



**CITY OF YPSILANTI
COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
ONE SOUTH HURON, YPSILANTI, MI 48197
TUESDAY, JULY 3, 2007
7:30 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:31 p.m.

II. ROLL CALL

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

III. INVOCATION

The Mayor 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 Walter Norris, Housing Commission Executive Director, Eric Temple, Administrative Specialist, Former Mayor Cheryl Farmer, Former Mayor Peter Murdock, and NAACP President Mildred Williams.

VI. AGENDA APPROVAL

The agenda was approved as presented.

VII. PRESENTATIONS

Proposed Solvency Plan – City Manager Ed Koryzno

VIII. AUDIENCE PARTICIPATION

A. William Douglas Winters, 104 and 106 Michigan Avenue, spoke in support of Mayor Pro-Tem Swanson. He commented that the First Ward elected Ms. Swanson and City Council cannot remove her. He stated that no crime has been committed.

- B. Victor Walker, 1231 Stanford Court, supported Mayor Pro-Tem Swanson and commented that the City should sustain the AATA bus service. He indicated that Council should explain the political process at the beginning of each meeting, and suggested changing 'Audience Participation' to 'Citizen Participation'.
- C. Tyrone Wilson, representing R.A.I.D. and N.A.N., stated that an income tax is bad legislation and spoke against the possible elimination of bus service. He supported Mayor Pro-Tem Swanson and stated that a hearing of Council on the matter is not legal.
- D. Mildred Williams, N.A.A.C.P. President, stated that the accusations against Mayor Pro-Tem Swanson are an attack on diversity in the community. She voiced concern that there is a movement to get minorities out and stated that she will watch this process closely.
- E. Lee Tooson alleged that city staff is racist. He stated that the city is trying to lynch Mayor Pro-Tem Swanson. He recalled that nothing had been done in the past to address violations so why hold a hearing now.
- F. Steve Pierce urged City Council to share information with the public in a timely manner. He stated that last minute information has the appearance that the city is hiding something. He stated that honesty builds trust and credibility.
- G. Valory Tooson spoke against cuts in recreation and bus service. She stated that cuts will create more problems in the community and urged City Council to explore every option possible before cutting these vital services.
- H. Former Mayor Cheryl Farmer spoke in support of an income tax and stated that it would allow the city to pay for bus and recreation services. She pointed out that the temporary tax would buy the City breathing room to continue services.
- I. Patricia Johnson spoke in support of Mayor Pro-Tem Trudy Swanson. She indicated that she has never witnessed anything like this in city government.
- J. Tonya Bass spoke in support of Mayor Pro-Tem Swanson and keeping bus service.
- K. Nicole Brown stated that it would be irresponsible for the city to eliminate bus service. She stated that buses are the only transportation for many students and the elderly, and elimination will drive people away from the city. She spoke in support of Mayor Pro-Tem Swanson.

IX. REMARKS BY THE MAYOR

Mayor Schreiber commented that he supports keeping the bus service. He stated that the bus service is a great service and no one wants to get rid of it. He indicated that the City will look into grants but it is not certain that any will be granted.

Mr. Schreiber stated he is concerned about making further cuts in recreation services. He recalled that the friends groups stepped in to keep current services going and indicated that coordination of the groups is needed. He stated that placing an income tax on the ballot will give voters a chance to decide which services they want to keep. He informed the audience that there will be a public hearing on the roll back ordinance to allow public input.

In relationship to comments made regarding an ordinance granting Council members immunity, Mayor Schreiber explained that the ordinance prevents complaints from being filed against City Council members while they are doing Council business. He explained the options that City Council can take relative to the complaint against Mayor Pro-Tem Swanson.

X. MINUTES

Resolution No. 2007-141, approving the minutes of June 19, 2007.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of June 19, 2007 be approved.

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

Council Member Robb pointed out that one of the audience participants who spoke at the last meeting was a member of the Blue Ribbon committee and requested that the minutes be amended to reflect that.

The motion to approve the minutes as amended was as follows:

VOTE:

Yes: 7 No: 0 Absent: 0 Vote: Carried

The minutes were approved as amended.

XI. ORDINANCES – SECOND READING

Ordinance No. 1065

Resolution No. 2007-140, approving an ordinance to add Chapter 3 to the Ypsilanti City Code entitled, "Uniform City Income Tax Ordinance."

