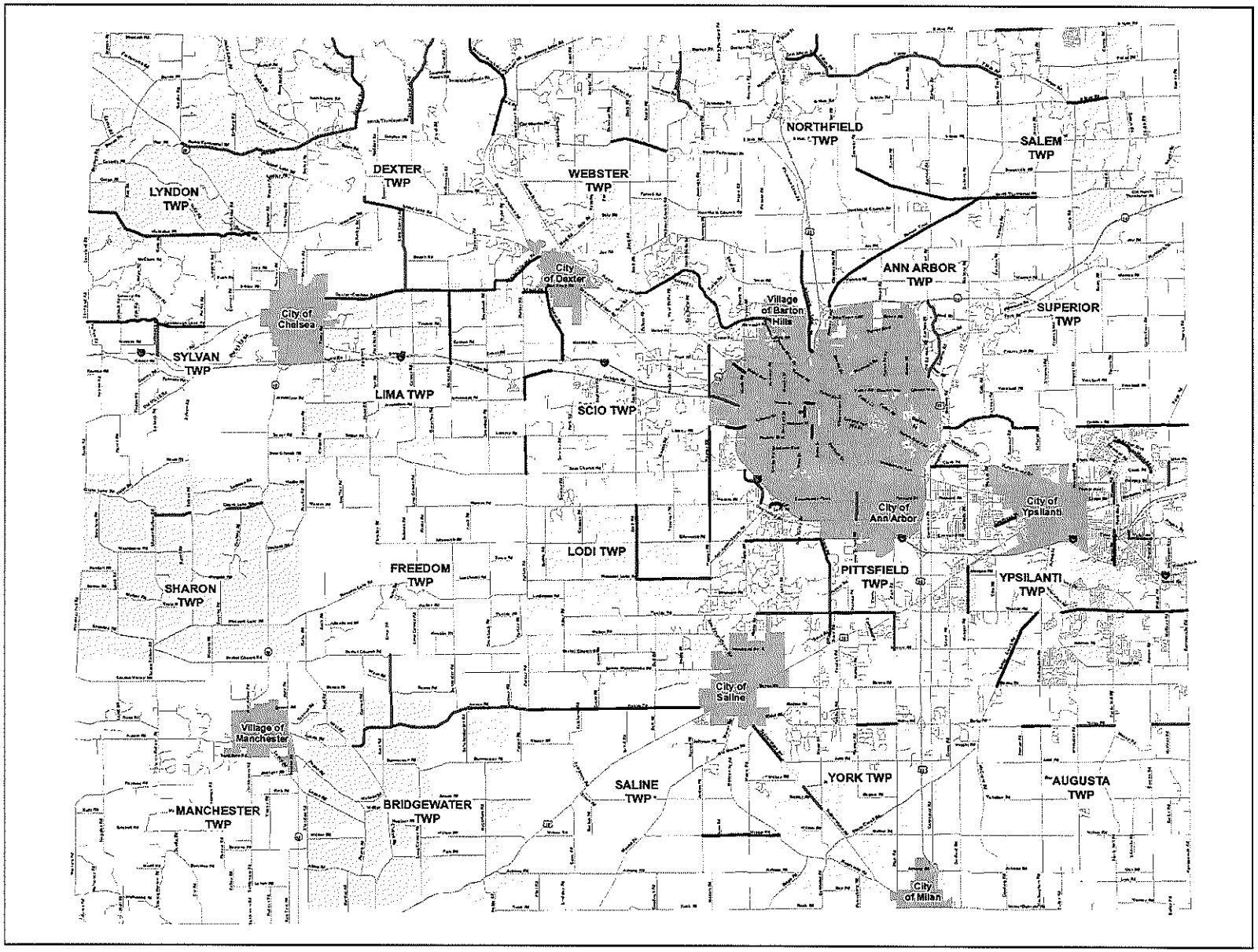
Protecting our good roads



Huron River Dr, 2015 P.A. 283 millage project

Expanding county-wide trail network

Border-to-Border Trail, Hudson Mills Metropark, 2014



Washtenaw County Road Millage Projects 2017-2020

DRAFT

Road Millage Projects

- 2017 (Proposed)
- 2018 (Proposed)
- 2019 (Proposed)
- 2020 (Proposed)

