



**CITY OF YPSILANTI
COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
ONE SOUTH HURON, YPSILANTI, MI 48197
TUESDAY, MARCH 20, 2007
7:30 P.M.**

I. CALL TO ORDER

The Council Meeting was called to order at 7:32 p.m.

II. ROLL CALL

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

III. INVOCATION

Mayor Schreiber asked all to stand for a moment of silence.

IV. PLEDGE OF ALLEGIANCE

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

V. INTRODUCTIONS

Mayor Schreiber introduced Peter Murdock, Former Ypsilanti Mayor, Bill Bohen, Director of Public Works, Eric Temple, Ypsilanti Township Housing Commission Administrative Specialist, and Matt Harshberger, Chief of Police.

VI. AGENDA APPROVAL

Motion to approve the agenda as amended:

Resolution 2007-52, "An ordinance to add costs of prosecution to misdemeanor sanctions" (**Moved from Consent Agenda to Resolutions/Motions/Etc. at Council's Request**)

Resolution 2007-57A, approving establishment of a study group between the City of Ypsilanti and Ypsilanti Township to explore opportunities for cooperation and improving public safety and fire services. (**Added to Resolutions/Motions/Etc. at Council's request**)

Resolution 2007-57B, approving process to allow City employees to purchase retirement service credits. (**Added to Resolutions/Motions/Etc. at Council's request**)

OFFERED BY: Mayor Pro-Tem Swanson

SUPPORTED BY: Council Member Gawlas

VOTE:

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

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II. ROLL CALL –

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

VI. AGENDA APPROVAL –

VII. PRESENTATIONS –

VIII. ORDINANCE –FIRST READING

- A. An Ordinance entitled "An ordinance to amend the Purchasing ordinance".
1. Open public hearing.
 2. Resolution No. 2007-48, closing the public hearing.
 3. Resolution No. 2007-49, determination.

IX. AUDIENCE PARTICIPATION -

X. REMARKS BY THE MAYOR –

XI. MINUTES –

- A. Resolution No. 2007-50, approving the minutes of March 6, 2007 and March 13, 2007 meeting.

XII. CONSENT AGENDA

Resolution 2007-51

- A. ~~Resolution 2007-52, "An ordinance to add costs of prosecution to misdemeanor sanctions be approved on Second and Final Reading and Declared Adopted~~ **(Moved to Motions/Resolutions at Council's Request)**
- B. Resolution 2007-53, "An ordinance to coordinate the Sections on Vehicle Trespass with the Authorized Wreckers ordinance" is approved on Second and Final Reading and Declared Adopted.
- C. Resolution 2007-54, approving the ACH-Ford Access License Agreement."
- D. Resolution 2007-55, approving request for construction services from Orchard, Hiltz & McCliment, Inc. for the reconstruction of Lowell Street between Forest Avenue and Huron River Drive.
- E. Resolution 2007-56, approving the grant application for the Michigan Department of Transportation Office of Economic Development and Enhancement 2008 Fiscal Year "F" Series Program construction of a safety island in Cross Street.
- F. Resolution 2007-57, approving the grant application for the Michigan Department of Transportation Office of Economic Development and Enhancement 2009 Fiscal Year "F" Series Program for the reconstruction of S. Mansfield.

XII. RESOLUTIONS/MOTIONS/ETC.

- A. Resolution 2007-52, "An ordinance to add costs of prosecution to misdemeanor sanctions" is approved on Second and Final Reading and Declared Adopted. **(Moved from Consent Agenda and Added at Council's request)**

- B. Resolution 2007-57A, approving establishment of a study group between the City of Ypsilanti and Ypsilanti Township to explore opportunities for cooperation and improving public safety and fire services. (Added at Council's request)
- C. Resolution 2007-57B, approving offer to allow City employees to purchase retirement service credits. (Added at Council's request)

XIV. COMMUNICATIONS FROM THE CITY MANAGER –

XV. LIAISON REPORTS –

- A. SEMCOG Update
- B. Recreation Commission
- C. Washtenaw Area Transportation Study
- D. Ypsilanti Area Community Fund
- E. Smart Zone Local Development Finance Authority

XVI. COUNCIL PROPOSED BUSINESS -

XVII. COMMUNICATIONS FROM THE MAYOR -

XVIII. AUDIENCE PARTICIPATION –

XIX. REMARKS FROM THE MAYOR –

XX. ADJOURNMENT -

- A. Resolution No. 2007-58, adjourning the City Council Meeting.

VII PRESENTATIONS

None

VIII. ORDINANCE – FIRST READING

- A. An Ordinance entitled "An ordinance to amend the Purchasing ordinance to authorize the City Manager to delegate to Department Heads authority not in excess of \$5,000 each purchase" to be officially closed.

