Approved

CITY OF YPSILANTI
REGULAR COUNCIL MEETING
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, NOVEMBER 14, 2017
7:00 p.m.

I. CALL TO ORDER –

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

II. ROLL CALL –

Council Member Bashert		Present	Council Member Robb	Present
Mayor Pro-Tem Brown	(8:15)	Present	Council Member Vogt	Present
Council Member Murdock		Present	Mayor Edmonds	Absent
Council Member Richardson		Present		

Council Member Vogt moved, seconded by Council Member Bashert to excuse the absence of Mayor Edmonds and Mayor Pro-Tem Brown.

On a voice vote, the motion carried, and the absences were excused.

III. INVOCATION –

Council Member Richardson 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 Vogt moved, seconded by Council Member Bashert, to approve the agenda.

Council Member Murdock moved to remove Resolution No. 2017-248 from the Section XII, Consent Agenda, to Section XIII, Resolutions/Motions/Discussions.

Council Member Robb moved to remove Resolution No. 2017-247 from the Section XII, Consent Agenda, to Section XIII, Resolutions/Motions/Discussions and remove Resolution No. 2017-260 from Section XIII, Resolutions/Motions/Discussions to Section XII, Consent Agenda.

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

VI. **INTRODUCTIONS** –

Council Member Richardson introduced the following individuals; OHM Engineering Marcus McNamara, Fiscal Services Director Marilou Uy, FSA and Managing Principal Kathleen Manning and Consulting Actuary Dan Colby, MWM Consulting Group, City Manager Darwin McClary, City Attorney John Barr, Economic Development Director Beth Ernat, Police Chief Tony DeGiusti, Assistant City Attorney Dan DuChene, DPS Director Stan Kirton, Accounting Supervisor Rheagan Basabica, Brittney Turner Eco Works, and Rick Bunch Southeast Michigan Regional Energy Office.

VII. **PRESENTATIONS** –

1. OPEB Retiree Health Plan Overview – Kathleen Manning, FSA and Managing Principal, MWM Consulting Group and Daniel Colby, FSA and Consulting Actuary, MWM Consulting Group

Fiscal Service Director Marilou Uy introduced Kathleen Manning and Daniel Colby from MWM Consulting Group.

Kathleen Manning and Daniel Colby from MWM Consulting Group provided a presentation regarding Ypsilanti's retiree health plan.

Council Member Bashert asked for an explanation of the 6% discount rate. Ms. Manning responded it is the interest rate used to equalize the payment from today to those made in thirty years.

City Manager McClary stated the city eliminated retiree health insurance for new hires a few years ago. Ms. Manning replied it still supplies some support just not as generous ask prior to 2013. Mr. McClary stated the city is creating health savings account, and asked if these liabilities will reduce overtime. Ms. Manning replied in the affirmative. Mr. McClary asked if projections will now be made at a hundred years instead of thirty. Ms. Manning responded projects will be made on a closed group until they expire.

Council Member Bashert asked if the city has a formal funding policy for the GASB 75s. Mr. McClary responded it has not been incorporated into a formal policy but it would be wise for Council to adopt a policy. Ms. Bashert asked if there is a timeline for that adoption. Ms. Manning responded by the end of Fiscal Year 2018. Mr. McClary added this would be addressed through budget preparation.

Council Member Murdock stated the Governor and State Legislature have been discussing pension reform. Part of that discussion included unfunded liability and asked how it would impact the city. Ms. Manning responded it would increase the city's annual cost.

2. Community Energy Management Planning Project - Rick Bunch, Executive Director, Southeast Michigan Regional Energy Office (SEMREO)

Rick Bunch Southeast Michigan Regional Energy Office and Brittney Turner Eco Works provided a presentation regarding energy management planning.

Council Member Murdock stated the city recently established a Sustainability Commission, and asked if Ms. Turner would be working with that Commission. Ms. Turner responded in the affirmative. Mr. Murdock stated the city has already undertaken many energy conservation efforts such as LED lighting and solar power, but there is also need for more improvements. Mr. Murdock asked Ms. Turner would help to assist the city with DTE in the possibility of introducing hydropower. Ms. Turner responded EcoWorks preforms that type of work, but this Memorandum of Understanding only includes the creation of a plan. However, the plan could include undertaking an assessment to see how viable hydropower would be in Ypsilanti.

Council Member Bashert asked if EcoWorks has resources to assist in purchasing equipment or vehicles. Ms. Turner responded bulk purchasing is being examined, which would involve several municipalities purchasing equipment at the same time to reduce cost. EcoWorks is definitely interested in the use of cleaner technologies. Ms. Bashert asked are there resources to assist municipalities converting to environmentally friendly vehicles such as police cruisers. Ms. Turner responded the vehicles are definitely available for purchase, and there are grant opportunities. Ms. Bashert asked if EcoWorks would assist in connecting the city with those opportunities. Ms. Turner responded in the affirmative. Rick Bunch added another project is to use the Volkswagen emissions settlement funds to funnel to municipalities for these type of purchases.

