



**CITY OF YPSILANTI
WORK SESSION
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
MONDAY, NOVEMBER 13, 2017
7:00 p.m.**

I. CALL TO ORDER –

The meeting called to order at 7:00 p.m.

II. ROLL CALL –

Council Member Bashert	Present	Council Member Robb	Present
Mayor Pro-Tem Brown	Present (7:02)	Council Member Vogt	Absent
Council Member Murdock	Present	Mayor Edmonds	Present
Council Member Richardson	Present		

III. INVOCATION –

Mayor Edmonds asked all to stand for a moment of silence

IV. PLEDGE OF ALLEGIANCE –

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

V. AGENDA APPROVAL –

Council Member Bashert moved, supported by Council Member Richardson to approve the agenda as presented.

On a voice vote, the motion carried, and the agenda was approved.

VI. INTRODUCTIONS –

Mayor Edmonds introduced the following individuals; City Manager Darwin McClary, City Attorney John Barr, City Clerk Frances McMullan, Economic Development Director Beth Ernat, and Fiscal Services Director Marilou Uy.

VII. PRESENTATIONS –

International Village Development Update – Economic Development Director Beth Ernat

Economic Development Director Beth Ernat provided a presentation regarding the International Village Development. She stated International Village is attempting to assemble a new development team, however, she does not feel a development agreement will be made by December 31st, nor would she recommend extending the purchase agreement. If a new team is developed it is her recommendation to restart the process.

Council Member Richardson asked if the deal is essentially dead. Ms. Ernat replied she doesn't think she can commit to that at this point because there is an active purchase agreement.

Council Member Murdock asked if she could put her recommendation into a motion for tomorrow's Council Meeting. Mayor Edmonds asked what would be the purpose of the motion. Mr. Murdock responded because a development agreement will not be made by the end of the year and the developer seems to be disorganized. The motion, essentially, would move the city on from the deal. Ms. Ernat replied the purchase agreement includes language to sever the agreement, but if there is no action by December 31st the agreement dissolves. City Attorney John Barr stated it appears the players of this development are falling by the wayside. However, the city does have an agreement with the developer and the ball is in their court. Unless the developer brings something substantial to the table between now and the December 31st the agreement would terminate.

Council Member Bashert asked if the city allows the purchase agreement to dissolve the city would have no liability. Mr. Barr responded if the city takes no action the purchase agreement will end on its own terms.

Council Member Richardson asked if the purchase agreement would allow the city to approve a resolution terminating the agreement. Mr. Barr responded he would not recommend that course. If Council wishes the city could request the developer for a mutual termination. Mayor Edmonds added if the development agreement is not on a Council agenda it would indicate Council is not moving forward with the agreement.

Council Member Murdock stated the development team has disbanded, and asked if Ms. Ernat has met with the remaining members of the team regarding the development agreement. Ms. Ernat responded no. The Attorney's Office has spoken with the development team's attorney who did have information at that time. The Attorney's Office asked the development team's attorney to contact them if additional information was uncovered. Mr. Murdock stated given all the interest in this development he would like to have a statement from Council this development will terminate on December 31st. In the meantime the city needs to prepare to put Water Street back on the market. Ms. Ernat recommended her preparing a statement she could provide to Council during tomorrow's meeting, and if Council agrees the statement could be released.

Council Member Robb stated Council approved a resolution that would require Council be provided with updates regarding this development. Simply because this development seems to be ending does not mean Council should not be meeting to development a community benefits agreement. He asked if meetings have been scheduled for those discussions. Ms. Ernat believes a draft of that agreement will be brought to Council during the November 28th meeting. Council Member Richardson stated she has been meeting with Assistant City Attorney Dan DuChene regarding this ordinance, and it would be a pre-draft. Mr. Robb asked if the ordinance or an agreement is being referenced. Ms. Ernat responded the ordinance. Mr. Robb stated he is referencing the agreement, not the ordinance. Ms. Ernat stated it has been internally discussed that enabling legislation needs to be present prior to an agreement. The enabling legislation can identify that and the city can arbitrate and how to do that. The thought process is to bring a pre-draft of the ordinance to Council, through that process have discussions of what would be desired in a community benefits agreement.

