



CITY OF YPSILANTI
COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
ONE SOUTH HURON, YPSILANTI, MI 48197
TUESDAY, JULY 17, 2007
7:30 P.M.

I. CALL TO ORDER

The meeting was called to order at 7:33 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 Former Council Member Nathalie Edmunds and Deputy City Clerk Ed Golembiewski.

VI. AGENDA APPROVAL

Mayor Pro-Tem Swanson moved, supported by Council Member Gawlas to approve the agenda.

The agenda was approved as presented.

VII. PRESENTATIONS

A. Proclamation recognizing Denise Cutlip.

B. Depot Town Community Development Corporation – Truman Hudson

After discussion regarding special event coordination and scheduling, Council Member Nickels moved, supported by Mayor Pro-Tem Swanson to support a partnership between the City of Ypsilanti and the Depot Town Community Development Corporation.

Assistant City Attorney Guy Conti stated that Council can pass a non-binding resolution to be followed by a binding resolution at a future meeting.

Council Member Nickels moved, supported by Mayor Pro-Tem Swanson to withdraw the previous motion and replace it with the following non-binding resolution of support:

RESOLVED, that it is the non-binding sense of the City Council that the City desires to cooperate with the Depot Town Community Development Corporation in the development and maintenance of programming in Frog Island and Riverside Parks.

VOTE:

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

C. Updated Solvency Plan – City Manager Edward Koryzno

VIII. ORDINANCES – FIRST READING

Ordinance No. 1066

A. An Ordinance entitled, “An Ordinance to Sell the Starkweather House”.

1. Resolution No. 2007-143, determination.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "Ordinance to Sell Starkweather House" be approved on First Reading.

An Ordinance to sell the Starkweather House:

WHEREAS, the City has received an offer of gift of real property located at 1266 N. Huron River Drive (commonly known as The Starkweather House); and,

WHEREAS, the property is of important historical significance, however, it is in a state of extreme disrepair, and

WHEREAS, The City desires to sell this property for rehabilitation immediately upon acceptance of the gift; and

WHEREAS, the Ypsilanti City Charter, Article II, Section 2.09, provides that an ordinance is required in order to “Convey or lease or authorize the conveyance or lease of any land of the City,” now therefore:

1. THE CITY OF YPSILANTI ORDAINS that The City shall sell and convey property described as The Starkweather House, at 1266 N. Huron River Drive, and shall, by resolution make such decisions as are required to bring the matter to final closing. Proceeds of the sale that exceed the costs to the City (if any) shall be reserved for the payment of the Water Street Debt.
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: Council Member Gawlas

- 2. Open public hearing.
 - A. Steve Pierce stated that the property is along the river, and according to the city charter certain properties along the river and over \$500,000 require a vote of the people in order to sell the property.
 - B. Tyrone Wilson questioned if the City has options if they cannot sell the house. He asked whether there are any potential buyers, and if there is a marketing plan.
- 3. Resolution No. 2007-144, close public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Public Hearing on the proposed ordinance entitled, "An Ordinance to Sell the Starkweather House, be officially closed.

OFFERED BY: Council Member Nickels
SUPPORTED BY: Council Member Gawlas

VOTE:

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

The vote to approve the ordinance at first reading was as follows:

VOTE:

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

- Ordinance No. 1067
- B. An Ordinance entitled, "An Ordinance to Reduce Real and Personal Property Millage in Any Year of City Income Tax".

- 1. Resolution No. 2007-145, determination.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled, "An Ordinance to Reduce Real and Personal Property Millage in Any Year of City Income Tax" be approved on First Reading.

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

WHEREAS, City Council intends to pass a City Income Tax Ordinance subject to the vote of the people, and

WHEREAS, City Council desires to implement a 2 mill reduction in property millage during any time the city collects income tax, Now therefore,

THE CITY OF YPSILANTI ORDAINS that the total taxes which may be levied by the City of Ypsilanti for municipal purposes under the general tax laws of the State of Michigan shall be

reduced by two (2) mills in any year that the city shall levy, assess, and collect an excise tax on income pursuant to the Ypsilanti Uniform City Income Tax Ordinance.

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.