0 1 2 4 Miles

Updated: March 30, 2016

N

Road Funding Initiative

Four-Year Road & Non-Motorized
Path Improvement Millage

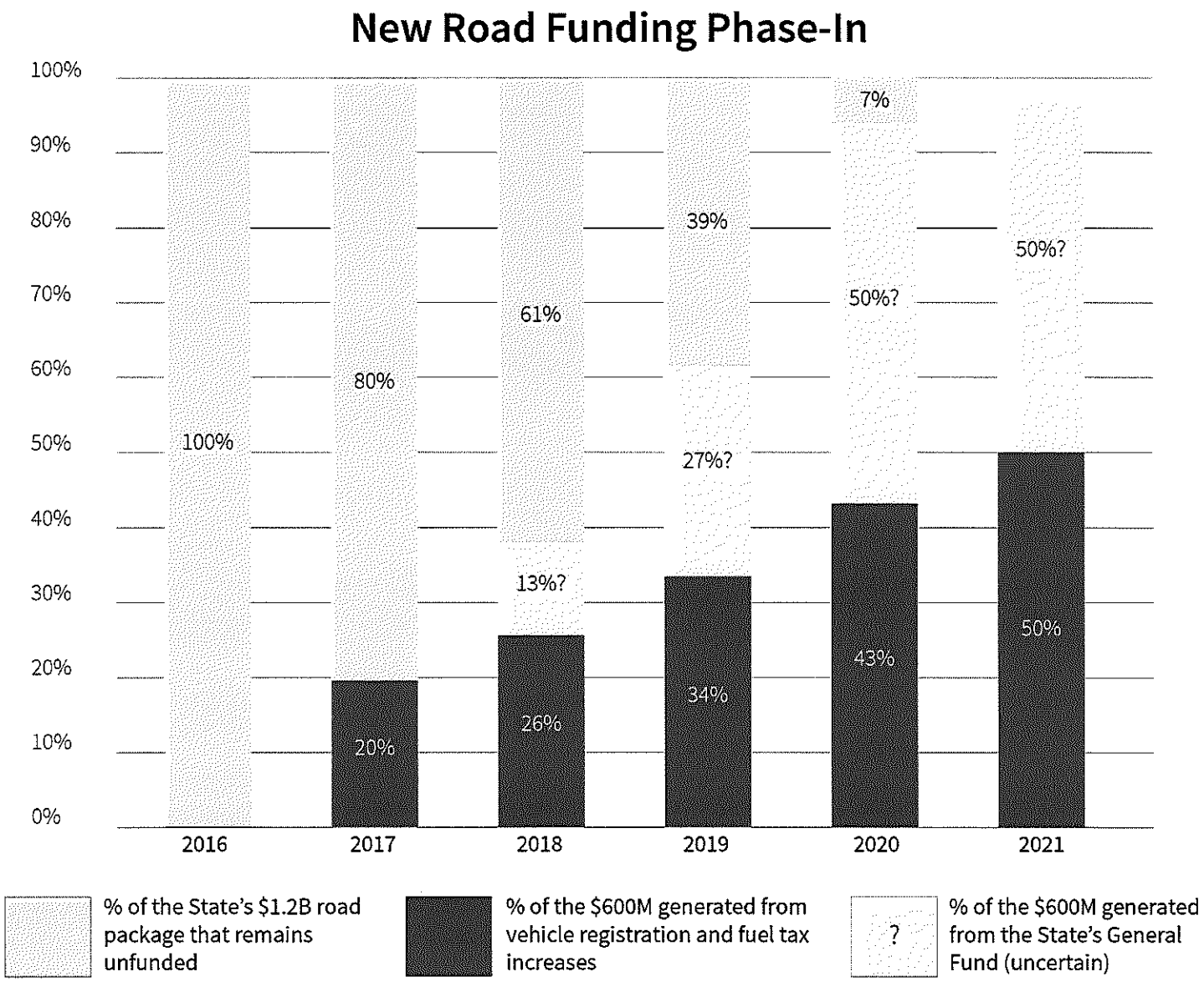
Why is a millage needed?

- Nearly two decades have passed without a transportation funding increase.
- Nearly 200 miles of county roads are rated in "poor" or "failing" condition
- 31 bridges are rated in "poor" or "failing" condition.
- 8 bridge/culverts closed in 2015 due to structural deterioration.
- To get all of Washtenaw County roads into "good" condition would require an additional $50 million

Collapsed Arkona Rd Bridge, 2014.

Current state of Moon Rd, 2015.