Council Member Murdock appreciated the work completed by both Eco Works and SEMREO.

VIII. <u>AUDIENCE PARTICIPATION</u> –

1. Mark Hergott, 111 Miles, stated a determination has been made that the trip to China was paid for by Amy Foster. He said this is the greatest debacle he has seen in Ypsilanti in his time in the City. It is easy to disparage from the outside of this situation, but at the end of the day forgiveness and appreciation of the hard work completed is what needs to happen. He apologized for calling for the Economic Development Director be fired. The Water Street millage helps to alleviate the pressure on development of the site. He feels the city needs to take a step back and think about what it should do with Water Street.

2. Tony Vanderworp, 1309 Kingwood, urged Council to expeditiously move on development of the Water Street site. The site has been a drain on the public services for many years. The last time Council placed a debt millage on the ballot it was approved. When he voted for the millage he thought it was to assist in continuing to solicit a developer for the site in order to create tax base and alleviate the burden on city services. The economy is improving and any development proposals must be seriously examined.

3. Nathanael Romero, Ypsilanti, stated he is happy a joint meeting of the Planning, Sustainability and Human Relations Commissions occurred last night on November 13th. They are considering forming a citizen's housing, accessibility, and affordability committee. The meeting allowed all commissioners and the audience time to discuss what issues matter to them. This was a very positive step in allowing for greater audience participation. He is also pleased by the efforts of Council Member Richardson and Assistant City Attorney Dan DuChene in the creation of a community benefits ordinance. He is looking forward to discussion about the purchase agreement of 220 N. Park, and encouraged Council to postpone any negotiations until the CBO is implemented.

4. Amber Fellows, Ypsilanti, agreed the city should postpone the sale of any public land until a CBO is in place. She does not have anything against the developer, but it is not the appropriate time to move forward with negotiations. She understands a percentage of public safety millage approved will be funneled to Ypsilanti and the Mayor has said it would be used for the Police Department. However, she has heard some funds created by the Water Street Debt Millage would be used for the Police Department. She attended a public meeting regarding housing security issues, and what was brought up over and over was that Ypsilanti does not have a twenty-four hour warming station. There is a growing homeless population in the city and the public safety funds could be used for this purpose. It appears the International Village development is not progressing, and she is glad it will not be developed. She feels the city has let the residents down in the city for not preforming proper vetting.

5. Rae, Ypsilanti, stated she while at United Sonz she asked the owner if he knew about the International Village development and he said he did not. She does not trust this development will be done until the purchase agreement is terminated. In a city that is two-third renters and low income, she is confused the leaders of this community are not looking after those people. The Master Plan states that regardless of age or income can find a home in Ypsilanti. If there is not an affordability component included in the 220 N. Park development it is not in line with the Master Plan. Allowing tiny homes to park on private property will assist to alleviate tax burden to property owners.

6. Alexandra Sarkozy, 314 N. Park, stated the purchase agreement lists twenty-five to sixty units on that property. The property is not have the capacity for that many units under the current historic guidelines. She is not opposed to the development at twenty units and is concerned the Historic District Commission was not included in the design and fit of this development.

7. Ka'Ron Gaines, Ypsilanti, asked why Council Member Richardson the only Council Member working on the CBO.

   Council Member Richardson interjected she is not the only Council Member working on the ordinance.

   Mr. Gaines stated he began becoming involved in local politics there have been no black issues discussed by Council. People are killing themselves and each other, there is a homeless problem, and many other issues.

8. Lee Tooson, 107 Middle, stated Ann Arbor just passed a law to protect its pedestrians. For ten years a "Senior Crossing" sign has been requested between Michigan Ave and Ferris. For over ten years stop signs have been requested on Ferris and Middle with little progress. He said the city installed a "duck crossing" sign, which tells you ducks are more important than human beings in the city. He said Déjà vu has posters that an individual was performing an indecent act, which is not common. He said you get situations such as these when the governing body passes laws that a man, that's supposed to be a man, can say he has a husband. And a woman that says she is a woman, and says she has a wife. He said that is uncommon.

9. Mary Ellen Hagenauer, N. Grove, stated she welcomes the idea of developing 220 N. Park, but concerned about the proposed density. Now that Park and Grove have been closed will increase the traffic on those two streets. This will totally change the nature of the neighborhood and its historic character.

10. Sherri Johnson, N. Grove, stated she is concerned about the density of the 220 N. Park and the traffic issues it would cause. The neighborhood is very stable and home ownership and stable neighborhoods do matter.

11. Kyle Hunter, S. Adams, asked if the Mayor will be present at this meeting.

    Council Member Richardson responded no. Mr. Hunter responded that is an issue that should be addressed because the Mayor has not made much of an appearance since her return from China. She is currently under investigation for contradicting statements made regarding funding for the China trip under oath. Facts have been uncovered by citizens and many facts have not been uncovered by Council, or the Attorney's Office. International Village should not have gotten as far as a purchase agreement. He has a bit of trust issues with the Mayor, Mayor Pro-Tem, the Economic Development Director, and the Police Chief.