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 Gawlas
SUPPORTED BY: Council Member Nickels

Council Member Nickels moved, supported by Council Member Gawlas to delete paragraphs 3 and 4 and replace it with the following language:

THE CITY OF YPSILANTI ORDAINS that during any year that the City shall levy, assess, and collect an excise tax on income pursuant to the Ypsilanti Uniform City Income Tax Ordinance, the tax rate which may be, and actually is, levied by the City of Ypsilanti for municipal purposes under the general tax laws of the State of Michigan shall be two (2) mills less than the rate established by the City Council in the ordinance enabling said tax, provided that no such tax rate shall fall below zero (0) mills.

On Roll Call, the vote on the amendment 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

2. Open public hearing.

A. Kevin Hill, 108 Washtenaw, #4, stated that the 2 mill rollback is not fair to everyone. He commented that the rollback is merely a good promotional piece for the income tax campaign. He stated that there should be no rollback offered.

B. Denise Cutlip, 34 N. Huron, #4, questioned whether the rollback is binding and whether the City is committed to keeping it throughout the duration of an income tax.

C. Steve Pierce, Ypsilanti resident, suggested that the 2 mill rollback be based on whatever the Headlee cap is in order to avoid confusion.

3. Resolution No. 2007-146, close public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Public Hearing on the proposed ordinance entitled, "An Ordinance to Reduce Real and Personal Property Millage in Any Year of City Income Tax" be officially closed.

OFFERED BY: Council Member Gawlas
SUPPORTED BY: Council Member Nickels

VOTE:

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

After discussion regarding changing the ordinance language to reflect the Headlee Act, Council Member Richardson moved, supported by Mayor Pro-Tem Swanson to call the question.

On Roll Call, the vote was as follows:

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

VOTE:

Yes: 5 No: 2 Absent: 0 Vote: Carried

On Roll Call, the vote to approve the ordinance as amended 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

The ordinance as amended reads as follows:

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "Ordinance to Reduce Real and Personal Property Millage in Any Year of City Income Tax" be approved on First Reading.

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

WHEREAS, City Council intends to pass a City Income Tax Ordinance subject to the vote of the people, and

~~WHEREAS, City Council desires to implement a 2 mill reduction in property millage during any time the city collects income tax, Now therefore,~~

~~THE CITY OF YPSILANTI ORDAINS that the total taxes which may be levied by the City of Ypsilanti for municipal purposes under the general tax laws of the State of Michigan shall be reduced by two (2) mills in any year that the city shall levy, assess, and collect an excise tax on income pursuant to the Ypsilanti Uniform City Income Tax Ordinance.~~

THE CITY OF YPSILANTI ORDAINS that during any year that the City shall levy, assess, and collect an excise tax on income pursuant to the Ypsilanti Uniform City Income Tax Ordinance, the tax rate which may be, and actually is, levied by the City of Ypsilanti for municipal purposes under the general tax laws of the State of Michigan shall be two (2) mills less than the rate established by the City Council in the ordinance enabling said tax, provided that no such tax rate shall fall below zero (0) mills.

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.

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.

IX. AUDIENCE PARTICIPATION

- A. Brenda Flemon, 312 First Avenue, spoke in opposition to the bike lane on First Avenue and pointed out that without the parking lane there is no other parking on the street for residents.
- B. John Flemon, 312 First Avenue, opposed the bike lane on First Avenue. He stated that the bike lane has taken away necessary parking. He indicated that \$300 tickets are being issued for parking in the bike lane.
- C. Earl Taylor, Jr., spoke against the bike lane and requested that the signage be removed. He questioned why residents were not notified prior to installation of the bike lane.
- D. Stacey Bingham, 322 First Avenue, stated that parking has always been allowed in the bike lane area. She pointed out that the bike lane is big enough for a car and without the parking lane there is no other place to park.
- E. Keith Dumas, 330 First Avenue, spoke on behalf of his grandparents Claudia and John Dumas and opposed the bike lane. He said that the bike lane has created a drag strip along First Avenue.
- F. James Kline, 356 First Avenue, spoke in support of on-street parking rather than a bike lane. He reported that he received a letter just six days ago that compared First Avenue to Grove Street. He indicated that the streets are not similar in that Grove has a two-way bike lane and First Avenue has only a one-way bike lane.
- G. Kevin Hill, 108 Washtenaw, #4, urged Council to take the bike lane out and reinstitute the parking on First Avenue. He commented on the fine and irregularity in enforcement of parking within 20 ft. of a crosswalk. He reported that cars were towed out of the Key Bank lot due to vague sign language.
- H. Maralyn O'Brien, representing the Michigan Quality Home Care Campaign, gave an overview of the Michigan Home Help Program and requested Council's support of the coalition.
- I. Tyrone Bridges suggested that residents work with City Council to remove the bike lane tape and signage. He stated that he came to the city inquiring why there was no signage as seen on Grove Road. He thanked Council members for participating in the CAPS softball challenge.