New State Funding- No Guarantees



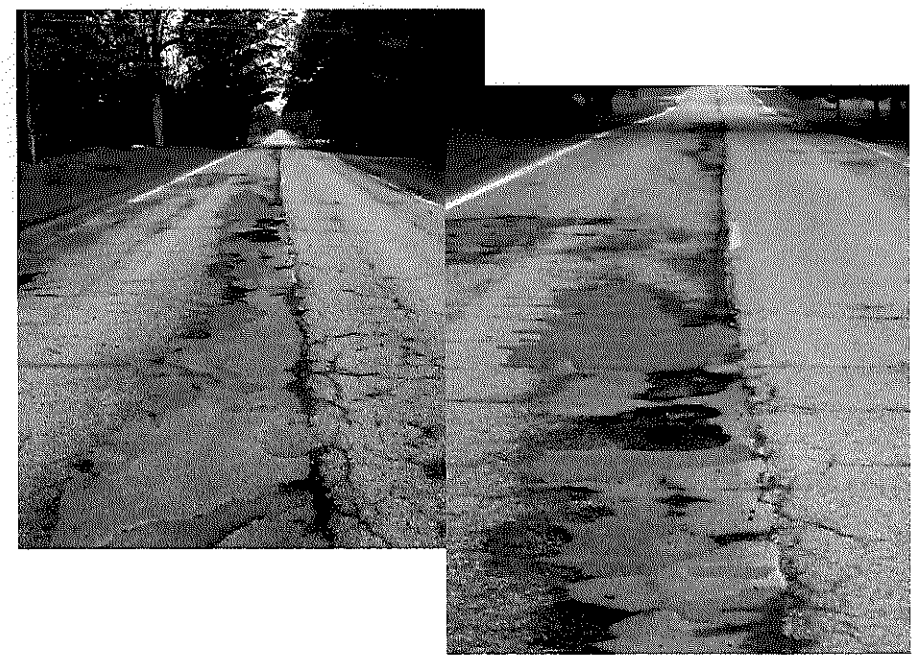
Public Act 283 (P.A. 283)

- One-year millage approved by the County Commission in 2014 & 2015
- Funded a pre-approved list of projects.
- Residents saw road improvements within the same year the tax was levied.
- It funded nearly 70 miles of road improvements each year.
- 0.5 mills – $50 for every $100,000 in taxable value. Average homeowner paid $35.

Completed Huron River Dr, funded by 2015 P.A. 283.

Before & After - 2015 P.A. 283

Before & After of Scio Church Rd, funded by 2015 P.A. 283.



Before pulverize & overlay on N Territorial Rd, funded by 2015 P.A. 283

Completed N Territorial Rd

Before & After - 2015 P.A. 283

Before pulverize & overlay on Superior Rd, funded by 2015 P.A. 283.

