

**CHARTER TOWNSHIP OF YPSILANTI
MINUTES OF THE JULY 22, 2013 REGULAR MEETING**

The meeting was called to order by Supervisor Brenda L. Stumbo, at approximately 7:00 p.m. in the Ypsilanti Township Civic Center Board Room, 7200 S. Huron River Drive, Ypsilanti Township. The Pledge of Allegiance was recited and a moment of silent prayer was observed.

Members Present: Supervisor Brenda L. Stumbo, Clerk Karen Lovejoy Roe, Treasurer Larry Doe, Trustees Stan Eldridge, Jean Hall Currie, Mike Martin and Scott Martin

Members Absent: None

Legal Counsel: Wm. Douglas Winters

PUBLIC HEARING

A. 7:00 – REQUEST OF BLUE MAJESTIC, LLC TO CREATE A SPECIAL ASSESSMENT STREET LIGHT DISTRICT IN MAJESTIC LAKE DEVELOPMENT – RESOLUTION NO. 2013-21 (PUBLIC HEARING SET AT THE JUNE 24, 2013 REGULAR MEETING)

The public hearing opened at 7:04 p.m.

Arloa Kaiser, Township Resident said she was glad to hear that additional wiring for possible future set up of security cameras was being included in the Majestic Lake Development.

The public hearing closed at 7:06 p.m.

Clerk Lovejoy Roe read the Resolution into the record.

A motion was made by Clerk Lovejoy Roe, seconded by Trustee Hall Currie to approve Resolution No. 2013-21, Creation of Special Assessment Streetlight District-Majestic Lake Development.

Clerk Lovejoy Roe asked DTE to include additional wiring for future security cameras at the entrance of the subdivision.

Tim Miller, DTE Community Lighting stated he would research the feasibility of the additional wiring and the impact of the cameras on the decorative poles.

Supervisor Stumbo explained the Township had recently begun installing security cameras on existing poles for \$600 cost from DTE for the benefit of the police department.

Jeff Allen, RSD Director stated he was not sure if the decorative lights were high enough for security cameras. He further stated he felt the size of the equipment would destroy the aesthetic value of the decorative lighting.

Manny Kianicky, Blue Matestic LLC Agent said they would be open to making the request part of the Development Agreement and keep it separate from the Special Assessment District.

The motion carried unanimously.

PUBLIC COMMENTS

Keith Jason, Township Resident and Vice Chairperson, Park Commission explained that he lived next to the home on Gattegno that exploded. He publicly thanked Fire

**CHARTER TOWNSHIP OF YPSILANTI
JULY 22, 2013 REGULAR MEETING MINUTES
PAGE 2**

Chief Copeland and his crew for the job they did with the explosion and fire. He also thanked the Sheriff and his crew for maintaining the environment.

Mike Houghton, Ypsilanti Township Firefighter introduced himself as the new Local Firefighters Union President and Mike Helisek, Ypsilanti Township Firefighter as the new Vice-President.

CONSENT AGENDA

- A. MINUTES OF THE JUNE 24, 2013 WORK SESSION AND REGULAR MEETING**
- B. STATEMENTS AND CHECKS FOR JULY 8, 2013 AND JULY 22, 2013**
- C. JUNE 2013 TREASURER REPORT (see attached)**

A motion was made by Clerk Lovejoy Roe, supported by Trustee Eldridge to approve the Consent Agenda. The motion carried unanimously.

SUPERVISOR REPORT

Supervisor Stumbo announced the Jan Hale Playground Adventures dedication was scheduled for 10:00 a.m., Saturday, August 10, 2013 at Ford Heritage Park.

CLERK REPORT

Clerk Lovejoy Roe said the Clerk Report was given at the Work Session.

TRUSTEE REPORT

Trustee Eldridge stated the first draft of the Master Plan would be discussed at Planning Commission meeting on Monday, August 19, 2013 at 6:30 P.M.

ATTORNEY REPORT

Supervisor Stumbo said the Board agreed at the Work Session to add the Environment Maintenance Engineers, Inc. (EME) agreement for the additional asbestos removal to the agenda under Attorney Report.

- 1. REQUEST OF MIKE RADZIK, OCS DIRECTOR TO APPROVE ENTERING INTO A CONTRACT WITH ENVIRONMENTAL MAINTENANCE ENGINEERS (EME) FOR THE REMOVAL OF 36,900 LINEAR FEET OF CAULK CONTAINING ASBESTOS IN LIBERTY SQUARE, IN THE AMOUNT OF \$69,250, CONTINGENT UPON ATTORNEY APPROVAL AND TO AUTHORIZE SIGNING OF THE CONTRACT.**

A motion was made by Clerk Lovejoy Roe, supported by Treasurer Doe to approve the contract between Ypsilanti Township and Environmental Maintenance Engineers (EME) for the removal of 36,900 linear feet of caulk containing asbestos in Liberty Square, in the amount of \$69,250, contingent upon attorney approval and to authorize signing of the contract. The motion carried unanimously.

Supervisor Stumbo stated Dore & Associates was on site and this would complete the asbestos removal at Liberty Square.

UNFINISHED BUSINESS

- 1. REQUEST OF SENSITILE SYSTEMS, LLC, LOCATED AT 1735 HOLMES ROAD IN YPSILANTI TOWNSHIP FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE – RESOLUTION NO. 2013-1 (PUBLIC HEARING HELD AT THE FEBRUARY 25, 2013 REGULAR MEETING)**

Clerk Lovejoy Roe read the Resolution into the record.

A motion was made by Clerk Lovejoy Roe, supported by Treasurer Doe to approve Resolution No. 2013-1, Industrial Facilities Exemption Certificate-Sensitile Systems, LLC (see attached).