- J. Lula Jones, 116 N. Hamilton, expressed concern about the Depot Town Community Development Corporation. She questioned whether homeowners were surveyed regarding the types of activities proposed for Riverside Park. She asked whether the coordination of activities and events will be inclusive and not segregated to an elite group of people.
- K. Denise Cutlip, expressed concern regarding poor signage in the Key Bank lot. She stated that the signs should be larger and stated that improving parking will improve the image of the downtown area.
- L. Mildred Williams, N.A.A.C.P. President, stated that it is unfortunate that City Council was placed in a position of judging one of its own members. She stated that unnecessary money was spent on this issue.
- M. Leonardo Christian, 526 W. Michigan Ave., urged citizens to actively address issues before City Council more frequently.
- N. Tyrone Wilson, representing R.A.I.D. and N.A.N., commented on the resolution to cancel the public hearing regarding Mayor Pro-Tem Swanson and stated that it has resulted in a waste of taxpayer dollars. He stated that the entire process was unprecedented and illegal, and City Council should reimburse Ms. Swanson for legal fees she incurred.
- O. Lee Tooson, urged City Council to assist Ms. Swanson with attorney fees. He commented on Mr. Barr's performance and the Police Chief's actions against Stan Eldridge.
- P. Steve Pierce, urged City Council to move audience participation to the beginning of the meeting. He stated that he is opposed to a city income tax and stated that he has petitions available.
- Q. Valory Tooson stated that City Council should be careful what it acts on. She stated that what has happened to Mayor Pro-Tem Swanson will cost the City.

X. REMARKS BY THE MAYOR

Regarding the complaint against Mayor Pro-Tem Swanson, Mayor Schreiber stated that the public hearing was legal. He gave an example of a similar situation in another city. He stated that Mr. Barr only gave options to Council. He asked Assistant City Attorney Guy Conti to explain what triggers an investigation.

Mr. Conti explained that the City Charter outlined the options. He stated that if a complaint is filed with the City Attorney's Office they contact the City Manager's Office on how to proceed. He indicated that the City Attorney's Office only advises.

City Manager Koryzno explained that the complaint was filed with the Police Chief who referred it to him. He stated that he concluded that an investigation should occur.

Mr. Koryzno explained the bike lane issue and stated that he will work on having the signs removed. He indicated that the City will have to repay fund to the State if the bike lane is removed.

Mayor Schreiber explained the 2 mill property tax rollback and stated that the rollback is an attempt to help people invest in the city.

Mayor Schreiber reported that changes to the special events moratorium is being reviewed by City staff.

In regards to special events, Police Chief Harshberger stated that he is planning to meet with city staff and seek input from the community on how to proceed.

XI. MINUTES

Resolution No. 2007-147, approving the minutes of July 3, 2007.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Minutes of July 3, 2007 be approved.

OFFERED BY: Council Member Robb

SUPPORTED BY: Council Member Gawlas

Council Member Richardson requested that the discussion regarding park fees be included in the minutes.

VOTE:

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

The minutes were approved as amended.

XII. CONSENT AGENDA

Resolution No. 2007-148

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI,

That the following items be approved:

- A. Resolution No. 2007-149, supporting the Michigan Quality Home Care Coalition.

