

**CHARTER TOWNSHIP OF YPSILANTI
MINUTES OF THE FEBRUARY 16, 2016 REGULAR MEETING**

Supervisor Stumbo called the meeting to order 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 observed. Supervisor Stumbo asked to remain standing for a remembrance of the Sizemore family and for Dee Sizemore who recently passed away.

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

Members Absent: Trustee Jean Hall Currie

Legal Counsel: Wm. Douglas Winters

PUBLIC COMMENTS

Tyrone Bridges, Township Resident, stated to the Board that his daughter was shot in the hand at a Hookah Bar last week. He stressed to the Board the need to take action to stop this type of behavior at these establishments.

Craig Swenson, Lodi Township Resident, stated he was here representing the Police Chiefs and Fire Chiefs in Washtenaw County to talk about the Emergency Communication Millage which would be on the ballot for Tuesday, March 8, 2016 election. He explained how important it was to continue with updating the communication system in Washtenaw County. He stated that the millage renewal was needed to keep the county 911 communications up to date.

Ms. Kaiser, Township Resident, encouraged residents to call or write the Michigan Public Service Commission to request them to deny the rate increase request from DTE.

Supervisor Stumbo stated the Township did send an email regarding this proposed increase to let the Public Service Commission know we were opposed to these increases.

Monica Ross-Williams, Township Resident, said she was here to support her neighbor Tyrone Bridges and she would like the Township to look into this incident.

Shawn Sinawe, Owner of Encore Hookah Lounge, introduced himself and asked if he would be able to speak later in the meeting. He stated there are issues that he would like to explain regarding Hookah Lounges. Supervisor Stumbo stated that when the proposed resolution was read later in the meeting there would be time for discussion.

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CONSENT AGENDA

MINUTES OF THE FEBRUARY 2, 2016 WORK SESSION AND REGULAR MEETING

A. STATEMENTS AND CHECKS

1. STATEMENTS AND CHECKS FOR FEBRUARY 16, 2016 IN THE AMOUNT OF \$1,068,623.04
2. CHOICE HEALTH CARE DEDUCTIBLE ACH EFT FOR JANUARY 2016 IN THE AMOUNT OF \$45,754.09
3. CHOICE HEALTH CARE ADMIN FEE FOR DECEMBER 2015 IN THE AMOUNT OF \$1,192.50

B. JANUARY 2016 TREASURER'S REPORT

A motion was made by Clerk Lovejoy Roe, supported by Trustee S. Martin to approve the Consent Agenda.

Trustee Eldridge stated that he was concerned with the minutes from 2/2/2016 Board Meeting with the comments about the Trustees missing Board meetings.

Ms. Kaiser, Township Resident, stated that she was not speaking of the Trustees who were at this board meeting but only the one who had not been to Board meetings, specifically Trustee Jean Hall Currie who had not attended a Board Meeting in over a year and still receives her salary as if she was attending. Ms. Kaiser said that it is money that can be spent elsewhere in the Township.

A revised motion was made by Clerk Lovejoy Roe, supported by Trustee S. Martin to approve the Consent Agenda without the minutes of the Board meeting dated 2/2/2016.

The motion carried unanimously.

SUPERVISOR REPORT (see attached)

Supervisor Stumbo added that she along with Washtenaw County Sheriff, Mike Radzik, OCS Director, the Neighborhood Watch Coordinator, and Sgt. Fox had a meeting with the West Willow Neighborhood Association neighbors and the Sugarbrook Neighborhood Watch group which specifically addressed the juvenile issues and concerns within the community. She said some issues were curfew, walking in the street, boom boxes and having the parents responsible for their child. She said the Sheriffs' Department had developed a plan to deal with these issues this year.

Monica Ross-Williams, Township Resident, stated that this was a good plan and hopefully it would prevent problems that she witnessed last year.

TREASURER REPORT: (none given)

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TRUSTEE REPORT (none given)

ATTORNEY REPORT

A. GENERAL LEGAL UPDATE

Attorney Winters stated that he went over it in the Work Session but also said that Mr. Tom Daniels would like to speak regarding Resolution 2016-06 during the meeting.

CLERKS REPORT (see attached)

Clerk Lovejoy Roe stressed that due to projected lines at the poles she would recommend that residents apply for absentee ballots if eligible.

Ms. Kaiser, Township Resident, asked if it was easier now than in the past to receive an absentee ballot. Clerk Lovejoy Roe stated it was the same criteria as in the past.

OLD BUSINESS

- 1. 2ND READING OF RESOLUTION 2016-03, PROPOSED ORDINANCE 2016-458, AMENDING THE CODE OF ORDINANCES CHAPTER 66 ENTITLED VEGETATION (1ST READING HELD AT THE FEBRUARY 2, 2016 REGULAR MEETING)**

A Motion was made by Clerk Lovejoy Roe, supported by Trustee M. Martin to Approve the 2nd Reading of Resolution 2016-03, Proposed Ordinance 2016-458, Amending the Code of Ordinances Chapter 66 VEGETATION (see attached).

The motion carried as follows:

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

- 2. 2ND READING OF RESOLUTION 2016-07, PROPOSED ORDINANCE 2016-461, AMENDING THE CODE OF ORDINANCES CHAPTER 48 ENTITLED VACANT PROPERTIES (1ST READING HELD AT THE FEBRUARY 2, 2016 REGULAR MEETING)**

A Motion was made by Clerk Lovejoy Roe, supported by Treasurer Doe to Approve the 2nd Reading of Resolution 2016-07, Proposed Ordinance 2016-461, Amending the Code of Ordinances Chapter 48 Entitled Vacant Properties (see attached).

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The motion carried as follows:

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

- 3. 2ND READING OF RESOLUTION 2016-08, PROPOSED ORDINANCE 2016-460 AMENDING THE CODE OF ORDINANCES CHAPTER 26 ENTITLED BLIGHT (1ST READING HELD AT THE FEBRUARY 2, 2015 REGULAR MEETING)**

A Motion was made by Clerk Lovejoy Roe, supported Treasurer Doe to Approve the 2nd Reading of Resolution 2016-08, Proposed Ordinance 2016-460 Amending the Code of Ordinances Chapter 26 Entitled Blight (see attached).

The motion carried as follows:

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

NEW BUSINESS

- 1. BUDGET AMENDMENT #3**

A Motion was made by Clerk Lovejoy Roe, supported by Trustee S. Martin to Approve the Budget Amendment #3 (see attached).

The motion carried unanimously.

- 2. 1ST READING OF RESOLUTION 2016-01, PROPOSED ORDINANCE 2016-456 AMENDING THE CODE OF ORDINANCES CHAPTER 22 ENTITLED BUSINESSES TO INCLUDE SMOKING LOUNGE LICENSING AND REGULATIONS**

A Motion was made by Clerk Lovejoy Roe, supported by Trustee M. Martin to Approve the 1st Reading of Resolution 2016-01, Proposed Ordinance 2016-456 Amending the Code of Ordinances Chapter 22 Entitled Businesses to Include Smoking Lounge Licensing and Regulations (see attached).

Joe Lawson, Planning Director, discussed additional items regarding this Ordinance.

Shawn Sinawe, Owner of Encore Hookah Lounge, explained his business model to the board. He stated he was a graduate of Eastern Michigan University and pursuing an MBA at Eastern Michigan University. He said he was a part of the Ypsilanti Community and had a vested interest in Ypsilanti. He explained that he runs his business professionally and would not do anything illegal. He extensively explained the way his Hookah Lounge operates to maintain a safe environment.

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Monica Ross-Williams, Township Resident, stated that she was not speaking of Mr. Sinawes' Lounge but wondered if other Hookah Lounges were portraying that they were a Hookah Lounge when really they were operating as a Club.

Tyrone Bridges, Township Resident, stated that he wouldn't be here if his daughter had been to Mr. Sinawes' establishment. He said he was concerned with the other club type Hookah Lounges when they advertise parties and were not providing a safe atmosphere for the customers.

Trustee S. Martin stated when he looked at how Hookah Lounges advertise they seem to market themselves with a club atmosphere.

Trustee Eldridge questioned Mr. Sinawe whether he would have a problem with cameras inside his establishment. Mr. Sinawes' stated he has cameras in his business currently.

The motion carried as follows:

Eldridge:	Yes	S. Martin:	Yes	Stumbo:	Yes
Lovejoy Roe:	Yes	Doe:	Yes	M. Martin:	Not Present

3. 1ST READING OF RESOLUTION 2016-09, PROPOSED ORDINANCE 2016-462 AMENDING THE TOWNSHIPS ZONING CODE, ORDINANCE 74 ADOPTED MAY 18, 1994, ARTICLE II, SECTION 201 (DEFINITIONS) AND ARTICLE XI (GENERAL BUSINESS DISTRICTS) TO DEFINE SMOKING LOUNGES AND REGULATE THEIR LOCATION

A Motion was made by Clerk Lovejoy Roe, supported by Treasurer Doe to Approve the 1st Reading of Resolution 2016-09, Proposed Ordinance 2016-462 Amending the Townships Zoning Code, Ordinance 74 Adopted May 18, 1994, Article II, Section 201 (Definitions) and Article XI (General Business Districts) to Define Smoking Lounges and Regulate Their Location (see attached).

Trustee Eldridge suggested that this type of business should be put into an IC Zone. He also questioned the shared parking and if we should change that. Joe Lawson, Planning Director, stated they could put smoking businesses in a zoning such as IC zoning only but eliminating shared parking requires an Ordinance Amendment. Trustee Eldridge stated new businesses of this type should be required to have video cameras.

Clerk Lovejoy Roe stated that the issue wouldn't be with the location but whether there were cameras in the business and not being able to charge a cover to get in to stop the club atmosphere. She suggested having a clear definition when dealing with these club type businesses that do not serve alcohol.

Trustee Eldridge stated that he would still like to see these businesses all in the same district and also did not want them to be able to rent them out to a third

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party. He said he still would like the hours reduced and require them to close at 10:00 pm.

Clerk Lovejoy Roe asked Mr. Sinawe if he had to close at 10:00 pm what it would do to his business. Mr. Sinawe stated he would have to close his doors. Mr. Sinawe stressed that the substance the patrons at his establishment smoke is not mind altering its' just tobacco. Mr. Sinawe asked why his business, that does not have alcohol, would be required to close at 10:00 pm when bars stayed open until 2:00 pm.

Trustee M. Martin stated that we are talking about a bar and a lounge like there was a difference. He said that its' like, a Lounge was something exclusive and a bar was where you go and get a drink. Trustee M. Martin stated that tobacco is addictive and tobacco causes cancer. He said he didn't want to get the holier than thou conversation going regarding what was good or bad for you. He said he just wanted to get the job done and felt we had discussed this enough tonight.

Mr. Sinawe apologized for causing the meeting to be long.

Supervisor Stumbo said there was no need to apologize that the board was passing a law and it needed to be discussed. She suggested that Mr. Sinawe meet with Mike Radzik, OCS Director and Joe Lawson, Planning Director and state the changes he would like with the Resolution.

Clerk Lovejoy Roe stated that she is glad Mr. Sinawe had opened a business in the Township and that he was a graduate of EMU. Clerk Lovejoy Roe added that the Washtenaw County Affordability Study said the Township must attract and keep UofM, EMU, and WCC graduates in the Township to improve economic development on the eastern side of Washtenaw County.