Supervisor Stumbo said the Township was glad to have Sensitile Systems located in Ypsilanti Township and looked forward to working with them for future expansion and growth.

The motion carried with seven yes and Trustee Eldridge voting no.

ADDITIONAL ATTORNEY REPORT

Attorney Winters stated DTE representatives agreed to remain at the meeting to discuss marijuana grow operations and help in finding solutions to protect Township residents and first responders that are involved in conducting search warrants at suspected locations. He explained that in order to successfully identify marijuana grow operations, utility providers needed to be part of a Task Force. He said Jeff Castro, YCUA Director had indicated they were willing to assist. Attorney Winters requested DTE provide the Township with a representative to assist in the Task Force.

Tim Miller, DTE Community Lighting acknowledged that similar information had been provided for other areas and the possibility of participating in a task force would be explored.

- 2. 2nd READING RESOLUTION NO. 2013-16, ORDINANCE NO. 2013-429 AMENDING CHAPTER 66, ARTICLE II OF THE YPSILANTI CHARTER TOWNSHIP CODE OF ORDINANCES – DANGEROUS TREES (1ST READING HELD AT THE JUNE 24, 2013 REGULAR MEETING)**

Clerk Lovejoy Roe read the Resolution into the record.

A motion was made by Clerk Lovejoy Roe, supported by Treasurer Doe to approve the 2nd Reading of Resolution No. 2013-16, Ordinance No. 2013-429 Amending Chapter 66, Article II of the Ypsilanti Charter Township Code of Ordinances – Dangerous Trees (see attached). The motion carried as follows:

Eldridge:	Yes	S. Martin:	Yes	Hall Currie:	Yes	M. Martin:	Yes
Doe:	Yes	Lovejoy Roe:	Yes	Stumbo:	Yes		

- 3. 2ND READING RESOLUTION NO. 2013-19, ORDINANCE NO. 2013-430, AMENDING CHAPTER 42 ENTITLED “FIREWORKS” OF THE YPSILANTI CHARTER TOWNSHIP CODE OF ORDINANCES (1ST READING HELD AT THE JUNE 24, 2013 REGULAR MEETING)**

Clerk Lovejoy Roe read the Resolution into the record.

A motion was made by Clerk Lovejoy Roe, supported by Trustee Hall Currie to approve the 2nd Reading of Resolution No. 2013-19, Ordinance No. 2013-430, Amending Chapter 42 entitled "Fireworks" of the Ypsilanti Charter Township Code of Ordinances (see attached). The motion carried as follows:

**Eldridge: Yes S. Martin: Yes Hall Currie: Yes M. Martin: Yes
Doe: Yes Lovejoy Roe: Yes Stumbo: Yes**

- 4. 2ND READING RESOLUTION NO. 2013-20, ORDINANCE NO. 2013-431, AMENDING CHAPTER 48 OF THE YPSILANTI CHARTER TOWNSHIP CODE OF ORDINANCES ENTITLED PROPERTY MAINTENANCE, ADOPTING 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE (1ST READING HELD AT THE JUNE 24, 2013 REGULAR MEETING)**

Clerk Lovejoy Roe read the Resolution into the record.

A motion was made by Clerk Lovejoy Roe, supported by Trustee Scott Martin to approve the 2nd Reading of Resolution No. 2013-20, Ordinance No. 2013-431, Amending Chapter 48 of the Ypsilanti Charter Township Code of Ordinances entitled Property Maintenance, adopting 2012 International Property Maintenance Code (see attached). The motion carried as follows:

**Eldridge: Yes S. Martin: Yes Hall Currie: Yes M. Martin: Yes
Doe: Yes Lovejoy Roe: Yes Stumbo: Yes**

NEW BUSINESS

- 1. REQUEST OF MIKE RADZIK, OCS DIRECTOR TO AUTHORIZE LEGAL ACTION, IF NECESSARY, IN WASHTENAW COUNTY CIRCUIT COURT TO ABATE A HAZARDOUS MATERIALS SPILL, ZONING VIOLATIONS AND PUBLIC NUISANCE LOCATED AT 3105 EAST MICHIGAN AVE. PER ADMINISTRATIVE APPROVAL GRANTED ON JULY 8, 2013, BUDGETED IN LINE ITEM #101.950.000.801.023**

A motion was made by Clerk Lovejoy Roe, supported by Trustee Eldridge to formally authorize legal action, if necessary, in Washtenaw County Circuit Court to abate a hazardous materials spill, zoning violations and public nuisance located at 3105 East Michigan Ave. per the administrative approval granted on July 8, 2013, budgeted in line item #101.950.000.801.023. The motion carried unanimously.

AUTHORIZATIONS AND BIDS

- 1. REQUEST OF JEFF ALLEN, RSD DIRECTOR TO AWARD LOW BID FOR FORD LAKE PARK TENNIS COURT RECONSTRUCTION TO S&J ASPHALT IN THE AMOUNT OF \$144,438 WITH \$72,219 BUDGETED IN LINE ITEM #212.970.000.997.001 AND REMAINDER PAID WITH DNR GRANT MATCHING FUND**

A motion was made by Treasurer Doe, supported by Trustee Eldridge to award the low bid for Ford Lake Park Tennis Court reconstruction to S&J Asphalt in the amount of \$144,438 with \$72,219 budgeted in line item #212.970.000.997.001 and the remainder paid with DNR Grant Matching Fund. The motion carried unanimously.

