

**City of Ypsilanti  
Council Meeting  
Tuesday, February 18, 2003  
7:30 P.M.**

**CALL TO ORDER**

Mayor Cheryl Farmer called the meeting to order at 7:30 p.m. in the Council Chambers at City Hall, One South Huron Street, Ypsilanti, Michigan.

Present: Mayor Cheryl Farmer, Mayor-Pro Tem Swanson, Council Member Richardson, Council Member Gawlas, Council Member LaRue, Council Member Nickels and Council Member Schulze.

Absent: No members absent

**Invocation**

Mayor Cheryl Farmer asked for a moment of silence.

**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."

**INTRODUCTIONS**

No introductions.

**AGENDA APPROVAL**

Council Member Richardson offered and Council Member Nickels supported a motion to approve the amended Agenda.

Ayes: 6 Nays: Mayor Pro-Tem Swanson Absent: 0 Vote: Carried

**PRESENTATION**

A. Presentation of an agreement with Ann Arbor Transportation Authority, for public transportation service by Gregory Cook, Executive Director.

Resolution #2003-29, attached and made apart hereof, offered by Council Member Schulze supported by Council Member LaRue.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City Council continues to support and wishes to provide public transportation services to residents; and

WHEREAS, the City includes the only transit center in Ypsilanti, providing central transfer services to the greater Ypsilanti community; and

NOW THEREFORE BE IT RESOLVED, that the purchase of service agreement between the city of Ypsilanti and the Ann Arbor Transportation Authority for transit service for City residents for the period of October 1, 2002 through September 30, 2003 in the amount of \$172,027 be approved; and

FURTHER that the Mayor and City Clerk be authorized to sign said agreement on behalf of the City subject to the approval of the City Attorney and further that the funds be expended from the General Fund Account Number 101.967.969.01.

Ayes: 7    Nays: 0    Absent: 0    Vote: Unanimous

B. Presentation by Harry Hutchison, Department of Public Works Director on the Water Main and Street Improvement Project and the winter salting program.

Harry Hutchison discussed the upcoming construction projects for Normal Park, College Heights, Ainsworth and Summit Street areas. Also a series of meeting will be scheduled with area Neighborhood Associations to update them on the new construction schedule. The city's salting program is currently under average due to the small amount of snowfall. The residue from the salt is left in the street because of low temperatures and moderate snowfall.

### **AUDIENCE PARTICIPATION**

Tyrone Wilson, representing RAID expressed his concerns with the Clerk's Office unethical and immoral behavior and the Deputy Clerk's pattern of absences. He also questioned the City Attorney's office in regards to the Human Relations Commission and the lack of minorities represented in the Attorney's Office.

Lee Tooson of Ypsilanti congratulated the Department of Public Works on a job well done. He questioned the practices of the Ypsilanti Police Department actions against African Americans and inquired why Freeman & Bunting is no longer the City's insurance company. Ypsilanti should support our local businesses. He also mentioned that an outside source should conduct an investigation of the Clerks Office.

### **MINUTES**

**Resolution #2003-30**, approving the Minutes of February 4, 2003, with corrections was offered by Council Member Nickels and supported by Council Member Gawlas.

Ayes: 7    Nays: 0    Absent: 0    Vote: Unanimous

**PUBLIC HEARING/ORDINANCE-FIRST READING**

- A. That the Public Hearing to consider an ordinance entitled, "An Ordinance to regulate access to and use of public rights-of way in compliance with the Metropolitan Extension Telecommunications Act (Act 48 of 2002).

Mayor Farmer opened the Public Hearing.  
No Comments from the Audience.

**Resolution #2003-31**, attached and made a part hereof, offered by Mayor Pro-Tem Swanson supported by Council Member Nickels to close the Public Hearing.

Ayes: 7    Nays: 0    Absent: 0    Vote: Unanimous

**Resolution #2003-32**, attached and made a part hereof, offered by Mayor Pro-Tem Swanson supported by Council Member Nickels.