A RESOLUTION OF THE CITY OF YPSILANTI:

WHEREAS, Michigan's Home Help Program now enables thousands of seniors and people with disabilities to remain independent and in their own homes; and

WHEREAS, the Home Help Program is a critical, cost effective way to provide long-term care for our citizens who need it; and

WHEREAS, twenty-nine percent of Home Help providers are living without health insurance and tens of thousands more are at risk of becoming uninsured; and

WHEREAS, a lack of health insurance is leaving Home Help providers at greater risk of becoming ill, facing medical bankruptcy, and otherwise becoming unable to provide care for their clients; and

WHEREAS, the lack of health insurance for Home Help providers is directly contributing to a 35% turnover rate amongst home care workers that is putting senior citizens and people with disabilities at risk; and

WHEREAS, Home Help providers are having to rely on public insurance programs, publicly-funded emergency rooms, and community clinics for their health care, thereby driving up health care costs for everyone; and

WHEREAS, our state needs to act now to create a professional and stable home care workforce before the Baby Boomer generation begins needing care;

NOW THEREFORE BE IT RESOLVED that the City of Ypsilanti supports the efforts of the Michigan Quality Home Care Coalition to provide access to affordable health insurance to all Home Help providers.

- B. Resolution No. 2007-150, approving employee delegates to attend the MERS 61st Annual Meeting.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the Michigan Employees' Retirement System covers all full-time City employees excluding Fire and Police Pension system Members, and

WHEREAS, the Michigan Employees' Retirement System is holding its annual meeting September 18-20, 2007 and

WHEREAS, the Michigan Employees' Retirement System allows two delegates to be selected to attend this meeting, one an employee delegate elected by secret ballot and one an officer delegate selected by the City Manager, and

WHEREAS, the employees have elected Wendy Estey from the Building Department as the Employee delegate with Richard Murphy from the Planning & Development Department as the alternate, and

WHEREAS, the City Manager has appointed April McGrath, Assistant City Manager, as the officer delegate with Charles Boulard, Building Official, as the alternate,

THEREFORE, BE IT RERESOLVED, that these employees be appointed as employee and officer delegates and alternates.

- C. Resolution No. 2007-151, thanking the Ypsilanti Jaycees for saving the Fourth of July parade.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti wishes to acknowledge and pay tribute to exceptional individuals who have greatly contributed to our community, and honor special celebrations taking place in our community;

WHEREAS, Independence Day honors the birthday of the United States of America and the signing of the Declaration of Independence on July 4, 1776;

WHEREAS, traditionally many cities sponsor festive activities in honor of this very important historical event;

WHEREAS, in 1988, the Fourth of July parade though still sponsored by the American Legion Post 282 was put in the hands of a volunteer committee. The Ypsilanti Jaycees recognized the importance of continuing the legacy and took the lead in sponsoring this year's annual event;

WHEREAS, the 78th Annual Ypsilanti Independence Day Parade included floats, fire trucks, public officials, a host of veterans, marching bands, color guards, churches, scout troops and antique vehicles, and was enjoyed by all who attended.

THEREFORE, BE IT RESOLVED that the Mayor and City Council wishes to thank the Ypsilanti Jaycees for saving the Fourth of July parade and for sustaining the rich history of our community.

- D. Resolution No. 2007-152, thanking Look In The Attic for their pledge to contribute 10% of each sale to the City of Ypsilanti.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti wishes to acknowledge and pay tribute to businesses who value and make contributions to the economic stability of our city; and

WHEREAS, Look In The Attic has been serving City residents and the surrounding community, as well as the world through it's internet sales since April, 2005 from its location at 110 W. Michigan Avenue in downtown Ypsilanti; and

WHEREAS, Look In The Attic features quality vintage-style home decor items and was featured twice in the July 2007 issue of House Beautiful magazine, a monthly magazine about interior design and fashion with a monthly reach of 188,000 copies; and

WHEREAS, John Coleman, President of Look In The Attic is dedicated to giving back to the community and has generously pledged 10% of each sale to the City of Ypsilanti through December 31, 2007; and

WHEREAS, Mr. Coleman has set a positive example as a community leader and contributor to the greater good of the City through his generosity;

THEREFORE, BE IT RESOLVED that the Mayor and City Council thanks Look In The Attic for their financial contribution and wishes them the best in all of their future endeavors.