2. REQUEST TO AWARD LOW BID FROM HURON SIGNS FOR STREET SWEEPING SIGNS IN THE AMOUNT OF \$1,072.50, BUDGETED IN LINE ITEM #212.212.000.900.000

A motion was made by Clerk Lovejoy Roe, supported by Trustee Hall Currie to award the low bid from Huron Signs for street sweeping signs in the amount of \$1,072.50, budgeted in line item #212.212.000.900.000. The motion carried unanimously.

3. REQUEST TO ACCEPT SEALED BIDS FOR THE SALE OF TOWNSHIP OWNED PROPERTY LOCATED AT 116 S. HARRIS (DISCUSSED AT THE JUNE 24, 2013 WORK SESSION)

A motion was made by Treasurer Doe, supported by Trustee Hall Currie to accept sealed bids for the sale of Township owned property located at 116 S. Harris at the appraised price. The motion carried unanimously.

ADJOURNMENT

A motion was made by Clerk Lovejoy Roe, supported by Treasurer Doe to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at approximately 7:45 p.m.

Respectfully submitted,

Brenda L. Stumbo, Supervisor
Charter Township of Ypsilanti

Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

RESOLUTION NO. 2013-21

AUTHORIZING STREET LIGHTING FOR MAJESTIC LAKE DEVELOPMENT, CONSISTING OF 72 PARCELS AND FOR CREATION OF A SPECIAL ASSESSMENT DISTRICT

WHEREAS, on or about March 19, 2013, the Township Clerk received a petition from the record owners of persons having a vendee's interest as shown by the records in the Washtenaw County Register of Deeds Office or as shown on the tax rolls of the Township, petitioning the Township Board for street lighting for Majestic Lake Subdivision, consisting of 72 parcels, in Ypsilanti Township and for the creation and establishment of a special assessment district for the purpose of defraying said cost of street lighting by special assessments against the property especially benefited; and

WHEREAS, the Township Clerk requested of Detroit Edison, proposed plans describing the street lighting improvement and the location of said improvements with an estimate of said costs; and

WHEREAS, on June 27, 2013, Tim Miller of Detroit Edison Community Lighting Group prepared and submitted proposed plans to install street lighting for Majestic Lake Subdivision, Ypsilanti Township, consisting of 72 parcels, which said plans, included, *inter alia*, the installation of "**Granville LED, 60 Watt Luminaries**," with the cost of said improvements being approximately:

Total Estimate Construction Cost:	\$78,444.79
Total Annual Lamp Charges:	\$ 7,302.18
Total Lamp Charge For Three (3) Years:	\$21,906.55
Contribution Amount:	\$56,538.24

WHEREAS, on July 15, 2013, the Township Clerk received notification from the Township Assessor that the cost of providing street lights for Majestic Lake Subdivision, consisting of 72 parcels, will be **\$101.42** per parcel for street lighting, based on general benefit; and

WHEREAS, the Township Clerk has given notice to each record owner or party in interest in property to be assessed, by first class mail, addressed to the record owner or party in interest at the address shown on the tax records, at least 10 (ten) days before the July 22, 2013 public hearing, setting forth the district affected in said petition, place and purpose of said public hearing to allow any interested person an opportunity to voice any objection which may be offered against creating said district; and

WHEREAS, the Township Clerk has also published in a newspaper of general circulation the time, place and purpose of said public hearing and the district affected thereto; and

WHEREAS, on July 22, 2013, the Charter Township of Ypsilanti held a public hearing to hear any objections which may be offered against creating said special assessment district.

NOW THEREFORE, BE IT RESOLVED, that the Charter Township of Ypsilanti determines that the petition filed by the record owners of **Majestic Lake Subdivision**, consisting of 72 parcels, on March 19, 2013, is sufficient for all purposed set forth pursuant to Act 188 of the Public Acts of 1954, as amended.

BE IT FURTHER RESOLVED, that a special assessment district be created for the purpose of providing street lights for **Majestic Lake Subdivision**, consisting of 72 parcels.

BE IT FURTHER RESOLVED, that the Township Board accepts the plans and estimate of costs as presented by Detroit Edison for Majestic Lake Subdivision, consisting of 72 parcels, which said plans included, *inter alia*, the installation of “**Granville LED, 60 Watt Luminaries**,” will be **\$101.42** per parcel for street lighting, based on general benefit.

BE IT FURTHER RESOLVED, that the Township Supervisor shall make a special assessment upon all the lands and premises contained herein to defray the expenses of lighting said streets.

BE IT FURTHER RESOLVED, that the Township Board shall hereinafter annually determine on or before September 30 of each year, the amount to be assessed in said district for lighting said streets and shall direct the Township Assessor to levy such amounts therein.

BE IT FURTHER RESOLVED, that when the special assessment roll has been prepared and filed in the office of the Township Clerk, before said assessment roll has been confirmed, the Township Board shall appoint a time and place when it will meet, review and hear any objections to the assessment roll.

BE IT FURTHER RESOLVED, that the Township Board shall give notice of said hearing and filing of the assessment roll in the manner prescribed by statute.

