

1. Council Meeting Agenda

Documents:

[01-09-18 FINAL AGENDA .PDF](#)

2. Council Meeting Packet

Documents:

[JANUARY 9, 2018 COUNCIL MEETING PACKET.PDF](#)

3. Council Action Minutes

Documents:

[ACTION MINUTES 01-09-18.PDF](#)



(Revised 1-9-18)

**CITY OF YPSILANTI
REGULAR COUNCIL MEETING
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, JANUARY 9, 2018
7:00 p.m.**

I. CALL TO ORDER –

II. ROLL CALL –

Council Member Bashert	P A	Council Member Robb	P A
Mayor Pro-Tem Brown	P A	Council Member Vogt	P A
Council Member Murdock	P A	Mayor Edmonds	P A
Council Member Richardson	P A		

III. INVOCATION –

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 –

VI. INTRODUCTIONS –

VII. PRESENTATIONS –

- Friends of Rutherford Pool – John Weiss
- 2017-18 Snow Removal Program – Public Services Director Stan Kirton

VIII. AUDIENCE PARTICIPATION –

IX. REMARKS BY THE MAYOR –

X. PUBLIC HEARINGS -

XI. CONSENT AGENDA –

Resolution No. 2018-001

1. Resolution No. 2018-002, approving minutes of December 14, and December 19, 2017.
2. Resolution No. 2018-003, approving Ordinance 1299 to amend Chapter 2, "Administration", Article VI, Contracts and Purchasing, of the Ypsilanti City Code. **(Second Reading)**
3. Resolution No. 2018-004, approving Ordinance 1300 to amend Chapter 30, Article VI, "Tax Exempt Housing" of the Ypsilanti City Code to repeal Divisions 2, 4, 5, 6, 11 and 12 renumber the remaining Divisions and Sections of the Article; and other changes. **(Second Reading)**
4. Resolution No. 2018-004A, authorizing The City of Ypsilanti Fire Department is eligible to apply for a FEMA grant under the 2017 Assistance to Firefighters Grant (AFG). **(added)**

XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2018-005, approving purchase of body cameras from Axon Enterprise.
2. Resolution No. 2018-006, approving Supplemental Appropriation to FY 2017-18 Budget - Information Technology (IT) Audit and Migration Plan Services.
3. Resolution No. 2018-007, approving Washtenaw County IT Services Contract 2017-18.
4. Resolution No. 2018-008, approving an application for a Neighborhood Enterprise Zone (NEZ) new certificate at 888 Madison Street.
5. Resolution No. 2018-009, approving an OPRA extension for 13 N. Washington.
6. Resolution No. 2018-010, approving an OPRA extension for 6 and 12 S. Washington.
7. Resolution No. 2018-011, approving an OPRA extension for 52, 54, and 56 E. Cross.
8. Resolution No. 2018-012, approving Services Agreement with Washtenaw County for the Peninsular Dam Removal Study Project

XIII. LIAISON REPORTS –

- A. SEMCOG Update
- B. Washtenaw Area Transportation Study
- C. Urban County
- D. Ypsilanti Downtown Development Authority
- E. Eastern Washtenaw Safety Alliance
- F. Friends of Rutherford Pool
- G. Housing Equity Leadership Team
- H. Economic Development Coordinating Committee

XIV. COUNCIL PROPOSED BUSINESS –

XV. COMMUNICATIONS FROM THE MAYOR –

Nomination:

Policy Advisory Commission

Susan Melke
330 Chidester, #409
Ypsilanti, MI 48197

XVI. COMMUNICATIONS FROM THE CITY MANAGER –

- Road Diet Project Status Report
- Report on Status of Frog Island Community Garden
- Report on Impact of 5% Local Bid Preference
- Report on Status of Replacement or Repair of Town Clock
- Report on Heritage Bridge Status

- Report on Status of Marketing Plan for Water Street

XVII. COMMUNICATIONS –

XVIII. AUDIENCE PARTICIPATION –

XIX. REMARKS FROM THE MAYOR –

XXII. CLOSED SESSION –

Closed Session to discuss collective bargaining strategy pursuant to MCL 15.268(c).

XXIII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2018-013, approving POAM 2017-19 Collective Bargaining Agreement.
2. Resolution No. 2018-014, approving AFSCME 2017-20 Medical Coverage Memorandum of Understanding.

XXIV. ADJOURNMENT –

Resolution No. 2018-015, adjourning the City Council meeting.



(Revised 1-9-18)

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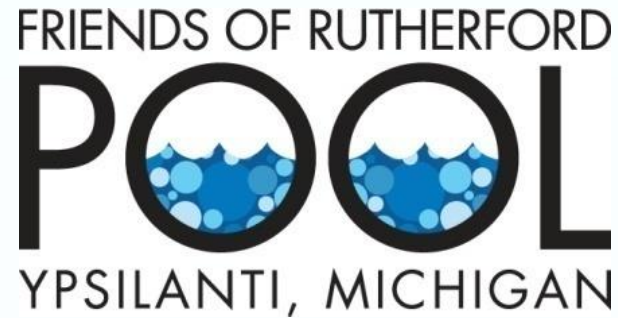
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A Plan to Revitalize the Bath House at Rutherford Pool

A Presentation to Ypsilanti City Council - January 9th, 2018



FORP Board:

Erica Bloom, Rebecca Bowman, Jessica Faul, Jeff Guyton, Naaja Graham, Beth Hill, Louie Weir, Eric Moore, Joel Rutherford, Lisa Wozniak, John Weiss

Re-Cap: 2017 Season

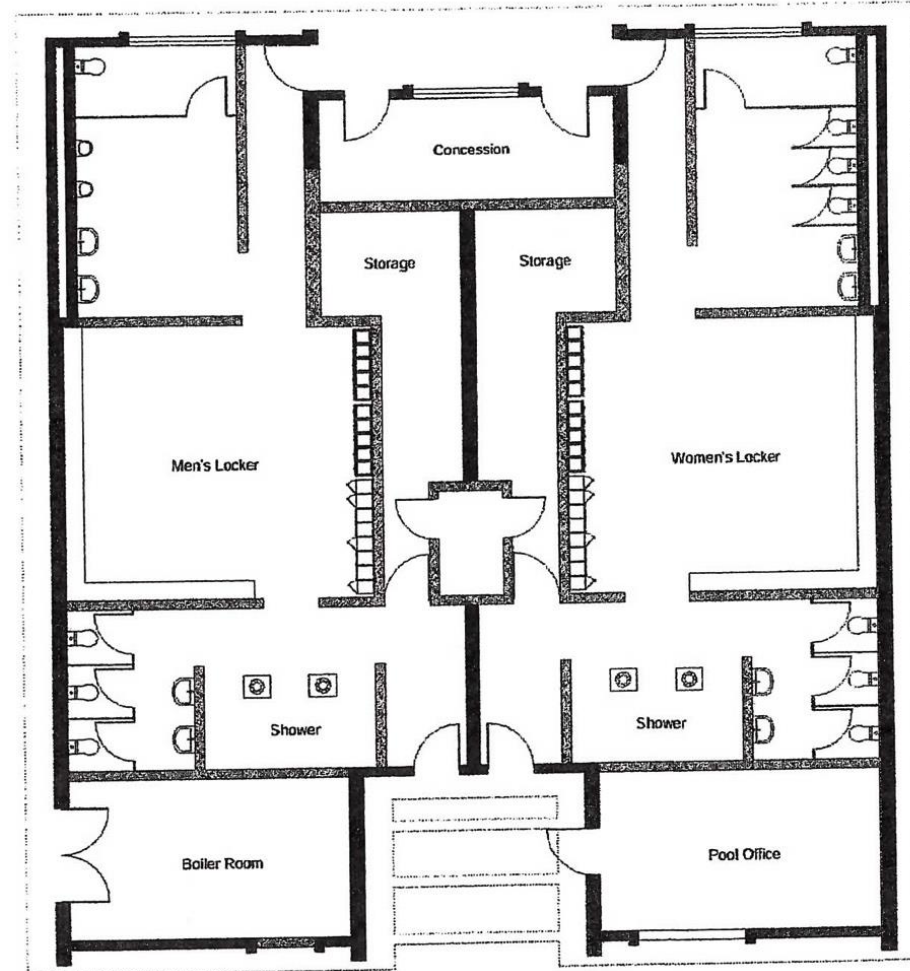
- Over 18,000 pool visits
- 350 community members – from toddlers to adults— participated in swim lessons
- 6th annual Kid's Triathlon with the support of Ypsilanti's Kiwanis Club
- Partnered with Ypsilanti Community Schools & Ypsilanti Library free pool passes to 100s of youth
- Participated in the Food Gatherer's *Meet Up, Eat Up* program

Why Revitalize the Bath House?

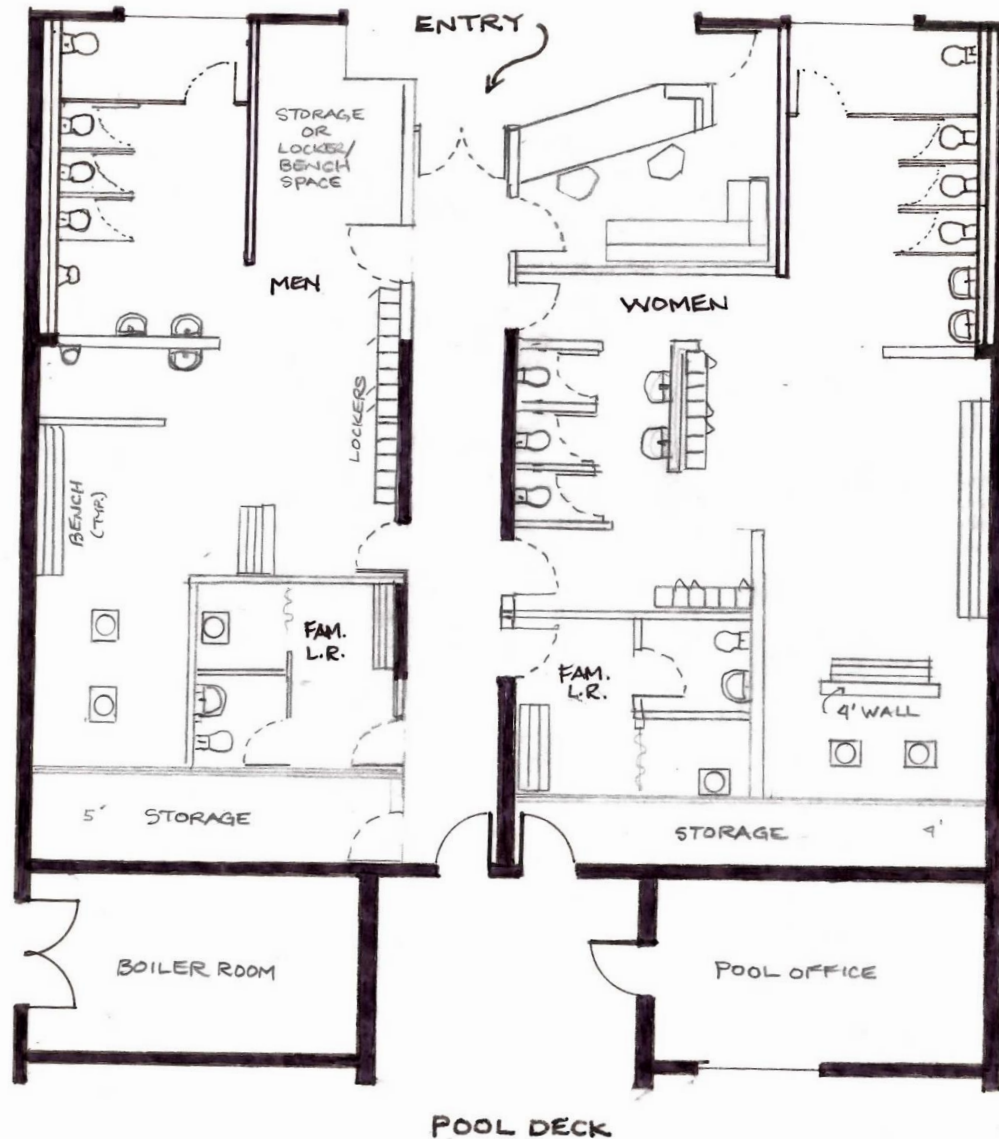
- Original structure built in 1971
- Outdated/poorly laid out electrical
- Plumbing leaks, breaks, clogs
- New community expressed needs
- Few shaded areas
- Cost efficiencies



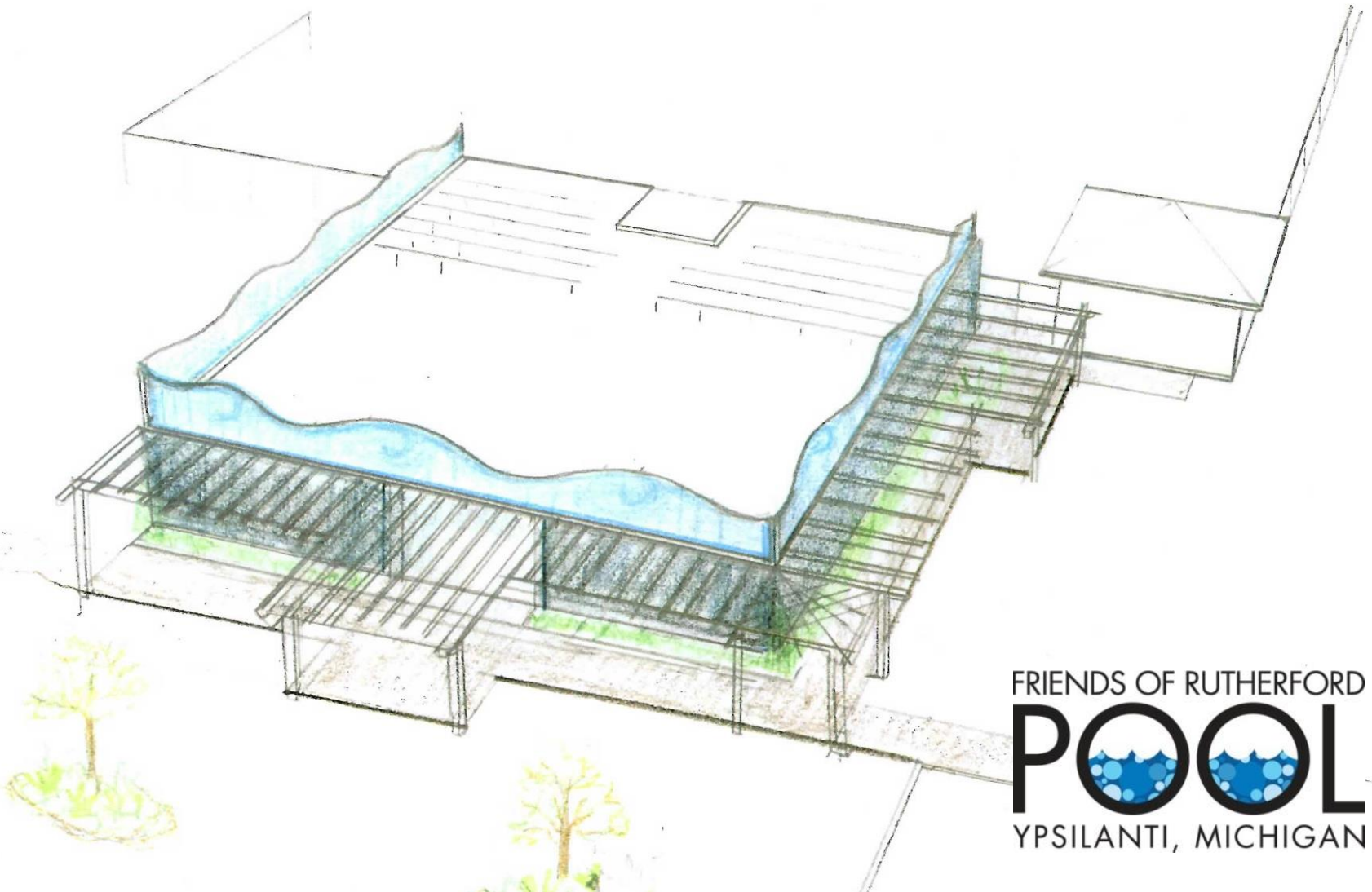
Existing Floor Plan



New Design - Floor Plan



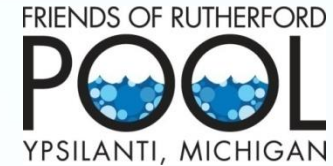
Proposed External Design



New Features Overview

- Addition of 2 gender neutral/family bathrooms
- Re-do/replace electrical and plumbing
- New flooring and refurbished/redesign changing areas
- Rooftop solar panels
- Gazebo structure at pool entrance
- Design feature around top of building
- Shaded walkway on west side of building

Cost Projection & Revenue Sources



Total revitalization project estimate: \$600,000

Fundraising Overview

- Land Water Conservation Grant: \$300,000
- Major Donors (\$500 or more): \$75,000-100,000
- Municipal (City, County, Township) sources: \$70-90K
- MEDC Crowd-funding: \$50,000
- Foundation grants: \$50,000-75,000
- Business/Corporate: \$25,000
- Individual Donors: \$25,000

Major Campaign Activities

- Finalize Campaign Committee (Jan 31)
- Campaign Materials (Feb 15)
- Crowd funding Campaign (March 15)
- LWCG (due April 1)
- Major & Individual Solicitations (Feb-Dec)
- Grant submissions (Feb-Dec)

Support from City

- Officially submit LWCG – April 1
- Make a monetary contribution to bath house revitalization
- Partner on selecting architectural firm and builder



Questions?



DPS WINTER MAINTENANCE OPERATION

January 9, 2018

EQUIPMENT

- 5-6 Class 7 Single Axle Underbody Plow Trucks with 5 Yard Dump and Front Plow Brackets (two live bottom)
- 4 Front Plow One Ton Stake/Dump Trucks
- 1 Tractor with Front Plow, Rear Salt Spreader and Broom Attachment
- 1 UTV with Front Plow and Rear Salt Spreader

Equipment continued

- 1 Bobcat with 10 Foot Snow Pusher
- 1 Front Loader
- 1 Walk Behind Snow Blower

City Salt Usage

	Fiscal Year 2014/2015 Salt Cost per Ton \$53.07	Fiscal Year 2015/2016 Salt Cost per Ton \$54.73	Fiscal Year 2016/2017 Salt Cost per Ton \$45.52
State Trunklines	327.42 Tons	211.36 Tons	204.48 Tons
Major Roads	444.13 Tons	329.20 Tons	271.87 Tons
Local Roads	305.74 Tons	211.79 Tons	232.50 Tons
Parking Lots	.38 Tons	13.89 Tons	2.05 Tons
Abatement	0.00 Tons	.28 Tons	.75 Tons
Total Tonage Used	1,077.67 Tons	766.52 Tons	711.65 Tons
Total \$ Amount	\$ 57,191.95	\$ 41,951.64	\$ 32,394.31

PLOW ROUTES/AREAS

- Snow Plow Areas Corresponds to Trash Pickup Days
- Monday's Trash Pickup Area Would Correspond to Area 1's Snow Area, Tuesday's Trash Pickup Area Corresponds to Area 2's Snow Area and Etc.

PLOW ROUTES/AREAS

- 121 Lane Miles within City Limits
- Approximately 21.22 Miles Major Streets
- Approximately 32.44 Miles Local Streets
- Approximately 6.7 miles of State Trunk -line (Under MDOT State Trunkline Maintenance Contract)

City Parking Lots/Parking Cut-Outs

- City owned parking lots: South Huron, North Huron, Adams Street, Pearl/N. Washington Street, Ballard Street, Upper City Hall, Lower City Hall (Including Bank of Ann Arbor Parking Lot), Recreation Park (Senior Center), Depot Town (Freight House), Depot Town (Frog Island), Maple Street Lot, Rutherford Pool Lot.
- On-Street Parking Cut-Outs: Michigan Ave.(Huron River Bridge to Ballard St., N. Huron (Michigan Ave. to Pearl St.), Pearl Street (N. Huron to Adams St.), S. Washington (Ferris to Michigan Ave.), W. Cross St. (N. River St. to Cross Street Bridge), W. Cross St. (Washington to Normal St.).

Winter Maintenance City Parking Lots

- If snow fall exceeds 3 inches, parking lots will be cleared within 48 hours after snow fall has ended.
- Parking lot entrances will be posted 24 hours prior to clearing, using the following signage: "No Parking between 3:00 a.m. - 6:00a.m., Violators Will Be Towed"
- A crew will be brought in between 3:00 am and 6:00 am to clear parking lots.
- Residential parking permit holders will be notified in advance by the DDA via internet and or e-mail, to use on-street parking other than parking cut-outs.
- Residential parking Permit holders will not be ticketed or towed from on-street parking while lots are being

Plowing Priorities

- Priority 1: State Trunklines
- Priority 2: Major Streets
- Priority 3: Local Streets
- Priority 4: City Owned Parking Lots & Public Sidewalks
- Priority 5: City Alleys
- Priority 6: Sidewalks in front of City owned properties that are not City facilities



Resolution No. 2018-001
January 9, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following items be approved:

1. Resolution No. 2018-002, approving minutes of December 14, and December 19, 2017.
2. Resolution No. 2018-003, approving Ordinance 1299 to amend Chapter 2, "Administration", Article VI, Contracts and Purchasing, of the Ypsilanti City Code.
(Second Reading)
3. Resolution No. 2018-004, approving Ordinance 1300 to amend Chapter 30, Article VI, "Tax Exempt Housing" of the Ypsilanti City Code to repeal Divisions 2, 4, 5, 6, 11 and 12 renumber the remaining Divisions and Sections of the Article; and other changes.
(Second Reading)
4. Resolution No. 2018-004A, authorizing The City of Ypsilanti Fire Department is eligible to apply for a FEMA grant under the 2017 Assistance to Firefighters Grant (AFG).

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2018 - 002
January 9, 2018

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of December 14th and December 19th, 2017 be approved.

OFFERED BY: _____

SUPPORTED BY: _____

YES:

NO:

ABSENT:

VOTE:



**CITY OF YPSILANTI
COUNCIL WORK SESSION AGENDA
COUNCIL CHAMBERS - ONE SOUTH HURON STREET
THURSDAY, DECEMBER 14, 2017
7:00 P.M.**

I. CALL TO ORDER –

The meeting was called to order at 7:06 p.m.

II. ROLL CALL –

Council Member Bashert	Present	Council Member Robb	Present
Mayor Pro-Tem Brown	Present	Council Member Vogt (7:10)	Present
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 Murdock moved, seconded by Council Member Bashert to approve the agenda.

Mayor Edmonds informed Council the labor attorney was present if anyone would like to motion to hold a Closed Session. Council Member Murdock asked if there was additional information that was presented during the December 8, 2017 Special Meeting. City Manager Darwin McClary responded there is not a pressing need for a Closed Session, but he is available if Council has additional questions.

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

VI. AUDIENCE PARTICIPATION -

1. Amber Fellows, Ypsilanti Resident, stated she thinks it is positive that some of the resident concerns are being addressed. She does not think staff is doing what the public expected, especially the language of the community benefits ordinance (CBO). She feels anything staff would submit to Council would be severely compromised. She suggested Council approve a resolution that requires a community benefits agreement (CBA) with the Norfolk development.
2. Nathanael Romero, Ypsilanti Resident, appreciated that Council is holding a work session and understands since a CBO is not in place a CBA can be negotiated through a development agreement. He feels this specific development would provide an opportunity to prepare a CBA that could lead to the development of a CBO. A coalition

will allow the public an opportunity to provide input on what it would like to see in the CBO. He said Ypsilanti, as a community, should be able to revisit what its processes are. He said he would like to see participation of the entire city, rather than just the properties adjacent to the development. The CBA should be driven by a community coalition with representation for throughout the city.

3. Kyle Hunter, 430 S. Adams, stated the work sessions should be promoted more to the public. Asked what the reason was for the Mayor's two absences. He asked what the status of the China trip investigation is. The conflicts created by that trip and the investigation have a potential to bleed into this development.

VII. REMARKS FROM THE MAYOR –

- Mayor Edmonds stated she was out of for work, which is why she was absent for those meetings.

Council Member Murdock stated the China trip investigation is currently happening.

IX. WORK SESSION –

- Discussion regarding the 220 N. Park St. Development.

Economic Development Director Beth Ernat provided a presentation on a development agreement for 220 N. Park St.

Council Member Bashert asked what the timeline is for when Council will be provided information on the density of the development. Ms. Ernat responded upon completion of the due diligence of the site a site plan will be created. She recommends that during the site plan development meetings be held prior to the site plan being submitted to the Planning Commission for approval. She understands the concerns regarding the density of this development. Ms. Bashert asked is that the stated plan or just a vision of what might come of this. Ms. Ernat responded she would defer to the developer regarding that question. Ms. Bashert asked if the soil tests can occur during the winter. Ms. Ernat responded in the affirmative. Ms. Bashert asked how long the due diligence period will take. Ms. Ernat responded the purchase agreement states a year between the approval of a purchase agreement and the governmental approval process. Ideally the timeline would be three months for exploration. It will take an additional three months to develop a plan and the final six months will be to seek governmental approval. Ms. Bashert responded at the six month period Council will have an idea of the density of this development. Ms. Ernat responded in the affirmative.

Council Member Vogt stated the memo is slightly vague such as there is not a commitment by the developer for search and selection of local contractors. He asked what the most recent contact with the developer would be regarding local contractors being used for the development. Ms. Ernat responded the issues with creating percentages of local contractors used for this development is based off of how many local contractors will be available, and what is considered local. Mr. Vogt replied he understands that was an issue with the construction of the Little Caesars Arena in Detroit. Mayor Edmonds stated investigated, and explained she is currently trying to hire ten contractors, and it is difficult to find local and minority contractors because they are so busy. She asked if there are standards for a waiver process if local and minority contractors are not available. Ms. Ernat responded not that she is aware of. Council Member Richardson asked why the city can't develop a standard for waivers. Ms. Ernat responded staff can attempt to develop that standard.

Mayor Edmonds stated the local procurement ordinance will be brought to Council on December 19th for approval on first reading. She stated the ordinance includes a hierarchy, which is structured by giving Ypsilanti residents first preference, second is the 48197 and 48198 zip

codes, third is the county, and Michigan is fourth. She asked if Council would like to use that ordinance as a range for CBAs. Ms. Ernat stated there are two categories; registered trade contractors and people seeking work in that trade. Without having a volunteer registry other than a list of contractors working in the city. She asked if Council's preference is for contractors who have a PO Box in the city, or who reside in the city. Council Member Richardson suggested the city use the county registry for local contractors. Ms. Edmonds asked if that list includes total of twenty contractors across all trades. Ms. Ernat responded as of July 2017 the list included seven contractors. Council Member Vogt asked if the registry includes size of the contractor; such as number of employees and kinds of trades they are engaged in. Ms. Ernat responded no, other than type of service. Mayor Edmonds stated the county registry is a good base, but will not suffice for construction needs.

Mayor Edmonds suggested the city use contractors located in the 48197 and 48198 zip codes. Council Member Richardson suggested using the county registry as a base and expand. Ms. Ernat responded her concern is the registry does not include trades people. When considering this specific project none of the contractors on this list would be qualified. Ms. Richardson responded she understands, but it can be used as a starting point.

Council Member Bashert stated just because the company is located here does not mean their employees reside in the city. The city has six to twelve months to market to encourage local contractors to sign up for the county registry. Ms. Ernat replied a contractor must be qualified by the county in order to sign up to the registry. In order to be qualified by the county the contractor must be qualified by HUD. Ms. Bashert stated since this development is not a HUD project it might not be the best tool to use. Ms. Bashert stated the eastern part of the county has lost 5,000 jobs in the last decade. This has caused a great problem of poverty and the city wants to do everything it can to hire local contractors in order to combat this problem. She agrees a HUD list might not be helpful, but the city could advertise the Economic Development Department is looking for local contractors for a development. Mayor Edmonds stated hiring of employees is different than awarding contracts, but are both important. They issue should be bifurcated to ensure that both local contractors and employees are used. Council Member Vogt stated it seems there are several lists that could be created and different criteria language developed. Perhaps there is a way to provide a hierarchy and contractors could be a part of a pool. The city must be very specific and objective in hiring practices for local contractors.