Completed Superior Rd

Huron River Dr before mill & resurfacing, funded by 2015 P.A. 283

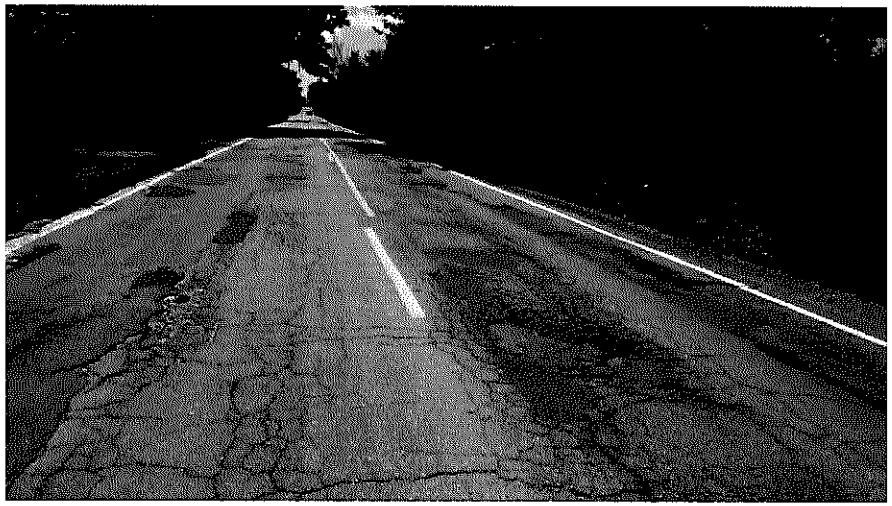
Completed Huron River Dr

Upcoming 2016 P.A. 283 Projects

Current state of Dexter Rd (City of Ann Arbor), funded by 2016 P.A. 283

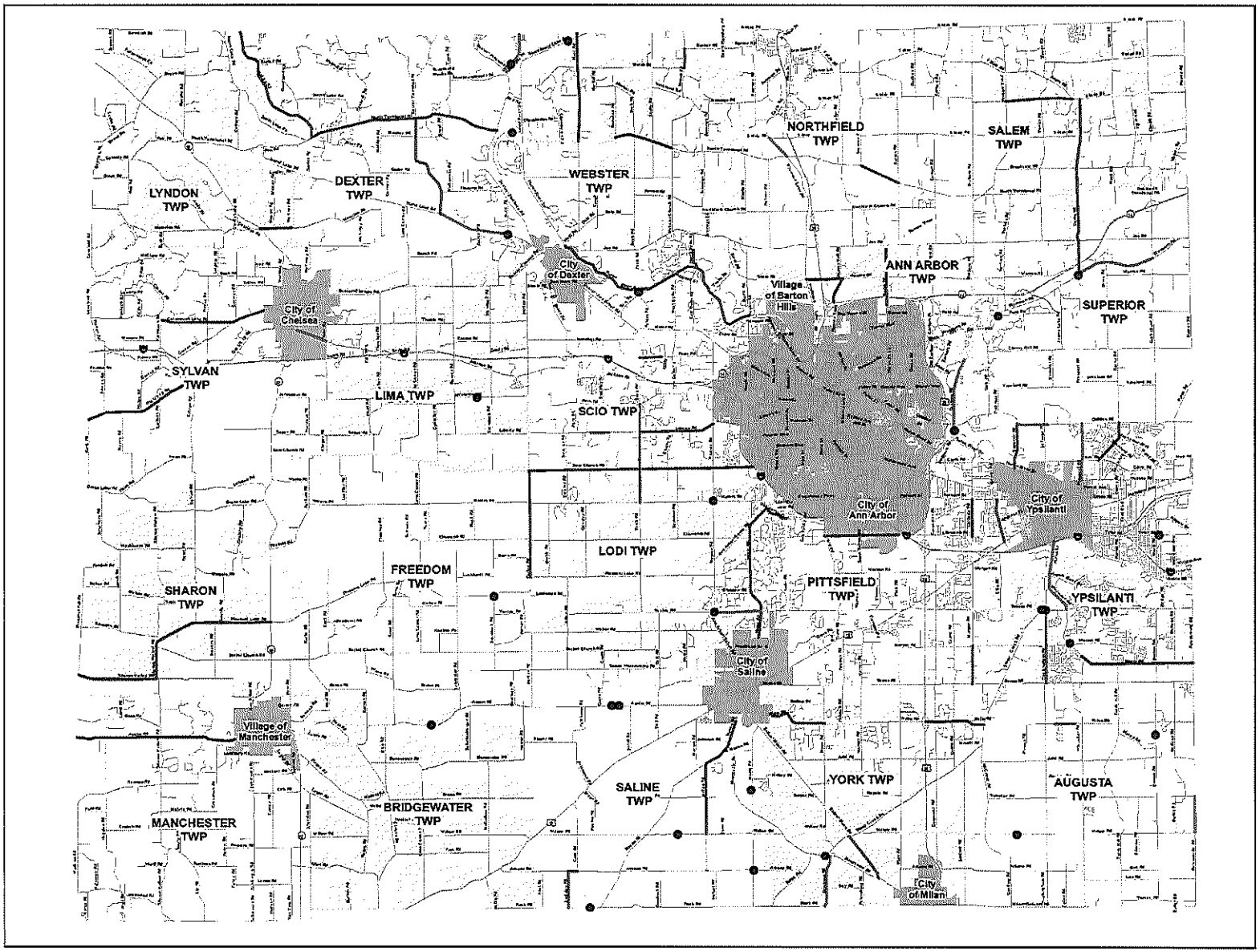
Current state of Austin Rd, funded by 2016 P.A. 283

Current state of Six Mile Rd, funded by 2016 P.A. 283



Current state of Parker Rd, funded by 2016 P.A. 283

2015 & 2016 P.A. 283 Projects



4-Year Road & Non-Motorized Millage

- Vote of the people during August 2, 2016 primary.
- 0.5 mill, same amount as P.A. 283.
- 20% of funds raised would go to improving the county-wide non-motorized transportation network (e.g. Border-to-Border Trail).
- Would raise $7.2 million county-wide, cities/villages would get an amount proportional to what was raised in their borders, WCRC would get the rest.