The motion carried as follows:

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

4. RESOLUTION 2016-06, AUTHORIZING THE ACCEPTANCE OF THE DONATION OF THE SLOAN PROPERTY AND SIGNING OF THE DONATION AGREEMENT

A Motion was made by Trustee Eldridge, supported by Trustee S. Martin to Approve Resolution 2016-06, Authorizing the Acceptance of the Donation of the Sloan Property and Signing of the Donation Agreement (See Attached)

Attorney Tom Daniels stated that Mr. Sloan shared with him that he has always admired Ypsilanti Township and was very impressed with the Township and the Township Campus. He said Mr. Sloan was pleased he could add this property to the Township Campus. Attorney Daniels stated Mr. Sloan and he had enjoyed

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working with Attorney Winters and they had great respect for the way Mr. Winters had handled Township business. Supervisor Stumbo stressed that the Township appreciates this donation for the township very much and asked Attorney Daniels to please share with Mr. Sloan our deepest gratitude.

Clerk Lovejoy Roe read Resolution 2016-06, Authorizing the Acceptance of the Donation of the Sloan Property and Signing of the Donation Agreement (see attached).

The motion carried unanimously.

5. RESOLUTION 2016-10, CREDIT CARD POLICY

A Motion was made by Clerk Lovejoy Roe, supported by Trustee S. Martin to Approve Resolution 2016-10, Credit Card Policy (see attached).

The motion carried unanimously.

6. RESOLUTION 2016-11, OWNERS DAM SAFETY PROGRAM

A Motion was made by Treasurer Doe, supported Clerk Lovejoy Roe by to Approve Resolution 2016-11, Owners Dam Safety Program (see attached).

The motion carried unanimously.

7. REQUEST OF JEFF ALLEN, RESIDENTIAL SERVICES DIRECTOR TO AMEND THE CONTRACT WITH OHM FOR ADDITIONAL SUPERVISION AND INSPECTIONS FOR EXTENDED AND ADDITIONAL PROJECTS BY ANGLIN CIVIL FOR VETERAN'S DRIVE IN THE AMOUNT OF \$9,000.00 BUDGETED IN LINE ITEM #101-970-000-976-007

A motion was made by Clerk Lovejoy Roe, supported by Trustee S. Martin to Approve the Request of Jeff Allen, Residential Services Director to Amend the Contract with OHM for Additional Supervision and Inspections for Extended and Additional Projects by Anglin Civil for Veteran's Drive in the Amount of \$9,000.00 Budgeted in Line Item #101-970-000-976-007.

The motion carried unanimously.

8. REQUEST OF MIKE RADZIK, OCS DIRECTOR FOR AUTHORIZATION TO SEEK LEGAL ACTION IF NECESSARY TO ABATE PUBLIC NUISANCE FOR PROPERTY LOCATED AT 166 ECORSE RD. IN THE AMOUNT OF \$5,000.00 BUDGETED IN LINE ITEM #101-950-000-801-023

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A motion was made by Treasurer Doe, supported by Trustee M. Martin to Approve the Request of Mike Radzik, OCS Director for Authorization to Seek Legal Action if Necessary to Abate Public Nuisance for Property Located at 166 Ecorse Rd. in the Amount of \$5,000.00 Budgeted in Line Item #101-950-000-801-023.

The motion carried unanimously.

- 9. REQUEST OF JOE LAWSON, PLANNING DIRECTOR TO SET PUBLIC HEARING DATE OF MARCH 15, 2016 AT APPROXIMATELY 7:00PM TO CONSIDER THE CREATION AND INDUSTRIAL DEVELOPMENT DISTRICT (IID) FOR PARCEL #K-1-11-39-350-027 (1879 W. MICHIGAN AVE), K-11-39-350-001 (0 W. MICHIGAN), K-11-39-350-004 (1705 W. MICHIGAN), K-11-39-350-002 (0 W. MICHIGAN), K-11-39-350-005 (1725 W. MICHIGAN), K-11-39-350-006 (1737 W. MICHIGAN), K-11-39-350-009 (1777 W. MICHIGAN), K-11-39-350-010 (1797 W. MICHIGAN), K-11-39-350-011 (1805 W. MICHIGAN)**

A Motion was made by Treasurer Doe, supported by Clerk Lovejoy Roe to Approve the Request of Joe Lawson, Planning Director to set Public Hearing Date of March 15, 2016 at Approximately 7:00PM to Consider the Creation and Industrial Development District (IDD) for Parcel #K-1-11-39-350-027 (1879 W. Michigan Ave), K-11-39-350-001 (0 W. Michigan), K-11-39-350-004 (1705 W. Michigan), K-11-39-350-002 (0 W. Michigan), K-11-39-350-005 (1725 W. Michigan), K-11-39-350-006 (1737 W. Michigan), K-11-39-350-009 (1777 W. Michigan), K-11-39-350-010 (1797 W. Michigan) K-11-39-350-011 (1805 W. Michigan).

The motion carried unanimously.

OTHER BUSINESS

AUTHORIZATION AND BIDS

- 1. REQUEST OF JUSTIN BLAIR, DIRECTOR OF GOLF FOR AUTHORIZATION TO PURCHASE A TORO PROPASS 200 BASE, TOW-TYPE CHASSIS, ELEVEN (11) HP HYDRAULIC POWER PACK AND FINDER KIT FROM SPARTAN DISTRIBUTORS STATE CONTRACT/MIDEAL #071B0200329 IN THE AMOUNT OF \$13,204.86 BUDGETED IN LINE ITEM #584-584-000-971-000**

A Motion was made by Clerk Lovejoy Roe, supported by Treasurer Doe to Approve the Request of Justin Blair, Director of Golf for Authorization to Purchase a Toro Propass 200 Base, Tow-Type Chassis, Eleven (11) HP Hydraulic Power Pack and Finder Kit from Spartan Distributors State Contact/Mideal #071B0200329 in the Amount of \$13,204.86 Budgeted in Line Item #584-584-000-971-000.

The motion carried unanimously.

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- 2. REQUEST OF JUSTIN BLAIR, DIRECTOR OF GOLF FOR AUTHORIZATION TO ADD WINDSHIELDS TO THE GOLF CARTS ON ORDER FROM SPARTAN DISTRIBUTORS AND TO INCREASE THE TOTAL MONTHLY PAYMENT TO \$7,022.07, AN INCREASE OF \$125.80 PER MONTH, AND TO APPROVE THE NEW LEASE AGREEMENT, RESOLUTION AND CERTIFICATE OF INCUMBENCY WITH PNC EQUIPMENT FINANCE, LLC**

A Motion was made by Trustee S. Martin, supported by Trustee Eldridge to Approve the Request of Justin Blair, Director of Golf for Authorization to Add Windshields to the Golf Carts on Order From Spartan Distributors and to Increase the Total Monthly Payment to \$7,022.07, an Increase of \$125.80 per Month, and to Approve the New Lease Agreement, Resolution and Certificate of Incumbency with PNC Equipment Finance, LLC., Contingent upon Attorney approval.

The motion carried unanimously.

- 3. REQUEST OF JEFF ALLEN, RESIDENTIAL SERVICES DIRECTOR TO WAIVE THE FINANCIAL POLICY AND AWARD THE LOW QUOTE FOR DUCTWORK CLEANING OF THE CIVIC CENTER AND 14B COURT TO AMISTEE AIRDUCT CLEANING IN THE AMOUNT OF \$16,524.00 BUDGETED IN LINE ITEM #101-265-000-818-001 AND TO AUTHORIZE SIGNING THE AGREEMENT**

A Motion was made by Clerk Lovejoy Roe, supported by Treasurer Doe to Approve the Request of Jeff Allen, Residential Services Director to Waive the Financial Policy and Award the Low Quote for Ductwork Cleaning of the Civic Center and 14B Court to Amistee Airduct Cleaning in the Amount of \$16,524.00 Budgeted in Line Item #101-265-000-818-001 and to Authorize Signing the Agreement Contingent Upon the Insurance Certificates Reviewed by the Township Attorney.

The motion carried unanimously.

- 4. REQUEST OF JEFF ALLEN, RESIDENTIAL SERVICES DIRECTOR FOR AUTHORIZATION TO PURCHASE A 2016 OR 2017 FORD ESCAPE THROUGH MIDEAL. TO BE SHARED BY THE INFORMATION SYSTEMS DEPARTMENT AND THE CHIEF BUILDING OFFICIAL IN AN AMOUNT NOT TO EXCEED \$22,000.00 BUDGETED IN LINE ITEM #595-595-000-985-000**

A Motion was made by Clerk Lovejoy Roe, supported by Trustee S. Martin to Approve the Request of Jeff Allen, Residential Services Director for Authorization to Purchase a 2016 or 2017 Ford Escape Through Mideal. To be Shared by the Information Systems Department and the Chief Building Official in an Amount Not to Exceed \$22,000.00 Budgeted in Line Item #595-595-000-985-000.

The motion carried unanimously.

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**5. REQUEST OF JOE LAWSON, PLANNING DIRECTOR TO SEEK PROPOSALS
FOR PLANNING CONSULTANT SERVICES**

A Motion was by Treasurer Doe, supported by Trustee S. Martin to Approve the Request of Joe Lawson, Planning Director to Seek Proposals for Planning Consultant Services.

The motion carried unanimously.

A motion was made by Treasurer Doe supported by Trustee Eldridge to adjourn.

The motion carried unanimously.

The meeting was adjourned at approximately 9:07 p.m.

Respectfully Submitted,

Brenda L. Stumbo, Supervisor
Charter Township of Ypsilanti

Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

SUPERVISOR'S REPORT

February 16, 2016

- 1/20/16 Met with Robin Castle-Hine regarding HR updates
- UAW town meeting as a guest of Congresswomen Dingell and had the opportunity to meet President Obama and asked him to remember Willow Run as site for autonomous vehicle research.
- 1/21/16 Attended Washtenaw County Convention & Visitor's Bureau Executive Committee meeting
- 3 FT attended weekly development team meeting with staff and attorney.
- Karen Roe and I met with Debbie Freer from AAATA regarding expanded service in May of this year.
- Attended meeting regarding new credit cards process with full time officials, accounting director, Javonna Neel and Deputy Treasurer, Deb Agdorny.
- Attended Stevens Park NHW meeting
- 1/22/16 Met with Karen Roe, Jeff Allen, Mike Radzik and Javonna Allen regarding MITN Purchasing Group membership for RFPs
- Met with Conan Smith, County Commissioner
- 1/25/16 Attended weekly police meeting
- 1/26/16 Met with Washtenaw Community College Dean Kristin Good regarding WCC's Art Program and potential to have students assist with art and music in Ytown.
- Met with Sheila Pederson of United Way
- Bee City USA conference call was held with Deputy Clerk, Lisa Garrett.
- Attended Sugarbrook NHW meeting
- 1/27/16 Officials, attorney Winters, Chief Copeland and Karen Wallin met to prepare for the mediation on February 1, 2016
- Attended YCUA Board meeting with Treasurer Doe
- Attended Arts Alliance event in Ann Arbor as part of Washtenaw County Convention and Visitors Bureau

1/28/16

Three full time officials and development team met with RACER Trust and MDEQ regarding GM property sale, timeline and updates. The state purchase goal is February for Autonomous Research facility and Testing Grounds.