Mayor Edmonds stated she was under the impression that when the county procurement policy was approved there was a call to develop a broader list of contractors. Mr. McClary stated Ypsilanti is a member of the Intergovernmental Trade Network (MTIN) bidding system. He said there are thousands of vendors registered and it is free to join. He suggested using that system to provide a list to developers. Ms. Edmonds replied that is a great way to build capacity, and asked if contractors can be separated by zip codes. Mr. McClary responded in the affirmative.

Council Member Murdock stated he likes the idea of a hierarchy being developed, however, a company that operates out of Brighton might employ people that live in Ypsilanti. He thinks there should be a training element as a part of the project, and those individuals should be city residents. Mayor Edmonds asked for clarification for this project specifically. Mr. Murdock responded most contractor associations have an apprentice programs, and he would like that included in the CBA. Ms. Edmonds stated it is a great idea, but she would not make it a requirement because it might be difficult to hire contractors. Mr. Murdock stated it would simply be a goal not a requirement. He added he would like to see a prevailing wage included in the CBA. Council Member Richardson agreed. Council Member Bashert stated having a training component could save the developer money because apprentices are not paid as much. Mr. Murdock added it would provide a city resident a skill to take to another job.

Council Member Bashert asked for the prevailing wage to be defined, and if it is possible. She asked if union labor would be used for this project. Ms. Ernat responded she does not have that

information. She added a prevailing wage is defined as the hourly wage, usual benefits, and overtime paid in the largest city in each county for the majority of workers, laborers, and mechanics. The prevailing wage is set by the Department of Labor for each trade and occupation. Ms. Bashert asked what the prevailing wage is for Ypsilanti, and assumed it is based on Ann Arbor. Ms. Ernat responded it is done by the state and is broken down for each trade. Ms. Bashert asked for the amount for general construction for a point of reference. Mayor Edmonds stated she supports a prevailing wage, however, it can hurt smaller local contractors that do not have the business model to pay a prevailing wage. Mr. Murdock stated the city does have a prevailing wage ordinance that requires contracts over \$25,000 to pay a prevailing wage. Ms. Edmonds responded she is referring to smaller sub-contractors in particular. Council Member Richardson stated the city should follow the prevailing wage that is in place. Ms. Ernat responded most local contractors do not have the means to pay the prevailing wage. She asked is Council suggesting companies simply pay the prevailing wage, or to be under the Prevailing Wage Act. Mr. Murdock stated the current city ordinance requires monitoring, and he assumes it would follow the same practice. Ms. Ernat responded who would perform the monitoring. Mr. Murdock asked who currently performs the monitoring. Ms. Ernat responded it depends on the project. Mr. Murdock stated he thought that Human Resources would monitor wages, but changes can be made. Ms. Bashert stated she would prefer a local contractor be awarded a job even if they are unable to pay a prevailing wage. Mayor Pro-Tem Brown agreed. Ms. Edmonds stated she would like to see a living wage paid as a base amount. Mr. Murdock stated a person would still need to monitor a living wage. Mr. Murdock stated again these are goals, however, they might not be able to be obtained. Assistant City Attorney Dan DuChene stated there are two separate ordinances; one prevailing wage and the other living wage. They both have a contract amount attached to them, and could be employed by the amount of the cost of the sub-contract.

Council Member Murdock stated he would like this project more clearly defined in terms of density. The project would need to have a timed schedule for completion, consequences or claw back provisions if the timeline is not met, or the project is abandoned. The development agreement should also include if the development stalls the project cannot be sold without approval of the city. A construction plan should be made that minimizes the impact on the neighborhood and provides a robust system of communicating with the neighborhood during its development. Prior to the beginning of construction there be an evacuation of animals such as skunks, gofers, and groundhogs. There needs to be an affordable housing component to the development. There needs to be sustainability component such as energy efficient buildings and appliances, green storm water management, recycling and composting, and underground utility and telecommunication lines. He added a redesign of the dead ends at Park and Grove and the train stop. Also, whether there would need to be a water and sewer upgrade at the location.

Council Member Robb suggested examining the boilerplate issues such as density, and the other issues might be solves as a result. Ms. Ernat replied the extension of Locust remaining a public right-of-way complete street instead of having a restrictive access. A complete street would include a dedicated bike lane, street trees, and curb and gutters. By having a complete street it would help address a lot of concerns. Mr. Robb stated he does not believe a bike lane would be necessary on Locust. Mayor Edmonds stated developments should follow the city's non-motorized plan that as streets are added, or upgraded bike lanes be added. City Planner Bonnie Wessler stated a complete street would not necessarily require a bike lane because is low volume low speed.

Council Member Bashert asked if all the homes will have sidewalks, and that is something she would want throughout the development. Mayor Pro-Tem Brown agreed.

Ms. Ernat stated one idea is to minimize garaging meaning no more than 50% of the façade can be a garage. Council Member Vogt agreed, and suggested a smaller percentage of the façade be a garage. Mayor Edmonds agreed.

Ms. Ernat stated the Zoning Ordinance and engineering standards have been revised to require green infrastructure. She would like to create a taxable value target of the development in order to indicate why the city would sell the property below market rate. Council Member Murdock responded he believes the developer provided a minimum estimated taxable value. Ms. Ernat responded the developer provided an investment value not a taxable value. Mr. Murdock stated it was a market value. Council Member Robb agreed and said the amount listed was \$4.6 million, which on twenty-five units is \$184,000 each. Ms. Ernat responded that would be near the median of the neighborhood.

Ms. Ernat proposed the development agreement list daily street sweeping during construction. With the activity of the neighborhood construction times can go from 6:00 a.m. until 6:00 p.m., in the summer months 6:00 p.m. is early and possible push it to 7:00 a.m. to 7:00 p.m. Council Member Bashert agreed. She is comfortable proposing the evacuation of rodents. Mayor Edmonds responded that might be a question to the Department of Natural Resources, and said it might have legal repercussions. Ms. Ernat responded it would be private property and does not foresee an issue. Ms. Edmonds stated she would advise speaking with DNR. Ms. Ernat stated the city could negotiate a performance bond for the development. She added the construction manager could be provided contact information of those residing on Park, Grove, and High streets to engage in construction planning. As far as claw back provisions she has no issue and will rely on the Attorney's Office to negotiate. Ms. Ernat agreed a timeline should be submitted but does not foresee that being possible until the time of site plan approval.

Mayor Edmonds asked if there is a sense of minimum construction that would happen at once if the construction is completed in phases. Ms. Ernat responded that is a question for the contractor at negotiations.

Council Member Murdock asked if this project will be a planned unit development (PUD). Ms. Ernat responded no it is by right. Mr. Murdock asked if it could become a PUD is something happens. Council Member Robb responded if the developer wanted to change density it could.

Council Member Bashert asked if a solar panel requirement could be added to negotiations. Ms. Ernat responded it is a possibility. Mayor Edmonds stated that could be a great option for a buyer.

Ms. Ernat stated improved design of the Park and Grove dead ends is definitely a requirement for negotiation.

Council Member Richardson stated if this development does not include affordable housing she would be unable to support it.

Council Member Vogt stated he agrees with Council Member Murdock that is not the case a particular project must include affordable housing. However, a component must be present that if affordable housing is not included the developer must work with an entity to provide affordable housing elsewhere. There is a flexible range of possibility in affordable housing. If the developer is unable to provide it for this project than another option for affordable housing in the city needs to be presented.

Mayor Edmonds asked if tiny houses option would be allowable under the current zoning at that location. Ms. Wessler responded there is no minimum floor size in the CN Mid neighborhood.

Council Member Robb stated his issue is less about housing affordability and more about priority. He stated a percentage of investment can be put into an affordability fund, or any other possible priorities in the city. He agrees there should be as many things on the list as possible items to negotiate, but the need to be prioritized. Mayor Edmonds agreed and said priorities must be set in scale. Mr. Robb asked how a requirement for affordable housing works for new construction.

Ms. Ernat responded the city would need to investigate a credit system for Habitat to work in the city. However, Habitat is working on core neighborhoods which all fall in the Township and they are at capacity. Making a contribution to Habitat would not be her recommendation for a priority. Council Member Richardson agreed. Ms. Ernat stated there are other programs the city could set up funds for, or create its own fund possibly using the Ypsilanti Housing Commission. Council Member Murdock stated Habitat is interested in coming back into the city. Ms. Ernat responded she spoke with Habitat last week and they conveyed a different message. Mr. Murdock responded a lot of funds Habitat uses come from Urban County. Ms. Ernat responded staff asked Habitat for their assistance, but were informed they would not be able to assist for the next five years. Council Member Bashert stated that leaves the city's own model for affordable housing and the Avalon House in the county. Ms. Edmonds stated Avalon House is already partnering with the Housing Commission on certain projects.

Council Member Vogt stated he is looking for something that would reject typical subdivision, township, or urban sprawl type of design. He would like to see a walkable development with an excellent streetscape design. Driveways should not be along the street, rather they should be constructed on the rear of the site. Mayor Edmonds stated she is not completed anti-driveway, however, she would like to see garages in the back of the site. Mr. Vogt asked driveways at least be minimized.

Mayor Edmonds asked when Council will be provided more information in order to approve a development agreement. She asked if density is something that will be dealt with more at the Planning Commission level. Ms. Ernat responded it is typically in the domain of the Planning Commission. Council Member Robb stated the city owns the property and Council should set the minimum standards for density prior to Planning Commission approval. He said he will not vote to approve the project if he does not know the density. Mr. DuChene responded the governmental approval will occur prior to conveyance so there is a possible opportunity to add contingency for city approval. Mr. Robb replied he is not certain that would be fair to the developer. Ms. Edmonds stated when there are greater possibility for multifamily units creates a greater probability of adding affordable housing units. Mr. Robb disagreed, and explained the development is townhouses not eight unit apartment buildings. The density will not drive affordability. Council Member Bashert stated over the past six months there has been discussion of the prize of greater density and the prize of less density. The question regarding how many units will be in this development is a fairly charged. The sooner information is provided on that subject the more relaxed the city will be. Council Member Richardson stated density is a big issue with neighbors of the proposed development. Ms. Bashert responded that is the exact push/pull she was referring to.

Mayor Edmonds asked if Ms. Ernat had enough information to move forward in the process. Ms. Ernat responded yes, but she would like to hear from the neighbors. Ms. Edmonds stated there is a second audience participation happening shortly. Council Member Robb stated there is a second audience participation, but directly after that the meeting will be adjourned. Taking comments now would allow for greater engagement.

Mayor Edmonds asked if any neighbors of the proposed development would like to address Council.

Mary Ellen Hagenauer, 309 N. Grove, stated her issue is with the density, and has more to do with increased traffic than footprint of the development. She would have liked the closure of Grove and Park to have occurred after the Request for Qualifications (RFQ) was posted. She stated the 4.4 acres will not be for just housing as a road will be going through that site. That proposed road could end up taking up at least an acre.

Hank Prebys, 301 N. Grove, stated the construction of a road as an extension of Locust, which is currently an ally. If that road is going to be used as a major thoroughfare the city will be faced

with the development of that street. He said this property is in the Historic District, and he advised the developer to come and speak with the Historic District Commission regarding the design of the façade.

Sharon Johnson, 310 N. Grove, stated the neighborhood is zoned Central Core which means they development must fit the neighborhood. Which is why density is a major concern for the neighbors of the proposed site.

Hugh Kennedy, 316 N. Grove, stated he is an engineer and was done work all over southeast Michigan. Stated the developers should know more about the property then Council, and if not they should leave. He said he completed a site plan of 220 N. Park prior to the demolition of the building. He said if the development is truly sixty units it would be the first skyscraper in Ypsilanti. That many units would increase the population of that neighborhood by around 140 people, which means 140 cars leaving every morning on essentially three streets. The sewer capacity of that site will also be very critical. He asked if the development requires increase in infrastructure the city would pay for it. Council Member Murdock responded that is in the developer's proposal. Mr. Kennedy responded that would be in his proposal as well because he would try to get the city to pay for everything he could. He asked why the city would approve a development that would increase the demands on infrastructure that already has the potential to be compromised. The one thing he knows about development is that if the developer is unable to make money it will find another piece of property. He said building height is going to be a real issue, and he would advise anything greater than two stories. Another issue is storm water systems and could cause greater pollution in the sewer system. He does not want to have on street parking.

Mayor Edmonds asked when the city should request Ypsilanti Community Utilities Authority (YCUA) to complete an impact analysis. Ms. Wessler responded upon completion of the RFQ she contacted YCUA to provide ballpark numbers for sewer and water. YCUA responded the system should be adequate for the size of the development described in the RFQ. Ms. Edmonds asked if there is another point in the process YCUA would provide analysis. Ms. Wessler responded at the time YCUA tied into the developments sewer lines if there was an issue. Council Member Murdock asked where the sewer and water hookups would be located. Ms. Wessler responded she could provide that information to Council. Ms. Ernat added the engineering is completed at the time of the site plan.

Council Member Bashert stated she appreciates the comments from the neighbors and stated Council hears their concerns.

Council Member Robb stated he would like Council to provide staff a list of what it feels is most for this development.

Council Member Murdock stated the issues discussed by Council in terms of schedule, protections for the city, and the community benefits ordinance. However, that is mostly going to be a part of negotiations. He agreed the turnarounds are important to that contract. Ms. Ernat stated obviously the city needs to negotiate, and she has heard three priorities, but does not want to tip the city's hand for the negotiations. Mr. DuChene relied the three items can be stated. Ms. Ernat replied affordable housing, train stop contribution, and prevailing wage and training issues. She agreed everything else discussed can easily be baked in through negotiations.

Council Member Robb stated his biggest concern is to finish Park and Grove and if that means money doesn't go to the train station. Mayor Edmonds stated she has heard other Council Members priority is affordable housing. Council Member Bashert stated the design elements of the development are incredibly important to her. Mr. Robb stated Council speaks as one voice and even though different concerns were voiced it is important for Council to provide direction to staff. Ms. Edmonds stated she is not prepared to vote on a prioritized list.

Council Member Murdock asked for a rough schedule of the development. Council Member Robb responded the development agreement is due the second meeting in February. Ms. Ernat stated her goal is to not wait until the second meeting in February, but if not she would bring an extension option to that meeting. Mr. Murdock asked what will happen after a development agreement is approved. Ms. Ernat responded the purchase agreement would remain for a one year time period to allow for governmental approval. A community meeting will be held scheduled by the developer prior to a Planning Commission hearing. Potentially another joint meeting between Planning, HDC, and the Zoning Board of Appeals. Once the development agreement is approved a tentative schedule will be drafted. Mr. Murdock stated the concern from the neighbors is density, and it sounds that information will not be provided until the development agreement. Ms. Ernat responded staff has heard the concerns and will include a provision in the development agreement regarding density. The developer responded they need to know the allowable density in order to move forward with the project.

Mayor Edmonds stated this is the first time Council has really delved into community benefits agreement issues. She thanked the developer for their patience while the city moves through this process. She mentioned an important question to ask through this process is how to define how a person is impacted by a specific development. Council Member Richardson stated any development occurring in the city will have an effect on the entire city. The CBO and CBA will help to protect those most affected by the development.

X. AUDIENCE PARTICIPATION –

1. Amy Shrodes, River Street, stated she formally lived at 216 Grove and is very interested in what happens at the site. She is very concerned not one unit will be considered for affordable housing. She asked why the community would support a development that no one in the community could afford to live. She said the community wants to be a part of this process and asked that language be developed for percentage of jobs and affordable housing. She asked why not create a marketing campaign to create a list of contractors in the city as well as create an avenue for training in the trades. She echoed the density concerns as well as concerns with the wildlife in the area.
2. Desiree Simmons, 407 Charles, she asked about balancing affordable housing and density. She stated Ypsilanti is a small city and this development will effected all residents not just those living closest to the development. The number one priority should be places for people to live. Affordable housing should not be located in one place and should be spread out.
3. Ypsilanti Resident stated LED lights are bad for people's health. A lot of people in the city are below the poverty line and many are renters. When considering a development Council should consider what is best for the people that are already here.

XI. REMARKS FROM THE MAYOR –

— Thanked everyone for their comments.

XII. ADJOURNMENT -

Resolution No. 2017-291, adjourning the City Council Meeting.

Council Member Vogt, seconded by Mayor Pro-Tem Brown to adjourn the meeting.

On a voice vote, the motion carried, and the meeting adjourned at 9:26 p.m.



**CITY OF YPSILANTI
REGULAR COUNCIL MEETING
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, DECEMBER 19, 2017
7:00 p.m.**

I. CALL TO ORDER –

The meeting was called to order at 7:05 a.m.

II. ROLL CALL –

Council Member Bashert	Present	Council Member Robb	Present
Mayor Pro-Tem Brown	Present	Council Member Vogt	Present
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 Richardson moved, seconded by Council Member Bashert to approve the agenda.

Council Member Richardson moved to add a presentation by the Fire Union under presentation.

Council Member Bashert moved to move Resolution No. 2017-296, waiving penalties for the failure to file Property Transfer Affidavits and Resolution No. 2017-297 supporting the reinstatement of the Michigan Historic Preservation Tax Credit from Section XII and add both to Section XIII.

Mayor Pro-Tem Brown moved, seconded by Council Member Richardson to waive Council rules and reconsider the 80/20 healthcare option.

On a roll call, the vote to waive Council rules and reconsider the 80/20 healthcare option was as follows:

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

VOTE:

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

The resolution to reconsider will occur immediately following Closed Session.

Mayor Edmonds added only the AFSCME contract will be considered during this meeting the others can be removed from the agenda.

Council Member Murdock moved to move Resolution No. 2017-282, approving cooperative agreement between the City of Ypsilanti and the Huron River Watershed prior to Section XII, Consent Agenda.

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

VI. INTRODUCTIONS –

None

VII. PRESENTATIONS –

- Ypsilanti Housing Commission – Executive Director Zachary Fosler

YHC Executive Director Zachary Fosler provided an update regarding Housing Commission operations.

Council Member Murdock stated the video created by Ypsilanti youth was very well done. The YHC is said to be the agency for affordable housing in Ypsilanti and asked what exactly does that mean in terms of new projects. Mr. Fosler responded he hopes that when affordable housing, or housing in general is being discussed the YHC is a part of those discussions. The YHC is not interested in created concentrated poverty and he hopes future developments YHC hopes to provide affordable units and market value units. This objective would create mixed income developments, which is good for sustainability and social benefits. Mr. Murdock asked if the YHC is restricted to the borders of the city. Mr. Fosler responded the YHC received an opinion from its general counsel that it is not. However, it would need the blessing of the jurisdiction of the YHC development. Mr. Murdock asked since the YHC is looking to spread out affordable housing is it intending on developing single family, townhouses, and duplexes. Mr. Fosler responded it depends on the availability of the site and financing. He explained it is more difficult to finance that style of development. Mr. Murdock asked if much thought has been given to the impact of the recently approved federal tax bill. Mr. Fosler responded it is terrifying to think of what that could do to the available tax credits.

Council Member Richardson stated the YHC is interested in developing mixed housing. Mr. Fosler responded the YHC is interested in developments with units designated for individuals with 30% average median income (AMI) mixed with units for individuals with 60% AMI. Ms. Richardson stated affordable housing has taken on a new connotation, and said affordable housing does not mean people are not employed, it means their income would not meet market rate. Affordable housing does not necessarily mean individuals would need services such as discussed during the presentation. Mr. Fosler responded the services are not a requirement, but the YHC would like to see them available if needed by residents.

- STAR Communities – Keith Michalowski and Emily Drennen

Sustainability Commissioners Keith Michalowski and Emily Drennen provided a presentation regarding STAR Communities.

Mayor Edmonds asked if the Commission is still involved in the Michigan Green Communities assessment. Commissioner Brett Zeuner responded the Commission wants this to be a synergistic and collaborative process, and this would not replace that initiative. This would be able to provide the city a wealth of resources. Ms. Edmonds asked if STAR has an in house gas tracking system. Mr. Michalowski responded STAR does have metrics which would be allowed for use if the city is a member.

Council Member Bashert stated the STAR system will be a great tool for the city to complete many goals of the Sustainability Commission.

- Fire Union Presentation **(Added)**

Ypsilanti Fire Department Lt. Ken Hobbs and Capt. Jameson Shultz provided a presentation regarding healthcare on behalf of all city employees.

City Manager Darwin McClary asked if the data provided takes into account the EHIM Wrap for prescription drugs. Lt. Hobbs responded the data is based off of the 2017 projections and it does include those cost.

VIII. AUDIENCE PARTICIPATION –

1. Sarah Borgstadt, 1668 Savannah, voiced support to the passage of a charitable gaming license for the Ypsilanti International Elementary School PTO. She thanked Council and the city for its support.
2. David Calkin, 302 Elm, He stated he has become a nationally validated software company in the industry, yet it cannot be seen be Michiganders.
3. Anthony Morgan, 210 N. River, stated issue with the state proposed concealed weapons permits and overall gun safety. He asked how many of the 342 Housing Commission units are used by minorities. He asked if the property values have increased or decreased on the Southside based on the removal of the bars. Based on the Community Impact Comprehensive Report crime and arrests have decreased in Ypsilanti and he understands the Police Department budget has been capped. He wonders if those funds could be used for the city's youth because they are largely overlooked in this city.
4. Jameson Shultz, Ypsilanti Fire Department, asked Council to select the 80/20 healthcare option. The perception of city employees is Council does not respect, and perception is reality. He has seven spreadsheets both from the city and Michigan Planners. The spreadsheets all have different data that contradict each other. Because of this he has lost faith the city will present reliable and accurate information. He doesn't know how anyone can be confident in the numbers that have been presented. The 80/20 has always been the more affordable option for the employee. Like every other employee he has to make a selection by Friday, December 22nd by 9:00 a.m. It is completely unfair to ask an employee to select a healthcare in two days.
5. Annette Coppock, Ypsilanti Police Department, thanked Council for reconsidering the 80/20 healthcare option. The frustration of the union is caused by the strong armed tactic the City

Manager is using for healthcare. She said there would have never been issues with numbers under the previous City Manager. She contacted EHIM regarding prescription coverage who informed her they provided numbers to the city that would have lowered cost, but they were not shared with the union. The City Manager is the leader of the city and if he cannot explain the numbers how can an employee make an educated decision. The City Manager's way of conduction business reflects on the integrity of City Council and the city as a whole.

6. Robert Peto, Ypsilanti Police Department Retiree, stated he has participated in many negotiations and there is a good faith issue in the negotiations. Thankfully at the last Council meeting he attended Council Member Robb pointed out inconsistencies in the data provided. However, Council still voted using the data provided, which was upsetting. Healthcare is being proposed to the unions without detail to make a decision. There are other plans available and other ways to save money.
7. Angela Brown, Ypsilanti Police Department Retiree, thanked the Police Officer and Firefighters for their services to the city. Stated she is very concerned about the healthcare and there is a feeling of coerciveness in this process. Stated she has never seen the use of a gag order during union contract negotiations. A Facebook post by the City Manager was completely inappropriate during contract negotiations. She has gotten the feeling Council is not aware of what the proposal was. She is not sure this City Manager fits the community.
8. Laura Rubin, Huron River Watershed Council, stated Council has been given a scope of work for approval of Penn Dam. The Watershed is contributing a great deal of funds for this study and asked Council for approval.
9. David Blakely, Ypsilanti Department of Public Services, stated he is confused why the approval of AFSCME's contract is still on the agenda. The collective bargaining unit has not agreed to a contract. During negotiations the union was told Council could change the retirement plan. The current plan is 131% funded, and to his understanding it has not cost the city any money in the last twenty-one years. Changing the plan to a defined contribution will cost the city \$148,000 over the next ten years. AFSCME is in full support of switching back to the 80/20 healthcare option. Pursuant to the Open Meetings Act AFSCME requests a Closed Session meeting with Council be scheduled to discuss collective bargaining as soon as possible. He requested Council maintain the current healthcare.
10. Greg Swafford, AFSCME employee, stated the goal of a compensation package is to attract and maintain quality talent. The union cannot accept the contract as written it is not in the best interest of union members.
11. Brian Athey, 6167 1st, Superior Township, stated the Friends of Penn Park is delighted to be a part of the study for Penn Dam. The group's mission is to make the park safer and cleaner for the community. The dam's removal has a real impact on the ecosystem and the residents downstream from the dam.
12. Dave Hiekkinen, business owner 133 W. Michigan, stated his support for the Downtown Development Director and the intergovernmental agreement between the DDA and the City. He said Joe Meyers has been the best DDA Director since he has been in the downtown. While he is not always happy with the DDA he is always happy with Mr. Meyers because of his presence in the downtown, and the business community.

13. Adam Gainsly, 409 Adams, agreed with Mr. Hiekkinen and requested Mr. Meyers continue as the DDA Director and extend the intergovernmental agreement with the city. He listed several projects the DDA is undertaking. Thanks Council for its continued support.
14. Lee Tooson, 107 Middle, thanked Council for reconsidering the 80/20 health care option. He supports the Fire and Police Departments because they are the ones you protect the residents of the city. The City Manager does not protect the residents of the city, he is only serving himself. He has never heard of a City Manager making union negotiators sign a gag order, which only indicates he is up to something less than honorable. He asked Council to follow the City Manager's record, and does not know why he was hired. He wants to retain the talent the city has in the Police and Fire Departments.
15. Anne Brown, 2125 Collegewood, stated she is here representing Friends of Penn Park and here to support the approval of Resolution No. 2017-282.

IX. REMARKS BY THE MAYOR –

None

X. PUBLIC HEARINGS –

XI. CONSENT AGENDA –

Resolution No. 2017-292A

1. Resolution No. 2017-292, approving minutes of November 28, December 5, and December 8, 2017.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of November 28th, December 5th, and December 8th, 2017 be approved.

2. Resolution No. 2017-293, approving amended 734 Brewery application for liquor license.

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/Small Wine Maker 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/ Small Wine Maker 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.

3. Resolution No. 2017-294, approving the appointment of Patricia Berry to the Ethics Board.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT, the following individuals be appointed to the City of Ypsilanti Boards and Commissions as indicated below:

NAME

BOARD

**TERM
EXPIRATION**

4. Resolution No. 2017-295, recognizing the Ypsilanti International Elementary School Parent Teacher Organization (YIES) PTO as a non-profit organization operating in the City of Ypsilanti.

WHEREAS, the Ypsilanti International Elementary School (YIES) develops the youngest students to be inquisitive, thoughtful learners with a global perspective; and

WHEREAS, parent involvement is crucial to the success of our schools and our students; and

WHEREAS, the YIES Parent-Teacher Organization (YIES PTO) is a certified 501(c)3 charity that may accept tax-deductible donations subject to all relevant laws; and

WHEREAS, the mission of the YIES PTO is to strengthen, enhance, and encourage the educational environment at Ypsilanti International Elementary School, with a key goal of establishing and reinforcing the communication between the student families, teachers, and community; and

WHEREAS, the YIES PTO is planning to hold a raffle as part of their "Blooming YIES" fundraising gala on February 24, 2018 at the Ypsilanti Freighthouse; and

WHEREAS, community support and fundraising is an essential tool for helping our schools be successful and serve the students and families of Ypsilanti.

THEREFORE, BE IT RESOLVED THAT the City Council of the City of Ypsilanti recognizes the Ypsilanti International Elementary School Parent Teacher Organization (YIES PTO) as a nonprofit organization operating in the community, and that their application for the purpose of obtaining a charitable gaming license be approved.