Council Member Robb asked how many EB-5 investors are there. Ms. Ernat responded she does not have a current listing. Mr. Robb asked whose responsibility it would be to create the regional center. Ms. Ernat responded it would not be created by the city. Mr. Robb asked what the mechanism is for being created. Ms. Ernat responded the regional center is able to be created through EB-5 affiliates. Mr. Robb asked if the city is able to execute the sale by the end of the year would there be any other steps needed for this project. Ms. Ernat responded it would occur in that regional center.

Council Member Bashert stated she is conscious that the city received bad press over the International Village Development. She wants to be certain a clear message is sent regarding why this development is not moving forward, and continue to market Water Street. Ms. Ernat stated if the city does not proceed in December, it would be prudent to establish specific guidelines and understanding of how to

move development projects forward at the beginning of the year. Ms. Bashert stated she wants to be clear she is not criticizing when and how the International Development was brought forward, she is more worried about how the media responds.

Council Member Bashert asked if Ms. Ernat has a sense of why the development team disbanded. Ms. Ernat responded no.

VIII. AUDIENCE PARTICIPATION –

1. Jim Sundberg, 1309 Collegewood, commended Council Member Robb's approach to help define what the community benefits ordinance/agreement might be for this opportunity. If the overall benefits are not kept in mind it is very difficult to judge what developments will work in the city. The fact that much of the development is pulling out is indicative of the problem facing this opportunity. Developments need people with real on the ground experience and success in this area. The attractions of this city can be marketed and hopefully produce competing proposals.
2. Cheryl Farmer, 214 N. Huron, stated she is not sure if Council Member Robb speaking to Council Member Richardson in the manner he did was sign of white male privilege, or smartest guy in the room syndrome. She was very sorry to see how Council Member Richardson was talked over while she had the floor. She said there are three issues related to the proposed development; first if the developer misled members of Council and city staff regarding the financing of the fact finding trip to China. Secondly whether this development would be good for Ypsilanti and third does the city have the capacity for a project of this scale. She hopes the city will explore these issues and move this community forward. The development of this property is crucial to the future of this city.
3. Adam Giansley, 409 N. Adams, stated the city needs to think about its future and needs to market Water Street. Let's not dwell on what went wrong with this development, but look to the future and concentrate on getting multiple offers.
4. Amy Shordes, Ypsilanti, thanked Council Member Richardson for all the work she has done around the community benefits ordinance. She asked Council Member Robb to listen to Council Member Richardson when she has something to say. She heard this city has an Ethics Commission but has not heard it has ever met. She said she heard from Council Member Robb that Council would be looking into firing City Manager Darwin McClary. There seems to be a lot of in fitting amongst Council and a lot of different opinions and the Ethics Commission might be useful in moderating this issue.

IX. REMARKS BY THE MAYOR

- Stated the Ethics Board's role is outlined on the city website and meets as needed, and have not met for five years.

~~X. CONSENT AGENDA~~ ~~Resolution No. 2017-245~~

- ~~1. Resolution No. 2017-246, approving minutes of October 3, and October 10, and October 17, 2017.~~
- ~~2. Resolution No. 2017-247, authorizing the City Treasurer to levy and assess unpaid bills and special assessments on the December 2017 tax roll.~~
- ~~3. Resolution No. 2017-248, approving proposal for design engineering services with Orchard, Hiltz & McCliment (OHM) at a lump sum of \$26,750.00.~~
- ~~4. Resolution No. 2017-249, approving NEZ certificate for 406 S. Hamilton Street.~~

XI. MOTIONS, RESOLUTIONS, DISCUSSIONS—

XII. LIAISON REPORTS—

- A.—SEMCOG Update
- B.—Washtenaw Area Transportation Study
- C.—Urban County
- D.—Ypsilanti Downtown Development Authority
- E.—Eastern Washtenaw Safety Alliance
- F.—Police Community Relations/Black Lives Matter Joint Task Force
- G.—Friends of Rutherford Pool
- H.—Housing Equity Leadership Team
- I.—Economic Development Coordinating Committee

XIII. COUNCIL PROPOSED BUSINESS —

Bashert

- Cross St. between Mansfield and Hewitt has posted speed at 35 MPH and immediately next to it the speed is posted 25 MPH when the lights flash. However, the lights continually flash even when school is not in session. She added the lanes are too wide on that stretch of road, and asked for some sensible signage.

Richardson

- Asked are fines for parking designated for any specific account, or do they go into the General Fund.