A resolution implementing the City Telecommunications Ordinance pursuant to Act 48 of 2002.

WHEREAS, the State of Michigan recently enacted the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Act No. 48 of the Public Acts of 2002 (the "Act"); and

WHEREAS, the Act, among other things, provides for a uniform permit and permit fee for access to and use of the public rights-of-way by telecommunications providers; and

WHEREAS, the Act further provides, among other things, for a distribution of funds from the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority (the "Authority"), established pursuant to Section 3 of the Act, *provided the City takes certain action in compliance with the Act; and*

WHEREAS, the City has, contemporaneously with this resolution, adopted Ordinance No. (the "Ordinance") for purposes of complying with the requirements of the Act, so as to ensure that the City qualifies for distributions from the Authority under the Act; and

WHEREAS, the City desires to give additional instruction and direction to the City Manager and other City personnel charged with implementing the Ordinance;

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that the City Manager is hereby authorized and directed to identify all telecommunications providers holding permits or authorizations issued by the City and, as part of that process, to compile a list of all telecommunication providers who have paid fees to the City since 1990, all telecommunications providers identified in the City's engineering or construction permit files and all regulated telephone inter-exchange carriers and competitive access

providers listed on the web site of the Michigan Public Service Commission and all regulated local telephone companies licensed in Michigan listed on such web site;

FURTHER RESOLVED, that the City Manager is hereby authorized and directed to provide a copy of the Ordinance to the cable company[ies] providing service in the City, and to all telecommunications providers identified above, in satisfaction of the requirements of Section 13(4) of the Act; and

FURTHER RESOLVED, that the finance department of the City is hereby directed to return, to telecommunications providers, any checks or portion of checks received by the City from such providers for access and usage of the public right-of-way in the City after November 1, 2002 (other than the \$500 application fee allowed under the Act and any fees or funds received from the Authority).

That an ordinance entitled "an ordinance to regulate access to and use of public rights-of-way in compliance with the Metropolitan Extension Telecommunications Act (Act 48 of 2002)" be approved on first reading.

Ayes: 7      Nays: 0      Absent: 0      Vote: Unanimous

#### **ORDINANCE-SECOND READING**

A. Consideration of the proposed ordinance entitled, "An Ordinance Establishing and Naming City Departments."

**Resolution No. 2003-33**, attached and made a part hereof offered by Council Member Richardson supported by Mayor Pro-Tem Swanson.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled, "An ordinance Establishing and Naming City Departments," be approved on Second and Final Reading.

Ayes: 7      Nays: 0      Absent: 0      Vote: Unanimous

B. Consideration of the proposed ordinance entitled, "An Ordinance to amend the General Fund budget Year 2002-2003."

**Resolution No. 2003-33A**, attached and made a part hereof, offered by Council Member Nickels and supported by Council Member Richardson.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled, "An Ordinance to amend the General Fund budget appropriation for the Fiscal Year 2002-2003," be approved on Second and Final Reading.

Ayes: 7      Nays: 0      Absent: 0      Vote: Unanimous

**Resolution 2003-34**, attached and made a part hereof, offered by Council Member Gawlas and supported by Council Member LaRue—That the following Consent Agenda be approved.

### **CONSENT AGENDA**

- A. Resolution #2003-35, accepting a bid and approving an agreement with Anderzak-Pitzen Construction, Inc. for College Heights Paving and water Main Improvements Project.
- B. Resolution #2003-36, accepting a bid and approving an agreement with SBG Construction, Inc. for the Normal Park Paving and Water Main Improvement Project.
- C. Resolution #2003-37, setting a public hearing for Tuesday, April 22, 2003 in the City Council Chambers to consider the adoption of an ordinance approving the Tax Increment Financing and Development Plan of the Depot Town Development Authority for the West Cross Street Development Area pursuant to Act 197 of the Public Acts 1975, as amended.
- D. Resolution #2003-38, adopting the amended City of Ypsilanti Recreation Master Plan 2003-2007.
- E. Resolution #2003-39, approving a grant agreement between the Michigan Department of Transportation and the Ypsilanti Auto Heritage Museum, for Improvements to the museum facility.
- F. Resolution #2003-40. pulled by Mayor Farmer.