OFFERED BY: Council Member Richardson

SECONDED BY: Council Member Vogt

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

- ~~5. Resolution No. 2017-296, waiving penalties for failure to file Property Transfer Affidavits. (Moved and Heard)~~
- ~~6. Resolution No. 2017-297, supporting the reinstatement of the Michigan Historic Preservation Tax Credit. (Moved and Heard)~~

RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution No. 2017-282, approving cooperative agreement between the City of Ypsilanti and the Huron River Watershed.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City of Ypsilanti owns the Peninsular Dam crossing the Huron River and adjacent to Peninsular Park; and

WHEREAS, the Michigan Department of Environmental Quality (MDEQ) is requiring that the city submit a plan for necessary repairs to the dam and that repairs must be completed within a reasonable time if the city opts to restore the dam; and

WHEREAS, a Dam Condition Assessment Report for the Peninsular Dam was completed in September 2014 by the city's engineers, OHM Advisors, identifying the deficiencies of the dam and estimating the costs to make necessary repairs to the dam at \$659,000; and

WHEREAS, the Ypsilanti city council desires to partner with the Huron River Watershed Council (HRWC) to study the feasibility and cost effectiveness of removing the Peninsular Dam, together with the associated environmental, financial, logistical, and legal impacts of removal, including such impacts on affected adjacent properties; and

WHEREAS, the city council intends to use the results of the dam removal study and the results of the 2014 dam condition assessment report to assist the council in making an informed determination as to whether restoration of the dam or its removal is most beneficial to the community;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF YPSILANTI that the Ypsilanti city council hereby approves the Cooperative Agreement for Peninsular Dam Removal Study between the City of Ypsilanti and the Huron River Watershed Council as presented at a cost to the city not to exceed \$47,324, with HRWC to be responsible for all remaining costs, and to authorize the City Manager to execute the agreement on behalf of the city after approval of the agreement by the City Attorney as to form; and

BE IT FURTHER RESOLVED that the city council hereby approves the Scope of Work and Fee Estimate for the Huron River Watershed River Restoration Services - Peninsular Dam prepared by Princeton Hydro Engineering, PC, and dated November 2017, with an estimated cost of \$122,648; and

BE IT FURTHER RESOLVED that the city council hereby authorizes city administration to proceed with the project.

OFFERED BY: Council Member Robb

SECONDED BY: Council Member Bashert

Council Member Murdock stated on December 5th he sent the City Manager an email with several issues, which some have been corrected. However, there are other that need to be addressed; such as who the other representative from the city is for the work group. Mr. McClary explained the work group would consist of a representative of the HRWC, the city, one representative selected by the Friends of Penn Park, and one representative from each of the townships selected to participate. The work group is tasked with reviewing each of the deliverables outlined in the scope of work. The group can suggest any changes because the understanding is while the dam is owned by the city the work completed on the dam will have an effect on surrounding jurisdictions. Mr. Murdock stated there is no reference to this group in the agreement, nor is there any reference to the Friends of Penn Park. Mr. McClary responded the agreement is between the city and the Huron River Watershed Council, and the work group is separate from that agreement.

Council Murdock stated the agreement states the HRWC should commission feasibility studies subject to approval of the City Council prior to the commencement of the study. He asked if that is being approved now, or will it be returning to Council. Mr. McClary responded the resolution is to approve a cooperative agreement and a scope of work.

Council Member Murdock stated the contract also makes reference to an appendix, and asked if the Princeton Hydro proposal was appendix A, and is the Friends of Penn Park part of the attachments. Mr. McClary responded the Friends of Penn Park letter is not part of the appendix. Huron River Watershed Executive Director Laura Rubin responded she

assumes the appendix is the scope of work. Mr. McClary added Addendum A of the agreement is to ensure the city's ordinances are followed. Mr. Murdock asked if it is possible to add the Princeton Hydro study as part of the agreement as another addendum. Mayor Edmonds asked if that could be handled as a clerical issue. Mr. Murdock responded in the affirmative. Ms. Rubin responded she takes no issue with adding that as an addendum.

Council Member Murdock stated this contract says the city will complete the Princeton Hydro study and contribute \$47,324. Ms. Rubin responded in the affirmative, and added the Friends of Penn Park will also be contributing to the study. Mr. Murdock asked if the HRWC has applied for a brownfield grant. Ms. Rubin responded in the affirmative. Mr. Murdock asked if the study will begin once all funding sources have contributed. Ms. Rubin responded no, and explained the HRWC is already working with the contractor. Mr. Murdock asked what happens if the funding is insufficient. Ms. Rubin stated she believes the city's commitment is sound as is the HRWC's. Prior to the signing of the contract they will solicit the commitment of the Friends of Penn Park.

Council Member Vogt asked where the Friends of Penn Park received their funding. A Friends of Penn Park representative responded through donations. Mr. Vogt asked if that is money in hand. The representative responded in the affirmative.

City Attorney John Barr stated the County is going to contribute \$10,000 for this project. The county has requested a copy of the report and to be included in any in paragraph six. Mayor Edmonds asked if this would require an amendment. Mr. Barr responded no.

Council Member Bashert asked what the city's liability is in the event of the removal of the dam. Mr. McClary responded that discussion will occur once the study has been completed.

On a roll call, the vote to approve Resolution No. 2017-283 was as follows:

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

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

XII. ORDINANCES – FIRST READING –

Ordinance 1299

1. An ordinance to Amend Chapter 2, "Administration", Article VI, Contracts and Purchasing, of the Ypsilanti City Code.

- A. Resolution No. 2017-298, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "An ordinance to Amend Chapter 2 "Administration," Article VI "Contracts and Purchasing" of the Ypsilanti City Code" be approved on first reading.

OFFERED BY: Mayor Pro-Tem Brown

SECONDED BY: Council Member Vogt

Mr. Barr provided an overview regarding changes made to this policy since previously passed.

Council Member Bashert asked if the language is changed to prevailing wage from living wage it would cancel the ordinance. Mr. Barr responded it would terminate the prevailing wage section of the ordinance. Ms. Bashert asked why the protected classes not match the non-discrimination ordinance. Mr. Barr responded they are two separate ordinance and the Non-Discrimination Ordinance will always apply. Ms. Bashert asked if the list should be included in the procurement policy. Mr. Barr responded if that is the will of Council, but the Non-Discrimination Ordinance stands on its own. Ms. Bashert asked that it be included.

B. Open public hearing

None

C. Resolution No. 2017-299, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing for an ordinance entitled "An ordinance to Amend Chapter 2 "Administration," Article VI "Contracts and Purchasing" of the Ypsilanti City Code" be officially closed.

OFFERED BY: Mayor Pro-Tem Brown

SECONDED BY: Council Member Vogt

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

Mayor Edmonds stated she appreciates the work that went into this ordinance, and it is one of the best things a municipality can do to support the community.

Council Member Bashert stated overall she liked the policy other than wanting to see the Non-Discrimination Ordinance protected classes included in this ordinance. Mayor Edmonds responded if the list is not included if the Non-Discrimination Ordinance is updated it would automatically be updated in this ordinance. Ms. Bashert responded she is satisfied.

Council Member Bashert stated she likes the idea of giving local businesses an edge. She suggested to increase the amount in the first category to \$2,000, the second category to \$8,000, and the third category to \$12,000.

Council Member Bashert moved, seconded by Mayor Pro-Tem Brown, to increase the amount in the first category to \$2,000, the second category to \$8,000, and the third category to \$12,000.

Council Member Vogt asked if it would be a benefit to the city to pay that much more in that price range. Council Member Robb stated he feels the way the ordinance was originally written, at 4%, is very generous. This motion, if approved, would make it 8% and would create a situation in which contracts would not be approved to benefit the city. Council Member Murdock stated it might be useful to use a percentage range instead bid amounts. Mr. Robb stated the current amount range is 4%.

Council Member Murdock asked what the difference is between a contract and a purchase. Mr. Barr responded they are essentially the same. Mr. Murdock stated the Charter refers to contracts, and the authority Council has to enter into contracts. Mr. Barr responded a purchase is a contract.

Mayor Edmonds asked if Council Member Robb would prefer a higher percentage for contracts at a greater amount and a lower percentage at a lower amount. Council Member Robb responded he thinks 4% is too high, he would drop the percentage to 2.5%. Council Member Vogt stated he would prefer a flat percentage. Council Member Bashert stated her intent was to increase the edge for businesses operating in the city.

Council Member Bashert withdrew her motion.

Mayor Pro-Tem Brown withdrew her second.

Council Member Bashert moved, seconded by Council Member Murdock to amend the amount for local preferences to 5%.

Council Member Robb stated the point of this ordinance is to provide local preference to local contractors for city contracts not to give away money. The city should be fiscally responsible. Mayor Edmonds stated dollars spent in the community circulate in the community.

On a roll call, the vote to amend Resolution No. 2017-298 was as follows:

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

VOTE:

YES: 5 NO: 2 (Vogt, Robb) ABSENT: 0 VOTE: Carried

Council Member Bashert suggested replacing the list of protected characteristics in Section 2.316 with "based on any of the protected characteristics as stated in the Non-Discrimination Ordinance". Mr. Barr stated he would make that edit for Second Reading.

On a roll call, the vote to approve Resolution No. 2017-298 as amended was as follows:

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

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

Council Member Vogt stated he is curious to know what the change in cost would be for the amendment. Mr. McClary responded he would provide that analysis.

Ordinance 1300

2. An ordinance to Amend Chapter 30, Article VI, and "Tax Exempt Housing" of the Ypsilanti City Code to repeal Divisions 2, 4, 5, 6, 11 and 12 renumber the remaining Divisions and Sections of the Article; and other changes.

- A. Resolution No. 2017- 300, determination

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "An ordinance to amend Chapter 30, Article VI "Tax Exempt Housing" of the Ypsilanti City Code to repeal Divisions 2, 4, 5, 6, 7, 11, and 12; renumber the remaining Divisions and Sections of the Article; and other changes" be approved on first reading.

OFFERED BY: Council Member Vogt
SECONDED BY: Mayor Pro-Tem Brown

Assistant City Attorney Dan DuChene stated there was a change to the exempt status of a PILOT property located in the city. In looking through the code to remove that property there were several other provisions of the code that could also be removed. Essentially this would repeal those issues.

- B. Open public hearing
- None
- C. Resolution No. 2017-301, close public hearing

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing for an ordinance entitled "An ordinance to amend Chapter 30, Article VI "Tax Exempt Housing" of the Ypsilanti City Code to repeal Divisions 2, 4, 5, 6, 7, 11, and 12; renumber the remaining Divisions and Sections of the Article be officially closed.

OFFERED BY: Council Member Vogt
SECONDED BY: Mayor Pro-Tem Brown

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

Council Member Murdock stated the PILOT for Cross Street Village has expired. Mr. DuChene responded in the affirmative. Mr. Murdock stated Cross Street Village disagrees with this expiration. Mr. DuChene responded in the affirmative. Mr. Murdock stated his concern is if it is removed from the ordinance it will affect its expiration. Mr. DuChene responded it would not affect its expiration.

Council Member Murdock stated Chidester Place has two tax exemptions. He asked if the eliminated section would have an effect on those exemptions. Mr. DuChene responded he spoke with Fiscal Services who informed him it would not have an effect. However, he will review that before Second Reading.

On a roll call, the vote to approve Resolution No. 2017-300 was as follows:

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

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

XIII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

- 2. Resolution No. 2017-302, approving STAR Communities Annual Subscription and Certification.

WHEREAS, City Council charged the Sustainability Commission with the task of; developing a Sustainability Plan for the City of Ypsilanti; and

WHEREAS, the STAR Community Rating System is the nation's leading comprehensive framework and certification program for measuring local sustainability; and

WHEREAS, the Sustainability Commission and city staff can use the STAR Community Rating System to measure and report on Leading Indicators and perhaps eventually pursue STAR certification which would meet the Commission's mandate for developing a Sustainability Plan.

THEREFORE BE IT RESOLVED THAT The Ypsilanti City Council allocates \$1,000 annually to pay for a full subscription to the STAR Communities Rating System.

OFFERED BY: Council Member Bashert

SECONDED BY: Council Member Richardson

Mayor Edmonds stated she is surprised with the amount of work the Sustainability Commission has completed since its creation. Council Member Bashert stated it is a very energetic commission that is finding very powerful tools.

On a roll call, the vote to approve Resolution No. 2017-302 was as follows:

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

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

~~3. Resolution No. 2017-282, approving cooperative agreement between the City of Ypsilanti and the Huron River Watershed. (Moved and Heard Prior to Section XII)~~

4. Resolution No. 2017-303, approving Downtown Development Association (DDA) staffing contract.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, The Community and Economic Development Department seeks to provide Executive Director and administrative services to the Ypsilanti DDA; and

WHEREAS, the Ypsilanti DDA seeks to enter into an Administrative Services Contract for the services of the Community and Economic Development Department; and

WHEREAS, The City of Ypsilanti approves of the use of City staff for a 24 month contract for services to the Ypsilanti DDA with compensation.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council directs the Mayor and City Clerk to enter into an Administrative Services Contract for 24 months for the Community and Economic Development Department to be employed by the Ypsilanti DDA as the Executive Director and administrative services.

OFFERED BY: Mayor Pro-Tem Brown

SECONDED BY: Council Member Vogt

Economic Development Director Beth Ernat provided a synopsis of DDA operations and the staffing contract.

City Council Meeting

December 19, 2017

Mayor Edmonds stated she had skepticism at the beginning of this contract, but has been pleased with its success.

Council Member Robb stated he agrees with renewing this contract because it makes sense. However, he takes issue with the compensation of staff because of the overlap between DDA and City operations. He does not take issue with additional compensation for the DDA Director, or Mr. Atwater because that is his primary position. Other staff in the Economic Development Department that see increased compensation does not make sense. The optics this creates while negotiating union contracts makes the city look bad. Mayor Edmonds stated she does not share the opinion of Council Member Robb. Mr. Robb responded last month an employee worked four hours and essentially was paid \$83 an hour. He asked how the Mayor sees those numbers differently. Ms. Edmonds asked Ms. Ernat to describe how staff time is allocated. Ms. Ernat responded all staff included in this program is not overtime eligible, and staff is being asked to perform over and beyond their scope of work. It is possible that a couple of months out of the year four hours is the contribution of a staff member, but more realistically it is twelve hours. These are employees that do not anticipate a raise, or change in their salary in a couple of years. To ask them to go above and beyond their typical work without compensation would not be something to ask her staff to do. Mr. Robb responded these numbers were not brought to Council when this contract was first approved. He said he appreciates the work completed by employees, but an employee that makes \$17 an hour should be compensated at that level. Ms. Ernat responded the employees are salary and do not break down their work by hour. Mr. Robb replied the amount of time staff commits to DDA projects is reported through the DDA monthly report should be accurate.

Council Member Murdock stated he supported this contract when originally approved, however, he shares some of the concerns of Council Member Robb. Council will examine staffing issues during the budget process, including those of the Economic Development Department. He would like these decisions to be made as a part of that process, and suggested approving this contract until the end of the year to address these issues.

Council Member Vogt stated he would like staff to keep a record of actual time spent on DDA projects.

Council Member Richardson asked if Council Member Murdock was suggested waiting until Council Budget sessions to approve this contract. Council Member Murdock stated if Council wishes to wait until Budget sessions the contract could be extended until July 1st.

Council Member Bashert stated it seems staff is not tracking their time accurately, but if staff is taking time to accurately track hours spent on DDA tasks it takes away from other projects. She agreed with Council Member Robb regarding the negative optics and suggested staff gives an accurate representation of staff time on DDA tasks for two to three months. Ms. Ernat responded when the contract first began staff kept a more accurate record, and it is very difficult to quantify. Ms. Bashert responded accurate data will be helpful for future discussions. Council Member Robb stated the data that matters is time spent on DDA specific projects. Ms. Bashert stated it is possible some time spent on DDA tasks might not be tracked, and staff wants to spend time working not tracking work. Mayor Edmonds stated as a part of the contract the city takes 30% of the DDA budget. The city is seeing a net gain, and the concern should be the net value the city is seeing from this contract. Ms. Bashert stated the powerful work the DDA staff is doing is apparent whether or not the hours are being tracked accurately.

Council Member Vogt stated attorneys keep very accurate records of what the bill, but there are times when something is forgotten. However, pure time is not the only measure of a contract, the quality of the work put in must be measured. Mayor Edmonds agreed the metric that should be used for value is the outcome of the work.

Council Member Richardson stated she is not opposed to continue with the contract, but does agree there is an issue with the compensation, which should be discussed during the Budget sessions.

Council Member Bashert 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.

Council Member Bashert stated it is not necessary to bring this forward during the budget process. The contract has had a positive impact on the city, and it should be voted for as currently proposed.

Council Member Murdock moved, seconded by Council Member Robb to amend the contract and extend it until June 30, 2018.

Mayor Edmonds stated she thinks this needs to be moved forward, and there are a lot of other things to discuss during the budget process.

Council Member Richardson stated there are many things to discuss as a part of the budget process, but this is a budget item. Mayor Edmonds stated she does not feel it necessary to discuss during a broader budget context.

On a roll call, the vote to amend Resolution No. 2017-303 was as follows:

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

VOTE:

YES: 3 NO: 4 (Vogt, Bashert, Edmonds, Brown) ABSENT: 0 VOTE: Failed

On a roll call, the vote to approve Resolution No. 2017-303 was as follows:

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

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

5. Resolution No. 2017-296, waiving penalties for failure to file Property Transfer Affidavits.

**CITY OF YPSILANTI
WASHTENAW COUNTY, MICHIGAN
RESOLUTION
WAIVER OF PENALTIES FOR FAILURE TO FILE
PROPERTY TRANSFER AFFIDAVITS**

Whereas, the City of Ypsilanti is aware that Michigan statute, MCL 211.27a(10) requires the buyer, grantee or other transferee of a property to notify the appropriate assessing office within 45 days when a transfer of ownership occurs, and

Whereas, MCL 211.27a(10) further requires that such notification be made on a form prescribed by the State Tax Commission, commonly known as a Property Transfer Affidavit (form 2766 or L-4260), and

Whereas, the City is aware that MCL 211.27b(1)(c) and (d) provides for specific penalties to be levied if the appropriate assessing office is not notified within 45 days, and

Whereas, MCL 211.27b(5) allows the governing body to waive, by resolution, the penalty levied under subsection (1)(c) or (d), and

Whereas, the City of Ypsilanti Assessing Office has procedures in place to notify the buyer, grantee or transferee of a property when the Property Transfer Affidavit has not been filed, and

Whereas, the City of Ypsilanti has determined the cost to administer and collect the penalty, then share collected penalties with other taxing jurisdictions outweighs the benefit, and

Whereas, the City finds the collection of penalties is unnecessary.

Now Therefore Be it Resolved the City Council of the City of Ypsilanti , as provided in MCL 211.27b(5), waives the collection of penalties under subsections (1)(c) or (d), and

Also Therefore Be it Resolved that any resolution, policy or directive in conflict with this Resolution is hereby repealed.

OFFERED BY: Council Member Bashert

SECONDED BY: Mayor Pro-Tem Brown

Council Member Bashert asked why the fees out way the cost to collect the penalties. Doug Shaw, WCA, responded the fees are mandated by the state. What occurs is the majority of transfers that fail to be filed are simply a result of property owners not knowing the process.

On a roll call, the vote to approve Resolution No. 2017-296 was as follows:

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

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

6. Resolution No. 2017-297, supporting the reinstatement of the Michigan Historic Preservation Tax Credit.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the historic buildings, neighborhoods and places in the City of Ypsilanti provide character and a sense of place that contributes significantly to the quality of life and the economic benefits enjoyed in the community; and

WHEREAS, the preservation and rehabilitation of the historic buildings, places and neighborhoods contribute to the beauty, character, and economic vitality of our community; and

WHEREAS, the labor-intensive nature of historic rehabilitation creates jobs and investment in local businesses and has been proven to generate more economic activity than equivalent investment in new construction; and

WHEREAS, demolition or destruction of historic buildings creates costs to Michigan and the City of Ypsilanti by destroying the embodied energy present in each structure and adding significantly to landfills, whose makeup is estimated to be more than 40 percent building materials and waste; and

WHEREAS, Michigan has measured the economic impacts of the state historic tax credit programs and seen significant positive direct impacts on neighborhood and community revitalization, affordable and market-rate housing preservation and creation, local skilled jobs creation; and

WHEREAS, the former Michigan Historic Tax Credit has leveraged \$1.46 billion in direct rehabilitation activity and created 36,000 jobs in the state from its enactment in 1999 through its elimination in 2011; and

WHEREAS, the Michigan legislature is presently considering Senate Bill 469 and House Bills 5117 and 5178 that would reinstate an up-to-25 percent investment tax credit for owners of historic residential and commercial properties who substantially rehabilitate their properties.

NOW, THEREFORE, BE IT RESOLVED that the Ypsilanti City Council endorses and supports Senate Bill 469 (and House bills 5117 and 5178) and calls upon the Michigan Legislature to pass this important legislation and Governor Snyder to sign it, in order to stimulate appropriate development and redevelopment and protect the historic character and quality of life of our communities.

OFFERED BY: Council Member Bashert

SECONDED BY: Mayor Pro-Tem Brown

Council Member Bashert stated the resolution does not dictate who the resolution will be sent to. She asked for this resolution to be sent to the entire state legislature and the governor.

On a roll call, the vote to approve Resolution No. 2017-297 was as follows:

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

VOTE:

YES: 7 NO: 0 ABSENT: 0 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. Friends of Rutherford Pool – None
- G. Housing Equity Leadership Team - None

H. Economic Development Coordinating Committee – None

XIV. COUNCIL PROPOSED BUSINESS –

Murdock

- Asked the status of the Frog Island Community Garden.
- Stated the Attorney General Schuette opined there is no deadline for responding to the FOIA request.

Mr. Barr responded in the affirmative. Council Member Murdock stated the ordinance needs to be amended to include deadlines. Mayor Edmonds asked if the city has the authority to do that. Mr. Barr responded in the affirmative, but advised against moving in that direction. Mr. Murdock replied he understands the issue, but he does not like having an open ended request.

- He asked what the status is of the evaluations of the City Clerk and the City Manager.

Mayor Edmonds apologized and will try to them in the next few days.

Bashert

- Stated the Freight House is booked with weddings each weekend through the year. Initially valet parking was going to be provided, which the rules have been changed causing parking issues in Depot Town. She asked what can be done to reinstate valet parking for weekend events.

XV. COMMUNICATIONS FROM THE MAYOR –

None

XVI. COMMUNICATIONS FROM THE CITY MANAGER –

- Schedule Work Sessions for Mandatory Recycling Ordinance and Relocation of Recycling Drop-off Center
- Schedule Goal Setting Sessions

XVII. COMMUNICATIONS –

- Memo from Beth Ernat regarding the sidewalk gap on Washtenaw Ave. near Dom's Bakery
- Road Diet Project Status Report
- Report on Recommendations on Use of Parking Fine Revenue
- Report on Status of Marketing Plan for Water Street
- Report on Heritage Bridge Status
- Report on Status of Replacement or Repair of Depot Town Clock

XVIII. AUDIENCE PARTICIPATION –

1. Sue Melke, 330 Chidester #409, stated snow on sidewalks and curb cuts have become an issue. She does not understand why the city does not take more ownership and have a better plan.
2. Dave Calkin, 302 Elm, stated he has reached out to Emu to being a data warehouse and asked for Council's support. There is a huge amount of data going to be produced by the Medical Marijuana industry.

3. Lt. Ken Hobbs, Ypsilanti Fire Department, stated MI Planners provided the incorrect data to the city. That error needs to be addressed prior to making a decision on union healthcare.
4. Adam Gainsley, 409 Adams, thanked Council for the passage of the DDA intergovernmental agreement. In particular for not approving the contract for only six months. He reminded Council the DDA undertakes long scale projects that could be hindered by only a six month extension.
5. David Blakely, AFSCME, asked for two of the bargaining unit members present for the Closed Session.
6. Valory Brown, 107 Middle, stated public servants lives matter because we are one human family. It is amazing how topics change, only a few weeks ago there was discussion on city officials taking a trip to China regarding a trip to China. Upon returning those officials were scrutinized and now there is discussion on reducing public servants benefits. She asked how fair and safe is it for employees to have their benefits reduced. If employees leave the city because of decrease of benefits how can the city attracted more employees. She asked where a gesture of appreciation for the employees of this city is.

XIX. REMARKS FROM THE MAYOR –

— Stated she will continue to seek answers for snow removal.

XXII. CLOSED SESSION –

Closed Session to discuss collective bargaining pursuant to MCL 15.268(c).

Mayor Pro-Tem Brown moved, seconded by Council Member Vogt to adjourn to Closed Session.

On a roll call, the vote to adjourn to Closed Session was as follows:

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

VOTE:

YES: 7 NO: 0 ABSENT: 0 VOTE: Carried

The meeting adjourned to Closed Session at 10:29 p.m.

The meeting reconvened to Open Session at 12:10 a.m.

Mayor Pro-Tem Brown moved, seconded by Council Member Vogt to extend the meeting until 12:30 a.m.

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

XXIII. RESOLUTIONS/MOTIONS/DISCUSSIONS –

1. Resolution to reconsider the 80/20 healthcare option.

Mayor Pro-Tem Brown moved, seconded by Council Member Richardson to reconsider the 80/20 Healthcare Option.

Council Member Vogt stated there is no legitimate choice, the city must go to the HMO option. It is by far the benefit for the city and its employees. The difference between a PPO and an HMO is no longer much of a difference. He is in favor of staying with the Hard Cap option.

On a roll call, the vote to reconsider the 80/20 healthcare option was as follows:

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

VOTE:

YES: 3 NO: 4 (Robb, Vogt, Bashert, Murdock) ABSENT: 0 VOTE: Failed

~~2. Resolution No. 2017-304, approving COAM 2017-19 Collective Bargaining Agreement.~~

~~3. Resolution No. 2017-305, approving POAM 2017-19 Collective Bargaining Agreement.~~

4. Resolution No. 2017-306, approving AFSCME 2017-19 Collective Bargaining Agreement.
(No action taken)

~~5. Resolution No. 2017-307, approving IAFF 2017-20 Collective Bargaining Agreement.~~

XXIV. ADJOURNMENT_–

Resolution No. 2017-308, 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 Murdock

SECONDED BY: Council Member Bashert

On a voice vote, the motion carried, and the meeting adjourned at 12:15 a.m.