- E. Resolution No. 2007-153, appreciating AATA for funding to allow bus services to remain in the City of Ypsilanti.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the Ann Arbor Transportation Authority (AATA) operates the local public transit bus system named TheRide. TheRide serves the cities of Ann Arbor and Ypsilanti, and nearby Pittsfield, Ypsilanti, and Superior townships with 27 routes. AATA also provides other transportation services for the general public, people with disabilities, senior citizens, and commuters; and

WHEREAS, the City of Ypsilanti has contracted with the Ann Arbor Transit Authority (AATA) to provide mass transit services since the 1970's; and

WHEREAS, AATA has generously paid one-half of the Ypsilanti bus contract for the past year; and

THEREFORE BE IT RESOLVED, that the City of Ypsilanti would like to extend this resolution of appreciation to the AATA for their financial assistance in providing transportation to our residents and request that a copy of this resolution be sent to our State Representative Alma Wheeler, State Senator Liz Brater, Governor Jennifer Granholm, AATA Interim Executive Director Dawn Gabay and the Ann Arbor Area Transit Board.

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

VOTE:

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

XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS

- A. Resolution No. 2007-154, approving contract with Aachen Auto for the provision of towing services to the City.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, on June 19, 2007, this Council passed Resolution No. 2007-136, authorizing the Chief of Police to, subject to certain conditions, execute a contract between the City and Budget Towing, and

WHEREAS, the current contract between the City and Budget Towing (“the Parties”) runs through and including July 23, 2007, and

WHEREAS, it is possible the conditions for entering into said contract may not be met by July 23, 2007, and

WHEREAS, it is possible that, even if said contract is entered into that said contract may be terminated by either one or both of the parties at some time in the future, and

WHEREAS, the bid of the runner-up, Aachen Auto is, though not as desirable as that of Budget Towing, is never-the-less adequate, and

WHEREAS, it is the desire of the Council that the City and its Police Department have towing service continually available on a contract basis, now therefore:

IT IS RESOLVED that, should a contract not be entered into between the Parties prior to July 23, 2007, the Chief of Police is authorized to take any or all of the following actions:

1. Extend the current contract with Budget Towing through and not beyond August 3, 2007.
2. If no contract is entered into between the Parties prior to August 4, 2007, or should an extension not be mutually agreeable to the Parties by July 23, 2007, enter into a contract with Aachen Auto for the provision of towing services to the City.
3. If the Contract entered into between the Parties should be cancelled, terminated or not renewed at any time during the term or the option period, for whatever reason, enter into a contract with Aachen Auto for the provision of towing services to the City.

The City Attorney’s approval is necessary for the execution of any contract under this Resolution.

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

Council Member Filipiak moved, supported by Council Member Richardson to delete paragraph 5 from the resolution.

VOTE:

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

Council Member Gawlas moved, supported by Council Member Nickels to delete #2 and #3, and to amend #1 to state that the contract is extended through August 21, 2007.

VOTE:

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

The resolution as amended reads as follows:

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, on June 19, 2007, this Council passed Resolution No. 2007-136, authorizing the Chief of Police to, subject to certain conditions, execute a contract between the City and Budget Towing, and

WHEREAS, the current contract between the City and Budget Towing ("the Parties") runs through and including July 23, 2007, and

WHEREAS, it is possible the conditions for entering into said contract may not be met by July 23, 2007, and

WHEREAS, it is possible that, even if said contract is entered into that said contract may be terminated by either one or both of the parties at some time in the future, and

~~WHEREAS, the bid of the runner-up, Aachen Auto is, though not as desirable as that of Budget Towing, is never the less adequate, and~~

WHEREAS, it is the desire of the Council that the City and its Police Department have towing service continually available on a contract basis, now therefore:

IT IS RESOLVED that, should a contract not be entered into between the Parties prior to July 23, 2007, the Chief of Police is authorized to take any or all of the following actions:

1. Extend the current contract with Budget Towing through and not beyond ~~August 3, 2007~~ August 21, 2007.
- ~~2. If no contract is entered into between the Parties prior to August 4, 2007, or should an extension not be mutually agreeable to the Parties by July 23, 2007, enter into a contract with Aachen Auto for the provision of towing services to the City.~~
- ~~3. If the Contract entered into between the Parties should be cancelled, terminated or not renewed at any time during the term or the option period, for whatever reason, enter into a contract with Aachen Auto for the provision of towing services to the City.~~

The City Attorney's approval is necessary for the execution of any contract under this Resolution.