12. Brian Geriger, Ypsilanti, stated he heard if the International Village came with a proposal it would be possible the purchase agreement could be extended. It is absurd the International Village could still be no the table.

13. Veronica Irving, Ypsilanti Township, stated she does not understand what the Traffic Review Board is doing in West Willow.

14. Amy Shrodes, Ypsilanti, stated vulnerable populations as a whole need to be cared for in Ypsilanti. The fact the city does not have a warming station is very concerning. There is a serious homeless and mental health access in this city.

15. Devin Leatherman, 300 Jarvis St., reminded Council to listen to the voices of the community and approve a CBO prior to the sale of public owned land. He said the city needs to be very careful about censoring people's comments. He is a gay man and supports Déjà vu that provides more jobs for low income individuals than anything done by Council.

IX. <u>REMARKS BY THE COUNCIL MEMBER RICHARDSON</u> –

- It is unfortunate Ms. Irving is leaving Ypsilanti and thanked her for her participation.

- She asked Mr. Gaines to call her to discuss his issues.

- The traffic on Park and Grove will be dealt with as the 220 N. Park project moves forward, and comments about traffic and density will be taken into consideration.

- She has brought up warming centers in years past.

Council Member Bashert stated she has initiated conversations with organizations that work with the homeless population to discuss the need for a warming center. She has done a lot of work with the homeless in the past and will continue that work. She shares the concern and will work toward a solution. Council Member Richardson stated she will work with Council Member Bashert to find a solution.

X. <u>PUBLIC HEARINGS</u> -

1. Approving a request for Microbrewery/Winery with special permits for outdoor service and Sunday sales Liquor License at 734 Brewing Company Inc., for 15 E. Cross, Ypsilanti, MI 48198.

   A. Resolution No. 2017-251, determination.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, 734 Brewing Company Inc. has applied to the City of Ypsilanti and Michigan Liquor Control Commission requesting the following:

A Microbrewery/Winery Liquor License, and Special Permits for Outdoor Service and Sunday sales at 15 E. Cross, Ypsilanti, MI 48198, Washtenaw County; and

WHEREAS, a public hearing to consider the proposed Microbrewery/Winery License was duly noticed and held on November 14, 2017.

NOW, THEREFORE, BE IT RESOLVED THAT the request of 734 Brewing Company Inc. for the property located at 15 E. Cross be approved.

OFFERED BY: Council Member Vogt
SECONDED BY: Council Member Bashert

B. Open public hearing.

1. Mark Hergott, 111 Miles, stated alcohol consumption is one of the largest killers in modern society. He is concerned how close this brewery would be to EMU campus because binge drinking, and drinking in general, under the age of twenty-five is not good for neural development. He asked that this be looked at very carefully.

C. Resolution No. 2017-252, close public hearing.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the public hearing to consider the proposed additional classification of "Microbrewery/Winery with Outdoor Service and Sunday Sales" for 734 Brewing Company Inc. be officially closed.

OFFERED BY: Council Member Vogt
SECONDED BY: Council Member Bashert

On a voice vote, the motion carried, and the public hearing was closed.

Economic Development Director Beth Ernat introduced the owners of 734 Brewing Company to explain their proposal.

Patrick Echlin, President and CEO of 734 Brewing Company, and Brian Jones-Chance, Chairman 734 Brewing Company, stated they are here to request Council approve this resolution so that they can seek approval from the Michigan Liquor Control Commission. Mr. Jones-Chance added they are both from Ypsilanti, and he believes improvements happening in Ypsilanti come from local people. He stated he is the fifth generation of his family to live in Ypsilanti, and his goal is to bring more people into craft beer and Depot Town. He does not believe Depot Town reflects the diversity of this city, but he believes in can.

Council Member Bashert asked what style of beer they will be brewing. Mr. Jones-Chance responded they will be focusing on easy drinking beers, hard ciders, and pop with the intention to bring people in that do not know much about craft beer. They will not have a kitchen, but will allow patrons to bring in food from other establishments in Depot Town.

On a roll call, the vote to amend Resolution No. 2017-251 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Absent
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Edmonds) VOTE: Carried

XI. <u>ORDINANCES – FIRST READING</u> – *Ordinance No. 1296*

1. An ordinance to amend Ypsilanti City Code Chapter 6, "Alcoholic Liquor" to be consistent with State Law and setting forth the penalties.

   A. Resolution No. 2017-253, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled " AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 6 "ALCOHOLIC LIQUOR" TO BE CONSISTENT WITH STATE LAW AND SETTING FORTH THE PENALTIES" be approved on first reading.

OFFERED BY: Council Member Robb
SECONDED BY: Council Member Vogt

Assistant City Attorney Dan DuChene stated this ordinance amendment will mirror the changes made in state law.

B. Open public hearing

1. Mark Hergott, 111 Miles, stated he is in favor of modernizing and restricting any minor's consumption of alcohol as possible with a municipal corporation.