**Barr,
Anhut &
Associates, P.C.**
ATTORNEYS AT LAW

105 Pearl Street
Ypsilanti, MI 48197
(734) 481-1234
Fax (734) 483-3871
www.barrlawfirm.com
e-mail: jbarr@barrlawfirm.com

John M. Barr
Karl A. Barr
~~~~~

Jesse O'Jack ~ Of Counsel  
William F. Anhut ~ Of Counsel – Retired  
Jane A. Slider ~ Legal Assistant

**REQUEST FOR LEGISLATION**

DATE: December 21, 2017

PROCUREMENT POLICY ORDINANCE

FROM: John M. Barr, Ypsilanti City Attorney

SUBJECT: Revision of Contracts and Purchasing Ordinance

SUMMARY/BACKGROUND

City Council adopted a revised purchasing ordinance on first reading and requested two changes for the second reading.

For the second and final reading Section 2-303 Local Preference was modified to provide a standard of five (5%) as directed by City Council.

Section 2-316. – Non-Discrimination was amended. The section was tied to the city Discrimination Ordinance, City Code section 58-61 et seq. and the exact language with the protected classes was inserted for ease of reading.

ATTACHMENTS: Proposed Ordinance Revisions for second and final reading

RECOMMENDED ACTION: Adoption of the ordinance revisions

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DATE RECEIVED: \_\_\_\_\_ AGENDA ITEM NO. Resolution No. 2018-003

CITY MANAGER COMMENTS: \_\_\_\_\_

FOR AGENDA OF: 1/9/18 FINANCE DIR. APPROVAL: \_\_\_\_\_

COUNCIL ACTION TAKEN:



Resolution No. 2018-003  
January 9, 2018

**IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:**

The certain ordinance entitled "**An ordinance to Amend Chapter 2 "Administration" Article VI. CONTRACTS AND PURCHASING of the Ypsilanti City Code**" be adopted on Second and Final Reading.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE:



**CITY OF YPSILANTI  
NOTICE OF ADOPTED ORDINANCE  
Ordinance No. 1299**

An ordinance to amend Chapter 2 "Administration," Article VI "Contracts and Purchasing" of the Ypsilanti City Code

**1. THE CITY OF YPSILANTI HEREBY ORDAINS** that Chapter 2 "Administration," Article VI "Contracts and Purchasing" of the Ypsilanti City Code be amended and revised to read as follows:

**DIVISION 1. – GENERALLY**

Sec. 2-281. Contractors in default to the city.

The City of Ypsilanti shall not enter into any contract with a contractor who is in default to the city. "Default to the city" shall include, but not be limited to: nonpayment of any taxes past the due date; breach of any contract provision with the city; nonpayment of any parking tickets, traffic fines, costs or other obligations to the city.

Sec. 2-282. Lowest responsible bidder defined

As provided in Article X, Section 10.02 of the City Charter, the term "lowest responsible bidder" shall mean the qualified bidder with the lowest or best bid price; whose business and financial capabilities, past performance, and reputation provide that it can perform the contract as promised; whose bid is in conformity with the laws of the United States of America and the State of Michigan and the Charter for the City of Ypsilanti and the provisions of this Code of Ordinances; and whose selection would be in the best interest of the City of Ypsilanti.

Secs. -295. Reserved.

**DIVISION 2. - PURCHASING, CONTRACTING AND SELLING PROCEDURES**

Sec. 2-296. - City manager to act as purchasing officer.

The city manager shall act as purchasing officer of the city in accordance with terms of section 10.02 of the City Charter, unless he shall designate another officer employed by the city to act in this capacity or delegate part of this responsibility to other employees of the city; provided further, that it shall not relieve the purchasing officer of responsibility as set forth in section 10.02 of the City Charter. The city manager may

designate to any department head the authority to approve purchases not in excess of \$5,000.00 each purchase and which are within budget parameters. The city manager shall adopt any necessary rules respecting requisitions and purchase orders.

Sec. 2-297. - Purchases or contracts under \$25,000.00.

(a) Purchases of supplies, materials, equipment, services or construction work the cost of which is \$25,000.00 or less may be made in the open market and without prior approval of the city council. Such purchases shall where practicable be based on at least three competitive bids and shall be awarded to the lowest qualified bidder. The purchasing officer may solicit bids verbally or by telephone or may contact prospective bidders by written communications. The records shall be kept for six months of all open-market orders and the bids submitted thereon, which records shall be available for public inspection. Any or all bids may be rejected under provisions of terms of the city Charter. The city manager shall exercise such discretion as is authorized by the city council on bids under the amounts specified hereinabove.

(b) The city manager shall also have authority to contract on behalf of the city, without prior city council approval, all rehabilitation housing contracts and rehabilitation housing change of work order contracts, without limitation as to dollar amount of the contract.

Sec. 2-298. - Purchases or contracts over \$25,000.00.

Any expenditure for supplies, materials, equipment, construction project or contract obligating the city, where the amount of the city's obligations is in excess of \$25,000.00 with the exception of rehabilitation housing contracts and change work orders, shall be first approved by the city council and shall be governed by the provisions of this section.

(1) Such expenditure shall be made the subject of a written contract when directed by the city council. A purchase order shall be a sufficient written contract in cases where the expenditure is in the usual and ordinary course of the city's affairs.

(2) The purchasing officer shall solicit bids; from a reasonable number of such qualified prospective bidders as are known to him by sending each a copy of the notice requesting bids; and/or by utilization of State of Michigan bid procedures, including but not limited to the Michigan Inter-Governmental Trade Network (MITN), and notice thereof shall be posted in the city hall and by newspaper advertisement when directed by the city council.

(3) Unless prescribed by the city council, the city manager shall prescribe the amount of any security to be deposited with any bid, which deposit shall be in the form of cash, certified check or cashier's check or bond written by a surety company authorized to do business in the state, or letter of credit issued by a local bank. The amount of such security shall be expressed in terms of percentage of the bid submitted. Unless fixed by the city council, the city manager shall fix the amount of the performance bond and in the case of construction contracts, the amount of the labor and materials bond to be required by the successful bidders.

(4) Bids shall be opened in public at the time and place designated in the notice requesting bids in the presence of the purchasing officer, the city clerk and at least one other city official, preferably the head of the department most closely concerned with the subject of the contract. The bids shall thereupon be carefully examined and tabulated and reported to the city council with the recommendation of the purchasing officer (as approved by the city manager if the city manager is not acting as purchasing officer) at the next city council meeting. After tabulation, all bids may be inspected by the competing bidders.

(5) When such bids are submitted to the city council and the city council shall find any of the bids to be satisfactory, it shall accept the bids. The city council shall have the right to reject any or all bids and to waive irregularities in bidding and to accept bids which do not conform in every respect to the bidding requirements.

(6) At the time the contract is executed the contractor shall file a bond executed by a surety company authorized to do business in the state, bank, to the city, conditioned to pay all laborers, mechanics, subcontractors and material men as well as all just debts, dues and demands incurred in the performance of such work and shall file a performance bond when one is required. Such contractor shall also file evidence of public liability insurance in an amount satisfactory to the city manager, and agree to save the city harmless from loss or damage caused to any person or property by reason of the contractor's negligence.

(7) All bids and deposits of certified or cashier's checks may be retained until the contract is awarded and signed. If any successful bidder fails or refuses to enter into the contract awarded within five days after the contract has been awarded, or filed any bond required within the same time, the deposit accompanying his bid shall be forfeited to the city, and the city council may, in its discretion, award the contract to the next lower qualified bidder or such contract may be re-advertised.

(8) Davis Bacon. No contract, agreement, understanding or other arrangement, whether oral or written, in excess of \$25,000.00 for the performance of service or work for and on behalf of the city, involving craftsmen, mechanics and laborers employed directly upon the site of the work shall be entered into, approved or executed unless such contract, agreement, understanding or arrangement shall provide and require that all craftsmen, mechanics and laborers, not including persons employed directly by the city, so employed shall receive at least the prevailing wages and fringe benefits of the building trades department for corresponding classes of craftsmen, mechanics and laborers, as determined and published by the Davis-Bacon division of the United States Department of Labor for the greater Ypsilanti area. In addition, such contract, agreement, understanding or arrangement shall provide that all subcontracts entered into by the contractor shall contain the provisions set forth above with respect to the contractor, and all such contracts, agreements, understandings or arrangements shall provide that all contractors and subcontractors engaged in the performance of services or work for the city to which this subsection applies shall, at the request of the city,

furnish proof satisfactory to the city that the foregoing provisions of such contract or subcontract are being complied with. It shall be the responsibility of the purchasing officer to post at an appropriate place in the purchasing offices prevailing wages and fringe benefits that may be, from time to time, in effect in accordance with the foregoing, and the city manager is directed to see that the requirements of this subsection are contained in and complied with in all contracts, agreements, understandings or arrangements for work or services to be performed for the city in accordance herewith. Any person found guilty of violating any provision of this subsection shall be punished by imprisonment for not more than 90 days or a fine of \$500.00 or both in the discretion of the court.

Sec. 2-299. - Exceptions in competitive bidding.

Competitive bidding shall not be required in the following cases:

(1) Where the subject of the contract is other than a public work or improvement costing in excess of \$25,000.00 and the product or material contracted for is not competitive in nature and no advantage to the city would result from requiring competitive bidding and the city council, upon written recommendation of the city manager authorizes execution of a contract without competitive bidding.

(2) In the employment of professional services.

(3) Where the city council shall determine that the public interest will be best served by purchase from, or joint purchase with, another unit of government.

(4) Where the city elects to undertake the work itself.

Sec. 2-300. - Emergency purchases.

In case of emergency, any department head, with the approval of the city manager, may purchase directly any supplies, materials or equipment, the immediate procurement of which is necessary to the continuation of the work of the department. Such purchases and the emergency causing them shall be reported in detail to the purchasing officer within a week from the time when made and such reports shall be preserved by the purchasing officer for a period of two years.

Sec. 2-301. - Inspection of materials.

The responsibility for the inspection and acceptance of all materials, supplies and equipment shall rest with the ordering department.

Sec. 2-302. - Conflict of interest.

Any purchase order or contract within the purview of this division in which the purchasing officer or any officer or employee of the city is financially interested, shall be governed by the terms of the city Charter and by state law and in particular section 9.01 of the City Charter and § I of Ordinance No. 818, Ethical Standards of Conduct, adopted May 22, 1995, as amended.

Sec. 2-303. - Waiver of competitive bidding by city council.

(1) Waiver of competitive bidding by city council. Contrary provisions of this division notwithstanding, when the city council shall determine that no advantage to the city would result from competitive bidding, the provisions of this division requiring such bidding need not be complied with; provided, that all purchases, in any event, shall be evidenced by a written purchase order or sales memorandum.

(2) Local preference. In the purchase of supplies, materials, equipment, services or construction work the purchasing officer or city council may give preference to a local bidder or if the bids are substantially the same, or not more than five (5%) percent apart. The highest preference Local Bidder or Locally-Produced Product Preference will be given to entities whose headquarters are within the City of Ypsilanti; next highest will be those in 48197 or 48198 zip codes; next highest will be Washtenaw County, and next highest will be Michigan.

(3) Local bidder means a bidder with headquarters or owner physically located in the jurisdiction or geography (City of Ypsilanti, 48197/48198 zip codes, Washtenaw County, Michigan) specified in (2) for more than 12 months prior to the bid. Consideration will also be made to those companies that employ or plan to recruit/hire City of Ypsilanti residents. RFPs shall standardly ask about ownership and local employment in order for bid reviewers to determine qualification under this preference.

(4) Locally-Produced Product means a product that is made, grown, or processed in the geography as specified in (2).

(5) Environmental Preference. To the extent practicable and economically feasible, preference shall be given to companies whose operations or products and services conserve natural resources, protect the environment, are energy efficient, or prioritize renewables. RFPs shall standardly give the opportunity for bidders to state their environmental practices.

#### Sec. 2-304. - Surplus property.

Whenever any city property, real or personal, is no longer needed for corporate or public purposes, such property may be offered for sale.

(1) The purchasing officer shall have the authority to sell all surplus property which has become surplus or unsuitable for public use, or to exchange the surplus property for, or trade in the surplus property on, new supplies. Personal property not exceeding \$25,000.00 in value may be sold for cash by the purchasing officer upon recommendation of any department head after receiving quotations or competitive bids therefor for the best price obtainable, or traded in. Personal property with a value in excess of \$25,000.00 may be sold or traded in after advertising and receiving competitive bids, and after approval of the sale has been given by city council.

(2) The purchasing officer may assign the sale or trade in function to any department head or other suitable person.

(3) The purchasing officer may, from time to time, cause surplus property to be sold at public auction. The auction shall be publicized by notice in a newspaper circulated in the county not less than one time for ten days preceding the auction.

(4) Property which has not been bid upon after a duly advertised auction may be disposed of in such other manner as may be determined by the purchasing officer.

(5) A record of all property disposed of under this section shall be filed with and maintained by the controller's office.

Sec. 2-305. - City manager monetary authority.

The city manager shall have monetary authority not exceeding \$25,000.00 without council approval in all areas, including, but not limited to, settlement of litigation. The \$25,000 authority shall be for any 12-month period in respect to any one contractor and contracts for a single contractor shall be cumulative. If the cumulative total for any 12-month period is more than \$25,000, City Council approval is required.

Secs. 2-306 Amendment and Policy

City Council may from time to time amend the Contract and Purchasing Ordinance and may provide approve procurement policies by resolution.

Secs. 2-315. - Reserved.

### DIVISION 3. – CONTRACT

Sec. 2-316. – Non-Discrimination Contractor's agreement.

During the performance of a contract, the contractor agrees to follow and not violate any provision of the City of Ypsilanti Discrimination Ordinance, Ypsilanti City Code section 58-61 et seq., and the contractor will not discriminate against any employee or applicant for employment because of actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight. The contractor shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause per Presidential Executive Order Number 11246, Sub/Part B(i).

Sec. 2-317. - Local employees.

Contractors shall make good faith efforts to employ local persons so as to enhance the local economy. Bids of contractors with 25% or more local employees, employees living in the City or 48197 or 48198 postal zip code for the past 12 month period shall be given preference in the bid awarding process.

Sec. 2-318. - Additional remedies.

Nothing contained in this division shall be deemed or construed to be substitute for or to abolish or impair existing, other or future legal remedies of the city or its officers or agencies, including criminal prosecutions under this or any other ordinance of the city or the laws of the state, even though such remedies may not be specifically enumerated or mentioned herein.

Sec. 2-319. - Penalties.

Where no specific penalty is provided for violation of any provision of this division, any person who shall violate any provision of this division shall be guilty of a misdemeanor and shall upon conviction be punished as provided in section 1-15.

Secs. 2-320—2-345. - Reserved.

**2. Severability.** If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

**3. Repeal.** All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

**4. Savings Clause.** The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

**5. Copies to be available.** Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

**6. Publication and Effective Date.** The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City

Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

\_\_\_\_\_  
Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. \_\_\_\_\_ was published according to Section 11.13 of the City Charter on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Frances McMullan, City Clerk

Notice Published: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_



**Barr,  
Anhut &  
Associates, P.C.**  
ATTORNEYS AT LAW

105 Pearl Street  
Ypsilanti, MI 48197  
(734) 481-1234  
Fax (734) 483-3871  
www.barrlawfirm.com  
e-mail: jbarr@barrlawfirm.com

John M. Barr  
Karl A. Barr  
Daniel J. DuChene

Jesse O'Jack ~ Of Counsel  
William F. Anhut ~ Of Counsel – Retired  
Jennifer A. Healy ~ Legal Assistant

**REQUEST FOR LEGISLATION**

**DATE: December 11, 2017**

**FROM: John M. Barr, Ypsilanti City Attorney**

**SUBJECT: PILOT Provisions of the City Code Update**

**SUMMARY/BACKGROUND**

This past year, the owners of Cross Street Village went through what is known as the Qualified Contract Procedure and thus the compliance period regarding affordable housing restrictions terminated as of August 31, 2017. The exemption from property tax under state law and the corresponding PILOT under the City's Code of Ordinances expired on that day as well.

In reviewing the Code relative to PILOTs, it has come to our attention that there are several adopted and codified ordinances that are no longer in effect. The attached ordinance amends the Code and repeals two other adopted ordinances relative to these PILOTs that are no longer in effect. Additionally, the general division of this Article appears to have the intent to grandfather an existing PILOT at the time the City opted to begin adopting an ordinance for each PILOT, sometime in 1975. The changes to Division 1 will have the effect of requiring City Council to adopt an ordinance for each potential PILOT, a policy that is already currently employed and likely required in the City. Below is a brief explanation of each division or ordinance repealed by the proposed amendment. Otherwise, the remaining changes are to re-number remaining sections and update internal references accordingly. There are also a couple spelling and grammar corrections.

**DIVISION 2 – Chidester Place:** This ordinance was adopted and codified sometime prior to 1983. Chidester Place is still exempt, but under a different PILOT adopted in 2007 and codified under the current DIVISION 8.

**DIVISION 4 – Riverside Manor Apartments:** This project is no longer in existence. The property is currently operated as Red Lion Apartments and is no longer exempt.

DIVISION 5 – Parkview Apartment: This project is no longer in existence. The property is currently operated as Hamilton Crossing and is no longer exempt.

DIVISION 6 – Cross Street Village: No longer exempt, as discussed above.

DIVISION 7 – The Bluffs at Riverbend: This was a project in 1998 that never came to fruition and the property has never been exempt under this ordinance.

ORDINANCE 1240 – Water Street Flats: This was a project in 2015 that never came to fruition. The property is currently owned by the City.

ORDINANCE 1270 – Riverwalk Commons: This was a project in 2016 that never came to fruition. The property is currently owned by the City.

RECOMMENDED ACTION: Review and consideration

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DATE RECEIVED:\_\_\_\_\_ AGENDA ITEM NO.

CITY MANAGER COMMENTS:

FOR AGENDA OF:\_\_\_\_\_ FINANCE DIR. APPROVAL

COUNCIL ACTION TAKEN:



RESOLUTION NO. 2018-004  
January 9, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

That an ordinance entitled "An ordinance to amend Chapter 30, Article VI "Tax Exempt Housing" of the Ypsilanti City Code to repeal Divisions 2, 4, 5, 6, 7, 11, and 12; renumber the remaining Divisions and Sections of the Article; and other changes" be approved on Second and Final Reading.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:

NO:

ABSENT:

VOTE:



**CITY OF YPSILANTI  
NOTICE OF ADOPTED ORDINANCE  
Ordinance No. 1300**

An ordinance to amend Chapter 30, Article VI "Tax Exempt Housing" of the Ypsilanti City Code to repeal Divisions 2, 4, 5, 6, 7, 11, and 12; renumber the remaining Divisions and Sections of the Article; and other changes

**1. THE CITY OF YPSILANTI HEREBY ORDAINS** that Chapter 30, Article VI, "Tax Exempt Housing," of its Code of Ordinances be amended to read as follows:

**DIVISION 1. - GENERALLY**

Sec. 30-151. - Exemption restricted.

~~Except as specifically provided in this Code, and Pursuant to section 15a of Act No. 334 of the Public Acts of Michigan of 1968 (MCL 125.1415a), any and all classes of property which could qualify for exemption shall not be exempt in the city from taxation, with the exception of housing for elderly citizens and housing for low income residents financed by the state housing development authority of 100 units or more and properties financed under Section 236 of the National Housing Act in which the city participated directly and actively in the planning and development stages.~~

~~(Code 1983, § 1.141)~~

~~Sec. 30-152. - Effective date.~~

~~This article shall be effective with respect to housing projects for which an exemption has already been granted on December 31, 1975.~~

~~(Code 1983, § 1.142)~~

~~Secs. 30-153—30-19965. - Reserved.~~

**DIVISION 2. — CHIDESTER PLACE**

~~Sec. 30-166. — Determination of necessity.~~

~~(a) Pursuant to the authority vested in the city council by Act No. 346 of the Public Acts of Michigan of 1966 (MCL 125.1401 et seq.) and by the Charter of the city, the city council hereby determines that the development is qualified for exemption from all property taxes as provided in section 15a of Act No. 346 of the Public Acts of Michigan of 1966 (MCL 125.1415a) as follows:~~

~~(1) It is the public purpose of the state and its principal subdivisions to provide housing for its elderly citizens, with such purpose and policy being enunciated in~~

~~Act No. 346 of the Public Acts of Michigan of 1966 (MCL 125.1401 et seq.), as amended, (herein called the "act");~~

- ~~(2) Section 15a of the act (MCL 125.1415a) provides for exemption from property taxation of those housing developments for elderly persons that are federally financed or federally aided;~~
- ~~(3) Such property tax exemption will serve to stimulate the development of housing for elderly citizens;~~
- ~~(4) The city will be benefited and improved by the development of such housing;~~
- ~~(5) The city establishes a class of housing projects, such class being defined as senior citizens housing developments of 100 units or more pursuant to Ordinance No. 471 and financed or aided federally by Section 8 of the National Housing Act or its similar predecessor or successor;~~
- ~~(6) Chidester Place Associates, a Michigan Limited Partnership (herein called the "developer"), proposes to erect, own and operate a housing development identified as Chidester Place (herein called the "development"), on certain property located in the city (herein called the "property"), the legal description of which is described in section 30-167;~~
- ~~(7) The owner developer has agrees to pay to the city, on or before April 15 of each year, on account of the development annual service charge for public services in lieu of all taxes on a sliding scale as provided in section 30-168;~~
- ~~(8) The city council understands that the developer is relying upon the continuing effect of this article and the qualification of the development for exemption from all property taxes in order to establish the operational feasibility of the development.~~

~~(Code 1983, § 1.145)~~

~~Sec. 30-167. Description of property.~~

~~The legal description of the property is as follows:~~

~~DESCRIPTION OF 4.40 ACRE PARCEL~~

~~(Not Surveyed)~~

~~Commencing at the southeast corner of Section 9, T3S, R7E, City of Ypsilanti, Washtenaw County, Michigan; thence N 18° 42' 30" W 1,063.83 feet along the centerline of Grove Street (a deflection of 18° 15' 30" to the left from the east line of said section); thence S 71° 17' 30" W 712.49 feet along the north line of Factory Street; thence S 88° 32' 40" W 1,385.75 feet to the northwest corner of Spring and Chidester Streets; thence N 00° 46' W 445.09 feet along the west line of Chidester Street for a place of beginning; thence S 79° 29' W 427.77 feet; thence N 8° 34' E 755.54 feet along the range of the east line of a vacated alley; thence N 89° 58' 20" E 118.70 feet along the south line of Catherine Street; thence S 0° 46' E 148.51 feet; thence N 89° 58' 20" E 50.0 feet; thence S 0° 46' E 274.21 feet; thence N 79° 29' E 132.29 feet; thence S 0° 46' E 270.60 feet along the~~

~~west line of said Chidester Street to the place of beginning, being a part of said Section 9, containing 4.40 acres of land more or less.~~

~~(Code 1983, § 1.145)~~

~~Sec. 30-168. Property tax exemption; payment of annual service charge for public services.~~

~~(a) Acknowledging the reliance of the developer on exemption from all property taxes as described above, the property and the development to be constructed on the property shall be exempt from all property taxes as provided in the section 15a of Act No. 346 of the Public Acts of Michigan of 1966 (MCL 125.1415a) from and after completion of construction of the development, and, in consideration of the foregoing and on behalf of the city, the city council hereby agrees to accept payment of an annual service charge for public services in lieu of all property taxes on a sliding scale averaging 8.4375 percent beginning with seven percent and ending with ten percent of 95 percent of 100 percent of all gross rental revenue coming to the project during the preceding calendar year exclusive of utilities and the amount paid to the city during the preceding calendar year for the annual service charge, from and after the completion of the development, and spread over a 40 year period as follows:~~

~~(1) Seven percent for the first ten years of the project.~~

~~(2) Seven and one half percent for years 11 through 15.~~

~~(3) Eight percent for years 16 through 20.~~

~~(4) Nine percent for years 21 through 30.~~

~~(5) Ten percent for years 31 through 40.~~

~~(b) Ordinance No. 493 shall remain in effect so long as the property is used exclusively for senior citizens or physically handicapped housing or both and shall not terminate for a period of 40 years from and after the date of completion of the development at which time the city council of the city shall reestablish a different service charge, or return the property to the tax rolls.~~

~~(Code 1983, § 1.146)~~

~~Secs. 30-169—30-180. Reserved.~~

~~DIVISION 32. - TOWNE CENTRE PLACE~~

~~Sec. 30-200181. - Determination of necessity.~~

~~(a) Pursuant to the authority vested in the city council by Act No. 346 of the Public Acts of Michigan of 1966 (MCL 125.1401 et seq.) and by the Charter of the city, the city council hereby determines that the development is qualified for exemption from all property taxes as provided in section 15a of Act No. 346 of the Public Acts of Michigan of 1966 (MCL 125.1401 et seq.) as follows:~~

~~(1) It is the public purpose of the state and its political subdivisions to provide housing for its citizens of low and moderate income, with such purpose and policy~~

being enunciated in Act No. 346 of the Public Acts of Michigan of 1966 (MCL 125.1401 et seq.), as amended, (herein called the "act");

- (2) Section 15a of the act, (MCL 125.1415a) provides for exemption from all property taxation of those housing developments for persons of low and moderate income financed with a mortgage loan made by the state housing development authority (herein called the "authority");
- (3) Such property tax exemption will serve to stimulate the development of housing for citizens of low and moderate income;
- (4) The city will benefit from and be improved by the development of such housing;
- (5) F.C.E. Dillon, Inc., an Ohio corporation (herein called the "mortgagor"), proposes to erect, own, and operate a housing development identified as Ypsilanti Senior Citizens High Rise (herein called the "development"), on certain property located at Michigan Avenue near Hamilton Street, in the city (herein called the "property:") which development will be financed with a mortgage loan made by the authority (herein called the "mortgage loan") and which development is intended to serve persons of low and moderate income;
- (6) The mortgagor has agreed to pay to the city on account of the development an annual service charge for public services in lieu of all property taxes from and after the commencement of construction of the development so long as the mortgage loan remains outstanding and unpaid or the authority has any interest in the property;
- (7) The city council of the city understands that the mortgagor and the authority are relying upon the qualification of the development for exemption from all property taxes in order to establish the operational feasibility of the development.

(Code 1983, § 1.148)

Sec. 30-~~201-182~~. - Description of property.

Such property is situated in the city and is described as follows:

Commencing at the northeast corner of Lot 15 of "Assessor's Plat No. 511 as recorded in Liber 9 of Plats, Page 32 of Washtenaw County Records, French Claim 691, City of Ypsilanti, Washtenaw County, Michigan, said point being the intersection of the original west line of Hamilton Street (66.0 feet wide) with the south line of Michigan Avenue (99.0 feet wide); thence S 89° 25' W 6.00 feet along the north line of said Lot 15 and the south line of Michigan Avenue for a place of beginning; thence S 31° 29' 30" E 9.71 feet along the present westerly line of Hamilton Street; thence S 0° 30' 30" E 279.99 feet along the present west line of Hamilton Street (1.0 feet west of and parallel with the original west line of Hamilton Street as set forth in said "Assessor's Plat No. 5"); thence S 76° 52' 10" W 83.51 feet along the north line of Lot 19 of said "Assessor's Plat No. 5"; thence S 12° 22' 20" E 78.78 feet along the westerly line of said Lot 19 and the southerly extension thereof; thence S 72° 49' W 208.72 feet along the northerly line of Ferris Street and the southerly line of Lots 1, 2 and 3 of Ainsworth Park as recorded in Liber 4 of Plats, Pages 21 and 22 of

Washtenaw County Records, French Claim 690, City of Ypsilanti, Washtenaw County, Michigan; thence N 17° 50' 30" W 137.00 feet along the westerly line of Lot 3 of said Ainsworth Park, thence N 72° 24' E 44.78 feet along the northerly line of Lot 3 of said Ainsworth Park and the southerly line of Lot 11 of said "Assessor's Plat No. 5"; thence N 0° 30' 30" W 299.27 feet; thence N 89° 25' E 258.00 feet along the south line of Michigan Avenue (99.0 feet wide) and the north line of Lots 11, 12, 13, 14, and 15 of said "Assessor's Plat No. 5" to the place of beginning, being a part of Lot 11 and Lots 12, 13, 14, 15, 16, 17, 18 and 20 of said "Assessors Plat No. 5" and being a part of Lot 1 and Lots 2 and 3 of said Ainsworth Park, containing 2.38 acres of land more or less, being subject to easements or restrictions of record.

Commonly described as Towne Centre Place, 401 West Michigan Avenue, Ypsilanti, Michigan.

(Code 1983, § 1.148; Ord. No. 898, 7-20-1999)

Sec. 30-~~202~~183. - Property tax exemption; payment of annual service charge for public services.

