



CITY OF YPSILANTI  
COUNCIL MEETING MINUTES  
CITY COUNCIL CHAMBERS  
ONE SOUTH HURON, YPSILANTI, MI 48197  
TUESDAY, MAY 1, 2007  
7:30 P.M.

**I. CALL TO ORDER**

The Council Meeting was called to order at 7:36 p.m.

**II. ROLL CALL**

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

**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 Ypsilanti and Depot Town DDA Director Brian Vosburg, Planning Director Karen Hart, Finance Director Marilou Uy, Accounting Supervisor Sally Tisch, Department of Public Works Director Bill Bohlen, Building Official Charles Boulard, Debbie Locke-Daniel, Ypsilanti Convention and Visitors Bureau, Diane Keller, Ypsilanti Chamber of Commerce and Amanda Edmonds, Recreation Commission Member.

He welcomed Edward Koryzno back, and thanked Charles Boulard for serving as Acting City Manager during his absence.

**VI. AGENDA APPROVAL**

Councilmember Robb moved that Resolution 2007-91 be removed from the Consent Agenda.

Motion to approve the agenda as amended:

VOTE:

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

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**I. CALL TO ORDER –**

**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		

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**V. INTRODUCTIONS –**

**VI. AGENDA APPROVAL –**

**VII. PRESENTATIONS –**

- A. C.A.P.S. Behavioral Workshop Students – Tyrone Bridges
- B. Debbie Young – Get Active Ypsilanti/Ypsilanti Downtown Farmer's Market
- C. Tim DeWitt – L.E.D. Streetlights Retrofit
- D. Ted Coutilish, E.M.U. Associate Vice-President of Marketing and Communications – I-94 High Definition Digital Board

**VIII. ORDINANCE – SECOND READING**

- A. Resolution 2007-84, approving an ordinance entitled, "PA 110 Zoning Ordinance Text Amendments" to comply with Michigan Zoning Enabling Act of 2006.
- B. Resolution 2007-85, approving an ordinance entitled, "An ordinance to amend the Ypsilanti City Code Chapter 1, Entitled "General Provisions", Section 1-15 "Penalties and Sanctions", Subsection (1) Misdemeanor, to clarify which ordinance violations are 90 day versus 93 day misdemeanors; to revise solicitation penalty to 93 days, and to reduce the maximum penalty for Trespass to \$50 with 30 days maximum, consistent with State of Michigan.

**IX. AUDIENCE PARTICIPATION**

**X. REMARKS BY THE MAYOR**

**XI. MINUTES –**

A. Resolution No. 2007-86, approving the minutes of April 17, 2007

**XII. CONSENT AGENDA**

Resolution 2007-87

- A. Resolution No. 2007-88, regarding Peninsular Park Planned Unit Development TIF payments
- B. Resolution No. 2007-89, changing MERS benefits.
- C. Resolution No. 2007-90, awarding Sidewalk Replacement contract to V & J Construction, Inc.
- ~~D. Resolution No. 2007-91, supporting Ypsilanti Downtown Development Authority application to Michigan State Housing Development Authority's Blueprints for Michigan's Downtowns Program.~~  
**(Moved at Council's Request)**

**XIII. RESOLUTIONS/MOTIONS/ETC.**

- A. Resolution 2007-92, concerning the Uniform Cable TV Franchise law.
- B. Resolution 2007-93, to enter into Trust Agreement with the Tiffany Window.
- C. Resolution No. 2007-91, supporting Ypsilanti Downtown Development Authority application to Michigan State Housing Development Authority's Blueprints for Michigan's Downtowns Program. (Added at Council's Request)

**XIV. COMMUNICATIONS FROM THE CITY MANAGER –**

Presentation of FY 2007-2008 Budget

**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. 2007-94, adjourning the City Council Meeting.

**VII. PRESENTATIONS**

- A. C.A.P.S. Behavioral Workshop Students – Tyrone Bridges
- B. Debbie Young – Get Active Ypsilanti  
Melissa Palma - Ypsilanti Downtown Farmer’s Market
- C. Tim DeWitt – L.E.D. Streetlights Retrofit
- D. Ted Coutilish, E.M.U. Associate Vice-President of Marketing and Communications – I-94 High Definition Digital Board