Conference call with McKinley regarding updates on property development, overall economic conditions for Michigan and rental inspection program.

Hazelette Robinson, township resident and board member of County Committee for Prisoner Re-entry met to discuss their program.

Three full time officials attended meeting with representatives from Regional Transit Authority. We were informed that they will be going out for a millage increase in November of 2016. The board and residents will be updated as we get more details and Clerk Roe is the representative for Township on RTA committee.

Two potential candidates for two vacancies in the fire department were interviewed.

Attended Roundtree NHW meeting

1/29/16

Attended Washtenaw County Convention & Visitor's Bureau Board orientation

Karen Roe and I met with Mary Zucchero and Tony Vanderworp regarding Wayfinding Signage and CTAP grants.

Participated in entry level firefighter interview, HR is in process of back ground check.

2/1/16

Attended mediation in Detroit with Treasurer Doe, Chief Copeland and HR.

Attended weekly police meeting

2/2/16

Javonna Neel, Tammie Keen and I met with Tim Smith & Justin Blair regarding Golf Course budget proposed amendments.

2/3/16

Met with Karen Wallin regarding employee evaluation.

Javonna Neel, Deputy Treasurer and officials met regarding credit card policy that is on the agenda this evening.

Officials met with one of the finalists for the Washtenaw County Executive position who is a township resident.

Attended Westlawn NHW meeting

2/4/16

Attended weekly development team meeting

Larry Doe, Jeff Allen,, Wayne Dudley, Tim Smith, Justin Blair, HR and I met to discuss seasonal employee hours with the new federal restrictions. Employees

can work no more than 6 months at 40 hours or longer than 6 months at 28 hours a week. There are no exceptions for 2016 seasonal hires.

2/5/16 Attended County Economic Development Committee meeting

Met with resident Greg Peoples

Karen Wallin and I met with Mike Radzik to discuss staffing with OCS and need for Building Inspector, rental inspector and plan reviewer.

2/8/16 Officials met with Jeff Allen and HR to discuss employee changes with custodian staff.

Attended weekly police meeting

2/10/16 Karen Roe and I attended Affordable Housing/Equity Leadership Team meeting in Ann Arbor.

Attended Thurston NHW meeting

2/11/16 Attended weekly development team meeting

Attended meeting with two students from University of Michigan master program in Nursing.

Attended Vantage Port Executive Committee special meeting

2/12/16 Attended Washtenaw County Convention and Visitors Bureau Executive Committee meeting

Mike Radzik, Alex Mamo, Tammie Keen and I met with Steve Burgess of Ypsilanti Community Schools regarding the future demolition of Thurston and Kettering elementary schools. They asked if we could be the recipient of a grant if they write the grant for demolition dollars.

Three full time officials participated in conference call with David Williamson to discuss Standard & Poors rating letter and report. Our bond rating is AA-.

2/16/16 Attended Joint Airport Zoning Board meeting with Commissioner Ronnie Peterson.

Attended weekly police meeting

CLERK REPORT

FEBRUARY 16, 2016

Submitted by Karen Lovejoy Roe, Clerk

- **SPLASH PAD**-The Attorney has reviewed the agreement with Vortex to prepare the design for the project. Once Vortex has reviewed the changes with the attorney the agreement will be brought to the township board for a request to proceed. Everyone is still hopeful that we can complete the requirements to move forward with a grant application that has an April 1, 2016 deadline.
- **MARCH 8, 2016 PRESIDENTIAL PRIMARY ELECTION**-The Clerk's office is extremely busy with processing absentee ballot requests and absentee ballot returns. Training is underway, which is including training of over 60 election inspectors and Chairpersons on the changes to the voting process for the Presidential Primary. All voters must indicate in writing the type of ballot they desire. The three choices are a Republican Ballot, a Democratic Ballot or a Ballot without a Presidential Primary (countywide proposal only). Both the Democratic and Republican ballots include the countywide proposal. The Clerk's office is in need of election workers for all the elections in 2016. At the end of 2015 the State Legislature voted to eliminate straight party voting in all future elections. This elimination of the ability to vote straight party will add to the already expected long voting lines in the General Election on November 8, 2016.

AFFORDABLE HOUSING REGIONAL EQUITY LEADERSHIP GROUP MEETING- A meeting of the Regional Equity Leadership Group was held on February 10, 2016 at 200 N. Main in Ann Arbor. Supervisor Stumbo and Clerk Lovejoy Roe attended this meeting on behalf of Ypsilanti Township. The group reviewed the 2016 Equity Housing first Annual Report. There was a lot of discussion about the establishment of working groups to focus on demand side solutions; and one focused on supply-side solutions to reaching the goals of the Affordable Housing Study and the Leadership Group.

REGIONAL TRANSPORTATION AUTHORITY- Clerk Lovejoy Roe attended a Joint Policy/Technical Committee Meeting on Wednesday, February 10, 2016. The focus was on BEST: Michigan Avenue. The focus is on studying the alternatives to move people through public transportation, both commuter rail and Bus Rapid Transit (BRT) from the western edge of Washtenaw County all the way to Detroit, via the Michigan Ave corridor. The meeting involved review of very detailed evaluation of both types of transportation systems and alternatives for each type. The information shared included evaluation of many rail station areas, environmental impacts, and capital costs of different service plans and a breakdown of the segments of the system route. The RTA (Regional Transportation Authority) is planning a millage request to support the Regional options on the November, 2016 ballot.

REIMAGINE WASHTENAW-Clerk Lovejoy Roe attended the Reimagine Washtenaw meeting on Tuesday, February 9, 2016. The meeting included a presentation and update on the BEST:Michigan Ave. Corridor Study being conducted by the

Regional Transportation Authority (RTA). The Mid-Block Crossing study for the County Service Center was updated. There was discussion around funding for art at the super stops. Community updates were also provided by MDOT, City of Ypsilanti and Ypsilanti Township.

WASHTENAW URBAN COUNTY EXECUTIVE COMMITTEE MEETING-The Urban County Executive meeting was attended by Clerk Lovejoy Roe on Tuesday, January 26, 2016. A proposed change to the HOME funding was presented that will be voted on at the next meeting that involves Habitat funding. The schedule of meetings was discussed and voted on changing for the remainder of the year. The Priority Proposals were presented and discussed. It was agreed that the Augusta Township proposal would not be considered. The remaining two projects including one submitted from Ypsilanti Township working with Habitat for weatherization projects in the Sugarbrook neighborhood were reviewed. The decision on funding the priority projects will be voted on at the February meeting. There was also an update on the Affordable Housing RFP.

WAYFINDING PROJECT-Supervisor Stumbo and Clerk Lovejoy Roe attended a meeting on Friday, January 29, 2016 regarding the tourism signage project in both the City of Ypsilanti and the Township of Ypsilanti, called Wayfinding, to discuss final proposals for both sign design and locations. The township is planning on using CTAP funds and some township funds, if approved by the township board to contribute to the funding for the Wayfinding Project.

PASSPORTS-The Clerk's office processed over 60 passports for the Eastern Michigan University Athletic Department for football players. The EMU Athletic Department was very grateful that the Clerk's department provided this service to their department and they presented the entire Clerk's staff a small gift of EMU apparel in expression of their gratitude. It was a great effort of cooperation between Ypsilanti Township and EMU that provided service to EMU and the township received the funds for processing the passports. Plans are underway to continue this service to EMU. The number of passports for 2016, even without the EMU passports, is on its way to breaking records. A great amount of staff time is taken up by the issuance of passports.

MML INSURANCE RENEWAL- The Township Clerk's office together with the Residential Services Department has been working and meeting with the representative from MML, our insurance provider to finalize changes and additions to the insurance policy for 2016. The policy is now complete and a representative will be attending a board meeting in the near future to present a dividend check to the township. The rate did go up for 2016, with the additions and a slight overall general rate increase that all communities received.

CHARTER TOWNSHIP OF YPSILANTI

RESOLUTION NO. 2016-03

(In Reference to Ordinance 2016-458
Amending Ordinance 2015-449)

*Amending the Charter Township of Ypsilanti
Code of Ordinances, Chapter 66 entitled Vegetation*

Whereas, the Charter Township of Ypsilanti ("Township") Ordinance 66-31 requires publication in a newspaper during the month of April notifying owners to maintain grass, weeds and other vegetation to a maximum height of less than seven inches (7"); and

Whereas, Ordinance 66-31 establishes an annual deadline of Memorial Day for property owners to cut grass and other vegetation to a height of less than seven inches (7"); and

Whereas, the Township Ordinance 66-32 authorized the Commissioner to enforce the vegetation Ordinance by authorizing an agent to cut grass or noxious weeds of seven inches (7") or more and charge the property owner with the costs of the mowing plus a 15% administrative fee; and

Whereas, the Township's Office of Community Standards' records show that the 15% administrative fee does not cover the actual administrative costs sustained by the Township in processing mowing complaints, mowing inspections, written reports, coordination with contract mowers and billing notices; and

Whereas, amending the Ordinance to permit newspaper publication of the annual mowing notice in April will provide the Township with an additional month to prepare such notices for newspaper publication; and

Whereas, amending the Ordinance to provide that the administrative costs assessed against property owners will be determined by resolution of the Township Board will enable the Township to set an annual administrative fee rate which is directly based on the actual administrative costs sustained by the Township in monitoring and enforcing the seven inch (7") vegetation limit.

Now therefore, be it resolved that Ordinance 2016-458 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. 2016-03 approved by the Charter Township of Ypsilanti, Board of Trustees assembled at a Regular Meeting held on February 16, 2016.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

**CHARTER TOWNSHIP OF YPSILANTI
ORDINANCE NO. 2016-458**

AMENDING ORDINANCE NO. 2015-449

*An Ordinance to Amend the Ypsilanti Charter Township
Code of Ordinances Chapter 66 entitled Vegetation*

The Charter Township of Ypsilanti hereby ordains that the Charter Township of Ypsilanti Code of Ordinances, Chapter 66 entitled Vegetation, is amended as follows:

Delete: *In its entirety, Section 66-31 entitled Grass and weeds* and

Delete: *In its entirety, Section 66-32 entitled Enforcement.*

Add: *The following new provisions to Chapter 66 Vegetation:*

Sec. 66-31. - Grass and weeds.

It shall be the duty of all owners of any residential, developed, subdivided or landscaped areas, including vacant properties that adjoin such areas, to cut or destroy any grass, noxious weeds or other vegetation found growing on such land before it reaches height of seven inches. This provision applies to lands, including fence lines, structural perimeters and landscaped areas. In other areas situated within close proximity to an occupied structure and when deemed necessary to protect the health, safety and welfare of citizens, such vegetation may be maintained at an average height of less than ten inches.

The commissioner may designate natural areas where such vegetation may be permitted to grow in excess of ten inches without causing blight, creating a nuisance or compromising the safe and sanitary maintenance of nearby dwellings, commercial and industrial buildings

Annually, a notice shall be published in a newspaper of general circulation during the month of April indicating that if grass, weeds and other vegetation are not cut or destroyed by Memorial Day and thereafter maintained according to these standards during the growing season, they may be cut or removed by the township and the costs charged against the property as described in section 66-32.