- (a) Acknowledging the reliance of the mortgagor and the authority on exemption from all property taxes as described in section 30-182, the property and the development to be constructed on the property shall be exempt from all property taxes as provided in section 15a of Act No. 346 of the Public Acts of Michigan of 1966 (MCL 125.1415a) from and after the commencement of construction of the development, and, in consideration of the foregoing and on behalf of the city, the city council hereby agrees to accept payment of an annual service charge for public services in lieu of all property taxes, to be paid by the mortgagor to the city on or before august 15 of each year in an amount equal to five percent of 95 percent of the total rental or occupancy charges collected or to be collected by the mortgagor as to each of the living units within the development during the then-current calendar year.
- (b) Ordinance No. 439 shall remain in effect and shall not terminate so long as the mortgage loan remains outstanding and unpaid or the authority has any interest in the property.
- (c) The various sections and provisions of Ordinance No. 439 shall be deemed to be severable, and should any section or provision of this division be declared by any court of competent jurisdiction to be unconstitutional or invalid, the invalid or unconstitutional provision shall not affect the validity of this division as a whole or any section or provision hereof other than the section or provision so declared to be unconstitutional or invalid.

Secs. 30-~~203~~184—30-~~249~~195. - Reserved.

#### ~~DIVISION 4. RIVERSIDE MANOR APARTMENTS~~

~~Sec. 30-196. Determination of necessity.~~

~~(a) Pursuant to the authority vested in the city council of the city by Act No. 346 of the Public Acts of Michigan of 1966 (MCL 125.1401 et seq.) and by the Charter of the city, the city council hereby determines that the development is qualified for exemption from all property taxes as provided in the section 15a of Act No. 346 of the Public Acts of Michigan of 1966 (MCL 125.1415a) as follows:~~

- ~~(1) It is the public purpose of the state and its political subdivisions to provide housing for its citizens of low and moderate income, with such purpose and policy being enunciated in Act No. 346 of the Public Acts of Michigan of 1966 (MCL 125.1401 et seq.), as amended, (herein called the "act");~~
- ~~(2) Section 15a of the act (MCL 125.1415a) provides for exemption from all property taxation of those housing developments for persons of low and moderate income financed with a mortgage loan made by the state housing development authority (herein called the "authority");~~
- ~~(3) Such property tax exemption will serve to stimulate the development of housing for citizens of low and moderate income;~~
- ~~(4) The city will benefit from and be improved by the development of such housing;~~
- ~~(5) Riverside Development Limited Dividend Housing Association Limited Partnership, a Michigan Limited Partnership of 2211 East Jefferson, Detroit, Michigan 48207 (herein called the "partnership") proposes to renovate, own, reconstruct, and operate a housing development (herein called "development") identified as Riverside Manor Apartments, on certain property located at 167, 209, 315, 225, 169, 165, 157 and 159 South Grove Road, in the city (herein called the "property") which development will be financed with a mortgage loan made by the authority (herein called the "mortgage loan") and which development is intended to serve a significant number of persons of low and moderate income;~~
- ~~(6) The authority will be providing financing to the partnership for the project in reliance of the continued effectiveness of this division;~~
- ~~(7) The city has participated directly and actively in the planning and development stages of this project;~~
- ~~(8) The mortgagor has agreed to pay to the city on account of the development an annual service charge for public services in lieu of all property taxes so long as the mortgage loan remains outstanding and unpaid or the authority has any interest in the property;~~
- ~~(9) The city council understands that the mortgagor and the authority are relying upon the qualification of the development for exemption from all property taxes in order to establish the operational feasibility of the development.~~

~~(Code 1983, § 1.150)~~

~~Sec. 30-197.—Description of property.~~

~~Such property is situate in the city and is described as follows:~~

~~Beginning at the Southeast corner of Lot 100 of Hunter's Addition to the Village (now city) of Ypsilanti, Washtenaw County, Michigan, according to the plat thereof as recorded in Liber "V" of Deeds at Page 166, Washtenaw County Records; said point being the intersection of the South line of said Lot 100 with the east line of Section 9, Town 3 South, Range 7 East, City of Ypsilanti, Washtenaw County, Michigan, and the centerline of Prospect Road; thence North 89° 35' West 289.51 feet along the south line of said Lot 100; thence North 12° 00' West 162.44 feet; thence South 89° 55' East 16.00 feet; thence North 12° 00' West 101.16 feet; thence North 84° 35' East 37.09 feet; thence North 2° 46' West 52.00 feet; thence South 89° 52' 10" East 110.89 feet along the North line of said Lot 100; thence South 75 feet; thence South 89° 52' 10" East 183.0 feet; thence south 239.86 feet along the East line of said Lot 100; the East line of Section 9 and the centerline of Prospect Road to the place of beginning, being a part of said Lot 100. Lot 101 in Hunter's Addition to the Village (now city) of Ypsilanti, Washtenaw County, Michigan, according to the plat thereof as recorded in Liber "V" of Deeds at Page 166, Washtenaw County Records; excepting and reserving therefrom all that part of said Lot 101 as described in Warranty Deed executed on February 3, 1964, and recorded June 5, 1964, in Liber 1071 at Page 422, Washtenaw County Records.~~

~~-and-~~

~~Commencing at an iron pipe monument marking the Northwest corner of Lot 100 of Hunter's Addition to the City of Ypsilanti, Washtenaw County, Michigan, according to the plat thereof as recorded in Liber V of Deeds at Pages 166 and 167, Washtenaw County Records, and running thence South 18° 15' 20" East along the East line of Grove Street 186.60 feet for a place of beginning, an iron pipe monument; thence North 71° 44' East 70.0 feet to an iron pipe monument; thence South 89° 56' East 63 feet to an iron pipe monument; thence South 12° 1' 20" East to an iron pipe monument in the South line of said Lot 100, thence West along the south line of said Lot 100 to the East line of Grove Street; thence North 18° 15' 20" West along the East line of Grove Street 143.63 feet, more or less, to the place of beginning, being a part of Lot 100, Hunter's Addition to the City of Ypsilanti.~~

~~-and-~~

~~Commencing at the intersection of the East line of Grove Street and the North line of Lot 100 of Hunter's Addition to the City of Ypsilanti, Washtenaw County, Michigan, according to the plat thereof as recorded in Liber V of Deeds at Pages 166 and 167, Washtenaw County Records; thence Southeasterly along the East line of Grove Street 76.00 feet for a place of beginning; thence Easterly deflecting 77° 11' to the left 159.91 feet; thence Southerly deflecting 83° 24' to the right 101.16 feet; thence Westerly deflecting 102° 05' to the right 79.00 feet; thence Southwesterly deflecting 18° 19' to the left 70.00 feet to the East line of Grove Street; thence Northwesterly deflecting 90° 00' to the right 110.60 feet along the East line of Grove Street to the place of beginning, being a part of Lot 100 of said Hunter's Addition.~~

~~-and-~~

~~That part of Lots 99 and 100 in Hunter's Addition to the Village (now city) of Ypsilanti, Washtenaw County, Michigan, according to the plat thereof as recorded in Liber V of Deeds at Pages 166 and 167, Washtenaw County Records, described as: beginning at the Northwest corner of Lot 100; thence Easterly along the North line of said Lot 217 feet to a stake; thence Southerly 52 feet to a stake set 197 feet East of the East line of Grove Street; thence Westerly 197 feet to a point in the East line of Grove Street 76 feet Southerly from the place of beginning; thence Northerly along the East line of said street 76 feet to the place of beginning, being a part of Lot 100. Also, beginning at the Northwest corner of said Lot 100; thence Easterly along the North line of said lot 217 feet to a stake; thence North 10 feet; thence Westerly along a line parallel to the North line of said Lot 100 to the East line of Grove Street; thence Southerly along the East line of Grove Street 10 feet to the place of beginning, being a part of Lot 99.~~

~~-and-~~

~~Lot 5, Jackson and Noll Resurvey of part of Lot 99 of Hunter's Addition to the City of Ypsilanti, Washtenaw County, Michigan, according to the plat thereof as recorded in Liber 11 of Plats at Page 18, Washtenaw County Records.~~

~~Commonly described as Riverside Manor Apartments, 167, 209, 215, 225, 169, 165, 157 and 159 South Grove Road, Ypsilanti, Michigan.~~

~~(Code 1983, § 1.150)~~

~~Sec. 30-198. Property tax exemption; payment of annual service charge for public services.~~

- ~~(a) Acknowledging the reliance of the mortgagor and the authority on exception from all property taxes as described in section 30-197, the property and the development to be constructed on the property shall be exempt from all property taxes as provided in section 15a of Act No. 346 of the Public Acts of Michigan of 1966 (MCL 125.1415a) from and after the commencement of reconstruction of the development, and, in consideration of the foregoing and on behalf of the city, the city council hereby agrees to accept payment of an annual service charge for public services in lieu of all property taxes, to be paid by the mortgagor to the city on or before August 15 of each year in an amount equal to two percent of the annual shelter rent as such term is defined in Act No. 346 of the Public Acts of Michigan of 1966 (MCL 125.1411(m)).~~
- ~~(b) This division shall remain in effect and shall not terminate so long as the mortgage loan remains outstanding and unpaid or the authority has any interest in the property.~~
- ~~(c) Notwithstanding the provisions of section 15a(5) of Act No. 346 of the Public Acts of Michigan of 1966 (MCL 125.1415a(5)) to the contrary, a contract between the city and the sponsor, with the authority as third party beneficiary thereunder, to provide tax exemption and accept payment in lieu thereof, as previously described, is effected by enactment of this division.~~

~~(d) During the first three full years of operation of the development, the city shall defer the collection of the two percent payment in lieu of tax, without interest, for a period not to exceed the first three full years of occupancy if the development is not able to attain sustaining occupancy according to the following schedule:~~

- ~~(1) Full 100 percent deferral if occupancy level is at 75 percent or less of the rent levels stipulated in the MSHDA Staff Report of June 30, 1988;~~
- ~~(2) Seventy five percent deferral if occupancy is at 76 percent through 85 percent of the rent levels stipulated in the MSHDA Staff Report of June 30, 1988;~~
- ~~(3) Fifty percent deferral if occupancy is at 86 percent through 94 percent of the rent levels stipulated in the MSHDA Staff Report of June 30, 1988; and~~
- ~~(4) No deferral if occupancy reaches 95 percent or more of the rent levels stipulated in the MSHDA Staff Report of June 30, 1988.~~

~~Such deferral is further conditioned upon the authority's director of management and reinvestment providing the city with a written opinion that such deferral is necessary to avoid financial distress and/or default on the mortgage. The developer shall agree at the closing that any deferral on payment in lieu of taxes shall be repaid prior to any distribution of operating profits to the partnership. Further, that any amount so deferred shall be repaid to the city no later than three years following the last year in which such payments were deferred.~~

~~(e) In the event of such deferral of payments in lieu of taxes and in the event that the developer fails to repay such deferred sums, the city shall possess the same powers of collection of such sums as it possesses pursuant to law for the collection of real property taxes in the city.~~

~~(Code 1983, § 1.151)~~

~~Secs. 30-199—30-210. Reserved.~~

#### ~~DIVISION 5. PARKVIEW APARTMENTS~~

~~Sec. 30-211. Tax exemption; conditions.~~

~~Pursuant to section 15a of Act No. 346 of the Public Acts of Michigan of 1966 (MCL 125.1415a), Parkview Apartments is hereby exempted from all city taxes for the period of its federal mortgage, effective January 1, 1975, unless one or all of the following events happen prior to such time:~~

- ~~(1) A federally aided mortgage in effect to Parkview Apartments is withdrawn.~~
- ~~(2) The present owners sell the premises.~~
- ~~(3) The Parkview Apartments loses its nonprofit status and becomes a for profit corporation.~~

~~(Ord. No. 458, 4-21-1975)~~

~~Sec. 30-212. Withdrawal of exemption.~~

~~If any of the events listed in section 30-211 take place, or a sale of all of the assets of Parkview Apartments is completed, this exemption shall be withdrawn immediately without any further action being necessary to be taken by the city council.~~

~~(Ord. No. 458, § 1, 4-21-1975)~~

~~Sec. 30-213. Payment of portion of shelter rents for public services.~~

~~Parkview Apartments shall pay in lieu of taxes to the city, ten percent of its annual shelter rents for public services. The amount to be paid to the city by Parkview Apartments may be changed by ordinance from time to time during the period of this exemption.~~

~~(Ord. No. 458, § 2, 4-21-1975)~~

~~Sec. 30-214. Amount of service charge.~~

~~Notwithstanding the exemptions listed in this division, and the amount to be paid in lieu of taxes listed in this division, the service charge to be paid each year in lieu of taxes by Parkview Apartments to the city for that part of the housing project which is tax exempt but is occupied by other than low income persons or families shall be equal to the full amount of the taxes that would be paid on that portion of the project, if the project were not tax exempt. The benefit of any exemption granted by the city to the Parkview Apartments shall be allocated by such housing project exclusively for low income persons or families in the for of reduced housing charges.~~

~~(Ord. No. 458, § 3, 4-21-1975)~~

~~Sec. 30-215. Low income persons or families; qualification of exemption.~~

~~Low income persons or families for the purpose of this division only means with respect to Parkview Housing project person qualified to live in 236 housing of the National Housing Act, as approved by federal government guidelines. Only that housing having person who qualify under this federal exemption shall be exempt from taxation. All other housing in the Parkview complex shall be taxed at the normal city tax rate.~~

~~(Ord. No. 458, § 4, 4-21-1975)~~

~~Sec. 30-216. Effective date.~~

~~This exemption shall not take effect until January 1, 1975, and before such exemption shall take place Parkview Apartments shall comply with all the provisions of section 15a of Act No. 346 of the Public Acts of Michigan of 1966 (MCL 125.1415a).~~

~~(Ord. No. 458, § 5, 4-21-1975)~~

~~Secs. 30-217—30-240. Reserved.~~

~~DIVISION 6. CROSS STREET VILLAGE~~

~~Sec. 30-241. Definitions.~~

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~*Act* means the state housing authority act, Act No. 346 of the Public Acts of Michigan of 1966 (MCL 125.1401 et seq.), as amended.~~

~~*Annual shelter rent* means the total rents collected during the calendar year for all apartment units in the housing development representing rents or occupancy charges whether to be derived from low income persons or from governmental authorities exclusive of charges for gas, electricity, heat or other utilities furnished to the occupants.~~

~~*Authority* means the Michigan State Housing Authority.~~

~~*Housing development* means a development which contains a significant element of housing for low income persons and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the authority determines improve the quality of the development as it relates to housing for persons of low income.~~

~~*Low income person* means persons and families eligible to occupy a housing development under the act.~~

~~*Owner* means the owner of a housing development which is qualified as a limited dividend housing association or corporation under the act.~~

~~*Rehabilitation plan* means a written plan setting forth the scope of work to be performed at the housing development by the owner.~~

~~*Tax credit period* means the period of time the housing development remains subject to income and rent restrictions pursuant to section 42 of the Internal Revenue Code of 1986, as amended.~~

(Ord. No. 867, § 3, 2-17-1988)

Sec. 30-242. Purpose.

(a) ~~It is acknowledged that it is a proper public purpose of the state and its political subdivisions to provide housing for its citizens of low income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the act. The city is authorized by this act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this act at any amount it chooses not to exceed the taxes that would be paid but for this act. It is further acknowledged that such housing for persons of low income is a public necessity, and as the city will be benefited and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuance of the provisions of this division for tax exemption and the service charge in lieu of taxes during the period contemplated in this division are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such tax exemption.~~

- (b) ~~The city acknowledges that YCCB-97 Limited Divided Housing Association Limited Partnership has offered, subject to receipt of an allocation of the low income housing tax credit, to erect, own, and operate a housing development identified as Cross Street Village on certain property located at 210 West Cross, Ypsilanti, Michigan, to serve citizens of low income, and that the sponsor has offered to pay the city on account of this housing development an annual service charge for public services in lieu of all taxes.~~

~~(Ord. No. 867, § 2, 2-17-1998)~~

~~Sec. 30-243. Class of housing developments.~~

~~The class of housing developments to which the provisions of the division shall apply and for which a service charge shall be paid in lieu of taxes shall be the proposed senior citizen apartment complex to be located at 210 West Cross, Ypsilanti, Michigan, and all other housing developments containing more than 60 units constructed primarily for Senior Citizens which have received a reservation of low income housing tax credits pursuant to section 42 of the Internal Revenue Code of 1986, as amended.~~

~~(Ord. No. 867, § 4, 2-17-1998)~~

~~Sec. 30-244. Tax exemption and establishment of annual service charge.~~

- (a) ~~Pursuant to the act, the class of housing developments set forth in section 30-243 shall be exempt from all property taxes from and after the commencement of construction and continuing until the expiration of the tax credit period or December 31, 2033.~~
- (b) ~~The city, acknowledging that the owner has established the economic feasibility of a housing development in reliance upon the enactment and continuing effect of this division and the qualification of the housing development for exemption from all property taxes in exchange for the payment of an annual service charge in lieu of taxes as established in this division, agrees to accept payment of an annual service charge for public services in lieu of all property taxes from and after the commencement of the rehabilitation plan. The annual service charge shall be equal to four percent of the annual shelter rents actually collected.~~

~~(Ord. No. 867, § 5, 2-17-1998)~~

~~Sec. 30-245. Qualification of housing development as a member of the class.~~

~~The proposed senior citizen apartment complex to be located at 210 West Cross, Ypsilanti, Michigan, shall be qualified as a housing development to which this division shall apply. In order for a future housing development to qualify as a member of the class of housing developments to which this division will apply, the owner must satisfy the following requirements:~~

- ~~(1) The owner shall provide the assessing department with verification of its status as a limited dividend housing corporation or association as required by the act.~~

- ~~(2) The owner shall provide the assessing department with verification of its receipt of a reservation of low income housing tax credits pursuant to section 42 of the Internal Revenue Code of 1986, as amended.~~
- ~~(3) The owner shall obtain from the planning department a written approval of its rehabilitation plan which shall be submitted to the assessing department by the owner.~~

~~(Ord. No. 867, § 6, 2-17-1998)~~

~~Sec. 30-246. Owner's subsequent obligations.~~

~~In order for a housing development to continue to qualify as a member of the class of housing developments to which this division will apply, the owner must satisfy the following requirements:~~

- ~~(1) Upon completion of the rehabilitation of a housing development pursuant to an approved rehabilitation plan, the owner shall submit to the assessing department a certificate of completion which confirms the substantial completion of the work described in the rehabilitation plan.~~
- ~~(2) Annually, by March 31 of each year, the owner shall deliver to the assessing department a certificate setting forth the annual shelter rents for the prior calendar year.~~
- ~~(3) Annually, by December 1 of each year, the owner shall pay the service charge in lieu of taxes as determined pursuant to this division at the treasurer's office for the city.~~

~~(Ord. No. 867, § 7, 2-17-1998)~~

~~Sec. 30-247. Termination of exemption.~~

- ~~(a) The exemption from all property taxes provided to a housing development which qualifies under this division may be terminated by resolution of the board of trustees of the city if any of the following events of default occur and the owner does not cure the default within 30 days after receiving written notice of the default from the city:~~
  - ~~(1) The owner fails to submit the certificate of substantial completion required under section 30-246.~~
  - ~~(2) The owner fails to submit the certificate of annual shelter rents as required under section 30-246.~~
  - ~~(3) The owner fails to pay the annual service charge in lieu of taxes as required under section 30-246.~~
- ~~(b) Within 30 days after an owner receives a written notice of default, the owner shall be entitled to request a hearing before the board of trustees to determine whether the owner has failed to satisfy a requirement of this division. At the hearing, the board of trustees shall, for good cause shown, extend the time for compliance with the requirements of this division.~~

(Ord. No. 867, § 8, 2-17-1998)

~~Sec. 30-248.—Contractual effect of division.~~

~~Notwithstanding the provisions of section 15(a)(5) of the act to the contrary, a contract between the city and the owner, with the authority as a third party beneficiary to the contract, to provide tax exemption and accept payments in lieu of taxes as previously described, is effectuated by enactment of this division. The city will not be obligated to continue the tax exemption provided for herein pursuant to this section if the exemption is terminated in accordance with the provisions of section 30-247.~~

(Ord. No. 867, § 9, 2-17-1998)

~~Sec. 30-249.—Acknowledgment.~~

~~The city hereby acknowledges receipt of documentation from the authority indicating that the authority's participation with the housing development is limited solely to the allocation of tax credits under the low income housing tax credit program.~~

(Ord. No. 867, § 11, 2-17-1998)

~~Secs. 30-250—30-275.—Reserved.~~

#### ~~DIVISION 7.—THE BLUFFS AT RIVER BEND~~

~~Sec. 30-276.—Definitions.~~

~~All terms shall be defined as set forth in the act, of the State of Michigan, as amended, except as follows:~~

~~*Act* means the State Housing Development Authority Act, being Act No. 346 of the Public Acts of Michigan of 1966 (MCL 125.1401 et seq.), as amended.~~

~~*Annual shelter rent for rent restricted units* means the total collections during an agreed annual period from all low income occupants of the development representing rent or occupancy charges, exclusive of the portion of such charges attributable to gas, electricity, heat or other utilities furnished to the occupants by the sponsor.~~

~~*Authority* means the Michigan State Housing Development Authority.~~

~~*City* means the City of Ypsilanti, Washtenaw County, Michigan.~~

~~*City resident* means anyone currently residing in the city or anyone currently working or notified that they are hired to work in the city.~~

~~*Development or The Bluffs At River Bend* means the proposed 128 unit multiple-family housing development located in the city, on land more particularly described on exhibit A attached hereto and made a part hereof.~~

~~*Housing development* means a development which contains a significant element of housing for persons of low income and such elements of other housing, commercial, recreational, communal and educational facilities as the authority has determined improves the quality of the development as it relates to housing for persons of low income.~~

~~*Low income persons or families* means those persons and families whose income is 60 percent or less of area median income adjusted for family size and who are determined to be eligible to move into The Bluffs At River Bend under the provisions of section 42, the units of whom shall be rent restricted.~~

~~*Market rate persons or families* means those persons who shall be eligible to occupy units within The Bluffs At River Bend irrespective of income and the units of whom shall neither be rent restricted nor eligible for benefits of the reduction in taxes otherwise brought about by this division.~~

~~*Section 42* means section 42 of the Internal Revenue Code of 1986, as amended.~~

~~*Sponsor* means The Bluffs At River Bend Limited Dividend Housing Association Limited Partnership.~~

~~*Utilities* means fuel, water, sanitary sewer service and/or electrical service which are paid by the sponsor.~~

~~(Ord. No. 868, § 3, 2-17-1998)~~

~~Sec. 30-277. Purpose of division.~~

~~(a) — It is acknowledged that it is a proper public purpose of the state and its political subdivisions to provide housing for its citizens of low income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the Michigan State Housing Development Authority Act of 1966 (Act No. 346 of the Public Acts of Michigan of 1966 (MCL 125.1401 et seq.). The city is authorized by this act to establish or change a service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this act at any amount it chooses not to exceed the taxes that would be paid but for this act. It is further acknowledged that such housing for persons of low income is a public necessity, and as the city will be benefited and improved by such housing is a valid public purpose; further, that the continuance of the provisions of this division for tax exemption and the service charge in lieu of taxes during the period contemplated in this division are essential to the determination of economic feasibility of the proposed The Bluffs At River Bend Apartments housing development, which is to be constructed and financed in reliance on such tax exemption ordinance.~~

~~(b) The city acknowledges that The Bluffs At River Bend Limited Dividend Housing Association Limited Partnership (the "sponsor") has offered, subject to receipt of an allocation under the low income housing tax credit ("LIHTC") provisions of the Internal Revenue Code of 1986, as amended, to erect, own and operate a housing development identified as The Bluffs At River Bend on certain property located in the city to serve persons of low and moderate income and that the sponsor has offered to pay the city on account of this housing development an annual service charge for public services in lieu of all taxes. In addition to units set aside for low and moderate income persons, the development shall also contain units which shall be reserved for~~

~~tenants who shall pay market rent. That portion of the development attributable to the market rate units shall pay its percentage of those taxes that would have been payable but for this division.~~

- ~~(c) The master plan for the city, drafted in 1997, recognizes the need for neighborhood preservation in certain areas of the city. The Bluffs At River Bend shall incorporate specific items as indicated in the neighborhood preservation section of the master plan. For example, the development will convey a portion of its property along the Huron River to the city as part of its river preservation district. Also, neighborhood revitalization efforts, as indicated in the master plan, will be incorporated, including the adoption and application of the Ypsilanti Crime Free Multi-Housing Program within the site plan and landscape design. Thus, the city, through the adoption of this PILOT ordinance, recognizes The Bluffs At River Bend development as being in accordance with the neighborhood preservation requirements of its master plan, and designates the area surrounding the development as being in an effectively treatable area.~~

~~(Ord. No. 868, § 2, 2-17-1998)~~

~~Sec. 30-278.—Application of division.~~

~~It is determined that the class of housing developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be section 42 housing developments which have received a low income housing tax credit allocation from the authority pursuant to section 42. Based on representations and warranties of the sponsor, it is determined that The Bluffs At River Bend is a housing development eligible for tax exemption provided by section 15(a) of the act, upon such allocation being made.~~

~~(Ord. No. 868, § 4, 2-17-1998)~~

~~Sec. 30-279.—Establishment of annual service charge.~~

- ~~(a) The Bluffs At River Bend and the property on which it will be constructed shall be exempt from all property taxes commencing with the first January 1 following the commencement of construction or compliance by the sponsor with all requirements imposed on the owner by subsection (i) of section 15(a) of the act, whichever is later. The city, acknowledging that the sponsor and the authority have established the economic feasibility of the development in reliance upon the enactment and continuing effect of this division and the qualification of The Bluffs At River Bend for exemption from all property taxes and a payment in lieu of taxes as established in this division, and in consideration of the sponsor's offer, subject to receipt of a mortgage loan, and a low income housing tax credit allocation and notice of exemption from the authority, agrees to accept payment of an annual service charge for public services in lieu of all property taxes.~~
- ~~(b) For 1998 and 1999 the annual service charge shall be the total real estate taxes which would otherwise be assessed against the lands and premises on which The Bluffs At River Bend is to be built if they remained in an unimproved condition. Thereafter, the annual service charge shall consist of two components:~~

- ~~(1) The sum of 7.0 percent of the collections from the total annual shelter rent attributable to the rent restricted units during the period from January 1 through December 31 of each year (rent restricted component); and~~
- ~~(2) The full amount of taxes which would be paid if The Bluffs At River Bend were not tax exempt on that portion of development occupied by other than low income families as provided for in section 30-276 (market rate component).~~

~~Notwithstanding the provisions of the immediately preceding sentences for all years during which this section is operative, the annual service charge shall be no less than the total real estate taxes which would otherwise be assessed against the lands and premises on which the development is to be built if they remained in an unimproved condition.~~

- ~~(c) Notwithstanding any other provision in this section, the annual service charge shall be not less than \$50,000.00 per year, consisting of the rent restricted component and the market rate component.~~
- ~~(d) The determination of when each housing unit in The Bluffs At River Bend is occupied by low income persons or families shall be made for each year as of December 31 of the immediately preceding year.~~

~~(Ord. No. 868, § 5, 2-17-1998)~~

~~Sec. 30-280. Contractual effect of division.~~

~~Notwithstanding the provisions of section 15(a) of the act, to the contrary, a contract between the city and the sponsor with the authority as third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this division.~~

~~Sec. 30-281. Payment of service charge.~~

~~The annual service charge in lieu of taxes as determined under this division shall be payable in the same manner as general property taxes are payable to the city except that the annual payment shall be paid on or before July 1 of each year. On or before May 15 of each year, the sponsor shall file with the city a certification by the sponsor showing the number of units in The Bluffs At River Bend occupied by persons who are not low income persons or families pursuant to section 30-276. The city shall compute the real estate taxes and invoice the sponsor no later than June 1 for the total service charge due July 1.~~

~~(Ord. No. 868, § 7, 2-17-1998)~~

~~Sec. 30-282. Preference to city residents.~~

~~To the extent permissible under federal, state or local fair housing laws, the sponsor shall give preference for occupancy of The Bluffs At River Bend to qualified applicants who are city residents.~~

~~(Ord. No. 868, § 8, 2-17-1998)~~

~~Sec. 30-283. Allocation of benefits of tax exemption.~~

~~The benefits of the tax exemption granted pursuant to this division shall be allocated by the sponsor exclusively to the low income persons or families of The Bluffs At River Bend in the form of reduced rent. Such benefits shall not be allocated to the market rate persons or families. The sponsor shall, at the request of the city, submit to the city such evidence and documentation as may be reasonably necessary to sponsor's compliance with this requirement.~~

~~(Ord. No. 868, § 9, 2-17-1998)~~

~~Sec. 30-284. Duration.~~

~~Commencing with the tax year 2000 and ending with the tax year 2018, this division shall remain in effect and shall not terminate from the effective date hereof, provided that:~~