- C. Resolution No. 2007-155, approving purchase of administrative and police vehicles.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the Ypsilanti Police Department desires to replace the current police and administrative vehicles with one (1) Dodge Charger Police Vehicle, one (1) Dodge Magnum Police Vehicle, three (3) Ford Taurus administrative vehicles, and

WHEREAS, Snethkamp Dodge of Lansing Michigan, has provided State of Michigan contract pricing in the amount of \$ 49,476.87 for (1) Dodge Charger Police Vehicle, one (1) Dodge Magnum Police Vehicle with extended warranty, and

WHEREAS, Signature Ford of Perry Michigan has provided Macomb County contract pricing in the amount of \$ 64,866.00 for three (3) Ford Taurus Administrative Vehicles with extended warranty, now

THEREFORE BE IT RESOLVED, that the Chief of Police be authorized to sign all necessary documents needed execute the contract with Snethkamp Dodge and Signature Ford, subject to approval of the City Attorney.

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

VOTE:

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

Council Member Filipiak moved, supported by Council Member Robb to extend the meeting to midnight.

VOTE:

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

C. Resolution No. 2007-156, supporting Council Conduct Code and Non-Discrimination Ordinance.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Ypsilanti City Council is a policy-making body of the city of Ypsilanti and composed of officials elected by the voters of the city of Ypsilanti;

WHEREAS, the voters of Ypsilanti have enacted and reaffirmed a Non-Discrimination ordinance that prohibits discrimination based upon race, creed, color, gender, and sexual orientation;

WHEREAS, by resolution on November 13, 2006, City Council set a standard of conduct for city council members that forbids discussing city employee job performance or concerns directly with city employees;

WHEREAS, a city employee filed a complaint through the City Attorney's Office on April 4, 2007, alleging that the Mayor Pro-Tem violated the City Council Code of Conduct and possibly violated the Non-Discrimination ordinance with inappropriate remarks at a public gathering;

WHEREAS, an investigation was commissioned by the City Attorney's office that does not provide a clear account of the alleged events and statements made by the Mayor Pro-Tem at the public gathering;

WHEREAS, little precedent exists for City Council investigating complaints against its own members with a public hearing;

THEREFORE, BE IT RESOLVED that City Council reaffirms the City Council Code of Conduct passed on November 13, 2006 that prohibits council members from discussing job performance or personnel matters directly with an employee. To protect the privacy of city employees and the responsibilities of the City Manager, City Council concerns about city employee job performance should be discussed privately with the City Manager;

FURTHERMORE, BE IT RESOLVED that City Council continues to support the city Non-Discrimination ordinance that prohibits discrimination based upon gender or sexual orientation;

FURTHERMORE, BE IT RESOLVED that City Council cancels the public hearing scheduled for July 30, 2007.

Council Member Gawlas moved, supported by Council Member Nickels to amend paragraph 4 to delete, "and possibly violated the Non-Discrimination ordinance with inappropriate remarks at a public gathering".

VOTE:

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

Council Member Robb moved, supported by Council Member Gawlas to remove paragraphs 4, 5 and 6.

The vote on the amendment was as follows:

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

The vote on the resolution as amended was as follows:

Yes: 5 No: 2 (Richardson, Swanson) Absent: 0 Vote: Carried

The resolution as amended reads as follows:

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, Ypsilanti City Council is a policy-making body of the city of Ypsilanti and composed of officials elected by the voters of the city of Ypsilanti;

WHEREAS, the voters of Ypsilanti have enacted and reaffirmed a Non-Discrimination ordinance that prohibits discrimination based upon race, creed, color, gender, and sexual orientation;

WHEREAS, by resolution on November 13, 2006, City Council set a standard of conduct for city council members that forbids discussing city employee job performance or concerns directly with city employees;

~~WHEREAS, a city employee filed a complaint through the City Attorney's Office on April 4, 2007, alleging that the Mayor Pro-Tem violated the City Council Code of Conduct and possibly violated the Non-Discrimination ordinance with inappropriate remarks at a public gathering;~~

~~WHEREAS, an investigation was commissioned by the City Attorney's office that does not provide a clear account of the alleged events and statements made by the Mayor Pro-Tem at the public gathering;~~

~~WHEREAS, little precedent exists for City Council investigating complaints against its own members with a public hearing;~~

THEREFORE, BE IT RESOLVED that City Council reaffirms the City Council Code of Conduct passed on November 13, 2006 that prohibits council members from discussing job performance or personnel matters directly with an employee. To protect the privacy of city employees and the responsibilities of the City Manager, City Council concerns about city employee job performance should be discussed privately with the City Manager;

FURTHERMORE, BE IT RESOLVED that City Council continues to support the city Non-Discrimination ordinance that prohibits discrimination based upon gender or sexual orientation;

FURTHERMORE, BE IT RESOLVED that City Council cancels the public hearing scheduled for July 30, 2007.