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the proposed ordinance to add Chapter 3 to the Ypsilanti City Code entitled, "Uniform City Income Tax Ordinance", **be approved on Second and Final Reading.**

AN ORDINANCE TO ADD CHAPTER 3 TO THE YPSILANTI CITY CODE ENTITLED "UNIFORM CITY INCOME TAX ORDINANCE"

WHEREAS, The City Blue Ribbon Finance Committee has suggested a city income tax, and Ypsilanti City Council desires to follow the suggestion, Now Therefore:

1. THE CITY OF YPSILANTI ORDAINS That pursuant to the authority of Section 3c of Chapter 1 of Act 284 of the Public Acts of 1964, as amended (The City Income Tax Act, MCL 141.501 et seq), a new Chapter 3 of the Code of the City of Ypsilanti entitled "Uniform City Income Tax Ordinance" is hereby added to read as follows:

Chapter 3. Uniform City Income Tax

Section 3-1. Adoption

The Uniform City Income Tax Ordinance as prescribed by Act 284 of the Michigan Public Acts of 1964, as amended, is hereby adopted as the City of Ypsilanti Uniform City Income Tax Ordinance and all the terms, provisions, and conditions as found therein are hereby incorporated by reference.

Section 3-2. Rate of Taxation

Subject to the exclusions, adjustments, exemptions, and deductions herein provided, and in accordance with Section 11 of Chapter 2 of the uniform city income tax ordinance, MCL 141.611, an annual tax of one percent (1%) on corporations and resident individuals and of one half of one percent (.5%) on non-resident individuals for general revenue purposes is hereby imposed as an excise on income earned and received on and after the effective date of this ordinance.

Section 3-3 Effective Date

This Ordinance is effective on July 1, 2008, pursuant to the authority of Section 3 of Chapter 1 of Act 284 of the Public Acts of 1964, as amended (the City Income Tax Act MCL 141.405); provided, however, that this Ordinance shall not be effective unless approved by a majority of the qualified electors voting on the question at an election to be held Tuesday, November 6, 2007.

Section 3-4 Individual deduction

An individual taxpayer, in computing his taxable income, is allowed a deduction of One Thousand Dollars (\$1,000) for each personal and dependency exemption under the rules for determining exemptions and dependents as provided in the Federal Internal Revenue Code.

Section 3-5 Additional deductions

An additional deduction is allowed under section 3-4 for a taxpayer who is sixty- five (65) years of age or older, or who is blind as defined in Section 504 of the Income Tax Act of 1967, Act 281 of the Public Acts of 1967, being Section 206.504 of the Michigan Compiled Laws. If the taxpayer is both sixty-five (65) years of age or older and blind, two (2) additional exemptions are allowed under this section.

Section 3-6 Additional deductions

An additional deduction is allowed under section 3-4 for a taxpayer who is a paraplegic, quadriplegic, hemiplegic or totally and permanently disabled or deaf, as those terms are defined in state law.

Section 3-7 Sunset provision

This ordinance shall automatically expire and become void on July 1, 2014, unless reauthorized by vote of the electorate of the City of Ypsilanti.

2. **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.
3. **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 Ann Arbor News. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

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

On Roll Call, the vote was as follows:

Council Member Filipiak	Yes	Council Member Robb	No
Council Member Gawlas	Yes	Mayor Pro-Tem Swanson	No
Council Member Nickels	Yes	Mayor Schreiber	Yes
Council Member Richardson	No		

VOTE:

Yes: 4 No: 3 Absent: 0 Vote: Carried

XII. RESOLUTIONS/MOTIONS/DISCUSSIONS

A. Discussion of millage rollback language to be published.

City Council Members each discussed which rollback option they prefer. City Attorney John Barr answered questions from Council regarding the rollback options.

Council Member Nickels moved, supported by Council Member Gawlas to grant a 2 mills reduction in property tax during any time the city collects income tax.

On Roll Call, the vote was as follows:

Council Member Filipiak	Yes	Council Member Robb	No
Council Member Gawlas	Yes	Mayor Pro-Tem Swanson	No
Council Member Nickels	Yes	Mayor Schreiber	Yes
Council Member Richardson	No		

VOTE:

Yes: 4 No: 3 Absent: 0 Vote: Carried

B. Schedule public hearing for complaint against Mayor Pro-Tem Swanson.

City Attorney John Barr explained to City Council their options for hearing the complaint and answered questions from Council.