- ~~(1) The development remains subject to income and rent restrictions pursuant to section 42;~~
- ~~(2) Construction of the development commences on or before September 1, 1999; and~~
- ~~(3) The sponsor or its successors in interest may apply for further extension of this division but in no event of a term longer than through the tax year 2039. Whether an extension will be granted shall be in the sole discretion of the city council.~~

~~(Ord. No. 868, § 10, 2-17-1998)~~

~~Sec. 30-285. Audits; inspection of records.~~

~~Subject to any limitations imposed by law, the sponsor shall provide to the city such accounting records, audits and financial reports as the city shall reasonably require to verify the computation of the annual service charge as provided by this division. The sponsor shall maintain such records of rent or occupancy charges received and the occupancy of units in the development as will permit the city to verify which of the units in the development have been occupied by low income persons or families. Subject to any limitations imposed by law, the books and records of the sponsor pertaining to the development shall be available for review and audit by the city at all reasonable times.~~

~~(Ord. No. 868, § 11, 2-17-1998)~~

~~Sec. 30-286. Lien.~~

~~Annual service charges payable pursuant to this division shall be a lien on the development, and, if delinquent, shall be collected and enforced in the same manner as general property taxes.~~

~~(Ord. No. 868, § 12, 2-17-1998)~~

~~Secs. 30-287—30-386. Reserved.~~

**DIVISION 38. - CITY OF YPSILANTI TAX EXEMPTION ORDINANCE—CHIDESTER 2005 PROJECT**

Sec. 30-~~250~~387. - Title.

This division shall be known and cited as the "City of Ypsilanti Tax Exemption Ordinance—Chidester 2005 Project."

(Ord. No. 1074, § 1, 11-7-2007)

Sec. 30-~~251~~388. - Purpose.

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the Michigan State Housing Development Authority Act of 1966 (I 966 PA 346, as amended, MCLA Section 125.1 401 et seq., MSA Section I 16.1 14(I) et sea.). The City of Ypsilanti ("city") is authorized by this act to establish or change a service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this act at any amount it chooses not to exceed the taxes that would be paid but for this act. It is further acknowledged that such housing for persons of low income is a public necessity, and as the city will be benefited and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further; that the continuance of the provisions of this division for tax exemption and the service charge in lieu of taxes during the period contemplated in this division are essential to the determination of economic feasibility of the housing development ("development"), which is being rehabilitated and financed in reliance upon such tax exemption ordinance.

The city acknowledges that Chidester 2005 Limited Dividend Housing Association L.L.C. ("owner") has offered, subject to receipt of an allocation under the low income housing tax credit ("~~LIHTC~~"~~m~~) laws, to rehabilitate, own and operate a housing development on certain property located in the city to serve persons of low income and that the owner has offered to pay the city on account of the development an annual service charge for public services in lieu of all taxes.

(Ord. No. 1074, § 2, 11-7-2007)

Sec. 30-~~252~~389. - Definitions.

All terms shall be defined as set forth in the act, except as follows:

*Act* means the State Housing Development Authority Act, being Public Act 346 of 1966, of the State of Michigan, as amended.

*Annual shelter rent* means the total collections during an agreed annual period from all low income occupants of the development, as provided for herein, representing rent or occupancy charges, exclusive of the portion of said charges attributable to gas, electricity, heat or other utilities furnished to the occupants by the owner.

*Authority* means the Michigan State Housing Development Authority.

*Development* means that residential rental housing senior citizen development located in the City of Ypsilanti, Washtenaw County, Michigan, on land more particularly

described on Exhibit "A" attached hereto and made a part hereof, known as Chidester Place.

*Housing development* means a development which contains a significant element of housing for persons of low income and such elements of other housing, commercial, recreational, industrial, communal and educational facilities as the authority has determined improves the quality of the development as it relates to housing for persons of low income.

*Low income persons or families* means those persons and families whose income is 60 percent or less of area median income as adjusted for family size and who are determined to be eligible to move into the development under the provisions of Section 42, the units of whom shall be rent restricted.

*Section 42* means Section 42 of the Internal Revenue Code of 1986, as amended.

*Senior citizen* means a household composed of one or more persons at least one of whom is 55 years of age or more at the time of initial occupancy.

*Owner* means Chidester 2005 Limited Dividend Housing Association L.L.C.

*City* means the City of Ypsilanti, Washtenaw County, Michigan.

*City resident* means anyone currently residing in the city or anyone currently working or notified that such person has been hired to work in the city.

*Utilities* means fuel, water, sanitary sewer service and/or electrical service which are paid by the owner.

(Ord. No. 1074, § 3, 11-7-2007)

Sec. 30-~~253~~390. - Class of housing developments.

It is determined that the class of housing developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be housing developments which have previously received tax exemption pursuant to the act and received an LIHTC allocation from the authority pursuant to Section 42. Based on representations and warranties of the owner, it is determined that the development is a housing development eligible for tax exemption provided by Section 15(a) of the act upon its award of said LIHTC.

(Ord. No. 1074, § 4, 11-7-2007)

Sec. 30-~~254~~391. - Establishment of annual service charge.

The development shall be exempt from all property taxes commencing with the first January 1 following (i) commencement of rehabilitation or (ii) compliance by the owner with all requirements imposed on the owner by subsection (i) of Section 15(a) of the act, whichever is later. The city, acknowledging that the owner and the authority have established the economic feasibility of the development in reliance upon the enactment and continuing effect of this division and the qualification of the development for exemption from all property taxes and a payment in lieu of taxes as established in this division, and in consideration of the owner's offer, subject to receipt of a LIHTC allocation

from the authority, to rehabilitate, own and operate the development, agrees to accept payment of an annual service charge for public services in lieu of all property taxes.

For calendar year 2008, the payment in lieu of taxes shall be zero percent of annual shelter rents. Thereafter the annual service charge shall be of four percent of the collections from the total annual shelter rents.

(Ord. No. 1074, § 5, 11-7-2007)

Sec. 30-~~255~~392. - Contractual effect of ordinance.

Notwithstanding the provisions of Section 15(a) of the act to the contrary, a contract between the city and the owner with the authority as third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this division.

(Ord. No. 1074, § 6, 11-7-2007)

Sec. 30-~~256~~393. - Payment of service charge.

The annual service charge in lieu of taxes as determined under the ordinance shall be payable in the same manner as general property taxes are payable to the city except that the annual payment shall be paid on or before July 1 of the succeeding year.

(Ord. No. 1074, § 7, 11-7-2007)

Sec. 30-~~257~~394. - Preference to city residents.

To the extent permissible under federal, state or local fair housing laws, the owner shall give preference for occupancy of the development to qualified applicants who are city residents.

(Ord. No. 1074, § 8, 11-7-2007)

Sec. 30-~~258~~395. - Evidence of compliance.

The owner shall, at the request of the city, submit to the city such evidence and documentation as may be reasonably necessary to verify owner's continuing compliance with the requirements of Section 42 or its successor program.

(Ord. No. 1074, § 9, 11-7-2007)

Sec. 30-~~259~~396. - Duration.

This division shall remain in effect from the effective date hereof and not terminate so long as the development remains subject to income and rent restrictions at least as restrictive as those provided for in Section 42 and the project is MSHDA or federally aided, but in any event, not more than 50 years.

(Ord. No. 1074, § 10, 11-7-2007)

Sec. 30-~~260~~397. - Audits; inspection of records.

Subject to any limitations imposed by law, the owner shall provide to the city such accounting records, audits and financial reports as the city shall reasonably require to verify the computation of the annual service charge as provided by this division. Subject to any limitations imposed by law, the books and records of the owner pertaining to the development shall be available for review and audit by the city at all reasonable times.

(Ord. No. 1074, § 11, 11-7-2007)

Sec. 30-~~261~~398. - Lien.

Annual service charges payable pursuant to this division shall be a lien on the development, and, if delinquent, shall be collected and enforced in the same manner as general property taxes.

(Ord. No. 1074, § 12, 11-7-2007)

Sec. 30-~~262~~399. - Default.

The tax exemption extended hereunder may be terminated and the property restored to the tax rolls by resolution duly adopted by the city in any of the following events upon notice of default in writing to the owner by certified mail return receipt requested, by fax, with receipt acknowledged in writing or by nationally recognized overnight carrier with receipt acknowledged in writing to the address on file with the department of labor and economic growth (or any successor department) and a failure by owner to cure the default within 30 days following delivery of written notice to owner thereof by the city:

- (1) Failure of the owner or the development to remain in compliance with the terms of this division or the act;
- (2) Failure of owner to complete the rehabilitation of the development substantially in the manner heretofore approved by the city planning department on April 20, 2006; or
- (3) Owner files any petition for bankruptcy or in the event such a petition be involuntary, then upon same not being dismissed within 90 days. Determinations of the event and continuing existence of default and the sufficiency of actions taken to cure default shall be in the sole judgment of the city.

(Ord. No. 1074, § 13, 11-7-2007)

Secs. 30-~~263~~400—30-~~299~~430. - Reserved.

DIVISION 49. - CITY OF YPSILANTI TAX EXEMPTION ORDINANCE—PARKRIDGE

Sec. 30-~~300~~431. - Title.

This division shall be known and cited as the "City of Ypsilanti Tax Exemption Ordinance—Parkridge."

(Ord. No. 1211, § 1, 2-4-2014)

Sec. 30-~~301~~432. - Preamble.

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its low income persons and families and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the act. The City of Ypsilanti (the "city") is authorized by this act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from ad valorem taxation under this act at any amount it chooses, not to exceed the taxes that would be paid but for this act. It is further acknowledged that such housing for low income persons and families is a public necessity, and as the city will be benefited and improved by such housing, the encouragement of the same by providing real estate tax exemption for such housing is a valid public purpose. It is further acknowledged that the continuance of the provisions of this division for exemption from ad valorem taxation and the service charge in lieu of all ad valorem taxes during the period contemplated in this division are essential to the determination of economic feasibility of the housing projects that is constructed or rehabilitated with financing extended in reliance on such tax exemption.

The city acknowledges that the sponsor (as defined below) has offered, subject to the approval of an application to the U.S. Department of Housing and Urban Development's Rental Assistance Demonstration Program and subject to receipt of an allocation under the LIHTC program by the state housing development authority, to acquire, rehabilitate, own, and operate a housing project identified as Parkridge Housing Project on certain property located at parcel 11-11-39-468-010 in the city to serve low income persons and families (the "project"), and that the sponsor has offered to pay the city on account of this housing project an annual service charge for public services in lieu of all ad valorem property taxes.

(Ord. No. 1211, § 2, 2-4-2014)

Sec. 30-~~302~~433. - Definitions.

The following words, terms and phrases when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Authority* means the Michigan state housing development authority.

*Annual shelter rent* means the total collections during an agreed annual period from or paid on behalf of all occupants of a housing project representing rent or occupancy charges (excluding all other income of the project), less utilities. This does not include any payments or subsidies collected from the U.S. Department of Housing and Urban Development or the state housing development authority.

*LIHTC program* means the low income housing tax credit program administered by the authority under Section 42 of the Internal Revenue Code of 1986, as amended.

*Low income persons and families* means persons and families eligible to move into a housing project.

*Sponsor* means the New Parkridge LDHA Limited Partnership, a Michigan limited partnership, its successor, or its assigns.

*Utilities* mean charges for gas, electric, water, and sanitary sewer furnished to the occupants that are paid by the housing project. Phone, cable, internet, and television services are specifically not considered utilities.

(Ord. No. 1211, § 3, 2-4-2014)

Sec. 30-~~303~~434. - Class of housing projects.

It is determined that the class of housing projects to which the exemption from ad valorem taxation shall apply and for which a service charge shall be paid in lieu of such taxes shall be as defined by Section 15a(1) of the Act, being MCL 125.1415a(1).

(Ord. No. 1211, § 4, 2-4-2014)

Sec. 30-~~304~~435. - Establishment of annual service charge.

Subject to the approval of an application to the U.S. Department of Housing and Urban Development's rental assistance demonstration program and subject to receipt of an allocation under the LIHTC program by the state housing development authority, the project and the property on which it is located shall be exempt from all ad valorem property taxes from and after the commencement of construction or rehabilitation.

In consideration of the sponsor's offer to construct, rehabilitate, and operate the project, the city agrees to accept payment of an annual service charge for public services in lieu of all ad valorem property taxes. The annual service charge shall be (a) equal to ten percent of the annual shelter rents during each operating year, (b) the amount of taxes that would be paid but for this division, or (c) the amount permitted to be paid by applicable state or federal law in effect on the effective date of this division, whichever amount is lower. The annual service charge shall be paid as a first priority from the cash flow waterfall as determined on the annual audit of the operating year.

(Ord. No. 1211, § 5, 2-4-2014)

Sec. 30-~~305~~436. - Contractual effect of ordinance.

Notwithstanding the provisions of Section 15a(5) of the act to the contrary, a contract between the city and the sponsor with the authority as third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of the ordinance from which this division is derived.

(Ord. No. 1211, § 6, 2-4-2014)

Sec. 30-~~306~~437. - Limitation on the payment of annual service charge.

Notwithstanding section 30-~~304~~435, the service charge to be paid each year in lieu of taxes for the part of the project that is exempt from ad valorem taxes but which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the project if the project were not tax exempt.

(Ord. No. 1211, § 7, 2-4-2014)

Sec. 30-~~307~~438. - Payment of service charge.

The annual service charge in lieu of taxes, as determined under this division, shall be payable to the city and distributed to the several units levying the general property tax in accordance with Section 15a(4) of the Act. The annual payment for each operating year shall be paid on or before April 15 of the following year.

(Ord. No. 1211, § 8, 2-4-2014)

Sec. 30-~~308~~439. - Duration.

This division shall remain in effect and shall not terminate so long as (a) the project remains subject to income and rent restrictions under the LIHTC program or (b) the project remains exempt from ad valorem taxation pursuant to Section 15a(5) of the act.

(Ord. No. 1211, § 9, 2-4-2014)

Secs. 30-~~309~~440—30-~~32~~460. - Reserved.

DIVISION ~~510~~. - CITY OF YPSILANTI TAX EXEMPTION ORDINANCE—SCATTERED SITE

Sec. 30-~~325~~461. - Title.

This division shall be known and cited as the "City of Ypsilanti Tax Exemption Ordinance-Scattered Site."

(Ord. No. 1211, § 1, 2-4-2014)

Sec. 30-~~326~~462. - Preamble.

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its low income persons and families and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the act. The City of Ypsilanti (the "city") is authorized by this act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from ad valorem taxation under this act at any amount it chooses, not to exceed the taxes that would be paid but for this act. It is further acknowledged that such housing for low income persons and families is a public necessity, and as the city will be benefited and improved by such housing, the encouragement of the same by providing real estate tax exemption for such housing is a valid public purpose. It is further acknowledged that the continuance of the provisions of this division for exemption from ad valorem taxation and the service charge in lieu of all ad valorem taxes during the period contemplated in this division are essential to the determination of economic feasibility of the housing projects that is constructed or rehabilitated with financing extended in reliance on such tax exemption.

The city acknowledges that the sponsor (as defined below) has offered, subject to the approval of an application to the U.S. Department of Housing and Urban Development's rental assistance demonstration program and subject to receipt of an allocation under

the LIHTC program by the state housing development authority, to acquire, rehabilitate, own, and operate a housing project identified as scattered site housing project on certain property located at parcels 11-11-09-170-023, 11-11-39-145-029, 11-11-10-267-003, 11-11-39-414-005, 11-11-37-100-001, 11-11-37-202-001, 11-11-37-152-010, 11-11-10-355-037, 11-11-37-153-007, 11-11-37-201-001, 11-11-39-481-010, 11-11-39-145-030, 11-11-09-170-024, and 11-11-39-484-001 in the city to serve low income persons and families (the "project"), and that the sponsor has offered to pay the city on account of this housing project an annual service charge for public services in lieu of all ad valorem property taxes.

(Ord. No. 1211, § 2, 2-4-2014)

Sec. 30-~~327~~463. - Definitions.

The following words, terms and phrases when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Authority* means the Michigan state housing development authority.

*Annual shelter rent* means the total collections during an agreed annual period from or paid on behalf of all occupants of a housing project representing rent or occupancy charges (excluding all other income of the project), less utilities. This does not include any payments or subsidies collected from the U.S. Department of Housing and Urban Development or the state housing development authority.

*LIHTC program* means the low income housing tax credit program administered by the authority under Section 42 of the Internal Revenue Code of 1986, as amended.

*Low income persons and families* means persons and families eligible to move into a housing project.

*Sponsor* means the strong future LDHA limited partnership, a Michigan limited partnership, its successor, or its assigns.

*Utilities* mean charges for gas, electric, water, and sanitary sewer furnished to the occupants that are paid by the housing project. Phone, cable, internet, and television services are specifically not considered utilities.

(Ord. No. 1211, § 3, 2-4-2014)

Sec. 30-~~328~~464. - Class of housing projects.

It is determined that the class of housing projects to which the exemption from ad valorem taxation shall apply and for which a service charge shall be paid in lieu of such taxes shall be as defined by Section 15a(1) of the Act, being MCL 125.1415a(1).

(Ord. No. 1211, § 4, 2-4-2014)

Sec. 30-~~329~~465. - Establishment of annual service charge.

Subject to the approval of an application to the U.S. Department of Housing and Urban Development's rental assistance demonstration program and subject to receipt of an

allocation under the LIHTC program by the state housing development authority, the project and the property on which it is located shall be exempt from all ad valorem property taxes from and after the commencement of construction or rehabilitation.

In consideration of the sponsor's offer to construct, rehabilitate, and operate the project, the city agrees to accept payment of an annual service charge for public services in lieu of all ad valorem property taxes. The annual service charge shall be (a) equal to ten percent of the annual shelter rents during each operating year, (b) the amount of taxes that would be paid but for this division, or (c) the amount permitted to be paid by applicable state or federal law in effect on the effective date of this division, whichever amount is lower. The annual service charge shall be paid as a first priority from the cash flow waterfall as determined in the annual audit of the operating year.

(Ord. No. 1211, § 5, 2-4-2014)

Sec. 30-~~330~~466. - Contractual effect of ordinance.

Notwithstanding the provisions of Section 15a(5) of the act to the contrary, a contract between the city and the sponsor with the authority as third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of the ordinance from which this division is derived.

(Ord. No. 1211, § 6, 2-4-2014)

Sec. 30-~~331~~467. - Limitation on the payment of annual service charge.

Notwithstanding section 30-~~329~~435, the service charge to be paid each year in lieu of taxes for the part of the project that is exempt from ad valorem taxes but which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the project if the project were not tax exempt.

(Ord. No. 1211, § 7, 2-4-2014)

Sec. 30-~~332~~468. - Payment of service charge.

The annual service charge in lieu of taxes, as determined under this division, shall be payable to the city and distributed to the several units levying the general property tax in accordance with Section 15a(4) of the Act. The annual payment for each operating year shall be paid on or before April 15 of the following year.

(Ord. No. 1211, § 8, 2-4-2014)

Sec. 30-~~333~~469. - Duration.

This division shall remain in effect and shall not terminate so long as (a) the project remains subject to income and rent restrictions under the LIHTC program or, (b) the project remains exempt from ad valorem taxation pursuant to Section 15a(5) of the act.

(Ord. No. 1211, § 9, 2-4-2014)

Secs. 30-334—30-350. - Reserved.

~~DIVISION 11. YPSILANTI TAX EXEMPTION ORDINANCE WATER STREET FLATS~~

~~Sec. 30-481. Title.~~

~~This division shall be known and cited as the "Ypsilanti Tax Exemption Ordinance Water Street Flats."~~

~~(Ord. No. 1240, § 1, 2-17-2015)~~

~~Sec. 30-482. Preamble.~~

~~It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its low income persons and families and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the act. The city is authorized by this act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this act at any amount it chooses, not to exceed the taxes that would be paid but for this act. It is further acknowledged that such housing for low income persons and families is a public necessity, and as the city will be benefited and improved by such housing, the encouragement of the same by providing real estate tax exemption for such housing is a valid public purpose. It is further acknowledged that the continuance of the provisions of this division for tax exemption and the service charge in lieu of all ad valorem taxes during the period contemplated in this division are essential to the determination of economic feasibility of the housing projects that is constructed or rehabilitated with financing extended in reliance on such tax exemption.~~

~~The city acknowledges that the sponsor (as defined below) has offered, subject to receipt of a mortgage loan from the Michigan State Housing Development Authority, to construct, own and operate a housing project identified as Water Street Flats on certain property located at the future intersection of River Street and South Street in the City of Ypsilanti, County of Washtenaw, State of Michigan, and legally described as (the "Project"):~~

~~Part of Section 9, T3S, R7E, City of Ypsilanti, Washtenaw County, Michigan, described as: Commencing at the East ¼ corner of said Section; thence S1°49'34"W 328.02 feet along the East line of said Section; thence N88°10'26"W 1436.81 feet to the Place of Beginning; thence S81°37'17"W 321.33 feet; thence N2°22'02"E 272.82 feet; thence S88°03'48"E 297.91 feet; thence S2°22'02"W 96.64 feet; thence Southerly 49.33 feet along a 263.0 foot radius curve to the left, the long chord of which bears S3°00'20"E 49.25 feet; thence S8°22'43"E 70.70 feet to the Place of Beginning.~~

~~The project will serve low income persons and families, and that the sponsor has offered to pay the city on account of this housing project an annual service charge for public services in lieu of all ad valorem property taxes.~~

~~(Ord. No. 1240, § 2, 2-17-2015)~~

~~Sec. 30-483. Definitions.~~

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~*Authority* means the Michigan State Housing Development Authority.~~

~~*Annual shelter rent* means the total collections during an agreed annual period from or paid on behalf of all occupants of a housing project representing rent or occupancy charges, exclusive of utilities.~~

~~*Low income persons and families* means persons and families eligible to move into a housing project.~~

~~*Mortgage loan* means a loan or grant made or to be made by the authority to the sponsor for the construction, rehabilitation, acquisition and/or permanent financing of the housing project, and secured by a mortgage on the housing project.~~

~~*Sponsor* means Herman & Kittle Properties, Inc., and any entity that receives or assumes a mortgage loan.~~

~~*Utilities* means charges for gas, electric, water, sanitary sewer and other utilities furnished to the occupants that are paid by the housing project. Phone, cable, internet, and television services are specifically not considered utilities.~~

(Ord. No. 1240, § 3, 2-17-2015)

~~Sec. 30-484.—Class of housing projects.~~

~~It is determined that the class of housing projects to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be housing projects for low income persons and families that are financed with a mortgage loan by the authority. It is further determined that Water Street Flats is of this class.~~

(Ord. No. 1240, § 4, 2-17-2015)

~~Sec. 30-485.—Establishment of annual service charge.~~

~~The housing project identified as Water Street Flats and the property on which it will be located is subject to the Water Street Redevelopment Area Brownfield Plan, approved by the City of Ypsilanti city council on December 16, 2014 with final adoption by the Washtenaw County Board of Commissioners on February 18, 2015. As authorized by the Brownfield Redevelopment Financing Act, P.A. 381 of the State of Michigan, as amended, and under the approved Brownfield Plan referenced above, an act 381 Work Plan will be developed jointly between the City of Ypsilanti, the Sponsor, and the Washtenaw County Brownfield Authority, which will include all eligible brownfield activities to be reimbursed to the Sponsor. In addition, the Act 381 Work Plan will specify the total amount of administrative fees and local site revolving remediation fund deposits to be paid to the Washtenaw County Brownfield Authority. This Act 381 Work Plan will then be approved by the State of Michigan. Following the completion of the reimbursement of all certified eligible brownfield expenses to the sponsor by the Washtenaw County Brownfield Authority, and payment of any and all administrative fees and local site revolving remediation fund deposits to the Washtenaw County Brownfield Authority, as specified in~~

~~the above referenced and approved Act 381 Work Plan, the project shall be exempt from all ad valorem property taxes. The city acknowledges that the sponsor and the authority have established the economic feasibility of the housing project in reliance upon the enactment and continuing effect of this division, and the qualification of the housing project for exemption from all ad valorem property taxes and a payment in lieu of taxes as established in this division. Therefore, in consideration of the sponsor's offer to construct and operate the housing project, the city agrees to accept payment of an annual service charge for public services in lieu of all ad valorem property taxes. Subject to receipt of a mortgage loan, the annual service charge shall be equal to ten percent of the annual shelter rents actually collected by the housing project during each operating year.~~

~~(Ord. No. 1240, § 5, 2-17-2015)~~

~~Sec. 30-486.—Contractual effect of ordinance.~~

~~Notwithstanding the provisions of section 15(a)(5) of the act to the contrary, a contract between the city and the sponsor with the authority as third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this division.~~

~~(Ord. No. 1240, § 6, 2-17-2015)~~

~~Sec. 30-487.—Limitation on the payment of annual service charge.~~

~~Notwithstanding section 30-485, the service charge to be paid each year in lieu of taxes for the part of the housing project that is tax exempt but which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the housing project if the housing project were not tax exempt.~~

~~(Ord. No. 1240, § 7, 2-17-2015)~~

~~Sec. 30-488.—Payment of service charge.~~

~~The annual service charge in lieu of taxes as determined under this division shall be payable in the same manner as general property taxes are payable to the city and distributed to the several units levying the general property tax in the same proportion as prevailed with the general property tax in the previous calendar year. The annual payment for each operating year shall be paid on or before April 15th of the following year. Collection procedures shall be in accordance with the provisions of the General Property Tax Act (1893 PA 206, as amended; MCL 211.1, et seq.).~~

~~(Ord. No. 1240, § 8, 2-17-2015)~~

~~Sec. 30-489.—Duration.~~

~~This division shall remain in effect and shall not terminate so long as a mortgage loan remains outstanding and unpaid and the housing project remains subject to income and rent restrictions under the low income housing tax credit program or home investments partnership program. The exemption from all ad valorem property taxes established by this division shall terminate upon the re-financing or payoff of the authority mortgage loan(s) or upon the sale of the development.~~

~~(Ord. No. 1240, § 9, 2-17-2015)~~

~~Secs. 30-490—30-500.—Reserved.~~

~~DIVISION 12. YPSILANTI TAX EXEMPTION ORDINANCE RIVERWALK COMMONS~~

~~Sec. 30-501.—Title.~~

~~This division shall be known and cited as the "Ypsilanti Tax Exemption Ordinance-Riverwalk Commons."~~

~~(Ord. No. 1270, § 1, 5-17-2016)~~

~~Sec. 30-502.—Preamble.~~

~~It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its low income persons and families and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the act. The city is authorized by this act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this act at any amount it chooses, not to exceed the taxes that would be paid but for this act. It is further acknowledged that such housing for low income persons and families is a public necessity, and as the city will be benefited and improved by such housing, the encouragement of the same by providing real estate tax exemption for such housing is a valid public purpose. It is further acknowledged that the continuance of the provisions of this division for tax exemption and the service charge in lieu of all ad valorem taxes during the period contemplated in this division are essential to the determination of economic feasibility of the housing projects that is constructed or rehabilitated with financing extended in reliance on such tax exemption.~~

~~The city acknowledges that the sponsor (as defined below) has offered, subject to receipt of a mortgage loan from the Michigan State Housing Development Authority, to construct, own and operate a housing project identified as Riverwalk Commons on certain property located at the future intersection of River Street and Michigan Avenue in the city of Ypsilanti, County of Washtenaw, State of Michigan, and legally described as (the "Project"):~~

~~A 3.60 ACRE PARCEL IN THE NE ¼ OF SECTION 9, OF CITY OF YPSILANTI, YPSILANTI TOWNSHIP, WASHTENAW COUNTY, MICHIGAN.~~

~~Commencing at the East ¼ corner of Section 9, T3S, R7E, Ypsilanti Township, Washtenaw County, Michigan; thence N02°19'08"W 554.44 feet along the East line of said Section 9 and the Centerline of Prospect Road (66.00 feet wide); thence the following four (4) courses along the Centerline of Michigan Avenue (99 feet wide): 1) 111.24 feet along the arc of a 999.34 foot radius circular curve to the right, with a central angle of 06°22'39", having a chord which bears S88°47'02"W 111.18 feet, 2) thence N88°01'38"W 382.04 feet, 3) thence N87°56'38"W 597.06 feet and 4) thence N88°03'38"W 33.00 feet; thence S02°12'20"W 209.50 feet along the West Right-of-Way line of Park Street (66.00 feet wide) to the PLACE OF BEGINNING; thence continuing S02°12'20"W 86.82 feet; thence N88°04'15"W 282.50 feet; thence~~