I, Karen Lovejoy Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify the above resolution is a true and exact copy of Resolution No. 2013-21 approved by the Charter Township of Ypsilanti, Board of Trustees assembled at a Regular Meeting held on July 22, 3013.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

OFFICE OF THE TREASURER
LARRY J. DOE



MONTHLY TREASURER'S REPORT
JUNE 1, 2013 THROUGH JUNE 30, 2013

Account Name	Beginning Balance	Cash Receipts	Cash Disbursements	Ending Balance
101 - General Fund	4,106,262.05	2,762,449.41	685,186.40	6,183,525.06
101 - Payroll	115,082.73	781,496.52	776,148.07	120,431.18
101 - Willow Run Escrow	141,578.33	29.09	0.00	141,607.42
206 - Fire Department	392,297.56	3,863,118.35	300,691.87	3,954,724.04
208 - Parks Fund	3,318.32	0.02	910.98	2,407.36
212 - Roads/Bike Path/Rec/General Fund	778,484.34	1,143,170.77	5,172.96	1,916,482.15
225 - Environmental Clean-up	444,131.81	3.90	0.00	444,135.71
226 - Environmental Services	1,809,958.34	1,908,002.67	87,394.59	3,630,566.42
230 - Recreation	281,264.80	38,567.15	77,934.11	241,897.84
236 - 14-B District Court	197,021.03	104,816.17	122,337.18	179,500.02
244 - Economic Development	67,149.56	0.59	0.00	67,150.15
248 - Rental Inspections	80,890.15	8,215.73	7,143.39	81,962.49
249 - Building Department Fund	349,335.86	49,786.76	28,738.08	370,384.54
250 - LDFA Tax	305.06	0.00	0.00	305.06
252 - Hydro Station Fund	769,204.02	53,135.83	45,139.03	777,200.82
266 - Law Enforcement Fund	20,606.03	5,672,358.25	576,112.76	5,116,851.52
280 - State Grants	18,375.57	0.16	0.00	18,375.73
301 - General Obligation	210,182.99	23.86	0.00	210,206.85
396 - Series "A" Bond Payments	6,951.64	0.06	112.50	6,839.20
397 - Series "B" Cap. Cost of Funds	44,026.40	0.34	5,272.27	38,754.47
398 - LDFA 2006 Bonds	119,210.23	1.05	0.00	119,211.28
498 - Capital Improvement 2006 Bond Fund	335,452.80	68.93	0.00	335,521.73
584 - Green Oaks Golf Course	185,649.62	87,356.20	66,795.29	206,210.53
590 - Compost Site	1,310,351.82	72,043.31	20,846.53	1,361,548.60
595 - Motor Pool	389,487.26	23,821.37	26,352.75	386,955.88
701 - General Tax Collection	89,972.64	14,011.26	6,913.30	97,070.60
703 - Current Tax Collections	14,322,146.62	2,395.56	14,258,092.05	66,450.13
707 - Bonds & Escrow/GreenTop	832,897.43	20,653.35	31,799.41	821,751.37
708 - Fire Withholding Bonds	23,047.79	22,971.13	0.00	46,018.92
893 - Nuisance Abatement Fund	59,290.39	33,577.20	14,686.91	78,180.68
ABN AMRO Series "B" Debt Red. Cap.Int.	27,036.96	0.00	0.00	27,036.96
Comerica Series B Bond	1,396.60	0.11	25.00	1,371.71
GRAND TOTAL	27,532,366.75	16,662,075.10	17,143,805.43	27,050,636.42

Charter Township of Ypsilanti

Resolution No. 2013-1

WHEREAS, on July 21, 2009, the Ypsilanti Township Board established an Industrial Development District pursuant to Public Act 198, Act of 1974; and

WHEREAS, on January 15, 2013, **Sensitile Systems, LLC** submitted an application for an Industrial Facilities Exemption Certificate regarding property within the Industrial Development District; and

WHEREAS, said application is as provided in Section 5(1) of said Act 198 and filed in the form and manner prescribed by the State Tax Commission; and

WHEREAS, all provisions of Section 9(1) of said Act 198 are complied with by said application and other matters investigated and considered by this Board; and

WHEREAS, the legislative body of each governmental unit which levies ad valorem taxes on said property has been afforded an opportunity to be heard on this matter at a public hearing held on the 25th day of February, 2013; and

WHEREAS, this Board approves the purpose behind the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, said Act 198 has been amended to allow local governments to enter into written agreements approving applications for Industrial Facilities Exemption Certificates; and

WHEREAS, the Industrial Facilities Exemption Certificate in an amount exceeding the 5% limitation found in Section 9(1) of Act 198 shall not have the effect when considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force of substantially impeding the operation of local government or impairing the financial soundness of any unit of local government or any affected taxing unit.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Ypsilanti Township Board approves the application of **Sensitile Systems, LLC** for an Industrial Facilities Exemption Certificate in the amount of **\$293,956** for the 12 year period, as requested, on the condition that **Sensitile Systems, LLC** enter into a written agreement with the Township,

subject to approval by the Township attorney, that will insure that the objectives of Act 198 are met as it pertains to retention/creation of jobs, and furthermore provide 100% reimbursement to the taxing units affected by said abatement of all tax dollars saved as a result of said abatement if, for any reason, during the time period approved for said abatement, the tax abatement certificate is revoked, canceled or relinquished.

2. The Board finds that this Industrial Facilities Exemption Certificate, together with the aggregate amount of industrial facilities exemption certificates previously granted and currently in force in an amount exceeding the 5% limitation found in Section 9(1) of Act 198, shall not have the effect of substantially impeding the operation of the Charter Township of Ypsilanti or impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the Charter Township of Ypsilanti in which the facility is located.
3. The Township Clerk is hereby directed to forward a copy of the application of **Sensitile Systems, LLC** for the Industrial Facilities Exemption Certificate, together with a true copy of this Resolution approving same, to the State Tax Commission of the State of Michigan for appropriate action.

I, Karen Lovejoy Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify the above resolution is a true and exact copy of Resolution No. 2013-1 approved by the Charter Township of Ypsilanti, Board of Trustees assembled at a Regular Meeting held on July 22, 2013.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

AGREEMENT BETWEEN

CHARTER TOWNSHIP OF YPSILANTI AND

ENVIRONMENTAL MAINTENANCE ENGINEERS, INC.