Ayes: 7      Nays: 0      Absent: 0      Vote: Unanimous

### **COUNCIL PROPOSED BUSINESS**

Council Member Schulze mentioned SEMCOG's recent workshop was very informative about the Brownfield Development Project. Ypsilanti is ahead of many other communities in regards to Brownfield Development.

Council Member Richardson inquired about the path that was supposed to be built between Bellevue and Hewitt.

Mayor Farmer mentioned that a meeting had taken place between the City of Ypsilanti and Eastern Michigan University. Currently we are in the process of setting up a second meeting with Agree Reality, the owners of the northern boundary of the proposed path. EMU expressed they are willing to work with us in getting the path built.

Council Member Gawlas stated that the resolution we passed was amended for the building of the President of Eastern Michigan's home. The resolution required the city and the developer work together to negotiate where the path would be built. The

amendment did not obligate them to build a path but Eastern Michigan committed to going into negotiation and that is where we are today.

Council Member Nickels mentioned that the downtown area was thriving with young people. Instead of parking in the Eastern Michigan lighted parking it appeared the area church parking lots were used instead. The Historic District new signs will be installed on Forest, Michigan Avenue and River. Every intersection within the Historic District will have signs. The Kiwanis Club, Heritage Foundation and Chamber of Commerce raised money for the purchase of the new signs.

Mayor Pro-Tem Swanson mentioned that she did attend the SEMCOG workshop along with Council Member Schulze and Jennifer Goulet, Downtown Development Authority Director. The workshop was very informative. She also mentioned that on Saturday an incident took place where her brother was physically assaulted by a Police Officer while delivering food. The Police had raided Swanson's on many occasions causing the business to close early. Swanson's has been in the community providing food for over thirty years. My elderly mother recently had to intervene when a customer was being assaulted inside of the restaurant. Young black boys and men are being assaulted by the Ypsilanti Police and something needs to be done.

## **LIAISON REPORTS**

No Liaison Reports

## **COMMUNICATION FROM THE MANAGER**

City Manager, Edward Koryzno mentioned that recently allegations were made against the Clerk's Office. He provided a narration of events pertaining to the purchasing of toner to Council. Also, last week Mayor Pro-Tem Swanson requested information regarding the Human Relations Commission pertaining to the City Charter. There are provisions that the HRC is to meet once each quarter and file a written report of activities before December 31. If they do not meet at least once each quarter it is not a charter violation but a violation of an ordinance. Attorney Barr requested the Human Relations Commission follow the ordinance by meeting quarterly, filing a report annually and adding a separate line specifically for HRC to the budget. Mayor Pro-Tem Swanson also requested a report from Attorney Barr on the composition of his staff. Attorney Barr stated the City Attorney's Office is an Equal Opportunity Employer.

Closed session per section 8 (d) Property & (e) Litigation.

## **COMMUNICATION FROM THE MAYOR**

Mayor Farmer mentioned that she had spoken with the Michigan Municipal League in regards to a study of the Clerk's Office. A draft is currently being prepared with the cost associated with a study. Mayor Farmer inquired if Council would like to participate in a walk to show support of women's athletic programs.

February 18, 2003  
Council Meeting

7

**Resolution No #2003-41**, Offered by Council Member Gawlas and supported by Council Member LaRue to adjourn the meeting.

Ayes: 6   Nays:   0   Absent: Mayor Pro-Tem Swanson                      Vote: Unanimous

Adjourned at 9:55 p.m.