~~S02°29'28"W 167.28 feet; thence N88°04'02"W 299.00 feet; thence N02°22'02"E 414.18 feet; thence S88°03'47"E 350.41 feet along the South Right-of-Way line of said Michigan Avenue; thence S01°56'22"W 160.00 feet; thence S88°03'38"E 230.01 feet to the Place of Beginning, being a part of the NE ¼ of said Section 9, containing 3.60 acres of land, more or less, and subject to easements and restrictions of record, if any.~~

~~The project will serve low income persons and families, and that the Sponsor has offered to pay the city on account of this housing project an annual service charge for public services in lieu of all ad valorem property taxes.~~

~~(Ord. No. 1270, § 2, 5-17-2016)~~

~~Sec. 30-503. Definitions.~~

~~The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Authority* means the Michigan State Housing Development Authority.~~

~~*Annual shelter rent* means the total collections during an agreed annual period from or paid on behalf of all occupants of a housing project representing rent or occupancy charges, exclusive of utilities.~~

~~*Low income persons and families* means persons and families eligible to move into a housing project.~~

~~*Mortgage loan* means a loan or grant made or to be made by the Authority to the sponsor for the construction, rehabilitation, acquisition and/or permanent financing of the housing project, and secured by a mortgage on the housing project.~~

~~*Sponsor* means Herman & Kittle Properties, Inc., and any entity that receives or assumes a mortgage loan.~~

~~*Utilities* means charges for gas, electric, water, sanitary sewer and other utilities furnished to the occupants that are paid by the housing project. Phone, cable, internet, and television services are specifically not considered utilities.~~

~~(Ord. No. 1270, § 3, 5-17-2016)~~

~~Sec. 30-504. Class of housing projects.~~

~~It is determined that the class of housing projects to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be housing projects for low income persons and families that are financed with a mortgage loan by the authority. It is further determined that Riverwalk Commons is of this class.~~

~~(Ord. No. 1270, § 4, 5-17-2016)~~

~~Sec. 30-505. Establishment of annual service charge.~~

~~The housing project identified as Riverwalk Commons and the property on which it will be located is subject to the Water Street Redevelopment Area Brownfield Plan, approved by the City of Ypsilanti city council on December 16, 2014 with final adoption by the Washtenaw County Board of Commissioners on February 18, 2015. As authorized by the Brownfield Redevelopment Financing Act, P.A. 381 of the State of Michigan, as amended, and under the approved Brownfield Plan referenced above, an Act 381 Work Plan will be developed jointly between the City of Ypsilanti, the sponsor, and the Washtenaw County Brownfield Authority, which will include all eligible brownfield activities to be reimbursed to the Sponsor. In addition, the Act 381 Work Plan will specify the total amount of administrative fees and local site revolving remediation fund deposits to be paid to the Washtenaw County Brownfield Authority. This Act 381 Work Plan will then be approved by the State of Michigan. Following the completion of the reimbursement of all certified eligible brownfield expenses to the sponsor by the Washtenaw County Brownfield Authority, and payment of any and all administrative fees and local site revolving remediation fund deposits to the Washtenaw County Brownfield Authority, as specified in the above referenced and approved Act 381 Work Plan, the project shall be exempt from all ad valorem property taxes. The city acknowledges that the sponsor and the authority have established the economic feasibility of the housing project in reliance upon the enactment and continuing effect of this division, and the qualification of the housing project for exemption from all ad valorem property taxes and a payment in lieu of taxes as established in this division. Therefore, in consideration of the sponsor's offer to construct and operate the housing project, the city agrees to accept payment of an annual service charge for public services in lieu of all ad valorem property taxes. Subject to receipt of a mortgage loan, the annual service charge shall be equal to ten percent of the annual shelter rents actually collected by the housing project during each operating year.~~

~~(Ord. No. 1270, § 5, 5-17-2016)~~

~~Sec. 30-506. Contractual effect of ordinance.~~

~~Notwithstanding the provisions of section 15(a)(5) of the act to the contrary, a contract between the city and the sponsor with the authority as third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this division.~~

~~(Ord. No. 1270, § 6, 5-17-2016)~~

~~Sec. 30-507. Limitation on the payment of annual service charge.~~

~~Notwithstanding section 30-505, the service charge to be paid each year in lieu of taxes for the part of the housing project that is tax exempt but which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the housing project if the housing project were not tax exempt.~~

~~Additionally, it is anticipated that a portion of the project will be commercial space. This portion is not tax exempt. This non-exempt portion of the project may receive a separate tax identification number that will be different than that portion that is exempt. This division will only apply to that portion of the project that is exempt, and will not apply to that portion of the project that is not tax exempt.~~

(Ord. No. 1270, § 7, 5-17-2016)

~~Sec. 30-508. Payment of service charge.~~

~~The annual service charge in lieu of taxes as determined under this division shall be payable in the same manner as general property taxes are payable to the city and distributed to the several units levying the general property tax in the same proportion as prevailed with the general property tax in the previous calendar year. The annual payment for each operating year shall be paid on or before April 15th of the following year. Collection procedures shall be in accordance with the provisions of the General Property Tax Act (1893 PA 206, as amended; MCL 211.1, et seq.).~~

(Ord. No. 1270, § 8, 5-17-2016)

~~Sec. 30-509. Duration.~~

~~This division shall remain in effect and shall not terminate so long as a mortgage loan remains outstanding and unpaid and the housing project remains subject to income and rent restrictions under the low income housing tax credit program or home investments partnership program. The exemption from all ad valorem property taxes established by this division shall terminate upon the re-financing or payoff of the authority mortgage loan(s) or upon the sale of the development.~~

(Ord. No. 1270, § 9, 5-17-2016)

**2. Severability.** If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

**3. Repeal.** All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

**4. Savings Clause.** The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

**5. Copies to be available.** Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

**6. Publication and Effective Date.** The City Clerk shall cause this Ordinance, or

a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

\_\_\_\_\_  
Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. \_\_\_\_\_ was published according to Section 11.13 of the City Charter on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Frances McMullan, City Clerk

Notice Published: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_



REQUEST FOR LEGISLATION  
(January 9, 2018)

To: Mayor and Council

From: Fire Chief, Max Anthouard

Subject: 2017 Assistance to Firefighters Grant Application Authorization

---

SUMMARY & BACKGROUND:

The City of Ypsilanti Fire Department is eligible to apply for a FEMA grant under the 2017 Assistance to Firefighters Grant (AFG). The primary goal of this grant is to meet the firefighting and emergency response needs to ensure safety of the public and department firefighters.

The Fire Department is requesting authorization to apply for the following regional grants to replace the equipment listed below:

1. Self-Contained Breathing Apparatus (SCBAs)
2. Extrication Stabilization Equipment
3. Turn Out Gear
4. Fire Hose
5. Nozzles and Appliances

There will be a 10% match requirement for these grant. The Fire Department is looking to replace 15 SCBA's for an estimated amount of \$108,750. Of the 10% participation match for the 15 SCBA's, \$9,886.36 will be withdrawn from the capital improvement account (414-7-3070-818-00). The remaining equipment items listed will be respectively coming from existing dedicated budgets: Extrication Stabilization Equipment is estimated to cost \$7,375 with a \$670.45 match; the Turnout Gear is estimated to cost \$8,130 with a \$739.09 match; the Fire Hose estimated cost is \$4,398.00 with a \$399.82 match and the Nozzles and Appliances are expected to cost \$7,796.00 with a \$708.73 match.

The application submission deadline date is 02/02/2018 at 5:00 pm ET.

RECOMMENDED ACTION: (Approval/Denial)

ATTACHMENTS: (contract, map, letter, etc.)

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CITY MANAGER APPROVAL: \_\_\_\_\_ COUNCIL AGENDA DATE: \_\_\_\_\_

CITY MANAGER COMMENTS: \_\_\_\_\_

FISCAL SERVICES DIRECTOR APPROVAL: \_\_\_\_\_



Resolution No. 2018 – 004A  
January 9, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

WHEREAS, The City of Ypsilanti Fire Department is eligible to apply for a FEMA grant under the 2017 Assistance to Firefighters Grant (AFG). The primary goal of this grant is to meet the firefighting and emergency response needs to ensure safety of the public and department firefighters; and

WHEREAS, The Fire Department is requesting authorization to apply for this grant to replace the following equipment: 1. Self-Contained Breathing Apparatus (SCBAs), 2. Extrication Stabilization Equipment, 3. Turn Out Gear, 4. Fire Hose and 5. Nozzles and Appliances; and

WHEREAS, The Fire Department is looking at replacing 15 SCBA's for an estimated purchase price of \$108, 750, Extrication Stabilization Equipment for an estimated cost of \$7,375, Turn Out Gear for an estimated cost of \$8,130, a Fire Hose for an estimated cost of \$4,398.00 and Nozzles and Appliances for an estimated cost of \$7, 796.00 with a minimal match requirement of ten percent (10%).

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council authorizes the Fire Department to apply for the grant.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:                      NO:                      ABSENT:                      VOTE:



REQUEST FOR LEGISLATION  
January 9, 2018

FROM: Chief of Police Tony DeGiusti

SUBJECT: Body Camera Project

**Summary and Background:**

In December of 2014 the Ypsilanti Police Department embarked on the Body Worn Camera Program which has been successful to a point. At that time the department as well as the Washtenaw County Sheriff Office, EMU Police and Ann Arbor Police tested several different camera systems and came to a consensus that it would be advantageous for all of our agencies to use the same system. This was especially true since we all use the same company for our in-car video which was an excellent performing product and is still state of the art. Unfortunately, the same excellence did not transfer to the Body Camera products. We experienced a great deal of malfunction such as cameras coming on without being activated, cameras turning off on their own, overheating issues, case breakage and lost cameras due to poor mounting systems. We continuously worked with the vendor and were not able to come to terms as to what was acceptable. We are not currently contractually obligated to the vendor for any reason.

In recognizing we would never receive the solutions that the vendor continuously promised we began to again evaluate other options. These same issues caused the WCSO to do the same. As a result we were able to test and evaluate the Axon product (formerly Taser International) and found it to be far superior to our current system and has technology not available on any of the other systems that we researched. In addition, Axon has discounted the initial costs by \$14,324.92 and offered an additional four year contract that provides for maintenance (100% replacement of units), storage and management software for the video, complete replacement of all of the cameras, docks and charging stations at the two and a half year and five year increments.

**Action Requested:**

Approve the purchase and contract for the body cameras from Axon Enterprise, Inc. in the initial first year amount of \$24,955.08, followed by \$15,108.00 per year for the remaining four years. Total cost of the contract and purchase (including \$95.51 shipping) over the five years is \$85,482.59.

\$11,590.08 would come from account #414-7-9370-987-40, \$13,405.00 would come from the 2016 Byrne Memorial Technology Grant. \$15,108.00 would be budgeted out of #414-7-9370-987-40 in each successive year of the contract.

---

City Manager Approval: \_\_\_\_\_ Council Agenda Date: 1/9/18

City Manager Comments: \_\_\_\_\_

Finance Director Approval: \_\_\_\_\_



Resolution No. 2018-005  
January 9, 2018

**RESOLVED BY THE CITY COUNCIL OF THE CITY OF YPSILANTI:**

WHEREAS, the City of Ypsilanti Police Department is committed to the Body Worn Camera Program and desires to upgrade the camera system based on technological advancements, quality production of video, ability to insure all personnel have functioning body cams and reliability of the equipment; and

WHEREAS, the City of Ypsilanti Police Department has been allocated funds in the FY2017-18 Budget, secured a 2016 Byrne Memorial Grant for this purpose of making this purchase; and

WHEREAS, the City of Ypsilanti Police Department has negotiated pricing with Axon Enterprises, Inc. of \$24,955.08 for the initial costs and first year of operation; and

WHEREAS, the total package also includes an additional four years of contracted services at a rate of \$15,108.00 per year which includes all maintenance, storage and future no cost replacements.

THEREFORE BE IT RESOLVED, that the Chief of Police be authorized to sign all necessary documents needed to execute the purchase and contract.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:

NO:

ABSENT:

VOTE:



## REQUEST FOR LEGISLATION

January 9, 2018

**To:** Honorable Mayor and Ypsilanti City Council

**From:** Darwin D. P. McClary, City Manager

**Subject:** INFORMATION TECHNOLOGY AUDIT AND MIGRATION PLAN SERVICES

---

### **SUMMARY & BACKGROUND:**

Washtenaw County has expressed an interest in discontinuing IT services to the city after June 30, 2018, and has increased the cost to the city for IT services significantly for the current year from \$94,000 to \$136,000 annually (including \$8,200 for telephone system support). For this reason, council is being requested to provide a supplemental appropriation to the FY 2017-18 Budget in the amount of \$6,000.00 to complete an information technology (IT) audit of the city's existing information systems, excluding telephony, and preparation of a comprehensive report with recommendations on necessary steps and cost estimates to migrate from Washtenaw County IT services to an independent city system. The scope of work will include the following:

- Onsite visits to review all systems (computer hardware and software, peripherals, networks, security, and backup and recovery systems)
- Perform systems research
- Prepare comprehensive report that includes a complete inventory of the city's devices and networks, mapping of the network system, and recommendations on necessary steps and cost estimates to migrate from the county system to an independent city system

Once a plan for information technology migration is prepared, the city will need to undertake the purchase of computer hardware and software, networking systems and possible cabling, and other components to complete the migration from the county system. The plan is expected to be completed within a month of start of work.

It will be necessary for the city to review its telephony separately with an appropriate qualified vendor to prepare a plan for migration from the county's telephone services.

### **PREVIOUS COUNCIL ACTION:**

None

### **FINANCIAL IMPACT:**

The cost to the city for the IT audit services will be \$6,000.00. Since the project was not programmed in the current year's budget, a budget adjustment will be necessary utilizing General Fund reserves.

**RECOMMENDED ACTION:**

Approve a supplemental budget appropriation to FY 2017-18 Budget account #\_\_\_\_\_ utilizing General Fund reserves for the purpose of completing an information technology audit and report.

**ATTACHMENTS:**

None

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**CITY MANAGER APPROVAL:** \_\_\_\_\_ DDPM

**COUNCIL AGENDA DATE:** 01/09/18

**CITY MANAGER COMMENTS:** Approve the supplemental appropriation for IT audit services as requested.

**FISCAL SERVICES DIRECTOR APPROVAL:** \_\_\_\_\_



January 9, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

WHEREAS, Washtenaw County current provides information technology services, including telephony, for the City of Ypsilanti; and

WHEREAS, the county has informed the city of its desire to discontinue the provision of IT services to the city effective July 1, 2018; and

WHEREAS, the county has increased its charges for IT services to the city from \$94,000 to \$136,000 for the current fiscal year; and

WHEREAS, the city deems it necessary and beneficial to prepare a comprehensive IT audit and plan for the migration of the city's IT infrastructure and services from a county-based system to an independent system by June 30, 2018; and

WHEREAS, the city council must approve a supplemental appropriation to the FY 2017-18 Budget to provide the resources necessary to complete the IT audit and plan;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF YPSILANTI that the city council does hereby approve a supplemental appropriation to the FY 2017-18 Budget account #\_\_\_\_\_ in the amount of \$6,000.00 using General Fund reserves to engage the services of a qualified vendor to complete a comprehensive IT audit of the city's computer hardware, software, network systems, and peripherals and to prepare a detailed report with recommendations on necessary steps and cost estimates to migrate from the county system to an independent system.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:

NO:

ABSENT:

VOTE:



**Information Technology Solutions that  
Work for Local Government**

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**Date** May 10, 2017

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**Ypsilanti City**  
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City of Ypsilanti  
1 South Huron Street  
48197 Ypsilanti  
United States

**Phone** 734-483-1810

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Here is the quote you requested.

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**Ypsilanti City**  
Darwin McClary  
City of Ypsilanti  
1 South Huron Street  
48197 Ypsilanti  
United States 734-483-1810

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**P.O. Number**

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|------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------|
| 1    |     | <b>IT Audit Quote</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |            |            |
| 2    | 1   | Network Consulting fee for conducting Audit. This will include the onsite visit, systems research, report creation at office, and report review with client. Audit will encompass computer hardware, software, peripherals, networks, security, backup and recovery, and recommendations on necessary steps and cost estimates (quotes) to migrate from the Washtenaw county IT system to your own system if you were to choose to do so.<br><br>Final report to include a complete inventory of all client devices and networks, as well as a mapping the network system. | \$6,000.00 | \$6,000.00 |
| 3    |     | <i>*We expect this to take a full week to accomplish.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |            |            |

Please contact me if I can be of further assistance.

|                 |                   |
|-----------------|-------------------|
| <b>SubTotal</b> | \$6,000.00        |
| <b>Tax</b>      | \$0.00            |
| <b>Shipping</b> | \$0.00            |
| <b>Total</b>    | <b>\$6,000.00</b> |



## REQUEST FOR LEGISLATION

January 9, 2018

**To:** Honorable Mayor and Ypsilanti City Council  
**From:** Darwin D. P. McClary, City Manager  
**Subject:** **WASHTENAW COUNTY IT SERVICES AGREEMENT 2017-18**

---

### **SUMMARY & BACKGROUND:**

Washtenaw County currently provides information technology services to the city (computer hardware, software, network, network security, E-mail, and telephony). Washtenaw County has informed the city that the county desires to discontinue IT services to the city after June 30, 2018, due to inadequate staffing and cost. The county also informed the city that its charges for providing these services need to be increased substantially to match the rates it charges county departments for similar services.

The city intends to migrate away from county services on July 1, 2018. This migration will require that the city complete a comprehensive IT audit and migration plan and purchase the necessary hardware, software, and other infrastructure, as well as securing professional IT consulting and maintenance services. Since no immediate alternative to the county's services is available, it is necessary to approve the contract with the county for this year.

Administration is requesting a supplemental budgetary appropriation under separate cover for the IT audit and migration plan services.

### **PREVIOUS COUNCIL ACTION:**

None

### **FINANCIAL IMPACT:**

The cost for Washtenaw county IT services will increase from \$94,000 to \$136,000 annually for FY 2017-18. A supplemental budget appropriation in the amount of \$42,000 utilizing General Fund reserves will be necessary to cover the full cost of this contract.

### **RECOMMENDED ACTION:**

Approve a supplemental appropriation in the amount of \$42,000 and approve the 2017-18 contract for IT services with Washtenaw County.

**ATTACHMENTS:**

Copy of Proposed 2017-18 IT Services Contract – Washtenaw County

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**CITY MANAGER APPROVAL:** \_\_\_\_\_

**COUNCIL AGENDA DATE:** 1/9/2018

**CITY MANAGER COMMENTS:** \_\_\_\_\_

**FISCAL SERVICES DIRECTOR APPROVAL:** \_\_\_\_\_



Resolution No. 2018 - 007  
January 9, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

007

WHEREAS, the City of Ypsilanti relies on Washtenaw county to provide information technology services to the city, including computer hardware, software, network systems and security, E-mail, telephony, and other services; and

WHEREAS, Washtenaw county has informed the city of its intent to discontinue IT services to the city effective July 1, 2018, due to lack of county staffing and escalating costs of providing the services; and

WHEREAS, it is necessary for the city to execute a contract with the county to continue to provide IT services to the city for FY 2017-18 while the city completes its IT services migration plan and implementation;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF YPSILANTI that the city council does hereby approve a supplemental appropriation to the appropriate accounts of the FY 2017-18 Budget as determined by the Finance Director in the total amount of \$42,000 utilizing General Fund reserves for the 2017-18 IT services contract with Washtenaw county; and

THEREFORE, BE IT FURTHER RESOLVED that the city council does hereby approve the 2017-18 IT technical support, consulting, and networking services contract with Washtenaw County at an approximate cost of \$136,025 and authorize the City Manager to execute the contract after approval by the City Attorney as to form.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:

NO:

ABSENT:

VOTE:

CONTRACT  
City of Ypsilanti

AGREEMENT is made this 1st day of July, 2017, by the City of Ypsilanti located at One South Huron Street, Ypsilanti, Michigan, 48197, and the COUNTY OF WASHTENAW, a municipal corporation, with offices located in the County Administration Building, 220 North Main Street, Ann Arbor, Michigan 48107("County").

In consideration of the promises below, the parties mutually agree as follows:

ARTICLE I - SCOPE OF SERVICES

The COUNTY and the City of Ypsilanti are engaged in a strategic partnership in which the County will provide technical support, consultant services and network IT support services (IT Services) to the City of Ypsilanti. The goal of the project is to share resources in order to reduce costs and improve services both to internal and external customers of the City of Ypsilanti in the area of technology.

The following are deliverables and outcomes of the strategic partnership.

- General Technical Support  
The County will provide desktop technology and network infrastructure support (IT Services).

Washtenaw County will provide:

1. Desktop and Computer Support-Safe and secure computing including operating system, productivity suite, virus protection and regular automated updates.
2. Network Support-Appropriately configured and secured data connections between City buildings and to the County's network via a connection between the County's Eastern County Government Center and the Ypsilanti Police Department. LAN/WAN support including firewall upgrades and network maintenance.
3. Data Center Support-Servers, data backup and restore.
4. Email-Email addresses, spam filtering, desktop email software, web-based email.
5. Email Archiving  
Archive email in conformity with County's email retention schedule.
6. Help Desk Support  
Email, web or telephone support for all technology issues covered in this agreement.
7. Microsoft Windows and Office licensing  
Licensing included for each computer covered in this agreement.
8. Enterprise Content Management (ECM) Infrastructure – access to and use of the ECM infrastructure for storage of City documents.
9. Application Support  
See asset list (attached for application support model).
10. Telephone System Support  
Services provided through County-owned phone system and services through County staff and the County's existing contract with Suntel Services Inc. Telecom Reconfiguration Costs (Moves, Adds, Changes).

City of Ypsilanti Responsibilities:

1. Fund replacement and upgrades of equipment on a scheduled basis as required by the County.
2. Fund acquisition of new equipment.
3. Make all technology purchases through County IT.

4. Use County Help Desk to make all requests for service including break-fix, new services, and new equipment. Helpdesk can be contacted at 734.222.3737 or [helpdesk@ewashtenaw.org](mailto:helpdesk@ewashtenaw.org).
5. Follow County IT standards for desktop computing (standard PC's and Office applications).
6. Assist with technology asset tracking.
7. Identify technology liaison(s) as onsite technology resource or point of contact for technology-related issues.
8. Be responsible for all records stored, including, but not limited to, responding to all Freedom of Information requests (FOIA) relating to City of Ypsilanti's data.
9. Immediately notify County of any unauthorized use of the system and any breach of security of any network system.
10. Cooperate with County in all investigations involving the potential misuse of County's system or data.

#### Exclusions

1. City of Ypsilanti-specific application support.
2. Mobile computers in police vehicles.

#### Performance Expectations:

1. County will use commercially reasonable efforts to ensure system availability during normal business hours.
2. Any major planned service outages will be discussed with the City of Ypsilanti at a minimum 10 business days prior planned service outages.
3. Major planned service outages will be scheduled to occur during non-core operating hours where possible.
4. County Helpdesk will be staffed during core operating hours.
5. County Helpdesk tickets will be responded to within 24 hours (one business day).
6. Core operating hours are defined as Monday – Friday 8:00am 5:00pm; excluding holidays
7. After hours support will be available for emergency public safety issues – requests made through County help desk.

#### Communications Protocol

1. The County Helpdesk is the main point of contact for all service-related issues.
2. Main point of contact for County business/administrative issues is the County Information and Technology Manager, the alternate contact is the Network/Infrastructure Supervisor.
3. Main point of contact for City of Ypsilanti business/administrative issues is the Finance Director, Marilou Uy and the alternate contact is Payroll Technician, Kimberly Jones.
4. Scheduling of planned service outages will be communicated through email addressed to City of Ypsilanti point of contact no later than 10 business days prior to planned service outages.
5. Planned outages and system outages will be communicated via email list of City of Ypsilanti key contacts.

#### Locations Served

1. Ypsilanti City Hall
2. Ypsilanti Police Department
3. Ypsilanti Fire Department
4. Ypsilanti DPW

#### Role of Contractors

The City of Ypsilanti will obtain approval from the County for any work done by third party contractors in support of systems that use the County infrastructure. At least 10 business days' notice is required and access will be jointly supervised by County and City of Ypsilanti.

### ARTICLE II - COMPENSATION

Upon completion of the above services and submission of invoices the City of Ypsilanti will pay the COUNTY for services rendered as outlined below:

| Payment Number                                                                                                                     | Type      | Amount         |
|------------------------------------------------------------------------------------------------------------------------------------|-----------|----------------|
| Annual Technology Support – based on 70 PC's<br>\$1,789.74 per PC.<br>Subject to annual adjustment based on annual number of PC's. | Monthly   | \$10,440.15    |
| Enterprise Content Management (ECM) Infrastructure                                                                                 | Annual    | \$2,500        |
| Enterprise Content Management (ECM) Licenses                                                                                       | Annual    | Billed at Cost |
| Telephone System Support                                                                                                           | Annual    | \$8,243.92     |
| Telephone System Reconfiguration<br>30 hours included                                                                              | Hourly    | \$62.50/hour   |
| Replacement Hardware Purchases                                                                                                     | As Needed | Billed at Cost |
| New Software or Hardware Purchases                                                                                                 | As Needed | Billed at Cost |
| Wiring                                                                                                                             | As Needed | Billed at Cost |
| Special Projects outside of scope                                                                                                  | As Needed | TBD            |
| Additional Data Circuits via Comcast                                                                                               | As Needed |                |

If County is legally obligated for any reason, e.g. subpoena, Court Order, or Freedom of Information Request, to search for, identify, produce or testify regarding City of Ypsilanti data or information that is electronically stored by County under this Agreement, then City of Ypsilanti shall reimburse County for all reasonable costs the County incurs in searching for, identifying, producing or testifying regarding such data or information. County may waive this requirement in its sole discretion.

### ARTICLE III - TERM

This contract begins on July 1, 2017 and ends on June 30, 2018.

### ARTICLE IV - DISCLAIMER OR WARRANTIES

The IT Services are provided on an "as is" and "as available" basis. County expressly disclaims all warranties of any kind, whether express or implied, including, but not limited to, the implied warranties of merchantability, fitness for a particular purpose and non- infringement. County makes no warranty that (i) the IT Services will meet Public Body's requirements; (ii) the IT Services will be uninterrupted, timely, secure or error-free; nor (iii) the results that may be obtained by the IT Services will be accurate or reliable.

Any material or data downloaded or otherwise obtained through the use of the IT Services is accessed at Public Body's discretion and risk. Public Body will be solely responsible for any damage to its computer system or loss of data that results from downloading of any material.

#### ARTICLE V - LIMITATION OF LIABILITY.

In no event shall either Party be liable to the other Party or any other person, for any consequential, incidental, direct, indirect, special, and punitive or other damages arising out of this Agreement.

#### ARTICLE VI - EQUAL EMPLOYMENT OPPORTUNITY

The County will not discriminate against any employee or applicant for employment because of race, creed, color, sex, sexual orientation, national origin, physical handicap, age, height, weight, marital status, veteran status, religion and political belief (except as it relates to a bona fide occupational qualification reasonably necessary to the normal operation of the business).

The County will take affirmative action to eliminate discrimination based on sex, race, or a handicap in the hiring of applicant and the treatment of employees. Affirmative action will include, but not be limited to: Employment; upgrading, demotion or transfer; recruitment advertisement; layoff or termination; rates of pay or other forms of compensation; selection for training, including apprenticeship.