FOR ASBESTOS REMEDIATION OF 123 TOWNHOMES

WHICH ARE HOUSED WITHIN SEPARATE BUILDINGS

LOCATED IN THE HOUSING COMPLEX COMMONLY

REFERRED TO AS THE LIBERTY SQUARE TOWNHOMES

WHICH WAS MANAGED AND OPERATED BY THE

“GROVE PARK HOME IMPROVEMENT ASSOCIATION”

IN YPSILANTI TOWNSHIP, WASHTENAW COUNTY,

PURSUANT TO THE ORDER ENTERED BY

WASHTENAW COUNTY CIRCUIT COURT JUDGE

DONALD E. SHELTON ON AUGUST 19, 2011

WHICH WAS UPHeld BY THE STATE OF MICHIGAN

COURT OF APPEALS IN AN UNPUBLISHED OPINION

DATED MARCH 26, 2013

WHEREAS the **Charter Township of Ypsilanti** is a Municipal Corporation whose address is 7200 South Huron River Drive, Ypsilanti, MI 48197 (hereinafter referred to as "**Township**"); and

WHEREAS on **August 19, 2011** Washtenaw County Circuit Court Judge Donald E. Shelton entered the "**Opinion and Order**" which *inter alia* declared ". . . **the 17 structures housing 151 townhome units at the Grove Park Homes/Liberty Square complex to be a public nuisance.**" The **August 19, 2011** Order entered by Judge Shelton further ". . . **Ordered and Adjudged that the public nuisance shall be abated by demolition of all existing structures at Grove Park Homes/Liberty Square,**" and

WHEREAS the **August 19, 2011** Order entered by Judge Shelton also ordered Ypsilanti Township to ". . . **demolish the 17 buildings and secure the property. The expense of the demolition may be assessed by the Township against the Grove Park Home Improvement Association and shall become a lien on the underlying property,**" and

WHEREAS the Defendant in the Circuit Court lawsuit referenced by Judge Shelton in his Opinion dated **August 19, 2011** to-wit: **Grove Park Home Improvement Association** filed an appeal of right with the State of Michigan Court of Appeals; and

WHEREAS on **March 26, 2013** a three (3) Judge Panel of the Court of

Appeals issued an Opinion wherein the Appeals Court unanimously upheld the **August 19, 2011** Opinion and Order entered by Judge Shelton; and

WHEREAS the Court of Appeals in its **March 26, 2013** Opinion stated *inter alia* that the “. . . **evidence supported the trial court’s finding that ‘the dilapidated and crumbling conditions at Liberty Square pose a continuing, impending danger to the general public and to the legitimate property or personal rights of persons living or even entering upon the complex’**” , and

WHEREAS the Court of Appeals also stated in its **March 26, 2013** Opinion that the “**Appellants present no argument that the trial court abused its discretion by imposing the equitable remedy of abatement by demolition . . and because Appellants present no argument that demolition is inappropriate in this case, we affirm the trial court’s Order,**” and

WHEREAS, Dore & Associates Contracting Inc. (hereinafter referred to as **Dore & Associates**), is a Michigan domestic profit corporation, whose address is 900 Harry S. Truman Parkway, Bay City, Michigan 48706 was the lowest qualified bidder who submitted a sealed bid dated **July 12, 2012** for the demolition of the **Liberty Square Townhomes** which consists of 151 vacant and separate Townhomes which are housed within 17 separate buildings for a **Total Project Bid** in an amount not to exceed **\$653,840.00** which bid was extended by **Dore & Associates** until such time as the Township received an

executed “**Grant Contract for Demolition Between the Michigan Land Bank Fast Track Authority and the Charter Township of Ypsilanti**” which executed Contract was received by the Township on **June 24, 2013**, and

WHEREAS, on **June 17, 2103 CARDNO ATC** submitted to Ypsilanti Township an updated **Asbestos Inspection Report** addressed to the Township’s Director of Community Standards setting forth in detail additional asbestos remediation that is required to be performed both prior to and during the demolition of the 17 separate buildings located in the Liberty Square Townhomes Complex, and

WHEREAS, after receiving the **June 17th Asbestos Inspection Report** from **CARDNO ATC**, Dore & Associates submitted a Proposal to remove and dispose of all Asbestos Containing Materials identified in the **June 17th Asbestos Inspection Report** in an amount not to exceed **\$58,200.00** which Proposal was approved by the Township Board at its regular meeting held on Monday, **June 24, 2013** and executed by Township Supervisor **Brenda L. Stumbo** and Clerk **Karen Lovejoy Roe** respectively on **June 25, 2013**.

WHEREAS, Dore & Associates’ agreement to remove all of the asbestos containing materials from the 17 separate buildings located in the **Liberty Square Townhomes** Complex did not include the removal of all asbestos caulk from 123 of the 151 Townhomes, and

WHEREAS, the Township's Office of Community Standards solicited two proposals for the asbestos remediation of the remaining 123 Townhome units which scope of work includes but is not limited to the removal of approximately 300 linear feet of asbestos caulk from the 123 Townhome units, and

WHEREAS, Environmental Maintenance Engineers, Inc. (hereinafter referred to as **EME**), is a Michigan domestic profit corporation, whose address is 25851 Trowbridge Street, Inkster, MI 48141 was the lowest qualified bidder who submitted a proposal dated **July 22, 2013** for the asbestos remediation of the remaining 123 Townhome units which scope of work includes but is not limited to the removal of approximately 300 linear feet of asbestos caulk from the 123 Townhome units which will be identified by Building Number by the Township's Office of Community Standards which proposal was approved by the Township Board at its regular meeting held on Monday, **July 22, 2013** and executed by Township Supervisor **Brenda L. Stumbo** and Clerk **Karen Lovejoy Roe** on Tuesday, **July 23, 2013**, and

NOW THEREFORE, in consideration of the premises and mutual covenants of the parties described in this **Agreement, It Is Hereby Agreed as Follows:**

1. **EME** shall provide the necessary labor and equipment needed to perform the asbestos remediation of the remaining 123 Townhome units which scope of work includes but is not limited to the removal of approximately 300

linear feet of asbestos caulk from the 123 Townhome units as set forth in their proposal dated **July 22, 2013** a copy of said proposal being attached hereto and incorporated by reference and labeled Exhibit A in exchange for payment by the **Township** in an amount not to exceed **\$69,250.00**.