**VIII. ORDINANCE – SECOND READING**

- A. Resolution 2007-84, approving an ordinance entitled, “PA 110 Zoning Ordinance Text Amendments” to comply with Michigan Zoning Enabling Act of 2006.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

THAT the proposed ordinance entitled “PA 110 ZONING ORDINANCE TEXT AMENDMENTS” be approved on **Second and Final Reading**.

OFFERED BY: Councilmember Nickels  
SUPPORTED BY: Mayor Pro-Tem Swanson

VOTE:

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

- B. Resolution 2007-85, approving an ordinance entitled, “An ordinance to amend the Ypsilanti City Code Chapter 1, Entitled “General Provisions”, Section 1-15 “Penalties and Sanctions”, Subsection (1) Misdemeanor, to clarify which ordinance violations are 90 day versus 93 day misdemeanors; to revise solicitation penalty to 93 days, and to reduce the maximum penalty for Trespass to \$50 with 30 days maximum, consistent with State of Michigan.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

That a ordinance entitled, “An ordinance to amend the Ypsilanti City Code Chapter 1, Entitled “GENERAL PROVISIONS”, SECTION 1-15 “PENALTIES AND SANCTIONS,” SUBSECTION (1) “MISDEMEANOR,” TO SET THE STANDARD SANCTION FOR A MISDEMEANOR; AND TO AMEND CHAPTER 74 “MISDEMEANOR OFFENSES, “SECTION 74-53 “TRESPASS,” SUBSECTION (D) TO SET A SPECIFIC MISDEMEANOR SANCTION FOR THAT SECTION, AND SECTION 74-167 “SOLICITING”, SUBSECTION (B), TO SET A SPECIFIC MISDEMEANOR SANCTION FOR SECTIONS 74-167 AND 74-166” be approved on **Second and Final Reading**.

OFFERED BY: Councilmember Robb  
SUPPORTED BY: Councilmember Filipiak

VOTE:

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

**IX. AUDIENCE PARTICIPATION**

- A. Ken Tokarz, 103 N. Adams** spoke about prostitution in the City of Ypsilanti. He suggested that warning signs be posted in the area to prevent young girls from becoming victims.
  
- B. Tyrone Wilson, representing R.A.I.D. and National Action Network** commended Mayor Schreiber on his leadership and for honoring the respect and dignity of all Ypsilanti citizens. He indicated that he would like to start dialogue with the Mayor and city Council regarding the relationship between the Police Department and the African-American community.
  
- C. Lee Tooson**, commented on the Police Chief's decision to bring police officer Uriah Hamilton back to work. He questioned the integrity of the Police Department and referenced past incidents where police officers killed citizens and were acquitted.
  
- D. Leonardo Christian, 526 Michigan Ave.**, spoke about the release of an arsonist in Ypsilanti. He expressed concern and dissatisfaction with the magistrate's decision to release him from jail.

**X. REMARKS BY THE MAYOR –**

- A.** Mayor Schreiber addressed the concerns regarding prostitution and stated that the Police Department is tackling these problems one at a time and is doing all they can with the staff they have. He indicated that the C.A.P.S. Program is an example of the improvement of human conditions. He commented that the City of Ypsilanti has no control over decisions made by the magistrate.