Mayor Schreiber moved, supported by Council Member Gawlas to hold a public hearing to investigate the complaint against Mayor Pro-Tem Swanson on Thursday, July 19, 2007 at 7:30 p.m. in the Council Chambers of City Hall.

After discussion, it was determined that Thursday, July 19, 2007 would not provide the necessary time needed for newspaper publication.

Council Member Richardson moved, supported by Mayor Pro-Tem Swanson to end discussion.

On Roll Call, the vote was as follows:

Council Member Filipiak	Yes	Council Member Robb	Yes
Council Member Gawlas	Yes	Mayor Pro-Tem Swanson	Yes

Council Member Nickels	Yes	Mayor Schreiber	Yes
Council Member Richardson	Yes		

VOTE:

Yes: 7 No: 0 Absent: 0 Vote: Carried

Mayor Schreiber moved, supported by Council Member Gawlas to hold a public hearing to investigate the complaint against Mayor Pro-Tem Swanson on Monday, July 30, 2007 at 7:30 p.m. in the Council Chambers of City Hall.

On Roll Call, the vote was as follows:

Council Member Filipiak	Yes	Council Member Robb	No
Council Member Gawlas	Yes	Mayor Pro-Tem Swanson	No
Council Member Nickels	Yes	Mayor Schreiber	Yes
Council Member Richardson	No		

VOTE:

Yes: 4 No: 3 Absent: 0 Vote: Carried

XIII. COMMUNICATIONS FROM THE CITY MANAGER

Recommendation to reschedule Council Meeting of August 7th to August 14th.

After discussion, City Council agreed to cancel the August 7th meeting and to schedule one meeting on August 21, 2007.

XIV. LIAISON REPORTS

- A. SEMCOG Update – There was no report.
- B. Recreation Commission – There was no report.
- C. Washtenaw Area Transportation Study – Council Member Nickels reported that action has been delayed on the Detroit-Ann Arbor rail service because they are awaiting an agreement from the three current users of the rail service.
- D. Ypsilanti Area Community Fund – There was no report.
- E. Smart Zone Local Development Finance Authority – There was no report.

XV. COUNCIL PROPOSED BUSINESS

Council Member Richardson relayed residents' concerns regarding the stove that was removed from Paradise Manor where the recent fire had started. She stated that residents have complained of the smell of gas, and that the cause of the fire should be further investigated. She asked why the stove was removed and where it was taken.

Council Member Richardson inquired about the status of Parkview Apartments and stated that gang graffiti had been recently removed after a call was placed to Police Chief Harshberger.

Council Member Richardson agreed with Victor Walker's suggestion to change the title, 'Audience Participation', to 'Citizen Participation'.

Council Member Richardson suggested that in regard to the Water Street project, the City should consider applying for Federal or State funding to develop the riverfront, as was done in the City of Detroit.

Mayor Schreiber responded to Council Member Richardson's question about Parkview Apartments, stating that HUD had postponed the auction of the property to August 8 and has published a bid package. He stated that Congressman Dingell's office was in communication with HUD regarding the issuance of Section 8 housing vouchers. Housing Commission Executive Director Walter Norris responded to Council Member Richardson's question about the stove at Paradise Manor, stating that the stove was removed at the request of the insurance company to protect it from vandalism or destruction.

Council Member Filipiak welcomed Council Member Richardson back.

Council Member Gawlas asked whether a special use policy existed for dealing with restrooms at City parks.

City Manager Koryzno responded that the City has only one semi-functional facility at Candy Cane Park. He stated that Council Member Richardson had suggested that because restroom facilities are not available, no fees should be charged, and that this suggestion seems to be reasonable.

Mayor Schreiber asked whether the Council should consider the suggestion in the near future.

Council Member Gawlas stated that the suggestion may waive any fee associated with the use of parks and asked how broadly it would get extended. He stated that among others, the Ypsilanti Heritage Festival pays a fee towards use of the park.

City Manager Koryzno responded that the distinction should be made between a park reservation and a special event. He stated that he thought Council Member Richardson was only referring to park reservations. He stated that he would provide additional information and background about the matter.

Council Member Gawlas stated that the question is in regard to the CoPAC event and asked whether it was a park reservation or special event.

Council Member Richardson responded that it is a park reservation and that in the past fees have been waived.

Council Member Nickels asked for confirmation that the upcoming CoPAC event would be utilizing the Candy Cane park restroom facilities.