Sec. 66-32. - Enforcement.

If private property or a lawn extension is not maintained as required by this article, the commissioner may have the work done to bring the property or lawn extension into compliance. The notice provided for enforcement of sections other than section 66-31 shall be sent to the address of the owner as shown on the assessor's records at least five days prior to commencing the work. If an immediate hazard to public safety occurs, no prior notice shall be necessary. The actual costs of the work needed to bring property or a lawn extension into compliance, together with an administrative fee as determined by resolution of the Township Board, shall be billed to the owner. If this amount is not paid within 45 days, it shall be a special assessment against the property as provided in this Code. The supervisor shall add such expense to the tax roll on such lands, and such shall become a lien against such lands and be enforced in the same manner as provided by the laws of the state for general property taxes.

Severability

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

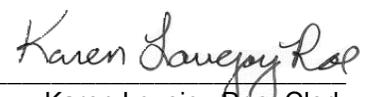
Effective Date and Repeal of Conflicting Ordinances

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

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

Secs. 66.34 – 66.60 - Reserved

I, Karen Lovejoy Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify adoption of Ordinance No. 2015-458 by the Charter Township of Ypsilanti Board of Trustees assembled at a Regular Meeting held on February 16, 2016 after first being introduced at a Regular Meeting held on February 2, 2016. The motion to approve was made by member Roe and seconded by member S. Martin. Yes: Mike Martin, Eldridge, Scott Martin, Stumbo, Roe, Doe. ABSENT: Currie NO: None. ABSTAIN: None.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

RESOLUTION 2016 – 07
(In Reference to Ordinance 2016-461)

*To Amend Chapter 48 Article IV of the
Ypsilanti Charter Township Code of Ordinances
Regarding Vacant Property Registration*

Whereas, the Township Board's intent in adopting the Vacant Property Ordinance was to include vacant property that is offered for sale; and

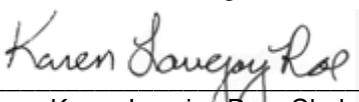
Whereas, the definition of vacant property has been construed to exempt vacant property that is offered for sale; and

Whereas, Ordinance 2016-461 amends the definition of vacant property to specifically include vacant property offered for sale as property which is within the meaning of the term vacant property and subject to the requirements of the Vacant Property Ordinance Section 48-81 et. seq.

Now Therefore,

Be it resolved, that Ordinance No. 2016-461 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. 2016-07 approved by the Charter Township of Ypsilanti, Board of Trustees assembled at a Regular Meeting held on February 16, 2016.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

**CHARTER TOWNSHIP OF YPSILANTI
ORDINANCE NO. 2016-461**

*An Ordinance to Amend Chapter 48 Article IV of the
Ypsilanti Charter Township Code of Ordinances
Regarding Vacant Property Registration*

The Charter Township of Ypsilanti hereby ordains that the Ypsilanti Township Code of Ordinances is amended as follows:

Article IV of Chapter 48 entitled Property Maintenance Section 48-82 "Definitions" is amended as follows:

Sec. 48-82. - Definitions.

As used in this article:

Code compliance certificate means an annual certificate issued by the township office of community standards that the structure is in compliance with all applicable state law and township code requirements, including the township's property maintenance code.

Owner means any person or entity with legal or equitable ownership or possessory interest in any residential, commercial or industrial structure. The owner shall include, but not be limited to, a bank, credit union, trustee, financial institution or trust which is in possession (in whole or in part) of the real property, foreclosing a lien or mortgage interest in the affected property, but may or may not have legal or equitable title.

Vacant property means a residential, commercial, or industrial structure that remains unoccupied for a period in excess of 30 days. Vacant property does not mean property that is temporarily unoccupied while the residents are away on vacation, tending to personal matters or business. Property which is unoccupied in excess of 30 days and offered for sale constitutes vacant property and is not exempt from the requirements of this article.

Severability

Should any action, 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. 2015-458 by the Charter Township of Ypsilanti Board of Trustees assembled at a Regular Meeting held on February 16, 2016 after first being introduced at a Regular Meeting held on February 2, 2016. The motion to approve was made by member Roe and seconded by member Doe. Yes: Mike Martin, Eldridge, Scott Martin, Stumbo, Roe, Doe ABSENT: Currie NO: None. ABSTAIN: None.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

CHARTER TOWNSHIP OF YPSILANTI

RESOLUTION NO. 2016-08

(In Reference to Ordinance 2016-460)

*Amending the Charter Township of Ypsilanti
Code of Ordinances, Chapter 26 Regarding Blight*

Whereas, the Charter Township of Ypsilanti Ordinance No. 2016-460 amends section 26-28 of the Charter Township of Ypsilanti Code; and

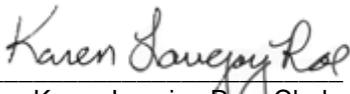
Whereas, the amendment prohibits the outdoor storage of building materials within a fenced area unless a valid building permit for the site is issued by the Township; and

Whereas, the outdoor storage of building materials for unlimited amounts of time in a non-construction site is unsightly and detracts from the overall appearance of the property and properties nearby; and

Whereas, the outdoor storage of building materials in non-construction sites is contrary to the goals of maintaining a clean and attractive community.

Now therefore, be it resolved, that the Charter Township of Ypsilanti Board of Trustees hereby adopts Ordinance 2016-460.

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. 2016-08 approved by the Charter Township of Ypsilanti, Board of Trustees assembled at a Regular Meeting held on February 16, 2016.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

Charter Township of Ypsilanti Ordinance No. 2016-460

An Ordinance to amend Chapter 26 Article II of the Ypsilanti Charter Township Code of Ordinances Regarding Blight

The Charter Township of Ypsilanti hereby ordains that the Ypsilanti Township Code of Ordinances is amended as follows:

Article II of Chapter 26 entitled Environment, Section 26-28 "Blight" is amended as follows:

Sec. 26-28. - Causes of blight or blighting factors enumerated.

It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blight and undesirable neighborhoods:

- (1) The storage on any property of building materials, unless there is in force a valid building permit issued by the township for construction upon such property and such materials are intended for use in connection with such construction or unless the storage of building materials is otherwise permitted as a principal or accessory use under township Ordinance No. 74 (Appendix A of this Code). Building materials shall include, but shall not be limited to, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.
- (2) The storage or accumulation of litter, junk, trash, rubbish, refuse, waste materials, garbage, offal, paper, glass, cans, bottles, debris or other foreign substances of every kind and description, except as such may be stored as provided under the rules and regulations of this Code. The term "junk" shall include parts of machinery or motor vehicles; unused appliances stored in the open; and remnants of wood, metal or any other cast-off materials of any kind, whether or not the same could be put to any reasonable use.
- (3) The existence of any structure or part of such structure which, because of fire, wind or other natural disaster or physical deterioration, is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended or lawfully used.
- (4) The existence of any vacant dwelling, garage or other accessory building, unless the same is securely locked, with windows intact or neatly boarded up, and otherwise protected to prevent entrance thereto by unauthorized persons.
- (5) The existence of any partially completed structure, unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by the township and unless such construction is completed within the time specified by existing ordinances.
- (6) The parking, storage or placing upon any public right-of-way, public property or private property within the township of any truck, road tractor, semitrailer, poletrailer, bus, or trailer coach for a period in excess of 48 hours, unless the same is wholly contained in a fully enclosed building.

Severability

Should any action, 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. 2015-458 by the Charter Township of Ypsilanti Board of Trustees assembled at a Regular Meeting held on February 16, 2016 after first being introduced at a Regular Meeting held on February 2, 2016. The motion to approve was made by member Roe and seconded by member S. Martin. Yes: Mike Martin, Eldridge, Scott Martin, Stumbo, Roe, Doe. ABSENT: Currie NO: None. ABSTAIN: None.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

Published: Monday, March 14, 2016

**CHARTER TOWNSHIP OF YPSILANTI
2016 BUDGET AMENDMENT #3**

February 16, 2016

101 - GENERAL OPERATIONS FUND

Total Increase \$116,524.00

Increase budget and re-budget for the Veteran's Drive project approved in 2015 by \$100,000. The final work for Veteran's Drive to be completed as weather permits. Since the project will continue longer, OHM our engineer & planning advisors, will need additional fees to close out the project. This will also include the new signage for the property. This is funded by an Appropriation of Prior Year Fund Balance.

Revenues:	Prior Year Fund Balance	101-000-000-699.000	\$100,000.00
			<u>\$100,000.00</u>
		Net Revenues	<u>\$100,000.00</u>
Expenditures:	Capital Outlay - Veteran's Drive Project	101-970-000-976.007	\$100,000.00
			<u>\$100,000.00</u>
		Net Expenditures	<u>\$100,000.00</u>

Increase budget for duct cleaning work to be done on the Civic Center and 14B District Court by the lowest quote received from Amistee Air Duct Cleaning. This will be funded by a transfer of funds into the General Fund from the 14B District Court.

Revenues:	Transfer in From 14B Court	101-000-000-697.236	\$16,524.00
			<u>\$16,524.00</u>
		Net Revenues	<u>\$16,524.00</u>
Expenditures:	Contractual Services	101-265-000-818.001	\$16,524.00
			<u>\$16,524.00</u>
		Net Expenditures	<u>\$16,524.00</u>

206 - FIRE FUND

Total Increase \$65,134.00

Increase budget for payouts of accumulated time and mediation settlement for 1 firefighter leaving our service. This will be funded by an Appropriation for Prior Year Fund Balance.

Revenues:	Prior Year Fund Balance	206-000-000-699.000	\$47,432.00
			<u>\$47,432.00</u>
		Net Revenues	<u>\$47,432.00</u>
Expenditures:	Salaries Pay Out PTO & Sick time	206-206-000-708.004	\$47,432.00
			<u>\$47,432.00</u>
		Net Expenditures	<u>\$47,432.00</u>

Increase budget for payouts of accumulated compensation and banked vacation time for 1 firefighters who is retiring and entering the Drop Program in March of 2016. This will be funded by an Appropriation for Prior Year Fund Balance.

Revenues:	Prior Year Fund Balance	206-000-000-699.000	\$17,702.00
			<u>\$17,702.00</u>
		Net Revenues	<u>\$17,702.00</u>
Expenditures:	Salaries Pay Our Retirees	206-206-000-708.005	\$17,702.00
			<u>\$17,702.00</u>
		Net Expenditures	<u>\$17,702.00</u>

**CHARTER TOWNSHIP OF YPSILANTI
2016 BUDGET AMENDMENT #3**

February 16, 2016

236 - 14B DISTRICT COURT FUND

Total Increase **\$16,524.00**

Increase budget and approve transfer of funds to the General Fund to pay for air duct cleaning services. Ususally we would split the service, but the last time the ducts were cleaned at the Civic Center and the Court it was paid completely by the General Fund. This will be funded by an Appropriation of Prior Year Fund Balance.