C. Resolution No. 2017-254, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing on an ordinance entitled " AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 6 "ALCOHOLIC LIQUOR" TO BE CONSISTENT WITH STATE LAW AND SETTING FORTH THE PENALTIES" be officially closed.

OFFERED BY: Council Member Robb
SECONDED BY: Council Member Vogt

On a voice vote, the motion carried, and the public hearing was closed.

On a roll call, the vote to amend Resolution No. 2017-253 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Absent
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Edmonds) VOTE: Carried

Ordinance No. 1297

2. An ordinance to amend Chapters 14 "Animals"; Chapter 22 "Businesses", and Chapter 102 "Traffic and Vehicles" of the Ypsilanti City Code relating to internal references to Chapter 122 "Zoning".

   A. Resolution No. 2017-255, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "An ordinance to amend Chapters 14 "Animals", 22 "Business," and 102 "Traffic and Vehicles" of the Ypsilanti City Code relating to internal references to Chapter 122, "Zoning" of the Ypsilanti City Code" be approved.

OFFERED BY: Council Member Bashert
SECONDED BY: Council Member Richardson

Mr. DuChene stated there are several references to chapter 22 Zoning Code in the Code of Ordinance. City Planner Bonnie Wessler provided a list of where those codes have changed and this amendment to the ordinance would correct those issues.

   B. Open public hearing

   None

   C. Resolution No. 2017-256, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That a public hearing on an ordinance entitled "An ordinance to amend Chapters 14 "Animals", 22 "Business," and 102 "Traffic and Vehicles" of the Ypsilanti City Code relating to internal references to Chapter 122, "Zoning" of the Ypsilanti City Code" be officially closed.

OFFERED BY: Council Member Bashert
SECONDED BY: Council Member Vogt

On a voice vote, the motion carried, and the public hearing was closed.

On a roll call, the vote to amend Resolution No. 2017-255 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Absent
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Edmonds) VOTE: Carried

Ordinance No. 1298

3. An ordinance to amend Chapter 7, "Medical Marijuana" of the Ypsilanti City Code.

A. Resolution No. 2017-257, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "An ordinance to amend Chapter 7 "Medical Marijuana" of the Code of Ordinances of the City of Ypsilanti" be approved on first reading.

OFFERED BY: Council Member Murdock
SECONDED BY: Council Member Bashert

Mr. DuChene stated Chapter 7 of the Code deals with Medical Marijuana. The stated law has changed since the development of that ordinance. Council gave direction to staff to amend the Code so existing businesses are preserved moving forward under state law. He added the ordinance amendment would also change the word "license" to "permit" to avoid confusion of state license. The cap of six dispensaries was changed to seven provisioning centers.

B. Open public hearing

1. Mark Hergott, 111 Miles, stated ultimately marijuana will be made legal by 2019 or 2020. The Medical Marijuana Act is a stop gap measure to wait for the prohibitionists to die. While his comments on alcohol were very negative, his comments regarding marijuana are very different substances with different intoxication results. He suggested making it easier to maintain access to people for a mostly benign substance.

2. Jonathan Payne, owner 625 Tyler, stated there are additional licenses being created by the state that Council is not permitting with this ordinance amendment. He asked if any of those will be allowed to apply in the city, possibly in the PMD district. He advocates at least the transport license be allowed in the city.

3. Adam Tasselmyer, 124 W. Michigan, stated he is the owner of Herbal Solutions and appreciates Council protecting businesses currently operating in the city. He would like to expand the amount of licenses for processing/grow facilities in the city.

4. Mohammad Chammout, current license holder in Ypsilanti, stated he appreciated the city to opt in to the state program. He asked if this is simply an amendment that the current licenses will be opted in, or will other conditional language be added to the ordinance.

C. Resolution No. 2017-258, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing on an ordinance entitled "An ordinance to amend Chapter 7 "Medical Marijuana" of the Code of Ordinances of the City of Ypsilanti" be officially closed.

OFFERED BY: Council Member Murdock
SECONDED BY: Council Member Bashert

On a voice vote, the motion carried, and the public hearing was closed.

Council Member Murdock stated licensing will now be completed by the state, and it is the state's criteria that will be changing not the city's. Mr. DuChene responded the license is changed to a permit, but other than that the ordinance will be essentially the same. However, there will be procedure changes once developed by the state. There are three business types aside from provisioning centers and grow facilities; testing safety, secure transport, and processing. He explained currently the city's license is for manufacturing and the proposed permit will be processer/grower. Currently the city does not house transport, or testing facilities, and based on Council direction these business types were not included in the ordinance.

Council Member Bashert asked for clarification regarding transportation licensing, stating it is essentially a car. Mr. DuChene stated it would not be a car, it would be a secure transport. Ms. Bashert asked if they are not licensed in the city how can the transport in the city. Mr. DuChene responded secure transports can operate in the state, but they cannot be headquartered in the city. He explained this is an amendment to the existing ordinance to provide for the state procedure as the city anticipates it.