**XI. MINUTES**

- A. Resolution No. 2007-86**, approving the Minutes of April 17, 2007.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

**That** the Minutes of April 17, 2007 be approved as amended.

OFFERED BY: Council Member Filipiak

SUPPORTED BY: Council Member Robb

VOTE:

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

**XII. CONSENT AGENDA -**

- A. Resolution No. 2007-88**, regarding Peninsular Park Planned Unit Development TIF payments.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

Whereas City Council adopted a resolution 2007-027 approving \$1,500,000 Tax Increment Financing (TIF) repayment schedule for the Peninsular Park Planned Unit Development and;

Whereas, the original owners LeForge Station LLC have sold the property to LeForge Station II LLC;

NOW, THEREFORE, BE IT RESOLVED that

LeForge Station II, LLC  
c/o American Campus Communities  
805 Las Cimas Parkway  
Suite 400  
Austin, Texas 78746  
Attention: William Talbot

receive all future TIF payments until the \$1,500,000 obligation is fully paid.

- B. Resolution No. 2007-89**, changing MERS benefits.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

Whereas the City of Ypsilanti adopted the contract between the City of Ypsilanti and the Police Officer's Association of Michigan (POAM) including the Dispatcher/Police Support Officer Contract Addendum on May 2, 2006, resolution 2006-108B; AND

Whereas the adopted contract states in Article 103-Retirement, Section A. ...Each employee agrees to increase his or her retirement contribution from 5% to 10% of gross wages to cover this cost; AND

Whereas the letter of understanding between the City of Ypsilanti and the Police Officer's Association of Michigan agrees that "the employee retirement contribution rate for all Dispatchers and Police Support Officers will be increased to ten percent (10%) of gross wages effective at the beginning of the payroll period immediately following the adoption by the Ypsilanti city Council of a Resolution providing for such and increase"; AND

Whereas the Michigan Employees' Retirement Program is unable to implement the plan change until a resolution is adopted to amend the plan with the change.

NOW, THEREFORE, BE IT RESOLVED that the City adopts the following benefits for Division 11, General Dispatch/Police Support Officers

- B-3 plan, with the following riders: FAC-3, FN/20, and F55/15, Employee contribution rate 10%, effective May 1, 2007

- C. Resolution 2007-90**, awarding Sidewalk Replacement contract to V & J Construction, Inc.

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

Whereas, bids were duly advertised for the Sidewalk Replacement Program; and

Whereas, one (1) sealed bids were publicly opened on April 17, 2007 and reviewed for compliance with bidding qualifications and project specification; and

Whereas, the bid submitted by V & J Cement Construction, Inc., 4855 Bridle Run, 1B, Ypsilanti, MI 48197, the amounts of \$5.00 per square foot for removal and replacement of four inch sidewalk; \$6.00 per square foot for removal and replacement of six inch sidewalk; \$21.00 per linear foot for standard concrete curb and \$1.00 per linear foot for concrete saw cutting, was the lowest qualified bid and best meets the project specifications and is in the best interests of the City; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council awards the bid to V & J Cement Construction, Inc., for the afore mentioned prices for the Sidewalk Replacement Program not to exceed \$40,000.00

THAT the City Manager is authorized to sign the necessary contract documents and any change orders, subject to approval by the City Attorney, to facilitate the service contract.

OFFERED BY: Council Member Richardson

SUPPORTED BY: Council Member Filipiak

VOTE:

YES: 6          NO: 0          ABSENT: 1 (Gawlas)          VOTE: Carried

### **XIII. RESOLUTIONS/MOTIONS/ETC.**

**A. Resolution 2007-92, concerning the Uniform Cable TV Franchise law.**

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

#### **STATEMENT OF FACTS**

A. Effective January 1, 2007, the Uniform Video Service Local Franchise Act, Act. No. 480 of the Public Acts of 2006 ("Uniform Act") preempted as unreasonable and unenforceable many provisions of municipal franchises and ordinances regarding companies offering cable television services over lines and other facilities located in the public right-of-way.

B. The Uniform Act required the Michigan Public Service Commission ("MPSC") to issue an order establishing the standardized form for a uniform local franchise to be used by each municipality in this state. On January 30, 2007, the MPSC issued an order doing so incorporated into a standardized application form.