Revenues:	Prior Year Fund Balance	236-000-000-699.000	\$16,524.00
			<u>\$16,524.00</u>
		Net Revenues	<u><u>\$16,524.00</u></u>
Expenditures:	Transfer to General Fund	236-136-000-969.101	\$16,524.00
			<u>\$16,524.00</u>
		Net Expenditures	<u><u>\$16,524.00</u></u>

584 - GOLF COURSE FUND

Total Increase **\$33,205.00**

Increase budget and approve new line items for the revenue line "Sale of Food & Beverage" and the expenditure line "Cost of Sales Food & Beverage". We would like to keep tract of the food and beverage separate from the pro shop merchandise. We anticipate growth in sales for food and beverage. This will be funded by a combination of a line transfer and an Appropriation of Prior Year Fund Balance.

Revenues:	Prior Year Fund Balance	584-000-000-699.000	\$9,000.00
	Sales Merchandise Pro Shop	584-000-000-650.000	(\$24,000.00)
	Sales Food & Beverage	584-000-000-650.005	\$35,000.00
			<u>\$20,000.00</u>
		Net Revenues	<u><u>\$20,000.00</u></u>
Expenditures:	Cost of Sales Food & Beverage	584-584-000-757.008	\$20,000.00
			<u>\$20,000.00</u>
		Net Expenditures	<u><u>\$20,000.00</u></u>

Increase budget for the purchase of a new Toro Pro Pass 200 Mower with extra package from Spartan Distributors, an approved vendor with MiDeal, in the amount of \$13,205. This will be funded by an Appropriation of Prior Year Fund Balance.

Revenues:	Prior Year Fund Balance	584-000-000-699.000	\$13,205.00
			<u>\$13,205.00</u>
		Net Revenues	<u><u>\$13,205.00</u></u>
Expenditures:	Capital Outlay - Other	584-584-000-971.000	\$13,205.00
			<u>\$13,205.00</u>
		Net Expenditures	<u><u>\$13,205.00</u></u>

Budgetary Line Items Transfers - Golf Course update 2016 Budget meeting on 2-2-16 with the Supervisor, Accounting Director, Golf Pro Manager, and the Grounds Keeper lead to the follow budget line transfers. Even though it has been resolved that the Township Supervisor is authorized to approve transfers of budgetary funds within a cost center in consultation with the Department Director and/or the Accounting Director we thought it appropriate to notify the Board of the numerous changes. These line transfers result in a zero net effect to the total budget.

Decreases	Operating Supplies Pro Shop	584-584-000-757.002	(\$500.00)
	Cost of Sales Pro Shop Merchandise	584-584-000-757.007	(\$5,000.00)
	Contractual Services	584-584-000-818.000	(\$2,000.00)
	Gas & Oil Other Equip	584-584-000-867.100	(\$3,000.00)
			<u>(\$10,500.00)</u>
		Net Decrease	<u><u>(\$10,500.00)</u></u>
Increases	Wages Temp Maintenance	584-584-000-707.001	\$3,000.00
	Seed Planting Chemicals	584-584-000-783-002	\$3,000.00
	Seed Planting Soil	584-584-000-783.003	\$2,500.00
	Tree Maintenance	584-584-000-784.004	\$1,500.00
	Professional Services	584-584-000-801.000	\$500.00
			<u>\$10,500.00</u>
		Net Increase	<u><u>\$10,500.00</u></u>

Motion to Amend the 2016 Budget (#3):

Move to increase the General Fund budget by \$116,524 to \$8,797,978 and approve the department line item changes as outlined.

Move to increase the Fire Fund budget by \$65,134 to \$5,234,679 and approve the department line item changes as outlined.

Move to increase the 14B District Court Fund by \$16,524 to \$1,459,845 and approve the department line item changes as outlined.

Move to increase the Golf Course Fund budget by \$33,205 to \$681,791 and approve the department line item changes as outlined.

RESOLUTION 2016-01
(In Reference to Ordinance 2016-456)

Smoking Lounge – Regulatory
Amending the Code of Ordinances Chapter 22 Entitled Businesses
to Include Smoking Lounge Licensing and Regulation

Whereas, smoking lounge businesses which allow patrons to smoke tobacco and non-tobacco products on the premises have been operating in the Township; and

Whereas, there have been an increasing number of incidents which required police response, including large numbers of smoking lounge patrons congregating during the evening hours in parking areas, impeding nearby businesses, disturbing the peace, leaving behind trash and broken alcohol bottles, fights, smoking fumes, alcohol consumption in parking areas, generating complaints from neighboring businesses and residents; and

Whereas, establishing reasonable and uniform smoking lounge licensing requirements and regulations for the operation of such businesses is in the interest of public health and safety; and

Whereas, proposed ordinance 2016-456 requires that all smoking lounges operating in the Township obtain a license and comply with specific standards and regulations;

Now Therefore,

Be it resolved, that Ordinance No. 2016-456 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. 2016-01 approved by the Charter Township of Ypsilanti, Board of Trustees assembled at a Regular Meeting held on March 15, 2016.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

PROPOSED ORDINANCE NO. 2016-456

*An Ordinance Amending the Code of Ordinances
Charter Township of Ypsilanti, Chapter 22
Entitled **Businesses** to
Include Smoking Lounge Licensing and Regulations*

The Charter Township of Ypsilanti hereby ordains that Chapter 22 of the Code of Ordinances for Ypsilanti Township, entitled “Businesses” is hereby amended as follows:

ADD the following new article:

ARTICLE VII. - SMOKING LOUNGES

DIVISION 1. - GENERALLY

Sec. 1. - Purpose.

Since the state enacted Public Act 188 of 2009 to prohibit smoking in public places smoking lounges have become increasingly popular. Cigar bars and tobacco specialty retail stores that qualify and were in existence on May 1, 2010, are exempt from the smoking in public prohibition.

The Potential adverse impacts associated with smoking lounges have been identified as large numbers of patrons during the evening and night time, crowds overflowing into parking areas and impeding on nearby businesses, leaving behind trash, broken alcohol bottles and debris, incidents requiring police response, fights, alcohol possession on unlicensed premises, traffic, noise, and complaints from neighboring businesses and residents. The purpose of this article is to regulate smoking lounges for the public health, safety, and welfare of the township and persons within its jurisdictional boundaries; to prevent access to tobacco and non-tobacco smoking products by minors at these establishments, and to prevent the spread of smoke fumes to adjacent properties, and persons passing by these establishments.

This article is designed to establish reasonable and uniform regulations to prevent potential adverse impacts relating to these establishments. The regulations adopted are designed to provide objective and orderly procedures for the administration of this article.

Sec. 2. - Definitions.

For purposes of this article, the words, terms, and phrases shall be defined as follows:

Cigar shall mean any roll of tobacco weighing three or more pounds per 1,000, which roll has a wrapper or cover consisting of tobacco.

Cigar bar shall mean an establishment or area within an establishment that is open to the public and is designated for the smoking of cigars that has a state issued exemption certificate.

Disqualifying criminal act shall mean any of the following:

- (1) Any of the following misdemeanor or felony offenses under any of the following statutes, as amended, for which less than seven years elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date:

- a. Michigan Penal Code, Chapter X, Arson and Burning;
 - b. Michigan Penal Code, Chapter XI, Assaults, except MCL 750.81(1) and (2);
 - c. Michigan Penal Code, Chapter XVII, Bribery and Corruption;
 - d. Michigan Penal Code, Chapter XXII, Compounding Offenses;
 - e. Michigan Penal Code, Chapter XXVA, Criminal Enterprises;
 - f. Michigan Penal Code, Chapter XXVIII, Disorderly Persons;
 - g. Michigan Penal Code, Chapter XXXI, Embezzlement;
 - h. Michigan Penal Code, Chapter XXXIII, Explosives, Bombs, Harmful Devices;
 - i. Michigan Penal Code, Chapter XXXIV, Extortion;
 - j. Michigan Penal Code, Chapter XLIII, Frauds and Cheats;
 - k. Michigan Penal Code, Chapter XLIV, Gambling;
 - l. Michigan Penal Code, Chapter XLV, Homicide;
 - m. Michigan Penal Code, Chapter XLVIII, Indecency and Immorality;
 - n. Michigan Penal Code, Chapter LVIII, Mayhem;
 - o. Michigan Penal Code, Chapter LXVII, Prostitution;
 - p. Michigan Penal Code, Chapter LXVIIA, Human Trafficking;
 - q. Michigan Penal Code, Chapter LXXVI, Sexual Conduct;
 - r. Michigan Penal Code, Chapter LXXVIII, Robbery;
 - s. Michigan Penal Code, Chapter LXXXIII-A, Michigan Anti-Terrorism Act;
 - t. Controlled Substances—Offense and Penalties, MCL § 333.7101 et seq.;
 - u. Taxation-Prohibited Acts, including tax evasion, MCL § 205.27.
- (2) Any attempt, solicitation, or conspiracy to commit one of the foregoing offenses; or
- (3) Any offense enumerated in the Code of Ordinances which substantially corresponds to one of the foregoing state offenses; or
- (4) Any offense in another jurisdiction that, had the predicate act(s) been committed in the state, would have constituted any of the foregoing offenses.

Influential interest shall mean any of the following:

- (1) Actual power to operate or control the operation, management, or policies of a current or prospective business; including the manager of the prospective business; or
- (2) Ownership of a financial interest in the business, or ownership of an interest that is ten percent or more of the total interest of a current or prospective business, including such business entities as a firm, partnership, limited partnership, association, limited liability company, or corporation; or

- (3) Holding an office, such as, e.g., president, vice president, secretary, treasurer, managing member, managing director, etc., in a legal entity which operates a current or prospective business.

Minor shall mean any person under 18 years of age.

Non-tobacco smoking products or substances shall include any product or substance that can be consumed by smoking such as, but not limited to: e-cigarettes, bidis, kreteks, clover cigarettes, herbal cigarettes, electronic and herbal hookah, steam stones, smoking gels or other smoked product.

Premises shall mean the location for which a smoking lounge establishment operates under a state issued exemption certificate and includes the land, and all improvements located thereon, including the primary building and all accessory and out-buildings, and is not limited to the smoking area.

Sale shall mean, the exchange, barter, traffic, furnishing, or giving away of tobacco products and non-tobacco smoking products and substances which is regulated by the state and pursuant to this article.

Smoking lounge shall mean an establishment that allows smoking of tobacco products or non-tobacco products or substances on the premises. The term "smoking lounge" includes, but is not limited to, facilities commonly described as cigar bars and lounges; hookah bars, cafes and lounges; tobacco bars and lounges; tobacco clubs or zero percent nicotine establishments

State shall mean the State of Michigan.

State issued exemption certificate shall mean a valid exemption certificate issued by the state for the premises, from the Public Act 188 of 2009 smoking in public ban which allows indoor smoking on the premises in compliance with the Act.

Tobacco product shall mean a product that contains tobacco and is intended for human consumption, including, but not limited to, cigars, cigarettes, non-cigarette smoking tobacco or smokeless tobacco as defined by the Tobacco Products Tax Act, MCL 205.422.

Tobacco specialty retail store shall mean an establishment that has a state issued exemption certificate and for which the primary purpose is the retail sale of tobacco products, non-tobacco smoking products and substances, and smoking paraphernalia.