2. **EME** shall purchase insurance naming the **Charter Township of Ypsilanti**, and its past, present, and future elected officials, trustees, appointed commissions and boards, agents and employees as “**additional insureds**” on a general liability policy with respect to the services provided under this **Agreement**. This insurance shall remain in continuous effect from the date of this **Agreement** through the inspection, approval and acceptance by the **Township** of the asbestos remediation of the remaining 123 Townhome units which scope of work includes but is not limited to the removal of approximately 300 linear feet of asbestos caulk from the 123 Townhome units pursuant to the attached Exhibit A. A copy of all required **Certificates of Insurance** as required by the Township’s Financial Policy being attached hereto and incorporated by reference and labeled Exhibit B.

3. Once the Township and EME has received the necessary and required authorization from all State agencies that have jurisdiction and oversight of this **Grant Contract** and **Project Scope and Requirements** the Township shall then issue a separate “**Notice to Proceed**” to **EME** to commence with the asbestos remediation of the remaining 123 Townhome units which scope of work

includes but is not limited to the removal of approximately 300 linear feet of asbestos caulk from the 123 Townhome units. Upon receipt from the Township of the **“Notice to Proceed,”** **EME** shall commence forthwith the mobilization of all necessary machinery and equipment, etc. so as to ensure the asbestos remediation of the remaining 123 Townhome units (which scope of work includes but is not limited to the removal of approximately 300 linear feet of asbestos caulk from the 123 Townhome units) is completed within the timelines as set forth in the Grant Contract.

4. **EME** shall purchase the following bonds, all of which shall inure to the benefit of the **Township**, so as to insure **EME** will deliver all materials, equipment and the necessary labor to perform the asbestos remediation of the remaining 123 Townhome units which scope of work includes but is not limited to the removal of approximately 300 linear feet of asbestos caulk from the 123 Townhome units, pursuant to Exhibit C in a workmanlike and professional manner, to wit:

A. Performance Bond

B. Michigan Public Labor and Material/Payment Bond

copies of which are attached hereto and incorporated by reference and labeled Exhibit C.

5. The completion of all asbestos remediation which scope of work includes but is not limited to the removal of approximately 300 linear feet of

asbestos caulk from the 123 Townhome units, and as set forth in Exhibit A shall be subject to the inspection and approval by a designated representative of the **Township** prior to payment as set forth above.

6. Upon the inspection and approval by a designated representative of the **Township, EME** shall then invoice the **Township** for final payment in accordance with their proposal dated **July 22, 2013** in an amount not to exceed **\$69,250.00**.

Brenda L. Stumbo, Supervisor
Charter Township of Ypsilanti

Dated: _____

by: Mike Kelly
Its: President
Environmental Maintenance Engineers, Inc.

Dated: _____

Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

Dated: _____

CHARTER TOWNSHIP OF YPSILANTI

RESOLUTION No. 2013-16 Dangerous Trees

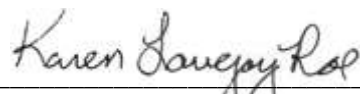
Whereas, Township residents have expressed increasing concern over diseased, damaged and insect infested trees endangering persons and property or adjoining land, and

Whereas, the Township's current ordinance applies only when a tree is a hazard to public property; and

Whereas, amending Chapter 66, Article II to include diseased, damaged or insect infested trees which endanger persons and property on adjoining private land will provide the Township Office of Community Standards the right to require the removal of all dangerous trees.

Now therefore, be it resolved, that Ordinance 2013- 429 is hereby adopted by reference.

I, Karen Lovejoy Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify the above resolution is a true and exact copy of Resolution No. 2013-16 approved by the Charter Township of Ypsilanti, Board of Trustees assembled at a Regular Meeting held on July 22, 3013.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

CHARTER TOWNSHIP OF YPSILANTI

ORDINANCE NO. 2013-429

An Ordinance to Amend Chapter 66,
Article II of the Ypsilanti Charter
Township Code of Ordinances

The Charter Township of Ypsilanti hereby ordains that Chapter 66, Article II of the Ypsilanti Township Code of Ordinances shall be amended as follows:

- I. Delete in its entirety subsection 66-28.
- II. Add the following new provision to subsection 66-28:

No tree or other vegetation which by virtue of disease, damage or insect infestation presents a hazard to persons or property on adjoining land shall be maintained.

Severability

Should any section, subdivision, sentence, clause or phrase of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Publication

This Ordinance shall be published in a newspaper of general circulation as required by law.

Effective date

This Ordinance shall become effective upon publication in a newspaper of general circulation as required by law.