1. Open public hearing.

No one was present to speak to this public hearing.

2. Resolution No. 2007-48, closing the public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider the proposed ordinance entitled, "An Ordinance to amend the Purchasing ordinance to authorize the City Manager to delegate to Department Heads authority not in excess of \$5,000 each purchase" be **officially closed**.

OFFERED BY: Mayor Pro-Tem Swanson

SUPPORTED BY: Council Member Gawlas

VOTE:

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

3. Resolution No. 2007-49, determination.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the proposed ordinance entitled, "An Ordinance to amend the Purchasing ordinance to authorize the City Manager to delegate to Department Heads authority not in excess of \$5,000 each purchase" be approved on **First Reading**.

OFFERED BY: Mayor Pro-Tem Swanson

SUPPORTED BY: Council Member Gawlas

VOTE:

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

IX. AUDIENCE PARTICIPATION

- A.** Loretta Meyer – Discussed concerns regarding fiscal responsibility.
- B.** Tyrone Bridges – Invited Mayor and City Council to the CAPS Computer Building Competition on April 3, 2007 from 6:00-7:30 p.m. at Perry School Gymnasium.
- C.** Leonardo Christian – Apologized for conduct during the Paradise Manor discussion.
- D.** Jeremy Chevalier, 429 S. Huron St. – Discussed trash problems in his neighborhood and within the City. Expressed concerns regarding the continued panhandling near I-94.

- E. Lee Tooson – Expressed concerns of profiling that may occur as a result of the ordinance to add costs of prosecution to misdemeanor alcohol related driving offenses.
- F. Joseph Richardson, 466 Madison, Member of Heritage Park Neighborhood Association – Requested clarification of the ordinance to add costs of prosecution to misdemeanor alcohol related driving offenses.
- G. Abby Bayliss – Expressed opposition to the ordinance to add costs of prosecution to misdemeanor alcohol related driving offenses, and expressed concerns of possible profiling.
- H. Peter Murdock – Commented on the ACH – Ford pollution resolution. Presented history regarding the Lowell Street repaving project and suggested asking EMU to match.
- I. Shoshunda DeMarty – spoke in opposition of the ordinance to add costs of prosecution to misdemeanor alcohol related driving offenses and expressed concerns of profiling.

X. REMARKS BY THE MAYOR –

Mayor Schreiber explained that the fees associated with the ordinance to add costs of prosecution to misdemeanor alcohol related driving offenses were set to allow the City to recoup costs incurred for prosecution.

The Mayor thanked Mr. Bridges for the invitation to the CAPS Computer Building Competition.

XI. MINUTES

- A. **Resolution No. 2007-50** approving the Minutes of March 6, 2007 and March 13, 2007 meetings.

Minutes approved as amended.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of March 6, 2007 and March 13, 2007 meetings be approved.

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

VOTE:

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

XII. CONSENT AGENDA

Resolution 2007-51

That the following item be approved:

- A. Resolution No. 2007-53, approving an ordinance entitled, "An ordinance to coordinate the Sections on Vehicle Trespass with the Authorized Wreckers ordinance" on second and final reading.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the proposed ordinance entitled, "An ordinance to coordinate the Sections on Vehicle Trespass with the Authorized Wreckers ordinance" be **approved on Second and Final Reading and Declared Adopted.**

- B. Resolution 2007-54, approving the ACH-Ford Access License Agreement."

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, ACH-Ford Motor Company has notified the City that it has detected some contamination on its property which may have migrated off-site to City-owned property, described in Exhibit A of the attached license agreement;

WHEREAS, ACH-Ford Motor Company wishes to determine the extent of the contamination and take appropriate steps to remediate it; and

WHEREAS, The City desires to grant ACH-Ford Motor Company a license to perform appropriate investigation and remediation, as described in the attached license agreement and its Exhibit B;

NOW THEREFORE BE IT RESOLVED, That the Ypsilanti City Council approve the attached license agreement with ACH-Ford Motor Company, substantially in the form attached, and authorize the City Manager or Acting City Manager to execute it.