Council Member Robb asked if all the grow facilities are essentially "Class A" licenses. Mr. DuChene responded he is not certain how the current facilities operate, but he sees expansion. Mr. Robb asked if this ordinance would allow "Class B" or "Class C" permits. Mr. DuChene responded it would. Mr. Robb stated that is not defined in the Zoning Code. Mr. Duchene stated this ordinance authorizes all classifications of growers with the possibility of additional licenses by the state.

On a roll call, the vote to amend Resolution No. 2017-257 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Absent
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Edmonds) VOTE: Carried

XII. CONSENT AGENDA – *(added)* *Resolution No. 2017-245*

1. Resolution No. 2017-246, approving minutes of October 3, and October 10, and October 17, 2017.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of October 3rd, October 10th, and October 17th, 2017 be approved.

2. ~~Resolution No. 2017- 247, authorizing the City Treasurer to levy and assess unpaid bills and special assessments on the December 2017 tax roll.~~ **(Moved and Heard During Section XIII)**

3. ~~Resolution No. 2017-248, approving proposal for design engineering services with Orchard, Hiltz & McCliment (OHM) at a lump sum of $26,750.00.~~ **(Moved and Heard During Section XIII)**

4. Resolution No. 2017- 249, approving NEZ certificate for 406 S. Hamilton Street.

**RESOLUTION APPROVING AN APPLICATION FOR
A NEIGHBORHOOD ENTERPRIZE ZONE HOMESTEAD FACILITY CERTIFICATE
FOR LILLIE COVINGTON 406 S. HURON ST, YPSILANTI MI**

WHEREAS, the City Council of the City of Ypsilanti established a Neighborhood Enterprise Zone on April 16, 2016 as required under PA 147 of 1992 after a public hearing held on April 16, 2016; and

WHEREAS, the homeowner Lillie Covington is not delinquent on any taxes related to the home, and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ypsilanti and hereby is granted a Neighborhood Enterprise Zone Rehabilitation Exemption for property owned by Lillie Covington located at 406 S. Hamilton Street, Ypsilanti MI 48197 for a period of 15 years, beginning December 31, 2017, and ending December 30, 2032, pursuant to the provisions of PA 147 of 1992, as amended.

5. Resolution No. 2017-260, approving *Ordinance 1295*, an ordinance to establish the Ypsilanti Citizens Police Advisory Commission. ***(Second Reading)***

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance to establish the Ypsilanti Citizens Police Advisory Commission be approved on Second and Final Reading.

OFFERED BY: Council Member Vogt
SECONDED BY: Council Member Bashert

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

XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2017-259, approving 220 N. Park Street purchase agreement.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The City of Ypsilanti issued a Request for Qualification (RFP) for developers to redevelop the 4+ acres of property located at 220 N. Park; and

WHEREAS, five proposals were submitted on June 1, 2017 and a review committee of City officials reviewed qualified proposals and has recommended the proposal submitted by Norfolk Group, LLC; and

WHEREAS, in order to proceed with site design and development plans a Purchase Agreement has been created with Norfolk Group, LLC; and

WHEREAS, Norfolk Group, LLC., has shown sufficient experience in development and provided thoughtful and consideration to the RFQ and offered a purchase price of $1,000 per unit built or a minimum of $25,000 and has shown the financial wherewithal to complete a residential development; and

WHEREAS, the property at 220 N. Park is currently City Owned, vacant, and tax-exempt, the sale of the property will cause for the property to return to an active privately owned taxable property.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council directs the Mayor and City Clerk to enter into a Purchase Agreement for the property located at 220 N. Park with Norfolk Group, LLC.

OFFERED BY: Council Member Murdock
SECONDED BY: Council Member Vogt

Economic Development Director Beth Ernat provided an update on the process of the development of 220 N. Park. Ms. Ernat stated she understands and respects the community's desire for community benefits as a part of development. However, the city is a Redevelopment Ready Community and that states awarded the city certain perks, one being the Michigan Municipal League preparing a Request for Qualifications (RFQ) for this site that was unanimously approved of by Council. She feels it would not be proper to adjust its development standards mid-solicitation.

Council Member Murdock stated the timeframe allows ninety days to create a development plan after the purchase agreement is approved. Ms. Ernat responded the first ninety days will consist negotiate, prepare, and execute a satisfactory agreement for development between purchaser and seller. During this time concerns regarding items such as number of units, minimum investment, site plan, affordable housing requirements, sustainability and green energy, search and selection of local contractors, and dedication of public infrastructure will be addressed. This is not an exhaustive list but they are areas that need to be addressed. The due diligence period will occur after the initial ninety days, and will be followed by a year of approvals. Mr. Murdock asked what would follow the approval of a development agreement. Ms. Ernat responded another ninety days to preform due diligence. Mr. Murdock asked what that would include. Ms. Ernat responded inspections. Mr. Murdock asked if following the initial ninety days will include a meeting with the residents of that neighborhood. Ms. Ernat responded in the affirmative, and explained she recommends a Council work session, with public input, prior to the approval of a development agreement, and then for the design of the structure. Mr. Murdock asked when Council will have a more clear idea of the density of this development. James Franke, Norfolk Homes, responded during the development process it is Norfolk Homes intent to provide Council ability to have input. Ms. Ernat added it is her recommendation to set a cap on number of units, however, it is premature because the geotechnical and soil tests have not been complete, but her intent is to create a new process to provide greater Council and public input. Mr. Murdock stated he is concerned that once the development agreement is approved this project would not come before Council. Ms. Ernat responded in the affirmative, and explained it would not be the end of public input.