Council Member Nickels stated that it is time to assemble an Evaluation Committee to perform the annual evaluation of the City Manager and City Clerk. He stated that previously one Council Member from each ward was appointed to this committee, and explained its responsibilities.

Council Member Nickels stated that there are four dead and 19 dying trees at the BP gas station at the corner of Owendale St. and Washtenaw Ave. He requested that the Council issue a letter to the owners reminding them that a court order requires the healthy maintenance of the trees, and that a copy of the letter be sent to the judge.

Council Member Nickels stated that Mayor Pro-tem Swanson obtained a vehicle for the Independence Day parade, and that he had arranged a vehicle for the Heritage Festival parade.

Council Member Nickels stated that he had received good reviews of volunteer Megan Turf in her work coordinating special events and park rentals, and compliments for DPW Director Bill Bohlen in his efforts to minimize DPW service costs for park rentals.

Mayor Pro-Tem Swanson stated that the Ann Arbor News and Ypsilanti Courier should publish pictures of both her and the complainant when reporting in regard to the complaint made against her. She asked that the cost of attorney fees and City Manager's time spent in regard to the complaint be made public.

XVI. COMMUNICATIONS FROM THE MAYOR

There were no communications from the Mayor.

XVII. AUDIENCE PARTICIPATION –

- A. Lee Tooson spoke in support of Mayor Pro-Tem Swanson. He asked why the Council had not taken action in the past to address violations, but is doing so now. He said that the police officer involved in the shooting on Arcade Street should not be allowed to patrol the streets.
- B. Victor Walker, 1231 Stanford Court, spoke in support of Mayor Pro-Tem Swanson and stated that the appearance of wrongdoing is sometimes more damaging than wrongdoing itself. He expressed interest in running for public office and stated that the Council votes the same way in every situation.
- C. Tyrone Wilson spoke against the Mayor, City Manager Koryzno, and City Attorney Barr in regard to the public hearing to review the complaint against Mayor Pro-Tem Swanson. He said that no other complaints have been investigated and that City Manager Koryzno could not explain why. He said that the Council has said that the complaint does not rise to the level of investigation but is investigating it anyway.
- D. Former Mayor Peter Murdock spoke in support of Mayor Pro-Tem Swanson, saying that he did not know why the Council was involving itself in the complaint against her. He commented that private actions were none of the Council's business, and that the actions of the Council are not uniting the community.
- E. William Douglas Winters, 104 and 106 Michigan Avenue, spoke against the public hearing to review the complaint against Mayor Pro-Tem Swanson. He said that a judge will tell the Council that it does not have jurisdiction in the matter. He stated that the Police Department is attempting to gain control of Council, and that the complainant has other recourse if she was offended.
- F. Steve Pierce expressed his concern that the Council is attempting to act as an investigative body, and that is not what their function is. He said that there are other important issues that the Council should be focusing on rather than the complaint, such as AATA funding and taxes.

- G. Patricia Johnson spoke against scheduling the public hearing to review the complaint against Mayor Pro-Tem Swanson. She urged the City to let the matter go.
- H. Lula Jones, 116 N. Hamilton, thanked the Mayor, Council, and Chief Harshberger for support of the neighborhood association yard sale, "Junk in the Trunk", on June 8 and 9. She stated that many citizens were happy about the event being held downtown and that there is a unity forming in the community that she hopes will grow.
- I. Valory Tooson spoke against the public hearing to review the complaint against Mayor Pro-Tem Swanson. She said that money is not being spent properly and that the Council is not willing to make sacrifices yet expects the community to.
- J. Shoshanna DeMaria spoke against the public hearing to review the complaint against Mayor Pro-Tem Swanson and asked what the Council wants to accomplish. She said that nobody supports the investigation therefore it should be dropped.

XVIII. REMARKS FROM THE MAYOR –

Mayor Schreiber explained that Water Street is not the reason why the City is requesting an income tax. He stated that Water Street is adding about 2 mills to the City's expenditures, however the rising cost of health care, the reduction of one-million in revenue-sharing and the loss of property taxes have all contributed to the financial state of the City.

He encouraged Mr. Walker to run for office and become active in the political process.

Mr. Schreiber thanked Lula Jones for attending the Council meeting and reporting the progress that is being made in the community.

XIX. ADJOURNMENT -

- A. Resolution No. 2007-142, 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 (Richardson) Vote: Carried

The meeting was adjourned at 10:56 p.m.