DIVISION 2. - LICENSE

Sec. 3. - Business license required.

A person shall not operate a smoking lounge in the township without first obtaining a smoking lounge business license issued pursuant to the provisions of this article.

Sec. 4. - Application.

- (a) Information required. An applicant for a smoking lounge license shall annually file in person at the office of the township clerk, a completed application made on a form provided by the clerk. The application shall be signed as required herein and shall be notarized. An application shall be considered complete when it contains, for each person

required to sign the application, the information and/or items required in paragraphs (1) through (9) below, accompanied by the required fee.

- (1) The applicant's full legal name and any other names used by the applicant in the preceding seven years. If the applicant is a partnership, corporation, limited liability company, or other legal entity, then all persons with an influential interest in the entity shall be deemed an applicant and shall provide the information required by this article. Each applicant must be qualified under section 5, and each applicant shall be considered a licensee if a license is granted.
- (2) Current business address or another mailing address of the applicant.
- (3) Written proof of identity, in the form of a driver's license or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency.
- (4) The proposed business name, location, parcel identification number, mailing address and phone number.
- (5) A copy of the state issued exemption certificate for the premises; or if a transfer has been applied for, a copy of the application filed with the state.
- (6) The name and business address of the designated local agent who is responsible to supervise the premises and activities and who is authorized to receive service of process.
- (7) A statement of whether any applicant has been convicted of or has pled guilty or nolo contendere to a disqualifying criminal act as defined in this article, and if so, specify each criminal act involved, including the date, place, and jurisdiction of each, as well as, the dates of conviction and release from confinement, where applicable. This statement shall be accompanied by an authorization to conduct a criminal background check.
- (8) A statement as to whether any applicant has ever had a license revoked under the penalty provisions of the Michigan Liquor Control Code, PA 58 of 1998, as amended.
- (9) A statement as to whether any business in which an applicant has had an influential interest, has, in the previous seven years, and at the time during which the applicant had the influential interest:
 - a. Been declared by a court of law to be a nuisance, as defined under the Revised Judicature Act, MCL 600.3801; or
 - b. Been subject to a court order of closure or padlocking.
- (10) A statement of nature of proposed operation.

The information provided pursuant to paragraphs (1) through (10) of this subsection shall be supplemented in writing by certified mail, return receipt requested, to the township clerk within ten working days of a change of circumstances which would render the information originally submitted false or incomplete.

- (b) Signature required. If a person who wishes to operate the business is an individual, the person shall sign the application. If a person who wishes to operate a business is other than an individual, each person with an influential interest in the business shall sign the application for a license as applicant.

- (c) Disclosure. The information provided by an applicant in connection with an application for a license under this article shall be maintained by the township clerk's office and all personal information shall be deemed confidential and may be disclosed only as required by law or by court order.

Sec. 5. - Issuance of license.

- (a) Pre-existing businesses. All smoking lounges operating pursuant to a valid certificate of occupancy on the effective date of this article are hereby granted a de facto temporary license to continue operating for a period of 90 days following the effective date. During this period all smoking lounge businesses shall apply for a license pursuant to this article; and by the expiration date of 90 days shall conform to all requirements for issuance of a license.
- (b) Application review. Upon the filing of a completed application for a smoking lounge business license, the township clerk shall forward a copy to the following departments: Office of Community Standards, the Planning Department and the Washtenaw County Sheriff's Department, and any other necessary department(s), to review the application for compliance with the requirements of all applicable ordinances and codes.
- (c) The township clerk shall either issue a license to the applicant or issue to the applicant a written notice denying the application. The township clerk shall issue a license unless:
 - (1) Information. An applicant has failed to provide information as required by section 4 for issuance of a license, or has falsely answered a question or a request for information on the application form;
 - (2) Fee. The license application fee required by this article has not been paid;
 - (3) State exemption certificate. The applicant does not have a valid state issued exemption certificate, the state has denied the application for a transfer, or the exemption has been revoked;
 - (4) Code compliance. The subject premises lacks a current certificate of occupancy or does not comply with applicable building, zoning, plumbing, mechanical, electrical, health, property maintenance or fire prevention codes. Upon filing an application for a building permit, plan review, or certificate of occupancy, the applicant shall also file a copy with the township clerk;
 - (5) Ventilation and parking. The Department of Community Standards indicates that the premises lack the ventilation and/or parking required for the proposed use;
 - (6) Unpaid fees. Any of the reviewing departments or divisions has indicated that there are unpaid fees or uncured violations under its purview related to the subject premises;
 - (7) Ownership/lease. The business does not own the premises for which a license is sought or does not have a current lease for the proposed licensed premises;
 - (8) Previous revocation/non-renewal. An applicant has had a smoking exemption revoked, or not renewed for cause, in the last two years

under this article or a comparable municipal ordinance or state law, whether in the state or otherwise;

- (9) Prior nuisance. Any business in which the applicant has had an influential interest, has, in the previous seven years, and at the time during which the applicant had the influential interest:
 - a. Been declared by a court of law to be a nuisance, as defined under the Revised Judicature Act, MCL 600.3801; or
 - b. Been subject to an order of closure or padlocking.
- (10) Disqualifying criminal act. An applicant has been convicted of, or pled guilty, or nolo contendere or no contest, to a disqualifying criminal act as defined in this article, or has had a license suspended under the Michigan Liquor Control Code;
- (11) Additional licensing. The business is not licensed to do business in the state or has not obtained a sales tax license.
- (d) Reservation of authority. Notwithstanding anything to the contrary in this article, no applicant has a right to the issuance of a license; and the township hereby reserves the right to determine who, if anyone, shall be entitled to the issuance of such a license, based on the objective criteria listed in this article which relate to concerns for public health, safety, and welfare as identified herein.
- (e) License contents; posting; possession. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, and, the address of the business. The business license shall be posted in a conspicuous place at or near the entrance to the business so that it may be read at any time.
- (f) Other laws applicable. Nothing in this article shall be construed to exempt the licensee from any other requirements set forth by township ordinance, state or federal law.

Sec. 6. - Fees.

The fees for a license under this article shall be established by resolution adopted by the township board and shall be placed on file, and made available, at the office of the township clerk.

Sec. 7. - Inspection.

Filing an application for a smoking lounge shall constitute consent to inspection by township officials as provided herein, for the purpose of ensuring compliance with the specific regulations of this article. During township business hours or at other mutually agreeable time, the applicant shall allow the representatives of township departments onto the property and into the proposed licensed premises to complete an inspection. This section shall be narrowly construed by the township to authorize reasonable inspections of the licensed premises pursuant to this article.

Sec. 8. - Transfer of license.

- (a) A licensee shall not transfer the license to another, nor shall a licensee operate a smoking lounge under the authority of a license at any place

other than the address designated in the smoking lounge license application. Any transfer shall be grounds for suspension and revocation. A proposed transfer shall require a new application be filed and shall be subject to the same procedures, standards and fees required for a new license. Each location operated by a licensee requires a separate license.

- (b) Approval of the transfer of a state issued exemption certificate by the state shall not abrogate the requirement to apply for and obtain a smoking lounge license as required by this article. There shall be no transfer into the Charter Township of Ypsilanti of a State of Michigan Exemption Permit under the Dr. Ron L. Davis Act of 2009; MCL 333.12601, et seq., as amended.

Sec. 9. - Annual license, expiration.

The license issued under this article shall be valid for a period of one year from the date of issue, unless otherwise suspended or revoked. A renewal license shall be obtained within 30 days following expiration of the current license, and may be renewed only by making application and payment of the fee as required by this article.

DIVISION 3. - DENIAL, SUSPENSION, REVOCATION, HEARING

Sec. 10. - Denial.

In the event the township clerk issues a written notice to deny for failure to comply with the requirements of section 5, the provisions of section 13 providing for an appeal hearing shall apply.

Sec. 11. - Suspension.

The township clerk shall suspend the license for a period of 30 days if the licensee has knowingly violated this article or has knowingly allowed an employee to violate this article. Upon receiving notice of a violation, the clerk shall issue a written notice to suspend, which shall include the grounds for the suspension, the effective date of the suspension, and that the licensee may within 20 days, request in writing, an appeal hearing before the township board pursuant to the provisions of section 12. The suspension shall take effect 21 days after the date of the notice of suspension.

Sec. 12. - Revocation; non-renewal.

- (a) Violation after previous suspension. The township clerk shall issue a written notice of revocation if the licensee knowingly violates this article or has knowingly allowed an employee to violate this article and the licensee's license has been suspended within the previous 12-month period.
- (b) Grounds for revocation/non-renewal. The township clerk shall issue written notice to revoke or non-renewal of the license if:

- (1) The licensee would not meet the standards set forth in section 5 if the licensee were an applicant for a new license.
 - (2) The licensee has knowingly or recklessly allowed two or more violations of the regulations of this article in the preceding 12-month period.
 - (3) The licensee has knowingly or recklessly allowed a nuisance, as defined under the Revised Judicature Act, MCL 600.3801, to be maintained upon the premises.
 - (4) The subject premises have existing violations of building, zoning, plumbing, mechanical, electrical, health or fire prevention codes.
 - (5) The operation of the licensed establishment has resulted in a pattern of patron conduct in the neighborhood of the establishment that continually and substantially disturbs the peace, order, and tranquility of the neighborhood.
 - (6) The licensee has failed to maintain the grounds and exterior of the licensee's establishment by allowing litter, debris, and/or refuse to unreasonably remain on the property or adjoining properties.
 - (7) The licensee knowingly or recklessly operated the business during a period of time when the license was suspended.
 - (8) The licensee has knowingly or recklessly engaged in illegal activity or allowed any illegal activity to occur in or on the licensed premises, or has been found liable for a violation of the state liquor control code.
- (c) Effect of appeal of conviction. The fact that any relevant conviction is being appealed shall have no effect on the revocation/non-renewal of the license, provided that, if any conviction which serves as a basis of a license revocation/non-renewal is overturned or reversed on appeal, that conviction shall be treated as null and of no effect and the license shall be reinstated.
- (d) Effective date. The revocation/non-renewal shall not take effect for 21 days from the date of the notice of revocation/non-renewal.
- (e) Appeal. The written notice to revoke/non-renewal, shall include the grounds for the revocation/non-renewal, the effective date of the revocation/non-renewal, and that the licensee may request in writing, within 20 days of the date of the notice of suspension, or revocation/non-renewal, an appeal hearing before the township board pursuant to the provisions of section 12. If not appealed, the suspension shall take effect 21 days after the date of the notice of suspension.

Sec. 13. - Appeal hearing.

- (a) Notice of hearing. Upon receipt of a request for appeal, the township board shall provide the licensee with notice and an opportunity to be heard. The township board shall serve notice upon the licensee by certified mail, not less than 20 days prior to the hearing date. The notice shall state:
- (1) The date, time and place of the hearing.
 - (2) A statement that the licensee may present evidence and testimony, and may be represented by an attorney.

(b) Hearing and decision. The hearing shall be conducted by the township board and shall be open to the public. The township board shall submit to the licensee a written statement of its findings, decision, specific grounds for its decision, and a statement that the decision may be appealed to a court of competent jurisdiction.

DIVISION 4. - REGULATIONS

Sec. 14. - Zoning requirements.