Border-to-Border Trail in Hudson Mills Metropark

Current state of Willis Rd

Community Equity Commitment

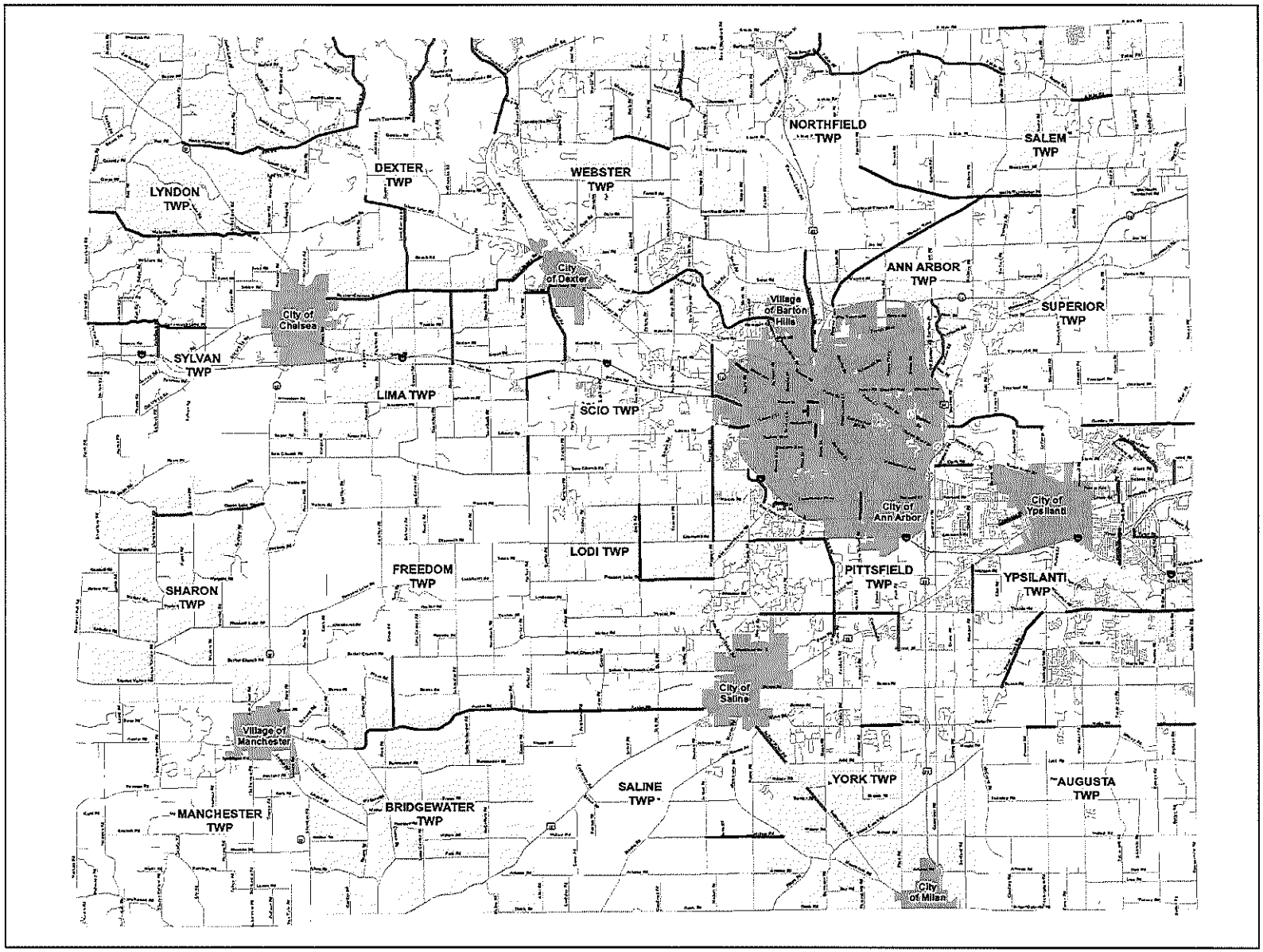
Current state of Harris Rd, would be improved in 2018 with 4-year millage

Finished complete street on Holmes Rd

Current state of MacArthur Rd, would be improved in 2017 with 4-year millage

MacArthur Rd, improved via 2015 P.A. 283

Map of Proposed Projects (2017-2020)



Washtenaw County Road Millage Projects 2017-2020

DRAFT

Road Millage Projects

- 2017 (Proposed)
- 2018 (Proposed)
- 2019 (Proposed)
- 2020 (Proposed)

Resolution No. 2016-075
April 5, 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: