

**City of Ypsilanti
Council Meeting
Tuesday, December 3, 2002
7:30 P.M.**

CALL TO ORDER

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

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

Absent: No Council Members Absent.

Invocation

Mayor Cheryl Farmer asked for a moment of silence.

Pledge of Allegiance

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

NOMINATION FOR THE OFFICE OF MAYOR PRO-TEM

Nomination of the current Mayor Pro-Tem Swanson, offered by Council Member LaRue and supported by Council Member Schulze.

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

City Clerk, Robert Slone administered the Oath of Office to Mayor Pro-Tem Swanson for the term commencing December 3, 2002 and ending November 8, 2004.

ORGANIZATIONAL CONSENT AGENDA

Council Member LaRue asked that item E. Resolution 2002-238 be removed. Council Member Richardson asked that item B. Resolution 2002-235 and item D. Resolution 2002-237 be removed from the Organizational Consent Agenda.

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

- A. Resolution No 2002-234 adopting, "ROBERT'S RULES OF ORDER, 10TH EDITION.
- B. Resolution No. 2002-235 pulled.

- C. Resolution No. 2002-236 approving the procedure for transaction of council meetings.
- D. Resolution No. 2002-237 pulled.
- E. Resolution No. 2002-238 pulled.
- F. Resolution No. 2002-239 setting meeting dates for 2003.

Resolution No. 2002-233A, attached and made a part hereof, offered by Mayor Pro-Tem Swanson and supported by Council Member Nickels- That the following Consent Agenda be approved.

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

Resolution No. 2002-238, attached and made a part hereof, offered by Council Member LaRue and supported by Council Member Gawlas naming the official newspaper of record as The Ypsilanti Courier.

Council Member LaRue- questioned, whether The Ypsilanti Courier meets the spirit and intent of general circulation? The Ypsilanti Courier, does not have the circulation necessary to really get the word out about official activities of the City.

Mayor Farmer- asked Robert Slone, City Clerk, whether he is aware of any circulation information about each periodical within the city limits.

City Clerk, Robert Slone- Responed, "Your Honor, I don't, but I am quite sure we can get the information for Council".

Mayor Farmer- Stated to Council that we can get additional information and table this one item until the next meeting if you like?

Council Member Nickels- Questioned whether there had been any problems reported to City Hall with the usage of The Ypsilanti Courier?

City Clerk, Robert Slone- Stated, that he could not speak for other departments, but, we probably put as many ads in The Ypsilanti Courier than any other department. The Ypsilanti Courier has been very cooperative as far as taking ads at the last minute. The Ann Arbor News is currently used only as a back up. Slone stated, that he does not recall receiving any complaints about The Ypsilanti Courier.

Mayor Farmer- questioned the issue of cost when advertised in one versus the other.

City Clerk, Robert Slone- Responed, "The Ypsilanti Courier is less expensive for certain types of ads. Especially, ads that require display advertisements. He said he believes that cost of placing ads in the two papers has not changed very much. This would be something we would need to look into".

Council Member Gawlas- Stated that The Ypsilanti Courier must be considered a general circulated paper although it is a weekly paper opposed to a daily. It has a greater circulation within the city and the surrounding townships and communities. We get better exposure in The Ypsilanti Courier, opposed to another newspaper.

Mayor Farmer- inquired whether or not an advertisement in The Ann Arbor News would appear in the community pages?

Mayor Pro-Tem Swanson- stated, The Ypsilanti Courier deals directly with the City of Ypsilanti and The Ann Arbor News primarily deals with the Ann Arbor area.

Council Member Richardson- said, we should support Ypsilanti businesses. The Ypsilanti Courier is our city's hometown paper and the ads are very reasonable.

Council Member Nickles- stated that people get upset with changes. We have no reported problems in the past so lets keep it the same. The Ypsilanti Courier has been our paper of choice for years.

Council Member LaRue- indicated that the majority of people I have spoken with receive The Ann Arbor News or the Detroit Free Press.

Mayor Farmer- Cost is a big issue and we need to look at that. We have not received any complaints to maintain consistency let's keep The Ypsilanti Courier.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Ypsilanti Courier, a newspaper of general circulation in the City of Ypsilanti, be designated as the official newspaper of the City of Ypsilanti, for placement of all required publication notices and display advertisements. Further, that the Ypsilanti Press Edition of the Ann Arbor News be used if the deadlines of the Courier cannot be met.

Ayes: 6 Nays: LaRue Absent: 0 Vote: Carried

Resolution No. 2002-235, attached and a part hereof, offered by Council Member Richardson and Supported by Council Members Nickels that the amended setting the day, time and frequency of Council Meetings be approved.

Council Member Richardson suggested one meeting per month, unless it is necessary to meet again on the third Tuesday.

Council Member Gawlas- City Council is mandated by the City Charter to meet only once a month. The second meeting would only be an option to avoid a long meeting.

City Clerk, Robert Slone- According to the Open Meetings Act, a published schedule must be placed at the first of the year. The advertisement is placed at City Hall and The Ypsilanti Courier.

Mayor Farmer- In the advertisement, would we note that Council would meet on the first Tuesday of each month with the option of a second meeting on the third Tuesday?

City Clerk, Robert Slone- Yes!

Council Member Gawlas- asked whether we could include the date on the notices so we know when the change was issued. The public has had difficulty distinguishing if a posting is old or current.

Mayor Pro-Tem Swanson- Expressed concern over the amount of different items on the agenda. Would having one meeting a month over load Council, and who would determine how much goes on the Agenda?

Mayor Farmer- Staff bring things to us according to when they need to come before Council. Often the dates are not determined by any one in this building. On Thursday, before the meeting Mr. Slone, Mr. Koryzno and myself determine if there is a lot of stuff, what can wait until another meeting. If it is feasible, items that can wait are moved to another date.

Council Member Schulze-On the notice we may want to included the regular meetings are every 1st Tuesday of each month. Optional meetings, are held every 3rd Tuesday, please contact the Clerk's Office for verification.

City Attorney, John Barr- Mentioned that there has to be an 18 hour notice, if the meeting is cancelled.

Council Member Gawlas- Proposed a friendly amendment. The first sentence would read, "Regular Council Meetings shall be held on the first Tuesday of the month and may be held on the third Tuesday of the month." Striking the last two sentences of the first paragraph.

Council Member LaRue- Suggested trying it one-half of the year, to see what happens. Examine the Pro's and Con's or we could announce on the 1st of the month, whether we will have a second meeting. I would hate for someone to drive here and the doors are locked because the meeting has been canceled.

Council Member Nickels- Suggested just leaving it the way it is. It is easier to just cancel a meeting. If we are going to try this on a trial bases, let's try it with a deadline where we purposely hear from staff.

Mayor Farmer- We agreed to have a friendly amendment but, if it is not friendly to everyone then we have to have it as a proposed amendment.

Council Member Richardson- Council Member LaRue, mentioned that people would come to a cancelled meeting. I would agree with doing it on a trial bases.

City Attorney- Legally, I would like to see you pass the resolution as it is submitted. If you don't want a meeting, then you can cancel. I have no objections to the resolution as amended either but, that would be a little more work for the Clerk.

Mayor Farmer- Under the amended resolution that says, "It shall be held on the first Tuesday and may be held on the second Tuesday". It is noted that way in the paper to put people on notice that there is a possibility there may not be a meeting on the 3rd Tuesday.

City Attorney, John Barr- The Clerk would still have to advertise if there is a cancellation. If we leave it the same, he can just post notice that the meeting is cancelled.

Ayes: 6 Nays: LaRue Absent: 0 Vote: Carried

Resolution No. 2002-237, attached and made a part here of, offered by Council Member Schulze and supported by Council Member LaRue- Regarding Audience Participation during Council Meeting, be approved on First Reading.

Council Member Richardson- Questioned whether one member of the group would be allowed to speak one time for three minutes or whether each individual of the group would be allowed to speak for three minutes?

Mayor Farmer- Each individual in a group would be able to speak.

Mayor Pro-Tem Swanson- Stated that group means one person speaks for the entire group.

City Clerk, Robert Slone- I think the clarification is that in the past we spent large amounts of time on groups, so one year we cut back to five per group. Individuals representing each group would have three minutes.

Council Member Gawlas- A friendly amendment, strike "and groups" from the resolution so that we really refer to individuals because, there is really no distinction.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

With regard to Audience Participation, citizens are urged, but not required, to present requests or complaints in writing to the administration before meetings, along with indications of desire to address Council; general audience participation normally shall be held to one hour maximum, with three (3) minutes granted to individuals. Audience participation on agenda items normally shall be held to one-half hour, with the above provisions for individual speakers.

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

INTRODUCTIONS

Mayor Farmer welcomed members of W.T.M.C to the City Council Meeting.

PRESENTATIONS

Presentation by Attorney Neil Letho concerning the Metro Act and the City options to participate in right-of-way fees and answered questions from Council.

AGENDA APPROVAL

Mayor Pro-Tem Swanson moved and Council Member Richardson supported a motion to approve the agenda as written.

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

AUDIENCE PARTICIPATION

Tyrone Wilson representing RAID, questioned the legality of the action taken against Audience Participation in regards to the Open Meetings Act. He said, reducing the Audience Participation time limit from five minutes to three is punitive and oppressive. Citizens rarely have the chance to talk to you. I hope this is publicized in another way besides the newspaper, because everyone does not read the paper and the information may not get to the impaired community. What Council Member Richardson, disclosed publicly was appalling. Just because she believes in citizens, she does not deserve to be treated that way by her colleagues. It is horrible and sinful.

Rodney Nanny, offered support of the Rental Housing Inspection Program, except for one clause on inspection of the owner occupied unit. I have no problem with inspecting the rental portion of my home. I do have a problem with opening the doors to my own private home to inspectors periodically. I feel this is infringing on my privacy. Council, if you could please table this Ordinance to see if there are other options to the Ordinance.

Diane Robinson, current resident of Ypsilanti Public Housing, voiced she was upset with the changes to Audience Participation. Three minutes are not enough time for citizens to speak to Council. The Ypsilanti Public Housing is plagued with many problems. The apartments are unsanitary, unsafe and rampant with social problems. Management feels that they can do what they want to the residents. I have records of my cancelled checks and they said that I did not pay my rent. Many residents do not feel comfortable speaking before Council and the problems are getting out of hand.

MINUTES

Resolution No. 2002-240 approving the minutes of September 27, 2002, October 1, 23, and October 30, 2002, and November 6, 2002 offered by Council Member

Richardson and supported by Council Member Nickels that the corrected minutes be approved.

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

PUBLIC HEARING/ORDINANCE-FIRST READING

- A. Public Hearing to consider the proposed ordinance entitled, "An Ordinance to Amend Chapter IV of the "Housing Commission" of Article IV "Boards and Commissions" to make the City Ordinance track the Public Housing statute as amended.

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

Resolution #2002-241, attached and made a part hereof, offered by Council Member Nickels and supported by Council Member Richardson, to close the Public Hearing.

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

Resolution #2002-242, attached and made a part hereof, offered by Council Member Nickels and supported by Mayor Pro-Tem Swanson - THAT an ordinance entitled "Administration" by amending Section 2-164 of Division 4 "Housing Commission" of Article IV "Boards and Commissions" to make the City Ordinance track the Public Housing statute as amended, be approved on first reading.

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

ORDINANCE-SECOND READING

- A. **Resolution No. 2002-243**, attached and made a part hereof, offered by Council Member Gawlas and supported by Council Member LaRue a Public Hearing to consider proposed ordinance entitled, "An Ordinance to Implement Water Use Restrictions, providing restrictions on water use for sprinkling of lawns and /or landscaping, and providing for penalties for violation" be approved on second and final reading.

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

- B. **Resolution No. 2002-244**, attached and made a part hereof, offered by Council Member LaRue and supported by Council Member Gawlas to consider proposed ordinance entitled, "An Ordinance to amend Chapter 18 of the Ypsilanti Code entitled, "Buildings and Building Regulations," Article IV "Inspection and Control of Certain Buildings" Division 1 Generally," by amending Section 18-111 "Definitions" to clarify the definitions of "Certificate of Compliance" and "Temporary Certificate," and by adding a definition, be approved on second and final reading.

Ayes: 6 Nays: LaRue Absent: 0 Vote: Carried

C. **Resolution No. 2002-245**, attached and made a part hereof, offered by Council Member Schulze and supported by Council Member LaRue to consider proposed ordinance entitled, "Zoning Ordinance Text Amendments", be approved on second and final reading.

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

D. **Resolution No. 2002-246**, attached and made a part hereof, offered by Council Member Richardson and supported by Nickels to consider a proposed ordinance entitled, "West Michigan Avenue Rezoning," be approved on second and final reading.

Ayes: 6 Nays: Richardson Absent: 0 Vote: Carried

E. **Resolution No. 2002-247**, attached and made a part hereof, offered by Council Member LaRue and supported by Council Member Schulze Public Hearing to consider proposed Ordinance entitled, "North River Rezoning" be approved on second and final reading.

Ayes: 6 Nays: Richardson Absent: 0 Vote: Carried

MOTION, RESOLUTIONS & DISCUSSION ITEMS

Resolution No. 2002-248, pertaining to the distribution of the proceeds from the sale of repaired bicycles by the City of Ypsilanti Fire Department be approved.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI: The City of Ypsilanti deems that the net proceeds from the sale of the retrofitted and repaired bicycles shall be used by the Ypsilanti Fire Department as follows: Fifty-percent of the funds shall be donated to the International Association of Fire Fighters Burn Foundation, and fifty percent of the funds shall be used to buy fire department equipment.

WHEREAS The International Association of Fire Fighters Burn Foundation has been supported by the Ypsilanti Fire Department for a number of years; and

WHEREAS the Ypsilanti Police Department donates the bicycles it has collected through the year and are not reclaimed to the Fire Department; and

WHEREAS the Ypsilanti Fire Department repairs and repaints those bicycles and will be selling them at a low price to members of the community; and

WHEREAS the Ypsilanti Fire Department wishes to donate fifty percent of the proceeds from the sale of these bicycles to the International Association of Fire Fighters Burn Foundation; and

WHEREAS the International Association of Fire Fighters Burn Foundation will benefit burned children as well as benefiting other citizens in the City, and therefore provides a service to the public and specifically to the city generally; and
WHEREAS The Ypsilanti Fire Department would like to use fifty percent of the proceeds from the sale of these bicycles to buy fire department equipment; and
WHEREAS the use of fire equipment by the Ypsilanti Fire Department serves a public purpose.

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

COUNCIL PROPOSED BUSINESS

Council Member Nickels- I read in the City Council Packet that some of our old Minutes will be moved to The Iron Mountain Facility. Where is Iron Mountain located?

City Clerk, Robert Slone- Iron Mountain, is a local storage area located on Carpenter Road, that is climate controlled. Personnel started sending some of their records over a few months ago and other departments has followed. The documents can be returned back to us within a days notice.

Council Member Nickels- I did meet with Congressperson Dingell this morning about the possibility of a World War II Memorial in Ypsilanti. He has several approaches he could take in Washington D.C. He is very excited about representing this area and getting to know the Ypsilanti City Council. He is planning on a western office in Ypsilanti or Ann Arbor.

Council Member Richardson- John Dingell, is currently looking for office space for two people, preferably in Downtown Ypsilanti.

Council Member Gawlas- I have a couple of question regarding the transportation transition? Are they advocating the elimination of major local and street category for cities and villages under Act 51? Would this allow us to do things differently and how will it impact us? Also, is there a formal agreement between Fannie Mae, Home Choice Program and the City of Ypsilanti?

City Manager Koryzno- The elimination of major and local street designation would allow the city to mix the funds and spend the funds where the City Council deems in the best interest of the city. This change would be beneficial to the city. Currently, I am not aware of any agreements with Fannie Mae and the City of Ypsilanti.

Mayor Pro-Tem Swanson- I would like to thank Council Member Gawlas, for giving us more in depth instructions on how to get back into our email, however I am still experiencing difficulty getting into the system. Maybe those who need your service could set up some time to learn how to get into the email system.

Council Member Schulze- Council Members Nickels and Richardson and I will be working on an educational piece that will be available for people coming to Council. It will be very important for us to know how to operate email.

Mayor Pro-Tem Swanson- I am so relieved that we finally finished our Audience Participation Resolution. Change is an upset to people and I think what we need to do is notify the public that we switched from five to three minutes. If citizens could please write their concerns down on a card to insure they do not use up all of their time. We certainly don't want anyone disappointed or upset.

LIASION REPORT

Council Member Richardson- The Ypsilanti Foundation is in the process of awarding our first set of grants.

COMMUNICATION FROM THE CITY MANAGER

At the last Council Meeting, Council Member Richardson, expressed concern about houses built on Monroe Street and whether they meet the lot size requirements. There is a memo in your folder in regards to the standards that were followed for the construction of homes. The Monroe Street homes do comply with the zoning requirements of R1.

December 9, 2002, the City of Ypsilanti will be covering the meters in the Downtown area for the holiday shopping season. Also, I expressed to Senator Smith, on behalf of the Council, our concern with the 2000/2001 Fiscal Year. The City of Ypsilanti has been reduced approximately by one and a half million dollars in State Shared Revenue.

COMMUNICATION FROM THE MAYOR

Resolution No #2002-249 Offered by Mayor Pro-Tem Swanson supported by Council Member Nickles to adjourn the meeting.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following individuals be appointed to the Board of Review to fill unexpired terms and for new two- (2) year terms:

BOARD OF REVIEW

TERM TO EXPIRE

Charles R. Wallgren (unexpired term of Pam Hamblin)
470 Douglas (new term)
Ypsilanti, MI 48197

12/31/02
12/31/04

Theodore R. Wickerling (unexpired term of John Trojanowski)
1213 Whittier (new term)
Ypsilanti, MI 48197

12/31/02
12/31/04

Mayor Farmer stated that the ad for the Ypsilanti Orchestra had an error in the Program. Council Member LaRue's name was not included. She said she would contact them to include his name.

Washtenaw County, sponsored a Regional Planning Session on Regional Transportation. The discussion included the potential passenger rail service between Ann Arbor and as far west as Chelsea and east to Detroit. Connecting bus service to the rail and possibly to Detroit Metro Airport.

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

Resolution No #2002-250 Offered by Mayor Pro-Tem Swanson supported by Council Member Nickles, to adjourn the meeting.

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

Adjourned at 9:57 p.m.