XIV. COMMUNICATIONS FROM THE CITY MANAGER

- A. Assistant City Manager April McGrath indicated that there is a \$55 park reservation fee. She explained that the fee allows coordination of the park, and none of the parks have restroom facilities. She explained that if there is no fee, the parks will become first come first serve.

City Manager Ed Koryzno stated that with the fee, staff will bring picnic tables if needed.

Council Member Gawlas indicated that if the fees are changed, the agreement with the Jaycees would also change.

Council Member Richardson stated that she would like to see parks utilized on a first come first serve basis.

Council Member Gawlas stated he would like the fee retained for reservation purposes.

- B. Request for Closed Session under Section 8c of the Open Meetings Act to discuss collective bargaining.

On Roll Call, the vote to proceed into a Closed Session immediately following adjournment to discuss collective bargaining was as follows:

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

XV. LIAISON REPORTS

- A. SEMCOG Update – There was no report.
- B. Recreation Commission – There was no report.

- C. Washtenaw Area Transportation Study – There was no report.
- D. Ypsilanti Area Community Fund – There was no report.
- E. Smart Zone Local Development Finance Authority – There was no report.

XVI. COUNCIL PROPOSED BUSINESS

Council Member Richardson stated that the agreement with the Depot Town Community Development Corporation should be kept inclusive.

Council Member Richardson stated that, in regard to the complaints about vehicles being towed from the Key Bank parking lot, that it is an Eastern Michigan University parking lot and that she and other Council Members have been issued parking tickets in the lot. She continued that the signs in the lot are faded and that the City should encourage EMU to raise the signs higher and make sure that they are readable.

Council Member Richardson said that the City should work with EMU to establish a weekend and nighttime special event parking agreement to use the lot.

Council Member Richardson stated that should anyone tell Council that they have surveyed a neighborhood, Council should make sure that all of the residents have been contacted before a decision is made based on the information.

Council Member Richardson reported that bad cuts have been made by YCUA on Worden St., First Avenue at Michigan Avenue., and Hawkins near Harriet. She said that it was established that if streets were not repaired, fines would be issued. She encouraged other Council Members to report any street repairs needed.

City Manager Koryzno responded that the streets will be properly repaired.

Council Member Richardson stated that a sign needs to be placed at Water Street.

Council Member Filipiak stated that in regard to the bike lane on First Avenue, someone from the Department of Public Works may have misinterpreted what had transpired at Council and not recognized that a resident had asked for parking signs to be put up. He said that he is personally glad that the City is installing more bike lanes. He continued that he would like to work on a compromise that would still allow bike lanes and safe places to ride that are not on the sidewalks, but still accommodate neighborhood concerns.

Council Member Robb stated that efforts are being made to work with County Commissioners and EMU to get the parking structure to be open on weekends. He said that the Key Bank parking lot is private, and that cars are towed from the lot. He commented that the City contract does not cover private tows and that if the contract is renegotiated there should be one tow schedule for both private and public.

Council Member Robb encouraged the public and Council Members to attend meetings of the 2020 Taskforce and to view tapes of the meetings online. He explained that one idea that has come from the Taskforce is to identify Ypsilanti as a 'green' city, citing the potential solar City Hall roof project, conscientious cruiser, neighborhood gardens, and Growing Hope. He asked Council Members to think about what can be done to make the City more attractive including the ideas of resident Dave Strenski.

Council Member Robb asked whether there was an update on the possibility of placing photos of convicted 'johns' on the City website.

City Manager Koryzno said that there will be a report at the next meeting regarding posting pictures of convicted 'johns' on the website.

Council Member Robb said that it is a very important issue to the 3rd Ward, and that Depot Town merchants are complaining about prostitution. He said that after the hot zones were created, prostitution has been pushed from Michigan Avenue to the neighborhoods.