C. Section 5 of the Uniform Act renders all provisions of existing franchises that are inconsistent with or in addition to the provisions of the uniform video service local franchise agreement unreasonable and unenforceable. Among other provisions of existing franchises changed by section 5 of the Uniform Act is the definition of gross revenues set forth in subsections 6(4)-(7) of the Uniform Act upon which companies pay annual video provider fees and fees for the support of public, educational and governmental ("PEG") access channels.

D. Subsection 6(8) of the Uniform Act requires that such companies pay to the municipality as support for the cost of PEG access facilities and services a fee equal to the fee paid by the incumbent video provider with the largest number of cable service subscribers in the municipality.

E. Subsection 4(14) of the Uniform Act provides that if municipalities seeks to utilize capacity designated on a cable system to provide access for video programming over 1 or more PEG channels that the

municipality shall give the provider a written request specifying the number of actual channels in actual use in the municipality as of January 1, 2007.

F. Subsection 6(1)(b) of the Uniform Act provides that at the expiration of an existing franchise agreement or if there is no existing franchise agreement, the video service provider shall pay an annual video service provider fee in an amount equal to the percentage of gross revenues as established by the municipality not to exceed 5 percent and which shall be applicable to all providers unless otherwise agreed under section 13 of the Uniform Act.

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

1. Effective January 1, 2007, the Uniform Act required companies paying franchise fees and fees for the support of PEG channels based on a percentage of gross revenues do so based upon the definition of gross revenues set forth in subsections 6(4)-(7) of the Uniform Act.
2. Effective January 1, 2007, the Uniform Act required companies offering cable television services to pay to the municipality as support for the cost of PEG access facilities and services a fee equal to the fee paid by the incumbent video provider with the largest number of cable service subscribers in the municipality.
3. PEG channels in actual use on January 1, 2007, shall be provided in the municipality as required by subsection 4(14) of the Uniform Act.
4. All applications and any other correspondence for a uniform video service local franchise agreement, to terminate or amend an existing franchise agreement shall be sent by mail (certified, registered or first-class return receipt requested or by nationally recognized overnight delivery service) to the Clerk and to Cable Television Attorney, Neil J. Lehto, Six North Elk Street, Sandusky, Michigan 48471.
5. At the expiration of an existing franchise agreement or if there is no existing franchise agreement, all video service providers shall pay an annual video service provider fee in an amount equal to 5 percentage of gross revenues which shall be applicable to all providers unless otherwise agreed under section 13 of the Uniform Act.
6. The Clerk is directed to send a copy of this Resolution to Comcast by first-class mail, return receipt requested.

OFFERED BY: Councilmember Nickels  
SUPPORTED BY: Mayor Pro-Tem Swanson

VOTE:

YES: 6      NO: 0      ABSENT: 1 (Gawlas)      VOTE: Carried

**B. Resolution 2007-93, to enter into Trust Agreement with the Tiffany Window.**

Whereas the City of Ypsilanti has sold the property at 220-224 North Huron Street to the Ypsilanti Historical Society; and

Whereas as part of that sale the City is to transfer a Tiffany Window into a trust; now therefore:

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that the city shall execute the *Tiffany Window Charitable and Educational Trust Agreement*, and the Bill of Sale, (copies of which are attached) and that the City Manager, or his designee, is authorized to execute these documents, subject to the approval of the Ypsilanti City Attorney.

OFFERED BY: Councilmember Nickels  
SUPPORTED BY: Mayor Pro-Tem Swanson

VOTE:

YES: 6      NO: 0      ABSENT: 1 (Gawlas)      VOTE: Carried

**C. Resolution 2007-91**, supporting Ypsilanti Downtown Development Authority application to Michigan State Housing Development Authority's Blueprints for Michigan's Downtown Program.