- C. Resolution 2007-55, approving request for construction services from Orchard, Hiltz & McCliment, Inc. for the reconstruction of Lowell Street between Forest Avenue and Huron River Drive.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Federal Surface Transportation Program - Urban funding has been programmed in the Washtenaw County Transportation Improvement Program for reconstruction of Lowell Street between Forest Avenue and Huron River Drive in the 2007 construction season; and

WHEREAS, Orchard, Hiltz and McCliment has provided this service to the City of Ypsilanti on similar street improvement projects, and possesses a depth of experience with the infrastructure in the project area; and

WHEREAS, it is necessary to secure construction services for the project in order to meet MDOT requirements;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the construction services proposal; with Orchard, Hiltz & McCliment, Inc., 34000 Plymouth Road, Livonia, MI for not to exceed cost of \$86,500.00; and

THAT the City Manager is authorized to sign this proposal, subject to review and approval by the City Attorney; and

THAT the City Manager is authorized to sign any change orders that may be needed to maintain the project's schedule, subject to review and approval by the City Attorney.

- D. Resolution 2007-56, approving the grant application for the Michigan Department of Transportation Office of Economic Development and Enhancement 2008 Fiscal year "F" Series Program construction of a safety island in Cross Street.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Michigan Department of Transportation Office of Economic Development and Enhancement is accepting applications through March 30, 2007 for the 2008 Fiscal Year "F" Series Program; and

WHEREAS, the Department of Public Works is requesting to submit an application for this grant on behalf of the Depot Town DDA and the Depot Town Association for the construction of a safety island in Cross Street west of Rice Street and east of the bridge; and

WHEREAS, it is necessary to obtain City Council approval to apply for said grant; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the attached grant application for a total project request amount of \$30,000.00, and a not to exceed match cost of \$9,000.00 from the DTDDA/DTA cost match pursuant to the attached letter; and

THAT the City Manager is authorized to sign this grant application and any other subsequent communications relating to said grant.

- E. Resolution 2007-57, approving the grant application for the Michigan Department of Transportation Office of Economic Development and Enhancement 2009 Fiscal Year "F" Series Program for the reconstruction of S. Mansfield.

WHEREAS, Michigan Department of Transportation Office of Economic Development and Enhancement is accepting applications through March 30, 2007 for the 2009 Fiscal Year "F" Series Program; and

WHEREAS, the Department of Public Works is requesting to submit an application for this grant on behalf of the city to provide partial funding for the reconstruction of South Mansfield from Michigan Avenue to the dead-end; and

WHEREAS, it is necessary to obtain City Council approval to apply for said grant; and

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council approves the attached grant application in the amount of \$375,000.00, and a not to exceed grant match cost of \$75,000.00 from the Major Street Capital Improvement Account; and

BE IT FURTHER RESOLVED THAT, the City Council approves an additional amount of \$142,000.00 for engineering costs and other federal program match requirements, also coming from the Major Street Capital Improvement Account; and

THAT the City Manager is authorized to sign this grant application and any other subsequent communications relating to said grant.

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

VOTE:

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

XIII. RESOLUTIONS/MOTIONS/ETC. -

Mayor Pro-Tem Swanson suggested renaming the ordinance entitled "An ordinance to add costs of prosecution to misdemeanor sanctions" (Resolution No. 2007-52) to reflect alcohol related driving offenses only.

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

VOTE:

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

- A. Resolution No. 2007-52, approving an ordinance to add costs of prosecution to misdemeanor ~~sanctions~~ alcohol related driving offenses, as authorized by MCL 769.1F.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the ordinance entitled, "An ordinance to add costs of prosecution to misdemeanor alcohol related driving offenses, as authorized by MCL 769.1F" be **approved on Second and Final Reading and Declared Adopted.**

OFFERED BY: Council Member Richardson

SUPPORTED BY: Council Member Filipiak

VOTE:

Yes: 5 No: 1 (Swanson) Absent: 1 (Nickels) Vote: Carried

- B. Resolution 2007-57A, approving establishment of a study group between the City of Ypsilanti and Ypsilanti Township to explore opportunities for cooperation to improve public safety and fire services.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, improving public safety and fire services is in the best interest of both the City of Ypsilanti and Ypsilanti Township; and

WHEREAS, one of the goals set out by City Council for Fiscal Year 2007-08 is to examine alternative service delivery options for fire service with neighboring municipalities; and

WHEREAS, Michigan's Governor Jennifer Granholm has proposed a change to State revenue-sharing payments to local governments that rewards cities and townships that can show they are sharing services;

NOW THEREFORE BE IT RESOLVED that a study group consisting of Ypsilanti Fire Chief Jon Ischesco, Ypsilanti Township Fire Chief Larry Morabito, Ypsilanti Firefighter's Union President Ken Hobbs, Ypsilanti Township Firefighters' Union President Keith Harr, as well as Brian Robb from the Ypsilanti City Council and Stan Eldridge from the Ypsilanti Township Board of Trustees be established to explore opportunities for cooperation that are in the best interests of both communities.

FURTHER, the study group will provide City Council a final proposal for review on or before September 30, 2007 with recommendations on opportunities for cooperation between the City and Township.