I, Karen Lovejoy Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify adoption of Ordinance No. 2013-429 by the Charter Township of Ypsilanti Board of Trustees assembled at a Regular Meeting held on July 22, 2013 after first being introduced at a Regular Meeting held on June 24, 2013. The motion to approve was made by member Roe and seconded by member Doe Yes: Eldridge, Currie, Scott Martin, Mike Martin, Doe, Roe and Stumbo. NO: None. ABSTAIN: None



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

Published: August 1, 2013

CHARTER TOWNSHIP OF YPSILANTI

RESOLUTION NO. 2013-19
Fireworks

Whereas, in 2012 the Michigan Legislature adopted the Michigan Fireworks Safety Act which banned local governments from adopting ordinances restricting the discharge of consumer fireworks during National Holidays and one day before and one day after each National Holiday; and

Whereas, the Michigan House and Michigan Senate on **June 12, 2013**, passed an amendment to the Michigan Fireworks Safety Act which allows local government to prohibit the discharge of consumer fireworks on National Holidays the day before a National Holiday and the day after a National Holiday (except New Year's Day) from 12 midnight to 8:00 a.m. and on New Year's Day from 1:00 a.m. to 8:00 a.m.;

Whereas, consumer fireworks permitted under Act 256 can cause loud noise when they explode; and

Whereas, the noise caused by the discharge of consumer fireworks is disturbing to many township residents and their pets; and

Whereas, Ordinance No. 2013-430 prohibits the discharge of consumer fireworks during National Holiday periods (except New Year's day) from midnight to 8:00 a.m. and on New Year's day from 1:00 a.m. to 8:00 a.m.;

Now Therefore, be it resolved, that Ordinance No. 2013-430 is hereby adopted by reference.

I, Karen Lovejoy Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify the above resolution is a true and exact copy of Resolution No. 2013-19 approved by the Charter Township of Ypsilanti, Board of Trustees assembled at a Regular Meeting held on July 22, 3013.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

ORDINANCE NO. 2013-430

*An Ordinance to Amend Chapter 42,
Section 210 Entitled "Fireworks" Of the
Ypsilanti Charter Township Code of Ordinances*

The Charter Township of Ypsilanti **Ordains** that the Code of Ordinances Charter Township of Ypsilanti, Chapter 42, Section 210 entitled "Fireworks" is amended as follows:

ADD the following new provision:

Consumer Fireworks Prohibited Hours During National Holiday Periods

A person shall not ignite, discharge or use consumer fireworks within the Township on a national holiday, the day before a national holiday or the day after a national holiday between the hours of 12 midnight and 8:00 a.m. On New Years Day only, the ignition, discharge or use of consumer fireworks is prohibited between 1:00 a.m. and 8:00 a.m.

Severability

Should any section, subsection, sentence, clause or phrase of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

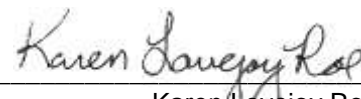
Publication

This Ordinance shall be published in a newspaper of general circulation as required by law.

Effective Date

This Ordinance shall be effective upon publication in a newspaper of general circulation as required by law.

I, Karen Lovejoy Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify adoption of Ordinance No. 2013-430 by the Charter Township of Ypsilanti Board of Trustees assembled at a Regular Meeting held on July 22, 2013 after first being introduced at a Regular Meeting held on June 24, 2013. The motion to approve was made by member Roe and seconded by member Currie Yes: Eldridge, Currie, Scott Martin, Mike Martin, Doe, Roe and Stumbo. NO: None. ABSTAIN: None



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

CHARTER TOWNSHIP OF YPSILANTI

RESOLUTION NO. 2013-20

ADOPTING 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE

Whereas, the *International Property Maintenance Code 2012* establishes minimum regulations governing conditions and maintenance of property, buildings and structures; provides standards which are designed to ensure that structures are safe, sanitary and fit for occupation and use; provides standards for condemnation of buildings and structures unfit for human occupancy and use; and

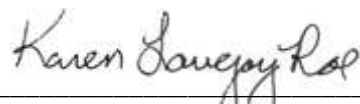
Whereas, the *International Property Maintenance Code 2012* is fully compatible with the *Stille-DeRossett-Hale Single State Construction Code Act of 1972, Act 230 of Public Acts of 1972 as amended*, and the *International Fire Code*; and

Whereas, the Township Board of Trustees recognizes the need for a modern, up-to-date property maintenance code governing the maintenance of existing buildings.

Now Therefore,

Be it resolved, that Ordinance No. 2013-20 is hereby adopted by reference.

I, Karen Lovejoy Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify the above resolution is a true and exact copy of Resolution No. 2013-20 approved by the Charter Township of Ypsilanti, Board of Trustees assembled at a Regular Meeting held on July 22, 2013.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

ORDINANCE NO. 2013-431

*An Ordinance to Amend the Code of Ordinances,
Chapter 48 entitled Property Maintenance
Adopting the 2012 International Property Maintenance Code*

The Charter Township of Ypsilanti **Ordains** that the Code of Ordinances Charter Township of Ypsilanti, Chapter 48 entitled **Property Maintenance** is amended as follows:

DELETE: Sections 48-27 entitled **Adoption** and 48-28 entitled **Additions, Insertions and Changes** in their entirety.

ADD: the following new provisions:

Section A. That a certain document, copies of which are on file in the office of the Ypsilanti Township Clerk, being marked and designated as the **International Property Maintenance Code**, 2012 edition, as published by the International Code Council, Inc., be and is hereby adopted as the **Property Maintenance Code** of the Charter Township of Ypsilanti, in the State of Michigan for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said **Property Maintenance Code** are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes prescribed in Section B of this ordinance.

Section B. The following sections are hereby revised:

Section 101.1. Insert: Charter Township of Ypsilanti

Section 103.5. Insert: As established by the Township Board, by Resolution, from time to time.