The County agrees to post notices containing this policy against discrimination in conspicuous places available to applicants for employment and employees. All solicitations or advertisements for employees, placed by or on the behalf of the County, will state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, sexual orientation, national origin, physical handicap, age, height, weight, marital status, veteran status, religion and political belief.

#### ARTICLE VII - EQUAL ACCESS

The County shall provide the services set forth in Article I without discrimination on the basis of race, color, religion, national origin, sex, sexual orientation, marital status, physical handicap, or age.

#### ARTICLE VIII - ASSIGNS AND SUCCESSORS

This contract is binding on the City of Ypsilanti and the County, their successors and assigns. Neither the County nor the City of Ypsilanti will assign or transfer its interest in this contract without the written consent of the other.

#### ARTICLE IX - TERMINATION OF CONTRACT

Either party may choose to terminate this Agreement with or without cause by giving ninety (90) days written notice to the other party of its intent to terminate with the following conditions being met prior to termination: Payment of any remaining costs owed County.

#### ARTICLE X - CHANGES IN SCOPE OR SCHEDULE OF SERVICES

Changes mutually agreed upon by the City Of Ypsilanti and the County will be incorporated into this contract by written amendments signed by both parties.

#### ARTICLE XI - CHOICE OF LAW AND FORUM

This contract is to be interpreted by the laws of Michigan. The parties agree that the proper forum for litigation arising out of this contract is in Washtenaw County, Michigan.

#### ARTICLE XII - EXTENT OF CONTRACT

This contract represents the entire agreement between the parties and supersedes all prior representations, negotiations or agreements whether written or oral.

ARTICLE XII – ELECTRONIC SIGNATURES

All parties to this contract agree that either electronic or handwritten signatures are acceptable to execute this agreement.

ATTESTED TO: WASHTENAW COUNTY

By: \_\_\_\_\_  
Lawrence Kestenbaum (DATE)  
County Clerk/Register

By: \_\_\_\_\_  
Gregory Dill (DATE)  
County Administrator

APPROVED AS TO CONTENT: City of Ypsilanti

By: \_\_\_\_\_  
Andy Brush (DATE)  
Information and Technology Manager

By: \_\_\_\_\_  
Darwin McClary (DATE)  
City Manager

APPROVED AS TO FORM BY

APPROVED AS TO FORM BY

BY: \_\_\_\_\_  
Curtis N. Hedger (DATE)  
Office of Corporation Counsel

BY: \_\_\_\_\_  
John Barr City of Ypsilanti Attorney (DATE)



REQUEST FOR LEGISLATION  
January 9, 2018

To: Mayor and Council

From: Joe Meyers, Community Development Manager

Subject: Neighborhood Enterprise Zone Application – 888 Madison

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**SUMMARY & BACKGROUND:** On August 20, 2015 city council adopted a resolution to proceed with the creation of a Neighborhood Enterprise Zone (NEZ) for the Southwest Gateway Area (attached). A NEZ provides a tax incentive for the development. The Rehabilitation Tax Rate will freeze the value of the building for 15 years. The land will be taxed at the current city homestead tax rate of approximately 66 mills and not be frozen.

The City Council enacted the NEZ at their April 16, 2016 meeting and set a policy on how to approve and award each certificate (attached). The policy states that any investment over \$11,501 should be given a 15 year incentive.

On October 30, 2017 the Community Development Department received an application from Ms. Hamidah Kaufman. Ms. Kaufman plans to construct a new home at 888 Madison. The total investment will be approximately \$65,000 which will give the house an approximate True Cash Value of \$67,000

Ms. Kaufman has met the conditions to qualify for a NEZ Certificate at 888 Madison St and is requesting a certificate of 15 years be granted.

The approximate savings over the 15 years for the property owner is \$15,960.

ATTACHMENTS: Resolution

RECOMMENDED ACTION: Staff recommends approval of the resolution to award the NEZ Certificate to 888 Madison

CITY MANAGER APPROVAL: \_\_\_\_\_ COUNCIL AGENDA DATE: 1/9/2018

CITY MANAGER COMMENTS: \_\_\_\_\_

FISCAL SERVICES DIRECTOR APPROVAL: \_\_\_\_\_



Resolution No. 2018 – 008  
January 9, 2018

RESOLUTION APPROVING AN APPLICATION FOR A NEIGHBORHOOD  
ENTERPRIZE ZONE NEW CERTIFICATE FOR HAMIDAH KAUFMAN LOCATED  
AT 888 MADISON 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 Hamidah Kaufman is not delinquent on any taxes related to the home.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ypsilanti and hereby is granted a Neighborhood Enterprise Zone New Facility Exemption for property located at 888 Madison Street, Ypsilanti MI 48197 for a period of 15 years, beginning December 31, 2018, and ending December 30, 2032, pursuant to the provisions of PA 147 of 1992, as amended.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:

NO:

ABSENT:

VOTE:



REQUEST FOR LEGISLATION  
January 9, 2018

To: Mayor and City Council

From: Joe Meyers, Community Development Manager

Subject: 13 N. Washington, 6 & 12 S. Washington, and 52, 54, & 56 E. Cross OPRA extensions

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**SUMMARY & BACKGROUND:** The properties under consideration are 13 N. Washington, 6 & 12 S. Washington, and 52, 54, & 56 E. Cross.

All three properties under consideration were approved for OPRA's and their timelines for completion are about to expire.

The property at 13 N. Washington St, the former Pub 13 building, is a 9,000 sf, 2-story building was purchased by North Washington LLC in February, 2015. The owners are seeking to invest and rehabilitate this property to create The Back Office Studio (BOS), a professional co-working office space.

The property was approved for an OPRA on October 6, 2015 with subject to the completion of work and a certificate of occupancy be granted by July 31, 2016.

13 N. Washington had some issues obtaining the MEDC CRP funds due to issues with the loan for the project. All of the issues have been corrected and the MEDC funding should be finalized by the end of the month. 13 N. Washington is requesting a 1 year extension to complete the project.

The property at 6 & 12 S. Washington St, the former Elbow Room Building, is a 6,000 sf 2 story building was purchased by Birdcolors LLC in September 2012. The owners are seeking to turn the building into two apartments on the second floor and a restaurant on the first floor.

The property was approved for an OPRA on July 8, 2014 subject to completion of the renovations by within three years of final approval of exemption.

Birdcolors has obtained a Certificate of Occupancy for the Restaurant portion of the building and are in the process of pulling permits to finish the upstairs but a Certificate of Occupancy for the upstairs has not been obtained. The official deadline for completion was on December 31, 2017. Birdcolors is requesting a 1 year extension to complete the project.

The property at 52, 54, & 56 E. Cross, Sidetrack Bar and Grill, has purchased the space at 52 E. Cross and was looking to expand existing restaurant and construct a new kitchen, barrier free bathrooms, elevator, and additional seating. The plans also called for the creation a reception space with bathrooms on the second floor. The second phase of the project was to construct 4 apartment units.

The property was approved for an OPRA on January 22, 2013 subject to completion of the renovations within four (4) years.

Lady French LLC had some issues with the construction on the restaurant and the project is almost completed but there has been no work started on the second and third floor of the buildings. The official deadline for completion was on December 31, 2017. LadyFrench LLC is requesting a two year extension to complete the project.

The State has accepted and approved the OPRA's. The condition of completion is a local control item and not of issue with the State.

RECOMMENDED ACTION: We ask that 13 N. Washington be granted a 12 month deadline extension approval to March 2019 in order to complete the co-working office space and still be eligible for the OPRA, 6 & 12 S. Washington be granted a 12 month deadline extension approval to December 2018 in order to complete the two apartments on the second floor and still be eligible for the OPRA and 52, 54, & 56 E. Cross be granted a 24 month deadline extension approval to December 2019 in order to complete the event space and apartments on the second and third floor and still be eligible for the OPRA

ATTACHMENTS: Resolution (3)

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CITY MANAGER APPROVAL: \_\_\_\_\_ COUNCIL AGENDA DATE: 1/9/2018

CITY MANAGER COMMENTS: \_\_\_\_\_

FISCAL SERVICES DIRECTOR APPROVAL: \_\_\_\_\_



Resolution No. 2018 - 009  
January 9, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

WHEREAS, the City approved an OPRA for 13 N. Washington for the development of Back Office Studios on October 6, 2015 with the condition of completion of work and a certificate of occupancy be issued before March 31, 2018; and

WHEREAS, The owners have been delayed by factors of development and a state incentive request and have kept City staff aware of their timing and delays; and

WHEREAS, The City seeks to extend their approval period 12 additional months to allow additional time to complete renovation.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council extends the completion and certificate of occupancy deadline until March 2019 for the complete renovation of 13 North Washington for the development of Back Office Studios.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:                      NO:                      ABSENT:                      VOTE:



Resolution No. 2018-010  
January 9, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

WHEREAS, the City approved an OPRA for 6 & 12 S. Washington for the development of Birdcolors on October 6, 2015 with the condition of completion of work and a certificate of occupancy be issued before December 31, 2017; and

WHEREAS, The owners have been delayed by factors of development and have City staff aware of their timing and delays; and

WHEREAS, The City seeks to extend their approval period 12 additional months to allow additional time to complete renovation.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council extends the completion and certificate of occupancy deadline until December 31, 2018 for the complete renovation of 6 & 12 S. Washington for the development of two apartments.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:                      NO:                      ABSENT:                      VOTE:



Resolution No. 2018-011  
January 9, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

WHEREAS, the City approved an OPRA for 52, 54, & 56 E. Cross for the development of the second and third floor of Sidetrack Bar and Grill on January 22, 2013 with the condition of completion of work and a certificate of occupancy be issued before December 31, 2017; and

WHEREAS, The owners have been delayed by factors of development and have City staff aware of their timing and delays; and

WHEREAS, The City seeks to extend their approval period 24 additional months to allow additional time to complete renovation.

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council extends the completion and certificate of occupancy deadline until December 2019 for the complete renovation of 52, 54, & 56 E. Cross for the development of the second and third floor of Sidetrack Bar and Grill

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:

NO:

ABSENT:

VOTE:



## REQUEST FOR LEGISLATION

January 9, 2018

**To:** Honorable Mayor and Ypsilanti City Council

**From:** Darwin D. P. McClary, City Manager

**Subject:** **SERVICES CONTRACT WITH WASHTENAW COUNTY FOR DAM REMOVAL STUDY PROJECT**

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### SUMMARY & BACKGROUND:

Washtenaw County is offering to provide funding to cover one-half of the city's costs of the Peninsular Dam Removal Study Project on a reimbursement basis, up to \$10,000, to assist in the completion of the study. The city would be required to provide a copy of the completed study report to the county as consideration for the funding. The city council has previously approved a cooperative agreement with the Huron River Watershed County to undertake the study, with the city committing to paying up to \$47,324, and approved the scope of work of the study. Approval of this contract would reduce the city's required contribution by \$10,000.

### PREVIOUS COUNCIL ACTION:

None

### FINANCIAL IMPACT:

If the contract is approved, the city would receive from Washtenaw County a reimbursement of \$10,000 of city cost toward the Peninsular Dam Removal Study Project, thereby reducing the city's contribution to the project by \$10,000 from \$47,324 to \$37,324.

### RECOMMENDED ACTION:

Approve the services contract with Washtenaw County for the Peninsular Dam Removal Study Project as requested.

### ATTACHMENTS:

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**CITY MANAGER APPROVAL:** DDPM

**COUNCIL AGENDA DATE:** 01/09/18

**CITY MANAGER COMMENTS:** Approve the services contract with Washtenaw County for the Peninsular Dam Removal Project as requested.

**FISCAL SERVICES DIRECTOR APPROVAL:** \_\_\_\_\_



Resolution No. 2018 - 012  
January 9, 2018

**RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

WHEREAS, the City of Ypsilanti has entered into a cooperative agreement with the Huron River Watershed Council to complete a study of the impacts and costs associated with the removal of the Peninsular Dam and has approved the scope of work related to the project; and

WHEREAS, Washtenaw County has offered to reimburse the city for one-half of the city's costs of the study, up to \$10,000, in consideration for the city providing a copy of the dam removal study final report through a services contract with the city; and

WHEREAS, the city desires to enter into the contract with Washtenaw County.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF YPSILANTI that the city council does hereby approve the services contract with Washtenaw County providing for reimbursement of one-half of the city's cost of the Peninsular Dam Removal Study Project, up to a maximum of \$10,000, in consideration of the city providing a copy of the study final report to the county, and authorize the City Manager to execute the services contract with Washtenaw County after approval by the City Attorney as to form.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:                      NO:                      ABSENT:                      VOTE:

SERVICE CONTRACT  
*City of Ypsilanti*

AGREEMENT is made this **19<sup>st</sup> day of December, 2017**, by the COUNTY OF WASHTENAW, a municipal corporation, with offices located in the County Administration Building, 220 North Main Street, Ann Arbor, Michigan 48107 ("County") and *City of Ypsilanti* located at ***One South Huron St, Ypsilanti MI, 48197*** ("City").

In consideration of the promises below, the parties mutually agree as follows:

ARTICLE I - SCOPE OF SERVICES

The City of Ypsilanti is contracting with the Huron River Watershed Council (HRWC) to have HRWC secure a study to determine the feasibility and costs of removing the Peninsular Paper Dam, which is owned by the City. This study will be completed by June of 2018 and will include the analysis of the following:

- long-term maintenance responsibilities
- cost of removal
- potential remediation
- river footprint after dam removal
- potential long-term economic and environmental impact

The HRWC has estimated the cost of the study at \$40,000. The HRWC has secured half of the funding for this analysis and has requested the City provide the other half. The County will provide \$10,000, matching the City's \$10,000 contribution for the study. The HRWC will procure the City to conduct the study, as they are getting a discounted rate using the same City for multiple studies along the Huron River

ARTICLE II - COMPENSATION

Upon completion of the above services and submission of invoice the County will pay the City one half of the City cost, in amount not to exceed **\$10,000 (ten thousand dollars)**.

ARTICLE III - REPORTING OF CITY

Section 1 – The City shall provide a copy of the completed study to County.

ARTICLE IV - TERM

This contract is for a one (1) year term which begins on **December 1, 2017** and ends on **November 30, 2018**

ARTICLE V - INDEPENDENT CITY

City and the County shall, at all times, be deemed to be independent and nothing herein shall be construed to create or imply that there exists between the parties a partnership, joint venture or other business organization. City shall hold no authority, express or implied, to commit, obligate or make representations on behalf of the County and shall make no representation to others to the contrary.

Nothing herein is intended nor shall be construed for any purpose as creating the relationship of employer and employee or agent and principal between the parties. Except as otherwise specified in this contract, City retains the sole right and obligation to direct, control or supervise the details and means by which the services under this contract are provided.

City shall not be eligible for, or participate in, any insurance, pension, workers' compensation insurance, profit sharing or other plans established for the benefit of the County's employees. City shall be solely responsible for payment of all taxes arising out of the City's activities in connection with this Agreement, including, without limitation, federal and state income taxes, social security taxes, unemployment insurance taxes and any other tax or business license fees as required. The County shall not be responsible for withholding any income or employment taxes whatsoever on behalf of the City.

#### ARTICLE VI - COMPLIANCE WITH LAWS AND REGULATIONS

The City will comply with all federal, state and local regulations, including but not limited to all applicable OSHA/MIOSHA requirements and the Americans with Disabilities Act in the performance of this contract.

#### ARTICLE VII - INTEREST OF CITY AND COUNTY

The City promises that it has no interest which would conflict with the performance of services required by this contract. The City also promises that, in the performance of this contract, no officer, agent, employee of the County of Washtenaw, or member of its governing bodies, may participate in any decision relating to this contract which affects his/her personal interest or the interest of any corporation, partnership or association in which he/she is directly or indirectly interested or has any personal or pecuniary interest. However, this paragraph does not apply if there has been compliance with the provisions of Section 3 of Act No. 317 of the Public Acts of 1968 and/or Section 30 of Act No. 156 of Public Acts of 1851, as amended by Act No. 51 of the Public Acts of 1978, whichever is applicable.

#### ARTICLE VIII - CONTINGENT FEES

The City promises that it has not employed or retained any company or person, other than bona fide employees working solely for the City, to solicit or secure this contract, and that it has not paid or agreed to pay any company or person, other than bona fide employees working solely for the City, any fee, commission, percentage, brokerage fee, gifts or any other consideration contingent upon or resulting from the award or making of this contract. For breach of this promise, the County may cancel this contract without liability or, at its discretion, deduct the full amount of the fee, commission, percentage, brokerage fee, gift or contingent fee from the compensation due the City.

#### ARTICLE IX - EQUAL EMPLOYMENT OPPORTUNITY

The City will not discriminate against any employee or applicant for employment because of race, creed, color, sex, sexual orientation, national origin, physical handicap, age, height, weight, marital status, veteran status, religion and political belief (except as it relates to a bona fide occupational qualification reasonably necessary to the normal operation of the business).

The City will take affirmative action to eliminate discrimination based on sex, race, or a handicap in the hiring of applicant and the treatment of employees. Affirmative action will include, but not be limited to: Employment; upgrading, demotion or transfer; recruitment advertisement; layoff or termination; rates of pay or other forms of compensation; selection for training, including apprenticeship.

The City agrees to post notices containing this policy against discrimination in conspicuous places available to applicants for employment and employees. All solicitations or advertisements for employees, placed by or on the behalf of the City, will state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, sexual orientation, national origin, physical handicap, age, height, weight, marital status, veteran status, religion and political belief.

#### ARTICLE X - LIVING WAGE

The parties understand that the County has enacted a Living Wage Ordinance that requires covered vendors who execute a service or professional service contract with the County to pay their employees under that contract, a minimum of either \$13.13 per hour with benefits or \$14.65 per hour without benefits. City agrees to comply with this Ordinance in paying its employees. City understands and agrees that an adjustment of the living wage amounts, based upon the Health and Human Services poverty guidelines, will be made on or before April 30, 2018 and annually thereafter which amount shall be automatically incorporated into this contract. County agrees to give City thirty (30) days written notice of such change. City agrees to post a notice containing the County's Living Wage requirements at a location at its place of business accessed by its employees.

#### ARTICLE XI - EQUAL ACCESS

The City shall provide the services set forth in Article I without discrimination on the basis of race, color, religion, national origin, sex, sexual orientation, marital status, physical handicap, or age.

#### ARTICLE XI - OWNERSHIP OF DOCUMENTS AND PUBLICATION

All documents developed as a result of this contract will be freely available to the public. None may be copyrighted by the City. During the performance of the services, the City will be responsible for any loss of or damage to the documents while they are in its possession and must restore the loss or damage at its expense. Any use of the information and results of this contract by the City must reference the project sponsorship by the County. Any publication of the information or results must be co-authored by the County.

#### ARTICLE XII - ASSIGNS AND SUCCESSORS

This contract is binding on the County and the City, their successors and assigns. Neither the County nor the City will assign or transfer its interest in this contract without the written consent of the other.

#### ARTICLE XIII - PRACTICE AND ETHICS

The parties will conform to the code of ethics of the State of Michigan and their respective ordinances.

#### ARTICLE XIX- CHANGES IN SCOPE OR SCHEDULE OF SERVICES

Changes mutually agreed upon by the County and the City, will be incorporated into this contract by written amendments signed by both parties.

ARTICLE XX- CHOICE OF LAW AND FORUM

This contract is to be interpreted by the laws of Michigan. The parties agree that the proper forum for litigation arising out of this contract is in Washtenaw County, Michigan.

ARTICLE XXI - EXTENT OF CONTRACT

This contract represents the entire agreement between the parties and supersedes all prior representations, negotiations or agreements whether written or oral.

ARTICLE XXII – ELECTRONIC SIGNATURES

All parties to this contract agree that either electronic or handwritten signatures are acceptable to execute this agreement.

ATTESTED TO:

WASHTENAW COUNTY

By: \_\_\_\_\_  
Lawrence Kestenbaum (DATE)  
County Clerk/Register

By: \_\_\_\_\_ (DATE)  
Gregory Dill  
County Administrator

APPROVED AS TO FORM:

CITY

By: \_\_\_\_\_  
Curtis N. Hedger (DATE)  
Office of Corporation Counsel

\_\_\_\_\_  
Darwin McClary (DATE)  
City Manager

**Print****Citizen Advisory Boards and Commissions Participation Resume - Submission #324****Date Submitted: 12/5/2017**

The people of Ypsilanti are involved in their City government and are an important part of the community's achievements. Individuals interested in receiving more information in regards to serving on an advisory board or commission are invited to contact the City Clerk's Office at 734-483-1100. Alternatively, citizens who would like to participate can submit their information in the form below.

**Name\***

Susan Melke

**Email Address\***

[REDACTED]

**Address**

330 chidester street Apartment 409

**City**

Ypsilanti

**State**

MI

**Zip Code**

48197

**Phone Number\***

[REDACTED]

**Fax Number****Number of Years in the Community**

11

**Ward You Live In**

1

**Education**

One year college

**Occupation**

Disabled now, prior to that I was a data analyst for the worlds largest financial printer

**Employer**

Prior to disability Bowne of Detroit

**Are you applying for youth membership?**

Three Commission Allow Youth Membership (Sustainability, Parks and Recreation, & Human Relations)

☐ Yes☒ No**I would like to be considered and could devote sufficient time to serve on the following board or commission:**☐ Review and Tax Assessment Board☐ Board of Ethics☐ Fire Civil Service Commission☐ YCUA☐ Ypsilanti Downtown Development Authority☐ Economic Development Corporation/Brownfield Redevelopment Authority☐ Historic District Commission☐ Ypsilanti Housing Commission☐ Human Relations Commission☐ Planning Commission☐ Non-motorized Advisory Committee☐ Property Maintenance Construction Board of Appeals☐ Parks and Recreation Commission☐ Ann Arbor Area Transit Authority☐ Police and Fire Pension Board☐ Huron River Watershed Council☐ Sustainability Commission☒ Police Advisory Commission**Why are you interested in serving on these boards/commissions?\***

I believe that the relationship between Police and Citizens needs to be monitored by the citizens so that they have confidence that all are receiving equal treatment. I understand that my contact with the police could and is often different than other members of the community. Only by keeping tabs on this can we determine if everyone is getting equal treatment. How police interact with members of the public is one of the ways a community defines itself. I want Ypsilanti to be a place where we can proudly say the police interact fairly and respectfully with civilians. How the police handle complaints should always be monitored/examined by people outside of the department. A good system of checks and balances will give us faith that our police are doing their jobs properly. We need that assurance because of the power police have over civilians and the abuses that this can create. Also ways to improve communication between police and civilians should always be a priority. I have been following the creation of this commission since the discussion began and believe I could contribute to its mission.

**Work/volunteer experience related to the board or commission:**

I was a data analyst before becoming disabled and have a good grasp of how to examine things and put all the pieces together to help determine if best practices are being followed. For a number of years i have done a lot of research on the subject of police accountability and believe that has prepared me to look at this matter in a more official way. I have done some cop watching in our city and I have a strong passion for this issue and believe I could be a fair and productive member of this commission. I also understand that my treatment by police does not represent the way all civilians are treated and I want that to be equal and fair.

**I understand that appointment to a City of Ypsilanti board or commission requires regular attendance at board meetings.**

☒ Yes

**I hereby certify that all of the information above is true.**

☒ Yes



Resolution No. 2018-015  
January 9, 2018

**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: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:      NO:      ABSENT:      VOTE:



## ACTION MINUTES

CITY OF YPSILANTI  
REGULAR COUNCIL MEETING  
CITY COUNCIL CHAMBERS – ONE SOUTH HURON ST.  
YPSILANTI, MI 48197  
TUESDAY, JANUARY 9, 2018  
7:00 p.m.

**I. CALL TO ORDER –**

**The meeting was called to order at 7:07 p.m.**

**II. ROLL CALL –**

|                           |                |                     |                |
|---------------------------|----------------|---------------------|----------------|
| Council Member Bashert    | Present        | Council Member Robb | Present        |
| Mayor Pro-Tem Brown       | (7:50) Present | Council Member Vogt | (8:31) Present |
| Council Member Murdock    | Present        | Mayor Edmonds       | (7:46) Present |
| Council Member Richardson | Present        |                     |                |

**III. INVOCATION –**

**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 –**

**The agenda was approved as submitted**

**VI. INTRODUCTIONS –**

**VII. PRESENTATIONS –**

- Friends of Rutherford Pool – John Weiss
- 2017-18 Snow Removal Program – Public Services Director Stan Kirton

**VIII. AUDIENCE PARTICIPATION –**

**IX. REMARKS BY THE MAYOR –**

**X. PUBLIC HEARINGS -**

**XI. CONSENT AGENDA –**

Resolution No. 2018-001

1. Resolution No. 2018-002, approving minutes of December 14, and December 19, 2017.  
**Offered By: Council Member Bashert; Seconded By: Council Member Richardson**  
**Approved: Yes – 6; No – 0; Absent – 1 (Vogt)**

2. Resolution No. 2018-003, approving Ordinance 1299 to amend Chapter 2, "Administration", Article VI, Contracts and Purchasing, of the Ypsilanti City Code. ***(Second Reading)***  
**Offered By: Council Member Bashert; Seconded By: Council Member Richardson**  
**Approved: Yes – 6; No – 0; Absent – 1 (Vogt)**
3. Resolution No. 2018-004, approving Ordinance 1300 to amend Chapter 30, Article VI, "Tax Exempt Housing" of the Ypsilanti City Code to repeal Divisions 2, 4, 5, 6, 11 and 12 renumber the remaining Divisions and Sections of the Article; and other changes. ***(Second Reading)***  
**Offered By: Council Member Bashert; Seconded By: Council Member Richardson**  
**Approved: Yes – 6; No – 0; Absent – 1 (Vogt)**
4. Resolution No. 2018-004A, authorizing The City of Ypsilanti Fire Department is eligible to apply for a FEMA grant under the 2017 Assistance to Firefighters Grant (AFG). ***(added)***  
**Offered By: Council Member Bashert; Seconded By: Council Member Richardson**  
**Approved: Yes – 6; No – 0; Absent – 1 (Vogt)**

## **XII. RESOLUTIONS/MOTIONS/DISCUSSIONS –**

1. Resolution No. 2018-005, approving purchase of body cameras from Axon Enterprise.  
**Offered By: Council Member Murdock; Seconded By: Mayor Pro-Tem Brown**  
**Approved: Yes – 6; No – 0; Absent – 1 (Vogt)**
2. Resolution No. 2018-006, approving Supplemental Appropriation to FY 2017-18 Budget - Information Technology (IT) Audit and Migration Plan Services.  
**Offered By: Council Member Murdock; Seconded By: Council Member Bashert**  
**Approved: Yes – 6; No – 0; Absent – 1 (Vogt)**
3. Resolution No. 2018-007, approving Washtenaw County IT Services Contract 2017-18.  
**Offered By: Council Member Murdock; Seconded By: Council Member Richardson**  
**Approved: Yes – 5; No – 1; Absent – 1 (Vogt)**
4. Resolution No. 2018-008, approving an application for a Neighborhood Enterprise Zone (NEZ) new certificate at 888 Madison Street.  
**Offered By: Council Member Bashert; Seconded By: Mayor Pro-Tem Brown**  
**Approved: Yes – 6; No – 0; Absent – 1 (Vogt)**
5. Resolution No. 2018-009, approving an OPRA extension for 13 N. Washington.  
**Offered By: Council Member Robb; Seconded By: Mayor Pro-Tem Brown**  
**Approved: Yes – 7; No – 0; Absent – 0**
6. Resolution No. 2018-010, approving an OPRA extension for 6 and 12 S. Washington.  
**Offered By: Council Member Robb; Seconded By: Council Member Bashert**  
**Approved: Yes – 7; No – 0; Absent – 0**
7. Resolution No. 2018-011, approving an OPRA extension for 52, 54, and 56 E. Cross.  
**Offered By: Council Member Robb; Seconded By: Council Member Bashert**  
**Approved: Yes – 7; No – 0; Absent – 0**
8. Resolution No. 2018-012, approving Services Agreement with Washtenaw County for the Peninsular Dam Removal Study Project.  
**Offered By: Council Member Bashert; Seconded By: Council Member Richardson**  
**Approved: Yes – 7; No – 0; Absent – 0**

**XIII. LIAISON REPORTS –**

- A. SEMCOG Update
- B. Washtenaw Area Transportation Study
- C. Urban County
- D. Ypsilanti Downtown Development Authority
- E. Eastern Washtenaw Safety Alliance
- F. Friends of Rutherford Pool
- G. Housing Equity Leadership Team
- H. Economic Development Coordinating Committee

**XIV. COUNCIL PROPOSED BUSINESS –**

**XV. COMMUNICATIONS FROM THE MAYOR –**

Nomination:

**Policy Advisory Commission**

Susan Melke  
330 Chidester, #409  
Ypsilanti, MI 48197

**XVI. COMMUNICATIONS FROM THE CITY MANAGER –**

- Road Diet Project Status Report
- Report on Status of Frog Island Community Garden
- Report on Impact of 5% Local Bid Preference
- Report on Status of Replacement or Repair of Town Clock
- Report on Heritage Bridge Status
- Report on Status of Marketing Plan for Water Street

**XVII. COMMUNICATIONS –**

**XVIII. AUDIENCE PARTICIPATION –**

**XIX. REMARKS FROM THE MAYOR –**

**XXII. CLOSED SESSION –**

Closed Session to discuss collective bargaining strategy pursuant to MCL 15.268(c).

**Offered By: Council Member Vogt; Seconded By: Council Member Bashert**

**Approved: Yes – 7; No – 0; Absent – 0**

**The meeting adjourned to Closed Session at 9:14 p.m.**

**The meeting reconvened at 10:20 p.m.**

**XXIII. RESOLUTIONS/MOTIONS/DISCUSSIONS –**

1. Resolution No. 2018-013, approving POAM 2017-19 Collective Bargaining Agreement.  
**Offered By: Council Member Murdock; Seconded By: Council Member Vogt**

**Approved: Yes – 6; No – 0; Absent – 1 (Richardson)**

2. Resolution No. 2018-014, approving AFSCME 2017-20 Medical Coverage Memorandum of Understanding.

**Offered By: Council Member Vogt; Seconded By: Mayor Pro-Tem Richardson**

**Approved: Yes – 7; No – 0; Absent – 0**

#### **XXIV. ADJOURNMENT –**

Resolution No. 2018-015, adjourning the City Council meeting.

**The meeting adjourned at 10:30 p.m.**