OFFERED BY: Council Member Robb

SUPPORTED BY: Council Member Gawlas

VOTE:

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

- C. Resolution 2007-57B, approving offer to allow City employees to purchase retirement service credits.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, from time to time, City employees may have the desire or opportunity to retire from City service prior to being fully vested in their respective retirement system.

NOW THEREFORE BE IT RESOLVED that any City employee with no less than 18 and no more than 20 years of credited service be allowed to purchase retirement service credit on a pre-tax basis in the employee's respective retirement program. The cost of this service credit purchase shall be paid by the employee.

FURTHER, employees wishing to participate in this offer must agree to costs incurred by the City when costs are incurred above those normally required when an employee retires. Such costs may include, but are not limited to, actuarial studies, health benefits costs for the length of the retirement service credit period, and associated legal fees.

FURTHER, employees wishing to participate in this offer must notify the City Manager in writing by no later than 30 days prior to leaving her/his employment with the City, following adoption of this resolution. If the employee does not or is not able to proceed, the opportunity is lost.

OFFERED BY: Council Member Filipiak

SUPPORTED BY: Council Member Robb

Council Member Gawlas made a motion to table the resolution until April 17, 2007. Mayor Schreiber supported.

VOTE:

Yes: 2 No: 4 (Swanson, Richardson, Filipiak, Robb) Absent: 1 (Nickels) Vote: Failed

Council Member Richardson made a motion to table the resolution until April 3, 2007. Council Member Robb supported.

VOTE:

Yes: 5 No: 1 (Swanson) Absent: 1 (Nickels) Vote: Tabled

XIII. COMMUNICATIONS FROM THE CITY MANAGER

Acting City Manager Charles Boulard thanked Council for its patience through the budget process. He stated that City staff will be interviewing applicants for the Assistant City Manager's position this week. Mr. Boulard reported that City Manager Edward Koryzno is at home recovering.

XV. LIAISON REPORTS –

- A. SEMCOG Update – There was nothing to report at this time.
- B. Recreation Commission – There was nothing to report at this time.
- C. Washtenaw Area Transportation Study – There was nothing to report at this time.
- D. Ypsilanti Area Community Fund – There was nothing to report at this time.
- F. Smart Zone Local Development Finance Authority – Reported that amendments bylaws will be voted on at the next meeting to be held in May.

XVI. COUNCIL PROPOSED BUSINESS -

- A. Council Member Filipiak – Presented a letter from the Ypsilanti Community Band regarding storage space for instruments needed.
- B. Council Member Robb – Thanked Council for their support on the Ypsilanti and Ypsilanti Twp. Public Safety and Fire study group
- C. Council Member Gawlas – Discussed his term limitation on the Local Developments Finance Authority Board and asked Council to begin thinking about an Ypsilanti representative for the SMART Zone.
- D. Mayor Pro-Tem Swanson – Reported on Building Inspector complaints she received. She questioned the training and qualifications required for the position, and the procedures used for promotion. She informed Council that HUD will be at Parkview on Wednesday, March 28, 2007 for a meeting with tenants. Mayor Pro-Tem Swanson directed city staff to contact MDOT regarding the panhandling

near I-94.

- E. Council Member Richardson – Inquired about progress with clean-up of the gas spill at the Spring and Huron BP Station.

XVII. COMMUNICATIONS FROM THE MAYOR -

Mayor Schreiber reported receiving a memorandum regarding the income tax proposal. He indicated that the actual numbers are forthcoming. He reported that City Manager Koryzno is resting at home, and is accepting phone calls.

XVIII. AUDIENCE PARTICIPATION –

- A. Leonardo Christian – Indicated that panhandling is occurring on city property. He expressed support for allowing City Council to vote on approving the buy-out of a city police employee.
- B. Darryl England – Questioned if the drunk driving ordinance would place police officers in danger.
- C. Jimmy Nagee – Suggested that the City rotate the city contract for tow truck companies.
- D. Steve Pierce – 118 S. Washington – Discussed the policy for new ordinances. He indicated that in the past there was an opportunity for audience participation to comment on new ordinances and resolutions prior to a vote.
- C. Peter Murdock – Commented on things that should be considered in regards to the pension resolution.

XIX. REMARKS FROM THE MAYOR –

Mayor Schreiber stated that the towing contract will go out for bid in the near future. He indicated that he would discuss Mr. Pierce's suggestion regarding audience participation with the City Manager.

XX. ADJOURNMENT -

Resolution No. 2007-58, adjourning the City Council Meeting.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

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

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

VOTE:

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

Meeting was adjourned at 10:07 p.m.