Council Member Bashert stated the Request for Qualifications (RFQ) did not encourage developers to investigate several city plans, which would include the values of the city. She is much happier with this purchase agreement and the process that has now been described. She asked what how community engagement will be designed for this development. Ms. Ernat responded it would be smaller than a charrette. Ms. Bashert stated the residents of that neighborhood have valid questions, and want to maintain the character of that neighborhood. Ms. Ernat replied three meetings were already held with residents of that neighborhood to understand what would be acceptable for development. She explained a joint meeting was held with the Historic District Commission, Planning Commission, and the Zoning Board of Appeals to specifically discuss this project. New development in a Historic District must abide by the Secretary of the Interior's standards, which that charge is to protect historic structures. Ms. Bashert asked if there was significant public involvement prior to the drafting of the RFQ. Ms. Ernat responded in the affirmative, and said the RFQ was approved by City Council.

Council Member Richardson asked how much input has the community had. Ms. Ernat responded three charettes have been held, and considers the input substantial. Ms. Richardson asked if the input regarding the developer hire local contractors and subcontractors. Ms. Ernat responded in the affirmative, and said that process will take place in the next ninety days. Ms. Richardson asked if even without a community benefits ordinance the community will be allowed input. Ms. Ernat responded in the affirmative, but the onus is on Council to set meeting dates.

Council Member Murdock stated the public input began with the Master Plan process and how that area was zoned. A subsequent article was written in MLive stating that property could include subsidized housing with four-hundred units. A petition was submitted stating the residents of that neighborhood were strongly against that possibility. Ultimately the process led to the acceptance of single family and townhomes for that property. It is unfortunate that community benefits have not been put in place because they have been raised around this table. However, there is opportunity to include community benefits as a part of this development. Mr. Murdock asked what the timeline for this development would be. Ms. Ernat responded that will be provided to Council once it is created.

Council Member Robb asked if the timeline and completion of the development will be included. Ms. Ernat responded that can be negotiated. Mr. Robb asked if that will be included in the development agreement. Ms. Ernat responded it is Council's pleasure and if agreed upon by the developer it can be included in the development agreement. Mr. Robb asked if density would be included in the agreement. Ms. Ernat responded Council can make a recommendation which can be considered by the developer. Mr. Robb asked what Council can expect to be included in the development agreement. Ms. Ernat responded infrastructure, alternative energy, local hiring, minimum investment requirements, affordable housing, and sustainability items. Council Member Vogt asked if sanctions for non-performance would be included. Ms. Ernat responded in the affirmative.

Council Member Richardson asked for clarification regarding the meaning of affordable housing. Ms. Ernat responded negotiations regarding wither affordable housing requirements on-site, or off-site. Ms. Richardson asked what is meant by "off-site". Ms. Ernat responded there is potential that not every development include on-site affordable housing, but using the Ypsilanti Housing Commission as a vehicle, a donation of land or funds could be made. Ms. Richardson asked if affordable housing is on the table for this development. Ms. Ernat responded that is a possibility, but the developer would need to agree to those terms. She added there is going to be a lot of legal questions associated with what the city can demand for affordable housing, which is also why a community benefits ordinance is not completed.

Council Member Robb stated since this is the first time the city has ever tried to include community benefits to a development it will set precedent. However, this process is not starting with a template. Ms. Ernat responded the list she previously outlined for Council is what she feels the city can legally request based on discussion with the Attorney's Office.

On a roll call, the vote to amend Resolution No. 2017-259 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	No
Council Member Murdock	Yes	Mayor Edmonds	Absent
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 5 NO: 1 (Robb) ABSENT: 1 (Edmonds) VOTE: Carried

2. ~~Resolution No. 2017-260, approving *Ordinance 1295*, an ordinance to establish the Ypsilanti Citizens Police Advisory Commission.~~ ~~***(Second Reading)***~~ **(Moved and Heard During Section XII)**

3. Resolution No. 2017-261, approving Memorandum of Understanding for Community Energy Management Planning Project.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti recognizes the importance of undertaking energy efficiency and renewable energy initiatives as part of its efforts to promote community sustainability; and

WHEREAS, the Southeast Michigan Regional Energy Office, EcoWorks, and Mott Foundation work collaboratively to fund and implement the Community Energy Management Planning Program to provide valuable planning assistance to Michigan municipalities to prepare and implement energy efficiency and renewable energy projects at no cost to those municipalities; and

WHEREAS, the Ypsilanti city council seeks to utilize the Community Energy Management Planning Program to help meet the city's own energy efficiency and renewable energy needs;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF YPSILANTI that the city council does hereby approve the Memorandum of Understanding between EcoWorks, Southeast Michigan Regional Energy Office, and the city to permit the collaboration between the three entities on the preparation of a Community Energy Management Plan for the city at no cost to the city; and

BE IT FURTHER RESOLVED that the city council does hereby commit to making a good faith effort to launch an energy efficiency or renewable energy project totaling a minimum value of $5,000 within one year of completion of the plan; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the Memorandum of Understanding on behalf of the city after approval of the agreement by the City Attorney as to form.