A smoking lounge may only be located in permitted zoning districts as identified in Appendix A to this Code of Ordinances, the zoning ordinance.

Sec. 15. - Limitation.

There shall be no more than five smoking lounge businesses granted licenses and operating in Ypsilanti Township at any given time.

Sec. 16. - Hours of operation.

Businesses operating a licensed smoking lounge shall be closed between the hours of 1:00 a.m. and 8:00 a.m. on any day. No one shall be allowed on the premises except employees after midnight. Only a minimum of three employees shall remain on the premises after midnight and shall carry proof of employment, such as an identification badge.

The manager and/or employees shall provide proof of employment when requested to do so by a member of the police department. Only employees and/or contractors shall remain on the premises after closing and shall carry proof of employment.

Sec. 17. - Local agent on premises.

The licensee, or the local agent designated in the application, shall remain on the premises while open for business to supervise the activities and shall be responsible to ensure compliance with the regulations of this article. In the event a licensee changes the local agent, the licensee shall immediately notify the clerk in writing of the name and business address of the new local agent. All managers or local agents shall be over the age of 21 years old.

Sec. 18. - Mechanical ventilation required.

Mechanical ventilation shall be supplied in compliance with the Michigan Mechanical Code to ensure sufficient ventilation of the smoking lounge. The recirculation and the natural ventilation of air from the smoking lounge is prohibited; and the air supplied to the smoking lounge shall be exhausted and discharged to an approved location in compliance with the Michigan Mechanical Code.

Sec. 19. - Off-street parking required.

Off-street parking shall be provided for the smoking lounge business. The minimum amount of parking shall be calculated by utilizing the parking requirements listed for bars and lounges contained in the zoning ordinance.

Sec. 20. - Storage lockers prohibited.

Storage lockers shall be prohibited on the premises of a smoking lounge, except that on-site humidors may be permitted in the smoking area of a cigar bar.

Sec. 21. - Outdoor activities prohibited.

There shall not be any outdoor activities, outdoor public admission events, or outdoor seating. The business activities shall be conducted wholly indoors. In no event shall designated on-site parking areas be used for any other purpose than parking of passenger vehicles. To ensure that the smoke is contained within the smoking area, all windows and doors shall remain closed to ensure that the smoke does not infiltrate nonsmoking areas and is not emitted to passersby.

Sec. 22. - Loitering, exterior lighting and monitoring requirements.

It shall be the duty of the licensee or the designated local agent to:

- (1) Signs. Post conspicuous signs stating that no loitering is permitted on the premises; no minors are permitted on the premises; and patrons must leave the parking area immediately upon close of the business;
- (2) Monitor. Designate one or more employees to monitor, while the premises are open for business, the activities of persons on the premises by visually inspecting the interior and exterior of the premises at least once every 90 minutes or inspecting the premises by use of video cameras and monitoring;
- (3) Exterior. Ensure lighting of the exterior premises is provided, including all parking areas, for visual inspection and security. All exterior lighting shall comply with all provisions of the zoning ordinance;
- (4) Parking area. The licensee shall ensure that patrons are not parking in adjacent or neighboring parking lots or in residential areas that are not part of the parking area approved on the site plan for the licensed premises.

Sec. 23. - Disturbing the peace.

The licensee or local agent shall be responsible to maintain the premises to ensure there is not a violation of disturbing the peace.MCL 750.170. If the licensee or designated local agent is convicted of disturbing the peace, the conviction shall be grounds for revocation, denial or suspension of a license.

Sec. 24. - Prohibited activities.

It is unlawful for a licensee or local agent to knowingly violate the following regulations or to knowingly allow an employee, patron or any other person to violate the following regulations. The licensee or local agent shall remove anyone violating the following regulations:

- (1) Minors prohibited. No one shall be allowed on the premises of a smoking lounge business unless the individual is 18 years of age or older. The licensee and local agent shall ensure that identifications of individuals on the premises have been checked to determine that every individual is 18 years of age or older before entry into the premises. The exit doors shall be monitored to ensure that no one is attempting to gain secret entry into the premises. A sign shall be posted near the entrance stating "No one under the age of 18 allowed."
- (2) Alcoholic liquor. No person shall sell, offer for sale, trade, provide, allow, possess, consume or attempt to consume any alcoholic liquor on the premises unless the licensee has obtained the appropriate license from the Liquor Control Commission pursuant to MCL 436.1101 et seq., as amended.
- (3) Nudity prohibited. No one shall be allowed on the premises of a smoking lounge business to appear nude or in a state of nudity.
- (4) Controlled substances prohibited. It shall be unlawful to sell or permit to sell, offer for sale, trade, provide, allow, possession, consumption or attempt to consume any controlled substance on the premises in violation of Article 7 of the Public Health Code, MCL 333.1101 et seq.

Sec. 25. - Penalties and enforcement.

A person who violates or fails to comply with any of the provisions of this article shall be guilty of a misdemeanor, punishable by a maximum fine of \$500.00 and/or a maximum of 90 days imprisonment. Each day a violation is committed, or permitted to continue, it shall constitute a separate offense and shall be treated as a separate offense.

Rights and Remedies are Cumulative

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Severability

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Charter Township of Ypsilanti hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases by declared unconstitutional.

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 approval of the first reading of Proposed Ordinance No. 2016-456 by the Charter Township of Ypsilanti Board of Trustees assembled at a regular meeting held on February 16, 2016. The second reading is scheduled to be heard on March 15, 2016.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

RESOLUTION 2016-09

(In Reference to Ordinance 2016-462)

Amending the Townships Zoning Code, Ordinance 74
Adopted May 18, 1994, Article II, Section 201 (Definitions)
and Article XI (General Business Districts) to Define Smoking
Lounges and Regulate Their Location

Whereas, smoking lounge businesses which allow patrons to smoke tobacco and non-tobacco products on the premises have been operating in the Township; and

Whereas, there have been an increasing number of incidents which required police response, including large numbers of smoking lounge patrons congregating during the evening hours in parking areas, impeding nearby businesses, disturbing the peace, leaving behind trash and broken alcohol bottles, fights, smoking fumes, alcohol consumption in parking areas, generating complaints from neighboring businesses and residents; and

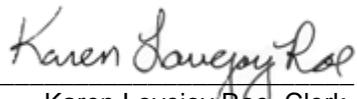
Whereas, zoning ordinance 2016-462 (1): defines what the term “smoking lounge” means; (2) establishes the zoning district and minimum distances between “smoking lounges” ; and

Whereas, proposed ordinance 2016-462 is in the interest of public health, safety and welfare;

Now Therefore,

Be it resolved, that Ordinance No. 2016-462 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. 2016-09 approved by the Charter Township of Ypsilanti, Board of Trustees assembled at a Regular Meeting held on March 15, 2016.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

ORDINANCE NO. 2016-462

An Ordinance amending the Township's Zoning Code, Ordinance 74 adopted May 18, 1994, Article II, Section 201 (Definitions) and Article XI (General Business Districts) to define smoking lounges and regulate their location.

The Charter Township of Ypsilanti hereby ordains that Ordinance No. 74 adopted May 18, 1994, known as the Township Zoning Ordinance shall be amended as follows:

1. **ADD** the following to Section 201 definitions:

Smoking lounge: Smoking lounge shall mean an establishment that allows smoking of tobacco products or non- tobacco products or substances on the premises. The term "smoking lounge" includes, but is not limited to facilities commonly described as cigar bars and lounges, hookah bars, cafes and lounges, tobacco bars and lounges, tobacco clubs or zero percent nicotine establishments.

2. **ADD** the following provision to Article XI B-3 General Businesses, Section 1102 Uses Permitted Subject to Special Conditions:

Smoking lounges subject to the following:

- a. No such business shall be located with 2,500 feet of a similar business.
- b. A valid smoking lounge business license issued by the Township Clerk for the premises.
- c. A minimum number of off-street parking calculated by utilizing the parking requirements for bars, lounges, taverns, and nightclubs.

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 approval of the first reading of Proposed Ordinance No. 2016-462 by the Charter Township of Ypsilanti Board of Trustees assembled at a regular meeting held on February 16, 2016. The second reading is scheduled to be heard on March 15, 2016.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

RESOLUTION 2016-06

Authorizing the Charter Township of Ypsilanti to Accept the 27.96 Acres of Vacant Land Located on the South Side of South Huron River Drive, Ypsilanti Township from Property Owners Robert Sloan and Barry Sloan and for the Designated Township Officials to Execute All Documents Required in Order to Effectuate this Conveyance of Vacant Property to Ypsilanti Township

WHEREAS, on **November 2, 2015** the attorney for the owners of the 27.96 acres of vacant land located on the south side of South Huron River Drive to wit: Thomas E. Daniels advised that the owners of said real property to wit: Robert Sloan and Barry Sloan, respectively, wish to convey their interests in this property to the Charter Township of Ypsilanti as a charitable contribution for public purposes within the meaning of Section 170(c)(1) of the Internal Revenue Code of 1986 as amended; and

WHEREAS, the property owners of said real property provided an appraisal of the 27.96 acres of vacant land that was prepared by Weime, Rende and Associates, P.C. with the date of valuation being **October 22, 2015**; and

WHEREAS, the appraisers formed a professional opinion that the fair market value of the fee simple interest of the 27.96 acres of vacant property as of **October 22, 2015** was **\$1,850,000.00**, which appraisal was submitted to the Township's Assessing Department for Review; and

WHEREAS, on **November 9, 2015** Ypsilanti Township Planning Director Joe Lawson confirmed that the subject property is currently zoned RM-2, Multi-Family Residential which would allow said property owners to construct up to 206 apartment units if developed in accordance with the Township's zoning regulations as well as the agreements that are in place governing the development of this property; and

WHEREAS, on **November 24, 2015** the attorney for the property owners provided a copy of a title search issued by Absolute Title Inc. confirming that the 27.96 acres of real property is titled in the names of Robert Sloan and Barry Sloan and that said property was owned free and clear by the owners subject to the release of an Assignment of Interest for Security Purposes previously recorded on **June 17, 1999**; and

WHEREAS, on **December 16, 2015** Kimberly Cox, the Commercial Loan Servicing manager for Talmer Bank and Trust executed a **“Discharge of Assignment of Interest for Security Purposes”** thereby allowing said property to be conveyed by the owners to the Township free and clear of any liens and/or encumbrances; and

WHEREAS, on **November 24, 2015** the attorney for the property owners provided a copy of the **“Phase One Environmental Site Assessment”** for the 27.96 acres of vacant property prepared by NTH Consultants Ltd; and

WHEREAS, it was the opinion of NTH Project Manager Bhushan C. Modi that in regards to the 27.96 acres of vacant land that **“We have performed a Phase One Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527 of the 28-Acre vacant property located on South Huron River Drive in Ypsilanti, MI. Any exceptions to, or deletions from, this practice are described in this report. This Assessment has revealed no evidence of recognized environmental conditions in connection with the property”**; and

WHEREAS, on **December 29, 2015** Attorney Thomas E. Daniels delivered to the Township a Warranty Deed conveying said property from Robert Sloan and Barry Sloan to the Charter Township of Ypsilanti; and

WHEREAS, on **January 19, 2016** the Ypsilanti Township Board of Trustees accepted the Warranty Deed effective **December 29,**

2015 subject to the receipt and approval of a Donation Agreement between the property owners and the Charter Township of Ypsilanti; and

WHEREAS, on Friday **February 5, 2016** the attorney for the property owners submitted a **“Donation Agreement”** along with attendant exhibits confirming the foregoing substantive provisions of this Resolution which Donation Agreement has been reviewed and determined to be in proper form, a copy of said Donation Agreement being attached hereto;

NOW, THEREFORE THE YPSILANTI CHARTER TOWNSHIP BOARD OF TRUSTEES HEREBY RESOLVES AS FOLLOWS:

1. That the Township hereby reaffirms its acceptance of the Warranty Deed dated **December 29, 2015** and authorizes Township legal counsel to ensure that the Warranty Deed along with the Discharge of Assignment of Interest for Security Purposes are recorded with the Washtenaw County Register of Deeds.
2. That the Township hereby authorizes Supervisor Brenda L. Stumbo and Clerk Karen Lovejoy Roe to execute the attached Donation Agreement on behalf of the Charter Township of Ypsilanti as well as all other necessary documents that are required in order to effectuate this conveyance of vacant property to Ypsilanti Township as a charitable contribution for public purposes within the meaning of Section 170(c)(1) of the Internal Revenue Code of 1986 as amended.
3. That Township Planning Director Joe Lawson be authorized to update the Township’s Zoning Map and Future Land Use Map to reflect the conveyance of this property from the property owners to the Charter Township of Ypsilanti.