Whereas, the Michigan State Housing Development Authority will be selecting two Michigan downtowns in Ypsilanti's population range to be designated as a Blueprints for Michigan Downtowns in June 2007; and

Whereas, the Ypsilanti Downtown Development Authority desires to submit a proposal targeting its historic Downtown district in an effort to move aggressively in efforts to re-energize the Downtown; and

Whereas, such a designation would bring significant levels of professional and technical expertise over five years to assist Ypsilanti's downtown revitalization initiatives through the Michigan State Housing Development Authority and the State of Michigan; and

Whereas, this effort will be supported by a diverse array of program partners including the Ypsilanti Downtown Development Authority, the City of Ypsilanti, the Downtown Association of Ypsilanti, the Ypsilanti Area Chamber of Commerce, and the Ypsilanti Area Convention and Visitors Bureau; and

Whereas, the Ypsilanti Downtown Development Authority commits to supporting this initiative with a local match commitment of \$25,000 for the initial study; and

Whereas, City Council has established the revitalization of the Michigan Avenue Downtown district as a high priority in its adopted Strategic Action Plan in recognition of the importance of the Downtown in creating a vibrant community and strengthening the City's economic outlook;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council urges the Michigan State Housing Development Authority to support Ypsilanti's quest for a Blueprints for Michigan Downtowns designation in 2007; and

THAT City Council also commits to in-kind staff support as necessary to assist the Ypsilanti DDA with program implementation and committee participation; and

THAT City Council authorizes the Mayor and City Clerk to sign all related application materials, subject to review and approval by the City Attorney.

OFFERED BY: Councilmember Robb

SUPPORTED BY: Councilmember Filipiak

VOTE:

Yes: 6      No: 0      Absent: 1 (Gawlas)      VOTE: Carried

**XIV. COMMUNICATIONS FROM THE CITY MANAGER**

City Manager Ed Koryzno gave an overview of the FY 2007-2008 Budget.

**XV. LIAISON REPORTS –**

- A. SEMCOG Update –There was nothing to report at this time.
- B. Recreation Commission – Councilmember Filipiak reported that the Recreation Commission is looking at all area parks in an effort to re-write the Parks Master Plan this year.
- 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 – There was nothing to report at this time.

**XVI. COUNCIL PROPOSED BUSINESS**

- A. Councilmember Richardson commented that citizens with legitimate complaints or tips fear retaliation. She explained that government has an obligation to hear the complaints of their constituents. She announced a town hall meeting that will be held at Perry School Child Development Center on Thursday, May 3 at 5:30 p.m.

She stated that the Parkridge Advisory Committee, along with Mr. Barfield has come up with a plan to sell trees for an endowment fund for Parkridge Park

- B. Councilmember Filipiak welcomed Ed Koryzno and thanked Charles Boulard for acting as City Manager. He reported that construction has begun on Lowell Street.
- C. Councilmember Robb commented regarding the I-94 High Definition Digital Sign. He questioned the number of officers using the Bogg's gas station.
- D. Councilmember Nickels asked for an update on the zoning of the Midtown area.
- E. Mayor Pro-Tem Swanson reported she attended the Arbor Day event and it was a success. She inquired if there is any update or bids on Park View Apartments. She expressed concern regarding keeping rental rates affordable for residents.

**XVII. COMMUNICATIONS FROM THE MAYOR**

Mayor Schreiber reported that H.U.D. plans to auction Park View to the highest non-profit bidder with ten years of experience. He stated that Section 8 vouchers remain a concern for residents. He commented that citizens should be encouraged and feel free to voice their complaints without fear of retaliation to the City staff, City Manager and Council.

**XVIII. AUDIENCE PARTICIPATION -**

- A. Leonard Christian** inquired about receiving payment for the sidewalk and street closure permits he requested from Council for the Ypsilanti Pride event.

**XIX. REMARKS FROM THE MAYOR –**

None.

**XX. ADJOURNMENT**

- A. Resolution No. 2007-94**, 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: Mayor Pro-Tem Swanson  
SUPPORTED BY: Council Member Nickels

VOTE:

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

Meeting was adjourned at 10:34 p.m.