OFFERED BY: Council Member Richardson
SECONDED BY: Council Member Bashert

City Clerk Frances McMullan provided a synopsis of this Community Energy Management Planning Project.

Council Member Murdock stated the city has worked with both organizations and several energy efficient solar projects to cover the $5,000.

Council Member Robb stated this is a situation that is difficult to say no to. However, the city purchases its vehicles through the state contract, and this would not provide the city any savings because it already participates in bulk purchasing. The city has already performed much of the easier tasks such as LED lighting and solar power, however, it could be expanded. City Hall is the most energy inefficient building owned by the city. City Hall uses around $30,000 worth of gas and electricity a year. The city already has an alternative fuel vehicle policy. He is reluctant to say no to this, but he is not entirely sure the city will get worth out of this. He is concerned how this will affect staff time and what the city will get for the data it shares. Unless, the city is going to make big commitments to reinvesting into City Hall he isn't sure what the city will get aside from positive public relations.

On a roll call, the vote to amend Resolution No. 2017-261 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Absent
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Edmonds) VOTE: Carried

4. Resolution No. 2017-262, approving Sustainability Commission recommendations.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The Sustainability Commission submitted recommendations for development controls to City Council and City Council requested Planning staff review the recommendations; and

WHEREAS, Planning staff has reviewed the recommendations and made suggestions for reconsideration.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council defers the recommendations of City staff to the Sustainability Commission for further research and consideration.

OFFERED BY: Council Member Bashert
SECONDED BY: Council Member Vogt

Ms. Ernat stated staff does support the incorporation of a sustainability plan, but staff was asked to evaluate what was presented as an interim plan. She said an analysis of how the interim plan would incorporate the Master Plan, Climate Action Plan, and other city plans was performed. Staff recommends forwarding staff recommendations to the Sustainability Commission, and not approving the resolution not put forward to Council.

City Planner Bonnie Wessler stated overall the Sustainability Commission's recommendations were in line with the Master Plan, Climate Action Plan, and the general goals stated by Council over time. However, their recommendations lack a mechanism for enforcement and situations that the city already preforms in excess. Overall there is a lack of rationale behind the recommendations and there is a lot more detail required in the recommendations.

Council Member Bashert thanked staff for the time they put into this item, and assisting the commission to move forward with its goals.

Council Member Vogt moved, seconded by Council Member Vogt to extend the meeting until 11:00 p.m.

On a voice vote, the motion carried, and the meeting was extended.

On a roll call, the vote to amend Resolution No. 2017-262 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Absent
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Edmonds) VOTE: Carried

5. Resolution No. 2017- 247, authorizing the City Treasurer to levy and assess unpaid bills and special assessments on the December 2017 tax roll.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, that, the City Treasurer be authorized to levy and assess on the December 2017 tax roll the attached listing of unpaid bills totaling $26,821.67

Now therefore be it resolved that the Ypsilanti City Council approve these special assessments.

OFFERED BY: Council Member Vogt
SECONDED BY: Council Member Bashert

Council Member Robb stated he removed this from the Consent Agenda because a policy adopted many years ago states if rental inspection fees are not paid on time you most prepay them in the future. He said there are repeat offenders on this list and that policy needs to be implemented.

Ms. Ernat responded staff does implement that policy and explained repeat offenders are required to prepay. The reason repeat offenders are on this list is because the fines owned are not for non-payment for inspection.

On a roll call, the vote to amend Resolution No. 2017-247 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Absent
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Edmonds) VOTE: Carried

6. Resolution No. 2017-248, approving proposal for design engineering services with Orchard, Hiltz & McCliment (OHM) at a lump sum of $26,750.00.

A RESOLUTION OF THE CITY OF YPSILANTI:

WHEREAS, the Plaintiffs in the CIL vs. City of Ypsilanti have identified the intersection of Prospect and Maus for priority remediation of the ADA ramps; and

WHEREAS, it is necessary to secure design engineering services to comply with the remediation request from the Plaintiffs and keep this project on schedule for the 2018-2019 construction year;

WHEREAS, Orchard, Hiltz and McCliment has provided an exemplary level of service to the City of Ypsilanti on similar improvement projects, and possesses a depth of experience with the infrastructure in the project area; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the proposal for design engineering services with Orchard, Hiltz & McCliment, Inc., 34000 Plymouth Road, Livonia, MI at a lump sum cost of $26,750.00; and

THAT, the cost for the design engineering for this project be expended from account # 202-7-9064-975-00 in the FY2017-2018 Budget; and

THAT the Mayor and City Clerk are authorized to sign this proposal,

subject to review and approval by the City Attorney; and

THAT the City Manager is authorized to sign any change orders that may be needed to maintain the project's schedule, subject to review and approval by the City Attorney.