Council Member Nickels responded in regard to Council Member Richardson's concerns about the Depot Town Community Development Corporation agreement that he would not want the City to lose control of events scheduling and park improvements, but would want it to be a cooperative effort.

Mayor Pro-Tem Swanson expressed gratitude that the issue regarding the complaint against her is over and thanked the N.A.A.C.P., Mr. Wilson, Mr. Bridges, and Mr. Tooson. Ms. Swanson expressed dissatisfaction with the Ypsilanti Courier's coverage of the complaint.

Mayor Pro-Tem Swanson questioned why so much time was wasted on the Budget Towing contract, and asked what was different about the contract from previous years.

Mayor Pro-Tem Swanson stated that she hates the hidden racism in the City. She questioned why some complaints are never pursued, and expressed frustration that this issue went on for three months. She stated that this issue has taken a toll on her physically and financially. She continued that she will still support the Police Department, but that when she sees racism she must address it.

XVII. COMMUNICATIONS FROM THE MAYOR

Mayor Schreiber stated that Council Member Nickels brought up the City Manager and City Clerk review process at the last meeting, and that a representative from each Ward needs to be present on the Evaluation Committee. The Mayor asked for volunteers from each Ward.

The Evaluation Committee was selected and will consist of Council Members Filipiak, Richardson and Nickels.

Council Member Nickels stated that the next step is that two blank evaluation forms, one for the City Manager and one for the City Clerk, be distributed to the Council Members by the City Clerk's office. He suggested that the forms come with the next Council meeting packet.

Mayor Schreiber suggested that the City Clerk's evaluation be postponed until after her probation period is completed, and that the City Manager's evaluation be synchronized with this. He asked whether any Council Member objected to this and no objection was voiced.

XVIII. AUDIENCE PARTICIPATION

- A. Tyrone Bridges stated that Council knew the complaint against Mayor Pro-Tem Swanson was wrong and that the complainant is not the most well-liked Police Officer on the south side. He asked whether the City had to pay money back to the State in regard to the bike lane on First Ave. He indicated that he did not conduct a survey.

- B. Leonardo Christian commented that the investigation was a waste of taxpayer money. He stated that City Council does not ask neighborhoods what they want.
- C. Mildred Williams stated that the complaint against Mayor Pro-Tem Swanson was the beginning of an attack on African American leaders. She commended Council Member Robb for being an independent thinker. She expressed hope that Council agrees with the outcome of the complaint against Mayor Pro-Tem Swanson.
- D. Tyrone Wilson commented that City Manager Koryzno was responsible for putting forth the investigation and did not deserve a good performance evaluation or pay raise. He said that an investigation was conducted into the City Clerk's office four years ago and recommendations from the investigation have not been implemented.

Council Member Filipiak moved, supported by Mayor Pro-Tem Swanson to extend the meeting to 12:15 a.m.

VOTE:

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

- E. Valory Tooson spoke in support of Mayor Pro-Tem Swanson and commended her. She said that the African American community has been asked to help improve the greater community, but not others. She said that other parts of the community should be asked as well. She asked for a letter of apology from the Council to Mayor Pro-Tem Swanson.
- F. Lee Tooson stated that the contract with Budget Towing has been renegotiated because Mayor Pro-Tem Swanson rode in a vehicle the company sponsored. He said that the City Manager and Council Members that voted in favor of the public hearing have harmed Ms. Swanson for the rest of her life and should pay her attorney's fees.
- G. Steve Pierce stated that the late hour of the meeting reminded him of the approval of the Command Officers contract, which was found to be illegal. He commented that Council cannot think clearly or represent the City's best interests late at night and suggested they cancel the closed session.

XIX. REMARKS FROM THE MAYOR

Mayor Schreiber discussed Council's meeting schedule for the month of August. Council Members agreed to have one meeting on August 14th.

Council Member Nickels moved, supported by Council Member Gawlas to extend the meeting to 12:45 a.m. for Closed Session.

VOTE:

Yes: 5 No: 0 Absent: 2 (Richardson, Swanson) Vote: Carried

XX. ADJOURNMENT

- H. Resolution No. 2007-157, 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: Council Member Robb

VOTE:

Yes: 5 No: 0 Absent: 2 (Richardson, Swanson) Vote: Carried

The meeting was adjourned at 12:14 a.m. to a Closed Session.