Section 106.3. Penalty is deleted in its entirety and replaced with the following new section:

Section 106.3. Penalty. Any person, firm, or corporation who shall violate a provision of this Code, shall be responsible for a municipal civil infraction, as provided in Chapter 40, Article II, of this Code, and shall be subject to a fine as follows:

- (i) the fine for any first violation shall be \$100.00;
- (ii) the fine for any violation which the violator has, within the past two years, been found in violation of once before, shall be \$250.00;
- (iii) the fine for any violation which the violator has, within the past two years, been found in violation of twice before, shall be \$500.00.

Lien upon real estate. The violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having

jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Each day a separate municipal civil infraction. A separate municipal civil infraction shall be deemed committed upon each day during or when a violation occurs or continues.

Section 110.1 General is deleted in its entirety and replaced with the following new section:

110.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy to:

- 1) demolish and remove such structure or at the owner's option to repair the structure so that it is in a safe and sanitary condition fit for human occupancy
- 2) to board up and hold for future repairs for a reasonable period of time to be determined by the code official but not to exceed six months; or
- 3) where there has been a cessation of normal construction of any structure for a period of more than six months after the expiration of the permit, the code official shall order the owner to demolish and remove such structure.

Section 111.1 Application for Appeal is deleted in its entirety and replace with the following new section:

Section 111.1 Application for Appeal. Any persons directly affected by a decision of the code official or any notice or order which has been issued under this Code, or of any rule or regulation adopted pursuant thereto, shall have the right to request and be granted a hearing on the matter before the construction board of appeals established by the township pursuant to Section 14, Stile-DeRossett-Hale Single State Construction Code Act of 1972, Act 230 of Public Acts of 1972, as amended, ("Act"), provided that a written application for appeal is filed within 20 days after the day of the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. The procedures for appeal established by the Act or pursuant to the Act shall govern appeals from this Code.

302.4 Insert: 7 inches

Add the following new subsection as follows:

Section 304.13.3 Boarded windows The owner of a structure may, for a maximum of 30 days, board up a window when the window glass is broken, cracked or missing. After 30 days has expired, the window glass must be replaced with glass or other similar material and the board up material removed.

Section 304.14. Insert the following dates: April 1 to November 1.

Add new section as follows:

Section 304.15.1 Boarded doors. The owner of a structure may, for a maximum of 30 days, board up a door when the door is broken or otherwise rendered inoperable. After 30 days has expired, a replacement door must be installed, and the board up material removed.

Section 304.18.1 Doors is deleted in its entirety.

Add new section as follows:

Section 304.18.4 Common access In multiple dwellings which are offered for rent or lease and where access to individual dwelling or rooming units is provided by means of common hallways and exterior doors, such exterior doors and any windows shall be equipped as follows:

1. All doors shall be self-closing and self-latching and shall not be equipped with any type of hold-open device.
2. All doors shall be equipped with a lock requiring a key or code for entry from the exterior. The lock shall operate without any key, code, tool or other special knowledge or effort from the interior and be of a type that remains locked from the exterior at all times. Electric releases are permitted, and if so equipped, said releases shall be operable at all times. Strike plates shall have protective guards on the exterior side to prevent the lock from being pried open.
3. Common tenant areas such as laundry rooms, storage areas, etc., which are accessed from a common hallway shall have entry doors meeting the requirements of this section.

Section 602.3. Insert: January 1 to December 31.

Section 602.4. Insert: January 1 to December 31.

Add the following new section as follows:

603.7 HVAC Certification Requirement. All gas fired heating equipment shall be serviced and inspected by a licensed mechanical contractor. The mechanical contractor shall provide certification of inspection minimally every 4 years. The certification shall be on a form approved by the Building Official. Inspectors may require cleaning and service more frequently based on observations made during the inspections.

Section 605.2 Receptacles is deleted in its entirety and replaced with the following new section:

605.2 Receptacles Every *habitable space* in a dwelling shall contain an adequate number of receptacle outlets to meet demand.

Add the following new section as follows:

702.4.1 Finished Basements emergency escape and rescue window. If a home constructed since 7/31/01 is found to have a finished basement, an emergency escape and rescue window shall be required. Homes constructed prior to 7/31/01 may have finished basements without an emergency escape and rescue window provided there are no sleeping areas in the basement, and the work was completed prior to 7/31/01. All sleeping areas in a basement shall be provided with an egress window.

Add the following new section as follows:

705 Fire Extinguishers

705.1 Where required. Portable fire extinguishers shall be installed as follows:

1. All dwelling units, which are offered for rent or lease, shall be equipped with a fire extinguisher with a minimum rating of 5ABC and meeting the requirements of the International Fire Code.

2. All common tenant areas in the structure in which said units are located containing laundry equipment for tenant use shall be equipped with a fire extinguisher with a minimum rating of 10ABC and meeting the requirements of the International Fire Code.

705.2 Location. All extinguishers shall be permanently mounted in conspicuous locations where they will be readily accessible and immediately available for use.

Section C. Severability

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

Section D. Effective Date and Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance shall take effect after publication in a newspaper of general circulation as required by law.

I, Karen Lovejoy Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify adoption of Ordinance No. 2013-431 by the Charter Township of Ypsilanti Board of Trustees assembled at a Regular Meeting held on July 22, 2013 after first being introduced at a Regular Meeting held on June 24, 2013. The motion to approve was made by member Roe and seconded by member Scott Martin. Yes: Eldridge, Currie, Scott Martin, Mike Martin, Doe, Roe and Stumbo. NO: None. ABSTAIN: None



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

Published: August 1, 2013