OFFERED BY: Council Member Vogt
SECONDED BY: Council Member Murdock

Council Member Murdock asked why this was not redone when the city reconstructed Prospect and use state funding. He asked if the intersection will also be paved as a part of this project. Ms. Ernat responded she can provide that information at a later date.

On a roll call, the vote to amend Resolution No. 2017-248 was as follows:

Mayor Pro-Tem Brown	Yes	Council Member Robb	Yes
Council Member Murdock	Yes	Mayor Edmonds	Absent
Council Member Richardson	Yes	Council Member Vogt	Yes
Council Member Bashert	Yes		

VOTE:

YES: 6 NO: 0 ABSENT: 1 (Edmonds) VOTE: Carried

XIV. LIAISON REPORTS –

A. SEMCOG Update - None
B. Washtenaw Area Transportation Study - None
C. Urban County - None

D. Ypsilanti Downtown Development Authority - none
E. Eastern Washtenaw Safety Alliance - None
F. Police-Community Relations/Black Lives Matter Joint Task Force – Mayor Pro-Tem Brown stated since its task has been completed this will be removed from Liaison Reports.
G. Friends of Rutherford Pool - None
H. Housing Equity Leadership Team - None
I. Economic Development Coordinating Committee – None

XIV. COUNCIL PROPOSED BUSINESS –

Richardson

- A stop sign is needed at Ferris and Middle. She travels there regularly and it is difficult to see at that intersection.

  Mayor Pro-Tem Brown added drivers speed through that area all the time and it is very dangerous. Council Member Murdock stated put a resolution on the next meeting to install speed bumps at that location. Chief DeGiusti replied two years ago the Traffic Review Committee recommended putting speed bumps at that location. Council Member Richardson stated at that time Council was told there is not funding available to install speed bumps at that location. Ms. Richardson requested a resolution be brought for approval during the November 28th meeting regarding speed bumps on Ferris.

- The bushes at the corner of Hamilton and Ferris obstruct the view of drivers. The bushes need to be trimmed and a sign indicating senior citizens are crossing.

Robb

- Asked if evaluations for the City Manager and the City Clerk are going to be completed.

  Council Member Bashert stated there was a change to one of the questions and it has since stalled. However, it is a simple change and they should be continuing in the near future.

Murdock

- He will have resolutions for the next meeting regarding specific topics.

Bashert

- Asked for language regarding a resolution for fire prevention funding.
- Asked questions regarding bathrooms in the parks, especially during the peak months.

XV. COMMUNICATIONS FROM THE MAYOR PRO-TEM–

None

XVI COMMUNICATIONS FROM THE CITY MANAGER –

- 2nd November meeting rescheduled to November 28th

XVII. COMMUNICATIONS –

- ~~Police Department Bench Warrant Report~~ **(November 28, 2017 Meeting)**

- Traffic Review Minutes of November 2, 2017

Ms. Ernat provided an update of the Bell/Kramer site and Solar Ypsi.

Council Member Murdock asked for a resolution to be prepared revoking the PILOT for the Cross Street Village. Ms. Ernat suggested holding off until the last meeting in December.

XVIII. AUDIENCE PARTICIPATION –

1. Amber Fellows, Ypsilanti, stated she is not surprised by the approval of the purchase agreement for 220 N. Park. However, she is disappointed in the process. She did not hear questions regarding what had been changed since the original proposal, and it was merely a gesture. Also, she was disappointed the developer was not asked if affordable housing would be included at the site. She would have preferred a public hearing been held for this property.

2. Nathanael Romero, Ypsilanti, stated it appears Ms. Ernat had been speaking with Amy Foster from at least the beginning of the year. He wants to know how to create better communication with city officials. There was little public outreach for the joint meeting between the Planning Commission, ZBA, and the Historic District Commission.

3. Lisa Voelker, 117 Cross, stated Council should examine hiring people from inside the community.

4. Heather Charles, Washington St., stated on Sunday a town hall was held including some other smaller group activities. She hopes communication lines will be kept open between the public and Council.

   Council Member Murdock stated comments were made indicating the joint meeting between the HDC, ZBA, and Planning Commission did not have a section for public comment. If that were true it would be a violation of the Open Meetings Act. Mr. Romero responded he assumes it had audience participation but no comments were made, which suggests there were not sufficient community outreach.

~~XIV. CLOSED SESSION -~~

~~Closed Session for the purpose of discussing collective bargaining strategy, pursuant to MCL 15.268(c)~~ **(Canceled)**

XIX. ADJOURNMENT –

Resolution No. 2017-263, adjourning the City Council meeting.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the City Council Meeting be adjourned, on call, by the Mayor or two (2) members of Council.

OFFERED BY: Council Member Vogt
SECONDED BY: Council Member Bashert

On a voice vote, the motion carried, and the meeting adjourned at 10:35 p.m.