City Clerk Frances McMullan responded the funds go into the General Fund. Council Member Richardson asked if those funds could be used for street sweeping downtown.

Robb

- Usually in October Council selects healthcare providers, which has not been done this year. He asked when the city's enrollment period is and what has been done to select healthcare.

Mr. McClary stated negotiations with the unions is undergoing and staff is currently working to make recommendations. Mr. Robb stated if the city does not select a healthcare how that effects the city. He asked if Council would need approve a resolution to continue with the current program. Mr. McClary responded in the affirmative, however, he would not to prefer not to talk about them now because of current negotiations. Mr. Robb asked for a Closed Session regarding collective bargaining. Mr. McClary responded he is not certain he would be able to get the labor attorney to attend on such short notice.

- The corner the lights at the corner of River and Cross have been out for some time. He asked for an update on those streetlights.

Ms. Ernat stated it is a DTE issue outside the city's control. Staff has already submitted several complaints.

- He asked when the evaluations will be completed for the Clerk and City Manager.

Mayor Edmonds stated there will be more information at the next meeting. Council Member Robb asked if that meeting will be tomorrow or will it be November 28th. Ms. Edmonds responded there will be an update tomorrow.

Murdock

- Stated parking fines mostly pay for maintenance and enforcement officers. There is not a lot of available money from those fines.
- He had a conversation with the City Attorney and what he understands is City Council is conducting that investigation. Plato Law Firm is reporting to Council not the City Manager.

Mr. Barr responded in the affirmative. Council Member Murdock asked who the firm reports to. Mr. Barr responded to him. Mr. Murdock asked who the City Attorney reports to. Mr. Barr responded to Council. Mr. Murdock asked if Council would be given updates. Mr. Barr responded he will provide an update at the meeting tomorrow. Mr. Murdock stated special counsel's bid stated his report would be made to the Ethics Committee. Mr. Barr responded that was changed though contract negotiations.

- There are several vacancies on the Ethics Board, he asked how appointments can be made while the Mayor and Mayor Pro-Tem are under investigation.

Mr. Barr responded he will provide information during tomorrow's meeting. He said Cross St. between Mansfield and Hewitt is in Ypsilanti Township and the city does not have jurisdiction.

XIV. COMMUNICATIONS FROM THE MAYOR –

- The local procurement policy will be on the November 28th agenda.
- Asked for an update regarding enforcement of snow removal, and to ensure everything is ready for this coming winter.

XV. COMMUNICATIONS FROM THE CITY MANAGER –

- Regular Meeting of November 21st rescheduled to November 28th

XVI. COMMUNICATIONS –

XVII. AUDIENCE PARTICIPATION –

1. Cheryl Farmer, 214 N. Huron, stated the intent of the Charter is for the Mayor to appoint members of boards and commissions and Council to approve. If Council has concern about those appointees to the Ethics Board they can deny those appointees. She lives in an owner occupied apartment building which entitles her to three trash cans per unit, totaling six trashcans and she only puts out two. It seems very seldom there are a lot of trashcans throughout the city and it seems the city could cut back with considerable savings.
2. Rebecca Sundberg, 1309 Collegewood, stated she has concern with the Huron and Michigan Ave intersection. The city needs to do something before someone is hurt.
3. Amy Shrodes, Ypsilanti, asked that appointments made to the Ethics Board be more transparent.

XVIII. REMARKS FROM THE MAYOR –

- It is a very difficult battle with Michigan Department of Transportation to make state trunk lines safer. Huron and Michigan are a state trunk line and asked citizens to contact their state representatives and the city will go through the process of making requests.
- Stated the county will be providing a report about housing affordability in Ypsilanti.

Council Member Murdock stated several times the city has recommended MDOT examine the intersection at Michigan and Huron. The city needs to preform lane dieting on Huron and Hamilton prior to the state repaving those roads. The Ethics Board does not allow a member to serve on any other board. The terms are five years and you can only serve one term. Mayor Edmonds stated people are interested in serving on the Ethics Board but when told it rarely meets and they cannot serve on another board they are turned away.

XIX. ADJOURNMENT –

~~Resolution No. 2017-250, adjourning the City Council meeting.~~

OFFERED BY: Mayor Pro-Tem Brown

SECONDED BY: Council Member Bashert

On a voice vote, the motion carried, and the meeting adjourned at 8:14 p.m.