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. 2016-06 approved by the Charter Township of Ypsilanti, Board of Trustees assembled at a Regular Meeting held on February 16, 2016.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

RESOLUTION NO. 2016-10

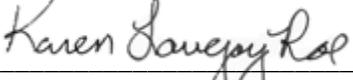
CREDIT CARD POLICY

WHEREAS, Public Act 266 of 1995 authorizes a township to be a party to a credit card arrangement if the township board has adopted by resolution a written policy governing the control and use of credit cards, and

WHEREAS, the Charter Township Board deems that it is in the best interest of the township to make certain township financial transactions by using a credit card as described in the Act, and in a copy of the Charter Township of Ypsilanti Credit Card Policy being attached hereto; (attachment)

NOW THEREFORE, be it resolved that the Charter Township of Ypsilanti Board of Trustees hereby authorizes the Credit Card Policy to govern the use of township credit cards for procurements.

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. 2016-10 approved by the Charter Township of Ypsilanti, Board of Trustees assembled at a Regular Meeting held on February 16, 2016.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti

Charter Township of Ypsilanti

Procurement Card Program

Credit Card Policy

I. Purpose:

To authorize and control the use of credit card and procurement card transactions by elected officials and employees in compliance with Public Act 266 of 1995.

II. Definitions:

- A. "Credit card" and "procurement card" means a card or device issued under a credit card arrangement by a depository financial institution.
- B. "Credit card agreement" means an unsecured extension of credit for purchasing goods or services from the credit card issuer that is accessed with a credit card.
- C. "Credit card policy" means a policy adopted by resolution of The Charter Township of Ypsilanti.
- D. "Cardholder" means approved elected officials and employees who are issued a procurement credit card.

III. Issuance of Procurement Credit Cards:

- A. The Charter Township of Ypsilanti Board deems that it is in the best interest of the township to make certain township financial transactions by using a credit card as described in the Act.
- B. This issuance should be limited to those individuals that demonstrate that this issuance will assist their ability to perform their assigned responsibilities and used specifically for the purchase of goods or services for the official business of the township.
- C. The issuance of credit cards to elected officers, department heads and employees will be authorized by a panel to include the Supervisor, the Clerk, the Treasurer, the Deputy Treasurer and the Accounting Director. The Supervisor will appoint the Deputy Treasurer and the Accounting Director as the Program Administrators who will be responsible for accounting, monitoring, and retrieval and for overseeing compliance with this policy.
- D. Credit card limits will be set by a panel to include the Supervisor, the Clerk, the Treasurer, the Deputy Treasurer and the Accounting Director. Limits will be based upon departmental necessities, not to exceed the Acts stated limits.
- E. The Board will be provided a list annually of those employees who have been issued a credit card.
- F. All officers or employees issued a credit card will be required to sign an ***Acknowledgement of Responsibilities Agreement***. See Appendix A

IV. Procurement Credit Card Use:

- A. The credit card may be used for the purchase of goods or services related to the official business of the Charter Township of Ypsilanti. It is not to be used for any personal business.
- B. The officer or employee of the issued credit card is responsible for its protection and custody and shall immediately notify the township if the card is lost or stolen.
- C. The officer or employee issued a credit card shall return the credit card upon the termination of his or her employment or service in office.
- D. A purchase order is required for all credit card purchases, with the exception of an approved continuous monthly service billing.
- E. All purchasing procedures, rules, restrictions and other general policies can be found under the Township's Financial Policy. Strict adherence to the rules will be enforced by the Program Administrators.
- F. The officer or employee who uses a credit card shall, as soon as possible, submit a copy of the vendor's credit card slip to the Program Administrator in the accounting department. If no credit card slip was obtained that described the transaction, the employee shall submit a signed voucher that shows the name of the vendor or entity from which goods or services were purchased, the date and the amount of the transaction, the official business that required the transaction, and the chart of account number indicating the line item to which the transaction is to be charged. All credit card slips shall include this information as well. Vouchers shall also include a statement why a credit card slip was not obtained.

V. Monthly Statements:

- A. Officials and Employees who are issued cards will review the monthly statements and immediately report any discrepancies to the one of the Program Administrators. The Charter Township of Ypsilanti has 14 days from statement date to notify the Financial Institute of any disputed items.
- B. Cardholders must submit individual receipts detailing all of the materials or services purchased with the card.
- C. Once reviewed, the employee, and their supervisor will approve the bill and submit to the Program Administrator in Accounting Department.
- D. All credit card invoices must be approved before payment.
- E. The balance including interest due on the extension of credit under this arrangement shall be paid for within not more than 60 days of the initial statement date.

VI. Violations/Separation from service

- A. Any card user found in violation of this policy will be forced to surrender the card and will be subject to disciplinary actions, as deemed appropriate by the Township Board.
 - a. Verbal counseling
 - b. Written reprimand
 - c. Suspension
 - d. Termination
 - e. Reimbursement to the Township for unauthorized expenditures and/or civil or criminal penalties
- B. Should an employee notify the Charter Township of Ypsilanti of their intent to separate from service, they are required to surrender the card upon receipt of their notice to leave the townships employment.

VII. Program Administrators - Monitoring & Reporting

- A. The Deputy Treasurer and the Accounting Director will be the Program Administrators.
- B. The Program Administrator's shall maintain a list of all credit cards owned by the township in the Treasurer's Department along with the name of the officer and employee who have been issued the credit cards, the credit limit established, the date issued, and the date returned. Each Cardholder shall sign the *Acknowledgement of Responsibilities Agreement*.
- C. The Program Administrator's shall review each credit card statement as soon as possible to ensure that transactions comply with this policy. Any transactions that appear on the statements that are not documented with a credit card slip or a signed voucher shall be immediately investigated. Transactions that do not appear to comply with this policy shall be reported to the Township Board.
- D. The Township Board shall not approve a payment to the entity issuing the credit cards until all transactions have been verified, including the approval of all transaction invoices if issued.

Appendix A: Credit Card Policy

Acknowledgement of Responsibilities

Participating Employee Acknowledgment of Responsibilities

By participating in the Charter Township of Ypsilanti Procurement Credit Card Program as a Cardholder, you assume responsibilities pertaining to the operation of the Procurement Credit Card Program. Please see the Credit Card Policy Guidelines for a complete list of responsibilities, which include but are not limited to the following:

- The Charter Township of Ypsilanti Procurement Card is to be used for authorized Township business expenditures only. The Procurement Card may only be used within the policies and procedures outlined for the Procurement Card program.
- The Procurement Card will be issued in the name of the employee. By accepting the Card, the employee assumes responsibility for the card and will be accountable for all charges made with the Card. The Card is not transferable and may not be used by anyone other than the Cardholder.
- The Procurement Card must be maintained with the highest level of security. If the Card is lost or stolen, or if the Cardholder suspects the card or account number has been compromised, the Cardholder agrees to immediately notify the Comerica Bank and the Program Administrator. Oral notification is to be followed up by written confirmation.
- On a monthly basis, the Cardholder will receive a statement listing all activity associated with the Card and have 14 days from statement date to notify Comerica Bank of any disputed items. This activity will include purchases and credits made during the reporting period. While the Cardholder will not be responsible for making payments, the Cardholder will be responsible for the verification and reconciliation of all Account activity. This will be turned into the Program Administrator in the accounting department as stated in the Credit Card Policy.
- Cardholder's Account will be subject to periodic internal control reviews and audits. By accepting the Card, the Cardholder agrees to comply with these reviews and audits. The Cardholder will be asked to produce the Card to validate its existence and produce statements and receipts to verify appropriate use.
- No subsequent invoice should be received from the vendor related to any Procurement Card purchases.
- Misuse, including, but not limited to, personal use or unauthorized use and/or fraudulent use of the Card will result in disciplinary action, up to and including termination and/or civil or criminal penalties.

By signing below, I acknowledge that I have read and agree to the terms and conditions of the document. I certify that as a participating cardholder of the Charter Township of Ypsilanti's Procurement Card Program, I understand and assume the responsibilities listed above.

Employee Signature _____ Title _____
Name (Print) _____ Date _____
Authorized by: _____ Title _____
Name (Print) _____ Date _____

RESOLUTION NO. 2016-11

OWNERS DAM SAFETY PROGRAM (ODSP)

WHEREAS, the Charter Township of Ypsilanti, in Washtenaw County Michigan, currently holding a license with the Federal Energy Regulatory Commission (FERC) to operate the Ford Lake Hydroelectric Project (Project) #5334, and

WHEREAS, the FERC requires the Charter Township of Ypsilanti to develop, implement, fund and continue to support the ODSP, per the FERC guidelines, for the Project until such time that the Charter Township of Ypsilanti releases ownership or the Project is no longer under the jurisdiction of the FERC, and

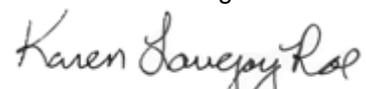
WHEREAS, the ODSP document clearly defines the responsibility for the Charter Township of Ypsilanti and its employees, and consultants, and

WHEREAS, the purpose of this Resolution is not new to the Charter Township of Ypsilanti, but rather a re-dedication to dam safety and the responsibilities that come with owning the Project, and

WHEREAS, by the action of this document, the Charter Township of Ypsilanti is showing commitment to FERC to operate a safe Project, prioritizing safety over any other goals, and

NOW THEREFORE, be it resolved that the Charter Township of Ypsilanti Board of Trustees acknowledges the Owners Dam Safety Program to maintain compliance with the FERC and define the role of Charter Township of Ypsilanti related to the Project.

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. 2016-11 approved by the Charter Township of Ypsilanti, Board of Trustees assembled at a Regular Meeting held on February 16, 2016.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti